

SYNTHESIS

DOWN TO THE LOWEST RUNG OF THE SOCIAL LADDER

PRISON

**25 RECOMMENDATIONS
TO BREAK OUT OF
THE VICIOUS CYCLE
PRISON - POVERTIES**



SEPTEMBER 2021





➤ Emmaüs, laic movement of solidarity has been engaged since 1949 in the struggle against poverty and its causes. Today Emmaüs-France relies on more than 12 000 volunteers, 7 000 fellows and 8 000 employees among whom more than half have got a placement status

Within each of their 296 structures, they elaborate, together, original and complementary answers as a contribution to stem the different forms of exclusion.

True to its well established vocation to provide help to those who are the most in need, the movement has, from the start, paid a particular attention to people placed in the judicial system (PPSMJ French acronym).

Every year, more than 1000 of these people are met and accompanied in the structures of the movement, particularly in the context of an alternative to incarceration. or on a programme of probation under adjusted sentence. This way, Emmaüs is campaigning against the tenet of incarceration for all cases and contributes, as it has always done, to the social and professional inclusion of the people placed in the judicial system taking care of proposing diversified and innovative care provisions.

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➤ Le Secours Catholique-Caritas France is a recognized actor in the field of fighting against poverty and exclusion, operating everywhere in France thanks to a multifunctional network composed of 61300 volunteers.

Among them, 2000 are particularly active in the world of prison, in a position to report to 4000 local teams which might accompany persons on probation in open custody. Whereas our actions in detention allow to address rapidly the most acute needs, other regular activities are also organised. Based on the persons' auto determination, they provide incentives for remobilization and acquisition of new competences in direction of the most marginalised people who can't always have a real access to varied social arrangements.

Each visit in detention is an opportunity to establish a trustful relationship, which can be prolonged by a support upon release. In cooperation with social workers, the volunteers' missions mainly consist, before all, in giving hope and self-confidence in order to find one's own place in society. A person having benefited from this programme said after his release: "Even though we have a past, we're entitled to a future".

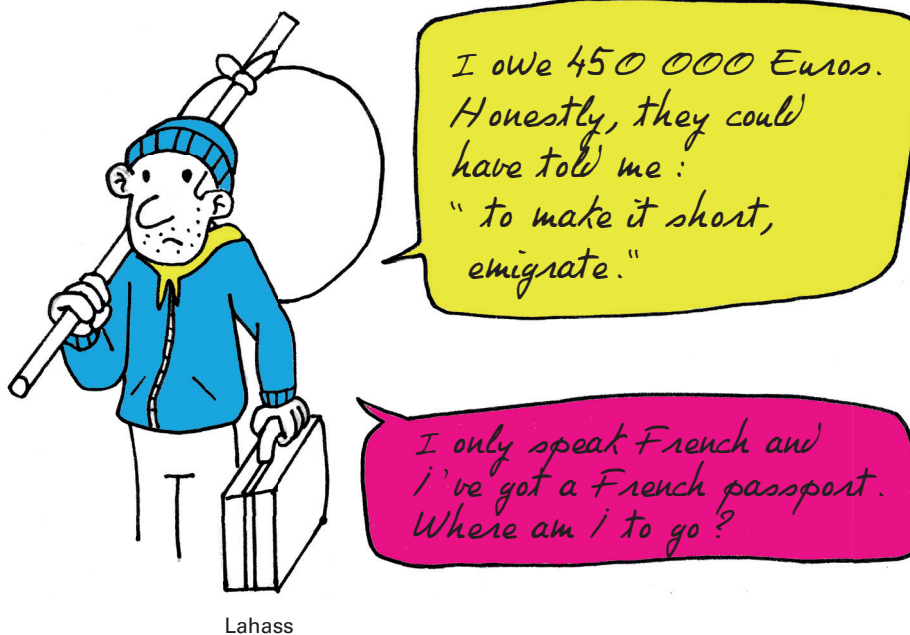
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A photograph of a prison cell. On the left, a black jacket and a pair of black pants hang on a rack. In the center, a window with metal bars is visible. Below the window, a person's arm and shoulder are partially visible. In the foreground, a metal bunk bed is shown with a brown blanket and a white sheet. The walls are a light, textured color.

25 RECOMMENDATIONS
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VICIOUS CYCLE



METHODOLOGY OF THE SURVEY

- A questionnaire whose purpose was to collect data about the social and economical profiles of the prisoners and their own proposals to fight against poverty was distributed in 71 penitentiaries and gathered 1 119 answers.
- 41 interviews took place with persons having lived an imprisonment experience (30 individual interviews and 11 in the context of focus groups).
- Four observation sessions took place in the law courts of Nanterre and Paris on the occasion of immediate trial hearings.
- Four days of observation were carried out in immersion in two structures hosting people benefiting from adjusted sentence with external supervision.
- Meetings with associative partners were organised in order to consolidate the political recommendations directly issuing from the inmates.

GENESIS OF THE PROJECT

The rare studies on the subject and the reporting from professionals on the job clearly show the close links between poverty and imprisonment. Yet, these links are only explored and studied marginally and melt into the narrow gaps of public policies forgotten at the same time by penal policies and by global public policies concerning the fight against poverty.

Emmaüs France and le Secours Catholique – Caritas France, thanks to the experience acquired locally and enriched by the proposals expressed by the people they follow have explored the ways by which the links between prison and poverty are intertwined.

Thanks to a quantitative and qualitative survey, they have wished to objectively evaluate and analyse the different aspects of poverty as they are experienced by incarcerated people, not only covering an economical dimension but also social, professional, cultural, spiritual dimensions.

Emmaüs and le Secours Catholique are keen on considering the subject in an enlarged perspective ; not only including the time in detention, but also taking into consideration the living conditions of persons before and after their incarceration.

The results of the survey highlight the existence of a vicious cycle poverty/incarceration that the current penal policies don't allow to break. This report brings out three major assessments.

- Precarious persons are massively over represented in detention. This incites us to ponder over the factors which lead to an aggravated risk of imprisonment among precarious people and over the role of penal justice in the process of criminalising poverty.
- Prison, as it functions today increases poverty and is a factor accelerating precariousness, creating a loss in self determination of the persons concerning their lives in prison.
- These situations are sealed by the conditions of release which often suffer from a lack of preparation and progressivity. They expose the most vulnerable persons to an even more important economical and social precariousness and they are subject to favourable contexts of reiteration of acts of delinquency.



As a last degree in a chain of exclusions, symbol of the successive failures of social policies, prison is acting nowadays as a means to manage poverty hidden from public view. That's why our organisations advocate in favour of the idea that poverty in detention must be considered as a structural phenomenon. A series of practical recommendations, based on proposals suggested by the prisoners themselves, add a complement to the results of this survey. Their purpose is to bring out the fight against poverty in prison as a major axis of penal and correctional policies.

KEY FIGURES & TESTIMONIES

The integrality of the data and figures presented here comes from the questionnaires handed out to incarcerated people, and consequently rely on information given by them.

➔ 1. PRISON SANCTIONS POVERTY

THE POOREST ARE MASSIVELY OVER REPRESENTED IN OUR PRISONS

Resources before incarceration

- 15% of the respondents declared they were void of financial resources before their incarceration.
- 50% had an income from a professional activity. Nearly a quarter declared that their main resource came from social benefits.



“ Precariousness fills the prisons. I met a lot of guys when were out in the yard for a walk. They are robbers, undocumented people, drug mules, people who transport drug because they haven't got any money. ”

Professional activities before incarceration

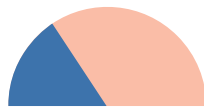
- Only half of the respondents were employed before their incarceration where as two thirds of the French population are.
- On the other hand, 28% had no professional activity.
- 39% of the respondents who had a professional activity are workmen compared to 20% in the general public.
- 35% of the inmates who answered haven't got any school degree compared to 14% of the general public. This ratio reaches as high as 56% among young people between 17 and 27.

Family situation

- The inmates generally were in a couple earlier and knew more family recompositions in their lives than the general French population.
- A majority of persons are bachelors (45%), divorced (13%) or separated (7%).



“ The greatest part of the prisoners -men or women- are imprisoned carrying the weight of shattered lives, lack of family links, lack of social links, bad health, no culture. In short, with conditions which don't allow them to resist the machinery of what I call the man eater : i.e.: the prison. ”



31% have unstable accommodation solutions (family members, friends or welfare facilities) →

Only **13%** own their homes compared to **58%** of the French population ↘

8% of people → declare themselves **homeless** when incarcerated



Housing situations

CRIMINAL JUSTICE CONTRIBUTES TO CRIMINALISE POVERTY

Studies show that people living in a situation of precariousness are more often condemned to imprisonment. According to Virginie Gautron and Jean-Noël Retière for instance, « people are over represented among the defendants in immediate trials when they are unemployed, or have very low revenues, or with a low level of instruction, or born abroad and/or homeless ». This procedure multiplies by 8.4 the probability of being condemned to immediate incarceration (compared to a normal judicial hearing).

Out of 14 persons judged in a procedure of immediate hearing in the law courts of Île de France

- Six of the defendants didn't have a regular job.
- Six didn't have a stable accommodation.
- Eight were foreigners.
- Five didn't have any income and five others earned less than 500 Euros a month.
- In addition, at least six defendants suffered from an addiction problem.
 - 12 were sentenced to actual jail time.



“ Prison has always been made for the poor and it's still true today. And not only their life on release outside doesn't allow them to experiment a totally recognized dignity but on top of that they're subject to sanctions which are detrimental to their dignity. That's why, this has to stop. ”

➔ 2. PRISON: IMPOVERISHMENT: THE DOUBLE PENALTY

INSUFFICIENT RESOURCES TO COPE WITH THE COST OF LIVING IN DETENTION AND OUTSIDE;

- The cost of living in detention is estimated at 200 € a month, not with standing external expenses (rents, penal debts, support payments, credits,...)
- 16% of imprisoned people have no financial resource.
- 31% receive 20 € of help given by the penitentiary administration to people with insufficient resources.
- 2/3 say they have debts.



“ [work] is very poorly retributed, depending on the assignments. Poor relief is very insufficient. What can we do when we have to face a big sum due to civil claimants and we're poorly paid ? This debt due to the civil claimants will run until my death When I get out of here I'll be resourceless. I may get a job but what about accommodation ? I'll need a welfare centre or else, I'll live in the street working to compensate my debts. ”

WORK IN DETENTION

- Only 38% of the inmates receive a salary.- less than a quarter of the inmates are offered a job because there aren't enough jobs to offer and too many people who request one.
- Salaries vary from 20% to 45% of the SMIC (official minimum wage), i.e. from 2.05 € to 4.61 € an hour. The average weekly working hours in the workshops is 17 hours.
- Work legislation is not applied.



“ Working opportunities in detention must be developed because, presently, there aren't enough. To my mind, rehabilitation can only come from work (corrective labour) if, however, the job is offered has similarities with a job outside. External professionals must be incited to create workshops of corrective labour in prison. Doing so, the prisoners with no resources will be able to contributions to pay the civil claimants earn money to buy food, send money to their relatives and make voluntary contributions to pay the civil claimants. ”



“ Work in the cells was supposed to be paid, I think, 4.15 € an hour. This amounted to 45% of the SMIC (regulated national minimum salary). But in practice, we were paid on piece rate. And when you're paid on a piece rate basis for a box of 1000 items, the maximum you could earn was 40 €. However, you need to work 25 hours to fill a box of 1000 items and earn 40 €. In the end, you earn 1.70 €. We are chained to work. We spend 4 or 5 hours in the evening to dismantle jewellery in order to repackage it properly. And you feel like being a proletarian of the lowest social class, because it isn't particularly rewarding, it's degrading because you're paid 1.70 € an hour. And yet, I work fast ! ”

LIFE IN DETENTION : SOCIAL, RELATIONAL AND CULTURAL POVERTIES

Moral and intellectual pauperization

- One person out of five has got no job, no professional training, no schooling during his/her detention.
- Less than a quarter of them take part in social or cultural activities and only one out of five has access to a sport facility.



“ As years go by, imprisonment deteriorates relations. During the first year, a sort of weariness settles, a sort of customary pattern we aren't there. Our family or anybody else get used to the fact we don't belong to their lives. ”



“ There are poverties which aren't taken into consideration [...] The one which affects me most is loneliness. When I arrived here, I applied for a prison visitor... Four years ago [...] since the death of the last member of my family, with whom I had some contacts, nearly two years ago, I get no contact whatsoever with outside. ”



↪ **ONE QUARTER** of the respondents **NEVER GETS** any phone call or letter from outside.



↪ **ONLY 45%** of the respondents are visited by **members of their families** in the course of their detention.

↪ **TWO THIRDS** of the respondents **have a feeling of loneliness** or exclusion during their detention.



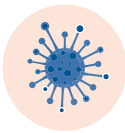
A few of them are visited by...

friends
3%

associations
9%



40% of the respondents receive **NO VISIT AT ALL**



Those difficulties got even worse during the Covid 19 crisis because of the sanitary measures which were adopted. According to a majority of the respondents to our survey, the loss of any contact with the family or other relatives was considered as the most difficult experience in this period.

Relational poverty : confinement and loneliness in detention



“ My companion has to manage everything : bailiff, bills, money deposits for me. She restricts herself with food.to help me. It’s a weight on my mind. ”

An unavoidable impoverishment:

Where as 45% of the respondents considered they were in a position of poverty before their incarceration, this proportion rises to 70% when serving their detention. Half of the persons who declared they were not feeling in a position of poverty before their detention, consider now they have become poor in the course of their detention.

➔ 3. POVERTY: AN IMPOSSIBLE REINTEGRATION?

WORK AND PROFESSIONAL TRAINING: ESSENTIAL FACTORS FOR REINTEGRATION AND FOR THE STRUGGLE AGAINST RECIDIVISM

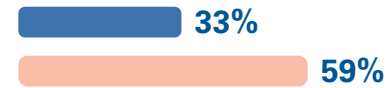


“ Young adults, mostly, are concerned. They got out of school early, they are young, they are imprisoned. They have to make the most of their time in prison, because, as it is now it’s a waste, for themselves, for society, for everyone ! ”

Only a **small → minority** of persons succeeds in finding **A JOB** after their release. A survey conducted in England shows **that barely A QUARTER** of ex-prisoners had **found a job** six months after their release.



← **33%** of the persons **professionally reintegrated** commit again an offence, compared to **59%** of all the persons released.



← The fact of having a professional training in the time in detention reduces (on an average) the **PROBABILITY** of re-incarceration by **43%**.



Work and professional training



“ I fear to lose my job because, nowadays, it's difficult to find a job... which suits you... and with a permanent contract (CDI) as I had before. ”

ADJUSTED SENTENCES AND ASSOCIATIONS PLAY A MAJOR ROLE OF SUPPORT UPON RELEASE

- Three quarters of inmates get out of prison with no adjustments measures or support.
- The releases without any support are aggravating factors of re-offending. 63% of the persons who were released with neither adjustment nor support got a new conviction within five years.



“ Reintegration was accomplished step by step, thanks to my own will, thanks to people around me who trusted me. I was a volunteer in an association for a long time, before taking the path of a real job. Reintegrating an ex-con can't be achieved in 6 months.... The jungle life, I use the word jungle on purpose, when you're freed may be worse than life inside the prison. Who has got the pluck to enter a job center and show his release documents and say « I was in prison”? Anyway, who is ready today to accept an ex-con and trust him ? Even if there are associations, of course, which are there, which can help, the person who gets out of prison, what does he expect, he expects to forget, to write off the debt he contracted when he was in prison and before. And I think it's impossible in a span of six months. ”



“ You have to get the basic idea that, among the poor, there are the poor ++ and they are the ones who haven't got access to sentencing reductions for a lot of reasons. Because they can't get a training, because the probation department doesn't care, because they aren't able to understand the notices pinned on the boards. Because they don't have any familial or social relationships who could stand by them. A lot of reasons explaining why these people can't be

in the process to get sentencing reductions. SO, they resign themselves to to wait for the end of their incarceration and when they get out, they have nearly nothing, that's what we call release without any support. ”



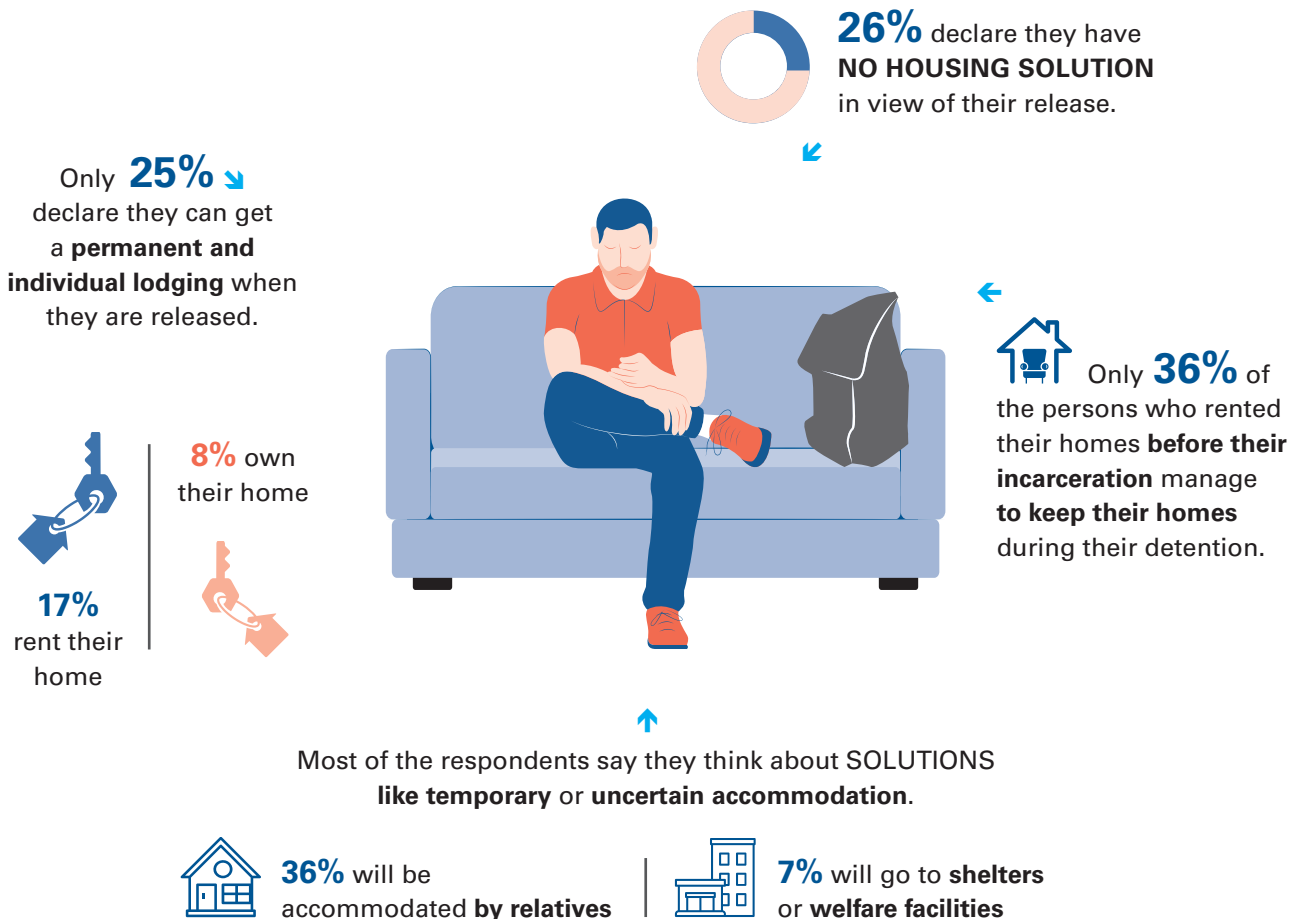
“ My release in't properly prepared, I'm going to be freed, abruptly, with nothing, no lodging, no money, no I.D. ”

ACCESS TO HOUSING: PRISON, WHERE HOMELESSNESS ORIGINATES FROM



“ I'm scared to to get out and be homeless. I'm scared to be free and be back, once again, at Fleury because I lived in the street, with nothing to do, no job, no stability, no equability. ”

Type of housing when released



OUR RECOMMENDATIONS TO FIGHT AGAINST POVERTY IN PRISON

➔ PRISON MUST NO LONGER BE THE DEFAULT SENTENCE IN OUR JUDICIAL SYSTEM

↓ **N°1** : Collect comprehensive statistical data annually on poverty experienced before, during and after detention to allow the administration to assess the impact and results produced by the current policies, in particular on the reintegration of detainees.

↓ **N°2** : Extensively develop alternatives

- Strongly develop the many non-prison measures already provided for by French law: alternatives to prosecution, alternatives to pre-trial detention and alternatives to incarceration, which remain very insufficiently utilized (11.3% of convictions for offences adjudicated in 2017).
- Collectively moving away from a purely repressive paradigm, by promoting sensible sanctions, based on trust and individual accountability, and executed within the civil society. These measures have a lower economic cost and demonstrated effectiveness in combating recidivism, while avoiding the isolating and impoverishing effects of incarceration.
- Carry out awareness campaigns about these options for all members of the criminal justice system and significantly increase the resources allocated to magistrates, prison integration and probation programs, as well as charities supporting detainees.

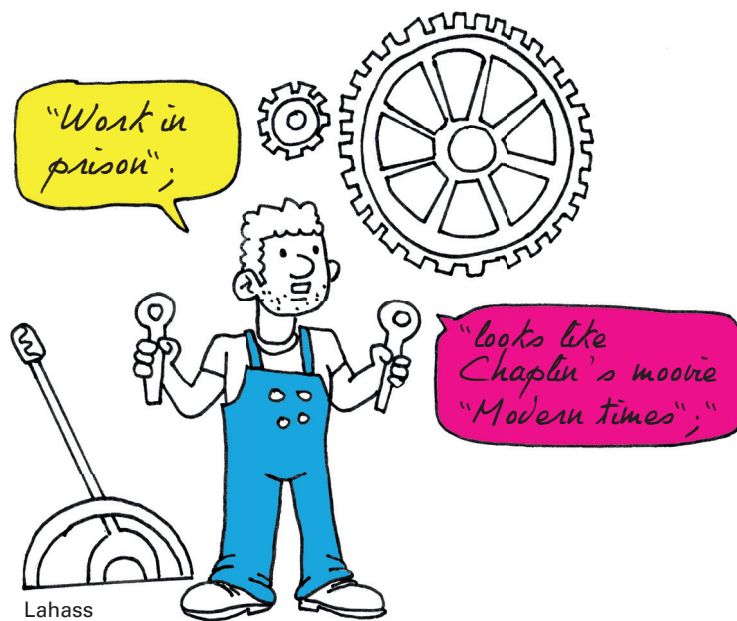
↓ **N°3** : Thoroughly overhaul the “immediate hearing” procedure

- Initiate work to redesign the “immediate hearing” procedure. This procedure is particularly harmful to people living in poverty and more often results in incarceration (8 times more prison sentences than with a regular trial process).
- Extensively increase the resources, especially human resources, allocated to the trial courts, thereby ensuring trial procedures that respect individuals’ rights and allow lawyers and charities to mobilize the support systems necessary for alternative sentences to be adjudicated for people in very precarious situations.

➔ WORK WHILE IN DETENTION: DETAINEES PREFER TO WORK RATHER THAN RECEIVING HANDOUTS

↓ **N°4** : Extensively increase job offers

- Considerably increase the spectrum of jobs to allow everyone effective and regular access to work through an effective policy and sufficient resources to considerably increase partnerships with private companies and non-profit associations with regards to prison employment.



- Pay particular attention to the qualitative aspect of the tasks proposed, so that the work is rewarding and allows people to acquire skills that will be useful for their reintegration. Provide work activities comparable to those existing on the outside, in order to develop detainees' professional experience and increase their employability upon release.
- Offer diverse jobs, so that prisoners can have real choices, considering their aspirations, skills and future plans upon release. Offer positions suitable to all, including people with disabilities.

↓ N°5 : Bring the minimum pay closer to that of the outside for an equivalent task

- Set a decent hourly rate.
- Guarantee a fixed minimum wage that shows value of the work and allows people to cover the cost of living in prison plus their external expenses.
- Effectively enforce the ban on piecework.

↓ N°6 : Ensure better social protection for workers

- Set up a strict framework around work suspension for decline in productivity.
- Establish a system of compensation for detainees in the event of non-fulfillment of the working hours defined in their contract due to reasons beyond their control.

↓ N°7 : Create equal access to work, training and socio-cultural activities for women

- Make diversity the rule (while it is more of an exception today) by offering various activities to detainees in order to put an end to discrimination and inequality, in particular when it comes to access to training, work and socio-cultural activities.

↓ N°8 : Include the execution of the sentence in a sustainability model

- Make sustainability a cross-societal objective, by investing in real environmental and ecological policy in detention centers. This would result in the development of new jobs that are useful and rewarding (agricultural activity, recycling, reuse... etc.), the fight against food waste, the promotion of healthy and locally sourced food and increased awareness of environmental challenges among detainees.

➔ TRAINING IS CURRENTLY UNDERUSED AS A REINTEGRATION TOOL

⬇ N°9 : Training must be qualifying, relevant to external job offers and remunerated

- Develop professional training options, which are an essential response to the very low level of professional qualification of most detainees.
- Systematically compensate training, so that people do not have to choose between work and training.
- Offer more degree or certification for proposed training in order to increase the employability of prisoners upon their release.

⬇ N°10 : Promote temporary leave for professional internships

- Encourage the approval of temporary leave to develop apprenticeship and internships in a professional environment.

➔ WITHOUT A MINIMAL STIPEND, A DIGNIFIED LIFE IS NOT POSSIBLE IN DETENTION

⬇ N°11 : The monthly allowance to people objectively identified as the poorest must be increased to 50 euros

- Increase the monetary allowance for people with insufficient resources to a minimum of 50 €, index its amount based on the cost of cafeteria food and increase the monthly income threshold to benefit from this allowance.

⬇ N°12 : Set up a mechanism to restock and optimize donations

- Guarantee a minimum stock of supplies, meeting precise specifications in each facility, from arrival to release from detention.
- Establish a mechanism to manage these stocks.

⬇ N°13 : An overhaul of the cafeteria system is needed

- Globally reduce the prices, especially on basic necessities.
- Establish a sliding scale for detainees without means of support.
- Increase transparency of the pricing policy.
- Increase the quantity of items offered to vary the meal options.

➔ FOREIGNERS MUST BE ABLE TO EXERCISE THEIR RIGHTS

⬇ N°14 : Guarantee translation of all documents relating to detention, and systematically provide professional interpretation to foreign detainees.

⬇ N°15 : Guarantee access of foreigners to their rights in terms of residency

- Standardize prefectural practices in the issuance and renewal of residency permits through a law that constrains the administration.

- Systematically pay the tax stamp for people with insufficient resources.
- Guarantee the effectiveness of legal recourses against expulsion measures, in particular by extending the 48hrs appeal period in the event of expulsion from French territory.
- Improve the training of prison staff on the specificities for foreigners.
- Strengthen ties with embassies and consulates.

➔ MAINTAINING FAMILY TIES INCREASES CHANCES OF REINTEGRATION

⬇️ N°16 : Reduce the price of phone calls and guarantee a minimum allowance so that the poorest detainees can still communicate with their loved ones

- Set up a minimum monthly allowance so that people with insufficient resources can still call their relatives, higher when the families of detainees reside abroad or overseas.

⬇️ N°17 : Introduce a flat-rate benefit to cover travel and accommodation of visiting relatives, subject to resources

- Consider the proximity to the family home as a primary criterion for assignment to an establishment.
- Set up a mechanism to cover the financial cost of travel and accommodation for families with low income.

⬇️ N°18 : Develop the quality of parlours and the number of family visiting spaces

- Effectively implement the penitentiary law through the setup of family visiting spaces in all establishments.
- Improve the conditions of the parlours, in order to guarantee respect for people's rights and privacy.

⬇️ N°19 : Guarantee supervised access to digital technology while in detention

- Implement an ambitious policy to develop access to computers and Internet in all penitentiary establishments, for detainees and all staff involved.
- Respond in this way to the challenge of fighting the digital divide and allow legal access for all at a time of digitization of public services, support the continuation of family ties and the development of jobs and trainings with a future.

➔ CHARITIES ACTIONS ARE LIKELY TO HELP FIGHT AGAINST ISOLATION AND PRISON POVERTY

⬇️ N°20 : Create a status for dedicated associative contributor

- Secure and value the contribution of occasional or permanent associative partners within penitentiary institutions by creating a status of associative contributor guaranteeing certain rights, such as access to Internet for participants who need it.
- Recognize the value of the charities providing help for the most isolated people in detention: the payment of financial aid must be systematically paired with an opportunity to engage with the people who benefitted from the aid and to correspond with them if they want to.

REINTEGRATION UPON RELEASE SHOULD NOT BE A HOLLOW SLOGAN

-  **N°21 : Strengthen mechanisms for access to exercise one's rights while in detention**

 - Significantly increase the human and financial resources allocated to the "access points to your rights" (PAD).
 - Establish PADs in all penitentiary institutions and harmonize practices at the national level by defining precise objectives.
 - Provide detainees access to information about their rights in a systematic, timely, simplified, and continuous manner, from the beginning of detention and throughout the prison sentence, through multiple/diversified sources and media of information.

-  **N°22 : Prepare for detainees' social reintegration upon release by mobilizing comprehensive social support throughout the sentence, in order to prevent dropouts**

 - Allow effective access to legal public services for detainees (public employment services, departmental councils, etc.) that are likely to facilitate a quick reinstating of civil rights at the time of release.
 - Strengthen partnership between SPIPs and people coordinating access to social monitoring and accommodation/housing schemes, in particular "integrated reception and guidance services" (SIAO).
 - Facilitate meetings between detainees and associations likely to welcome, accommodate and accompany them at the time of their release from detention, while in detention and/or during temporary leave.
 - Strengthen intervention opportunities of the SPIP to guarantee a reinforced support adapted to the persons detained, throughout their sentence.
 - Guarantee a framework for co-construction of the reintegration process bringing together the detainee, the SPIP and public and associative stakeholders, in order to develop a coherent reintegration pathway, taking into account their aspirations, needs and plans.

-  **N°23 : Develop use of sentence adjustments and sentences executed in an open environment**

 - Strengthen cross-knowledge and close collaboration between the participants in the enforcement of sentences and associations hosting persons placed in open custody.
 - Guarantee openings in hosting schemes and quality support through sufficient and secure funding for underlying structures.

-  **N°24 : Coordinate actions of the various participants intervening with people placed under judicial control**

 - Create a territorial coordination service for the reintegration of people placed under judicial control in order to improve the quality and effectiveness of social support for these people and minimize the risks of absence or unavailability.

-  **N°25 : Consider the needs of people placed under judicial control by integrating SPIPs into the various public policy-making bodies working against exclusion**

 - Allow SPIPs to participate in councils for the development of public policies to combat exclusion (territorial integration pacts, training plans for job seekers, integration options through economic activity, departmental plans for access to housing and housing accommodation for low-income people, etc.) to promote the identification, consideration, and incorporation of the needs of persons placed under judicial control in the integration options under ordinary law.