

Baseline Study on the Philippine Penal Conditions



Nurturing a
Human Rights Based Approach
to Penal Management



Commission on Human Rights
of the Philippines

Commission on Human Rights
Library



Empowered lives.
Resilient nations.

United Nations Development
Programme (UNDP)

Baseline Study on the Philippine Penal Conditions: Nurturing a Human Rights Based Approach (HRBA) to Penal Management

First published: 30 May 2016

Printed in the Philippines by Premier Digital and Print Enterprise

Copyright© 2016 by the Commission on Human Rights of the Philippines (CHRP), the United Nations Development Programme (UNDP) and the Author.

Principal Author: Raymund E. Narag, PhD
Assistant Professor, Department of Criminology and Criminal Justice Southern
Illinois University Carbondale

Visiting Professor, National College of Public Administration and Governance,
University of the Philippines Diliman, Quezon City 1101

Publication Committee:

Ms. Judith Fortin
Atty Brenda Canapi
Atty Jaime Arroyo
Atty Francis Tom Temprosa
Atty. Ida La'O
Ms. Marizen Santos

Published by:



Commission on Human Rights of the Philippines
SAAC Building Commonwealth Avenue, Diliman, Quezon City 1101
Republic of the Philippines

Through the Assistance of the:



*Empowered lives.
Resilient nations.*

United Nations Development Programme (UNDP)
30/F Yuchengco Towers, RCBC Plaza, 6819 Ayala Avenue corner
Sen. Gil Puyat Avenue, Makati City 1226
Republic of the Philippines

All rights reserved. No part of this book may be reproduced or transmitted in any form or by any means, electronic, mechanical, including photocopying, recording, or by information storage retrieval system, without written permission from the authors and the publishers, except for brief review.

Disclaimer:

Any opinion (s) expressed therein do not necessarily reflect the views of the Commission on Human Rights of the Philippines and the United Nations Programme but remain solely those of the author.

Baseline Study on the Philippine Penal Conditions



Nurturing a
Human Rights Based Approach
to Penal Management



Commission on Human Rights
of the Philippines

Commission on Human Rights
Library



Empowered lives.
Resilient nations.

United Nations Development
Programme (UNDP)



Foreword

THE STATE of penal institutions in the Philippines continues to be a serious human rights concern. Congestion and poor sanitation within penal facilities, whether these are detention centers, jails or prisons, are very real problems, as is the development of informal hierarchical communities within them outside the ambit of the penal administration. This practice often employs violence as a means of discipline further exacerbating conditions. The challenges facing a jail warden, a human rights advocate, and other stakeholders seeking to confront and address these problems are myriad.

This baseline study, the author of which speaks from years of dedicated study to penal management and his own experience that is groundbreaking in its scope and aims, as it identifies the everyday problems facing the administrators of penal institutions and proposes innovative solutions. These solutions are not only practical and culturally appropriate, but are based on human rights. This study provides a holistic look at the management of penal institutions that takes into account not only the welfare of the persons deprived of liberty but of the administrators and staff of penal institutions as well.

The Commission on Human Rights encourages detention authorities to carefully consider the innovative solutions and methods propounded by this study, which could ultimately work to the benefit not only of the inmates but of the employees of the various penal institutions as well.

Reforming the penal system is no small endeavor, and adopting and implementing a truly human rights based approach such as that proposed in this study could go a long way towards fostering an environment in correctional facilities that is truly rehabilitative rather than being merely punitive.

JOSE LUIS MARTIN C. GASCON
Chairperson

Commission on Human Rights
Library





Empowered lives.
Resilient nations.

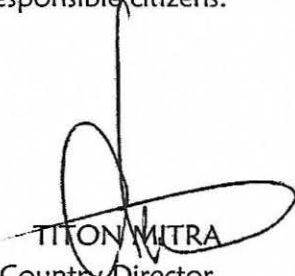
Foreword

PENAL MANAGEMENT in the Philippines faces several pressing issues. Overcrowding of jails and prisons, fragmentation within the corrections system, a lack of information Technology systems to properly maintain inmates' records and process documents, and the lack of awareness and understanding by some prison and jail officials of the basic entitlements of inmates. These factors collectively have meant that individuals, both detained and convicted, are at risk of inhumane treatment and denial of human rights.

To address the situation, UNDP is working in close partnership with the Commission on Human Rights under the project: "Nurturing a Culture of Human Rights" to develop a human rights-based approach (HRBA) to penal management. HRBA is an effective way of rooting the plans, policies, and processes of penal management to the human rights principles that have been established by international law and ratified by the Philippine government.

This baseline study is an integral part of this initiative, as it aims to drive home the importance of an integrated penal management framework grounded in the principles of human rights. It is our hope that this study will be used by: staff working in detention center jails, and prisons; policy makers; civil society; and government oversight bodies. We hope that this study provides a platform on which these entities can contribute to nurturing a human rights based approach to penal management.

With a strong partnership under this rights-based approach, it will be possible to ensure safe and orderly facilities, as well as the humane treatment of individuals. This will ultimately improve the chances of successful rehabilitation and reintegration of inmates into society as responsible citizens.


TITON MITRA
Country Director

List of Acronyms

AFP	Armed Forces of the Philippines
BI	Bureau of Immigration
BJMP	Bureau of Jail Management and Penology
BPP	Board of Pardon and Parole
BuCor	Bureau of Corrections
CHRP	Commission on Human Rights of the Philippines
CSO	Civil Society Organizations
DILG	Department of the Interior and Local Government
DOJ	Department of Justice
DWSD	Department of Social Welfare and Development
GCTA	Good Conduct Time Allowance
HRBA	Human Right Based Approach
ICI	Inmate Classification Instrument
ICU	Inmate Classification Unit
IWD	Inmates Welfare and Development
NBI	National Bureau of Investigation
NBP	New Bilibid Prison
PC-INP	Philippine Constabulary-Integrated National Police
PDEA	Philippine Drug Enforcement Agency
PDL	Persons Deprived of their Liberties
PNP	Philippine National Police
RDC	Reception and Diagnostic Center
SHU	Special Housing Unit
TASTM	Time Allowances for Studying, Teaching and Mentoring
UNDP	United Nations Development Programme
VIP	Very Important <i>Preso</i>

Table of Contents

Foreword	
List of Acronyms	
I. Introduction.....	6
II. Limitation of the study	8
III. Penal agencies	9
a. The present state of the Philippine Penal Agencies	
b. Common conditions and traits of penal facilities	
c. Coping mechanisms	
d. The Philippine Penal cycle	
IV. Human Rights Based Approach (HRBA) to Penal Management	20
a. Domains of effective penal management	
b. Inmate Classification	
i. Risk, Needs, and Responsivity (RNR) Principles	
ii. Substantive tasks on inmate classification, reception and orientation	
iii. Checklist	
iv. Making it work: Inmate classification in Detention Centers	
v. Making it work: Inmate classification in Jails	
vi. Making it work: Inmate classification in Prisons	
c. Inmate Housing	
i. Checklist	
ii. Making it work: Inmate housing in detention centers	
iii. Making it work: Inmate housing in jails and prisons	
iv. Level III housing (Maximum Security)	
v. Level II housing (Medium Security)	
vi. Level I housing (Minimum Security)	
vii. Special Housing	
d. Inmate programming	
i. Program characteristics	
ii. Role of families and service providers	
iii. Checklist	
iv. Making it work: Inmate programming in Detention Centers	
v. Making it work: Inmate programming in Jails and Prisons	
e. Documentation and assessment	
i. Checklist	
ii. Making it work: Documentation and assessment in Detention centers	
iii. Making it work: Documentation and assessment in Jails and Prisons	
V. Summary and Concluding Remarks	37
VI. References	38
VII. Appendix	39
a. Model Inmate Classification Instruments	
b. Sample Program offerings	
c. Inmate Rehabilitation Plan	
d. Designing a Program	
VIII. Glossary of terms	43

I. Introduction

PENAL MANAGEMENT is a key component of the administration of the criminal justice system. Persons deprived of their liberties (PDLs) who are either undergoing trial to face the criminal charges filed against them (also called *detained* inmates) or those who are serving their sentences (also called convicted inmates) are entitled to humane treatment during the period of their confinement. The Philippine government, through its different penal agencies, is mandated by national laws¹ and its commitment to international treaties² to observe human rights based standards in the treatment of its PDLs.

Managing penal institutions and agencies that meets human rights standards leads to many benefits. First, it is directly related to orderly and safe facilities. Inmates and penal staff are more likely to be respectful between and among each other translating to fewer opportunities for misunderstandings and conflicts. Second, inmates are more likely to trust penal officers which then increase the likelihood of engaging in rehabilitation activities. This eventually translates into improved chances of successful reintegration to society as responsible citizens, and thus, lessening their rates of recidivism. Third, inmates, either detained or convicted, who were treated humanely, are more likely to understand the process of incarceration and understand the nature of their punishment. This in turn increases trust in the government and in its institutions, and lowers the level of legal cynicism³ among citizens that currently engulfs the criminal justice system.

Given the benefits of human rights based treatment of PDLs, it is imperative that the Philippine government aspires to promote and protect these rights. This baseline study aims to describe the specific mechanisms on how to dutifully observe human rights based approaches to penal management. This is written for staff working directly in the management of detention centers, jails, and prisons, policy makers who are interested in ameliorating penal issues, government oversight bodies mandated to monitor the conditions of penal facilities, and Civil Society Organization (CSO) workers and volunteers engaged in providing services to PDLs.

This baseline study aims to instill the importance of an integrated penal management framework that links the standards, policies, procedures, and practices of the different agencies engaged in penal work in the Philippines, specifically the Bureau of Corrections (BuCor), the Bureau of Jail Management and Penology (BJMP), and the different Provincial Jails. Other law enforcement and security agencies like the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Philippine Drug Enforcement Agency (PDEA), the Bureau of Immigration (BI), and the Armed Forces of the Philippines (AFP), which also deals with their respective PDLs, are likely to find this study helpful.

This baseline study provides a hard look at the current conditions of the penal facilities in the country. **First**, it will identify structural limitations like the inadequacy of space and facilities, insufficiency in personnel, and the lack of operational resources. **Second**, it will describe the organizational practices that arise as coping mechanisms to the deficiency of the structural conditions. These include the formation of the inmate *mayores* system, the role of the inmate Very Important *Presos* (VIPs), the construction of *kubols*, and other

¹ See overall mandate set in Sec. 11, Art. II of the 1987 Constitution.

² Among others, the United Nations Standard Minimum Rules for the Treatment of Prisoners (1955), the Nelson Mandela Rules (2015), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), which will be discussed in the succeeding section

³ Legal cynicism refers to citizens' level of distrust to the police, courts, corrections and other governmental institutions.

informal mechanisms. **Finally**, it will describe the culture that emerges in the penal settings. Culture refers to the way of doing things inside a facility, or the narratives inmates and penal personnel employ to justify specific behaviors. A description of the interface of the structural, organizational, and cultural conditions will provide an understanding of how penal institutions are currently managed in the Philippines. A basic exposition and understanding of the current conditions are important as many of the prevailing practices had been informally accepted and deemed as a fundamental component of penal management. Most of the penal personnel have learned of these practices from exposure to peers and through personal experiences working in the field, and asking the personnel to unlearn these practices to give way to the human rights based approaches will be a long and tedious task. While some of the human rights based approaches may simply require a re-orientation and re-channeling of the old penal practices, other practices may require a total overhaul. Also, some of the old penal practices may linger as institutions and facilities adapt to the new human rights based approaches, thus a strategy on how to accommodate these old penal practices in the interim will be noted.

Following the description of the current penal conditions, this baseline study will describe the human rights based approaches in penal management. It is a how-to guide that prescribes specific practices to be observed in key domains of penal management like inmate classification, inmate housing, inmate programming, and documentation and assessment of inmate behaviors. Penal managers will be asked to implement these substantive domains using the structural, organizational, and cultural dimensions of the institution.

By developing this guidebook, prison superintendents, jail wardens, police station chiefs, National Bureau of Investigation (NBI), Philippine Drug Enforcement Agency (PDEA) and Bureau of Immigration (BI) custodial heads, Armed Forces of the Philippines (AFP) security unit heads, and other top leaders of a penal facility will be guided on how to run their specific organizations. Additionally, by providing a how-to guide that specifies similar standards, policies, procedures, and practices, a unified penal approach can be achieved. The achievements in one agency can be systematically transferred to another agency. For example, documents regarding inmate participation in a BJMP Jail or Provincial Jail can easily be transferred and honored in a BuCor Prison, since the standards, policies, procedures, and practices for jails and prisons will be made uniform.

.....■

“A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.

Mere charity is not enough from a human rights perspective. Under a human rights-based approach, the plans, policies and processes of development are anchored in a system of rights and corresponding obligations established by international law. This helps to promote the sustainability of development work, empowering people themselves—especially the most marginalized—to participate in policy formulation and hold accountable those who have a duty to act.”

-The UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming (the Common Understanding), 2003

II. Limitations of the Study

WHILE THIS baseline study provides easy-to-follow checklist on how to achieve a Human Rights-compliant facility, this guidebook should not be considered as the final word on how to achieve one. For one, human right standards are continually evolving which may render some of the practices recommended herein as moot. Additionally, this guidebook provides general and overall guidance on how to achieve human rights based approaches to effective penal management. This guidebook empowers penal officers develop an overall appreciation of the nature and challenges of their work. However, it will be incumbent upon the penal officers to devise ways on how to actually achieve these standards given their own unique organizational and social contexts. Prison, jail and detention managers interested in developing specific actions presented by a particular condition must consult the laws, treatises, and advisories that govern their specific facilities.

TABLE 1. Relevant laws and policies concerning the treatment of prisoners and the rights of persons deprived of liberty

Universal Declaration of Human Rights (1948)	Everyone has the right to 'liberty and security of person' (Article 3); right of everyone not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment' (Article 5); and 'no one shall be subjected to arbitrary arrest, detention or exile' (Article 9).
Standard Minimum Rules for the Treatment of Prisoners (1955)	'These rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.' (Paragraph 1)
International Covenant on Civil and Political Rights (1966)	'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation' (Article 7) ; On the rights of person deprived of liberty (Article 9.(1-5))
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	'Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.' (Article 2.1)
Philippine Constitution (1987)	'The State values the dignity of every human person and guarantees full respect for human rights.' (Article 2, Sec. 11);
Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)	The principles contain detailed elaboration of the implications of international human rights law with regard to all those in detention, whether following conviction for an offense or in any other context.
United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)	'Juveniles should only be deprived of their liberty in accordance with the principles and procedures set forth in these Rules and in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release.' (Paragraph 2)
Republic Act No. 9745 / Anti-Torture Act of 2009	An Act Penalizing Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and Prescribing Penalties Therefor

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules) (2010)	The rules recognize ‘the need to provide global standards with regard to the treatment of women offenders and prisoners, and taking into account a number of relevant resolutions adopted by different United Nations bodies, which called upon Member States to respond appropriately to the needs of women offenders and prisoners’ (Preamble)
United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules) (2015)	‘The revised UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) were adopted unanimously in December 2015 by the UN General Assembly and set out the minimum standards for good prison management, including to ensure the rights of prisoners are respected. The Nelson Mandela Rules are not entirely new, but an updated version of the 1955 Standard Minimum Rules for the Treatment of Prisoners (SMRs). The Rules were revised in eight substantive areas to reflect standards that have emerged in correctional science and human rights since 1955.’ (Penal Reform International, 2016)

III. The Philippine Penal Agencies

IT IS common misnomer to lump all the penal facilities in the Philippines into one category. When laypersons and the media refer to “prisons”, “jails”, and “detention centers”, they usually talk of places of incarceration (*kulungan*, *presohan*, *bilibid*) and consider them as the same entities. As such, when a raid happens in the Maximum Security Compound in the New Bilibid Prison, and the raiding team discovers the presence of a luxurious *kubol* with a Jacuzzi, laypersons and media usually jump into a conclusion that the nearby City Jail also harbors inmates with such amenities. Little do they know that City Jails are managed and run by a different governmental department and bureau. This lack of understanding on the intricacies of the penal system suggests that solutions proposed to the identified problems may not be appropriate. As such, this study starts by delineating the different agencies involved in the penal work by describing the nature of their mandates, the type of clients under their care, and the different agencies that have supervision over their work.

A good starting point is the fact that there are multiple government agencies that have penal mandates. The most popular and the oldest penal agency is the Bureau of Corrections (BuCor) which is administratively supervised by the Department of Justice (DOJ). The BuCor supervises the administration and operation of seven (7) national prisons or penal farms with a total population of 41,000 PDLs as of January, 2016.⁴ PDLs under the care of the BuCor are those who are convicted and meted a sentence ranging from three years to life imprisonment, and thus called “national prisoners”. BuCor prisons are therefore designed for long-term confinement. The New Bilibid Prison (NBP) is the BuCor’s flagship facility and is located in Muntinlupa, Metro Manila. The NBP has a population of 22,000 inmates making it the biggest mega-prison complex in the world.⁵ The NBP has a Maximum Security Compound, a Medium Security Compound, and a Minimum Security Compound. The Maximum Security Compound of the NBP is the biggest single penal facility with a population of 12,000 inmates. NBP’s proximity to major news dailies makes it a favorite source of revelations on the bizarre practices that happen inside Philippine prisons. Most of the common perceptions about life in prison thus emanate from the stories

⁴ The seven Prisons and Penal farms include the New Bilibid Prison, Correctional Institution for Women, Iwahig Prison and Penal Farm, Davao Penal Colony, San Ramon Prison and Penal Farm, Sablayan Prison and Penal Farm, and the Leyte Regional Prison. A Correctional Institution for Women-Mindanao is a component unit of the Davao Penal Colony. The BuCor population (2016) was provided by the Office of the BuCor Deputy Director for Reformation.

⁵ The biggest mega-prison currently existing in the United States is the Rikers Island jail complex with a population of 10,000 inmates. The biggest mega-prison that existed in Latin America was the Carandiru prison with a population of 8,000 inmates. This prison was eventually closed down after a massacre of 111 inmates in 1992. The Bangkok prison in Thailand has 8,000 inmates and is considered one of the biggest prisons in terms of population in Asia.

that originate in the NBP. In the Philippine context, “prisons” refer to institutions managed and run by the BuCor.

“Jails” are managed and run by two types of agencies in the Philippines. The Bureau of Jail Management and Penology (BJMP) has administrative and operational supervision over District, City and Municipal Jails. The BJMP, in turn, is under the administrative supervision of the Department of the Interior and Local Government (DILG). Currently, the BJMP supervises a total of 461 District, City, and Municipal Jails nationwide, with a grand total of 96,000 inmates. While the BJMP and the BuCor share similar mandates, they operate under different operating manuals and are supervised by different set of department personnel.

Provincial governments, on the other hand, independently manage and run their respective Provincial Jails. It is the provincial governors who appoint their respective provincial jail wardens. While the DILG exercises supervision over provincial governments, the DILG does not have a direct control over the Provincial Jails. Unlike the BJMP Jail wardens, Provincial Jail wardens have more leeway in administering their jail facilities, as there are no central agencies that supervise their tasks.

“Jail” institutions in the Philippines take into custody PDLs that are undergoing trial in their respective courts and those PDLs who had been convicted with a penalty of not more than three years. However, due to the lengthy court trial procedures, where some inmates undergo trial for 3 years or more, the BJMP Jails and Provincial Jails, by default, also cater to inmates with long-term confinement. This muddles the philosophical and legal differences between “prisons” and “jails”.

Two other developments have blurred the specific functions of agencies managing the jails. First, there are “Municipal Jails” that are still being managed by the Philippine National Police and their transfer to the BJMP has not occurred.⁶ Second, there are some provincial governments who inked a Memorandum of Agreement with the BJMP so that the Provincial Jails under their care are currently being managed by the BJMP.⁷ The public and the media therefore are clueless as to why the Batangas Provincial Jail is managed by a warden appointed by the Provincial Governor, whereas the Batangas City Jail is managed by a warden who is a career officer from the BJMP.

Additionally, there are some governmental agencies whose main tasks are law enforcement but are saddled with penal work. The Philippine National Police (PNP), the National Bureau of Investigation (NBI), and the Philippine Drug Enforcement Agency (PDEA) are agencies that also maintain their own detention facilities (also called “holding cells”). By law, PDLs who stay in these facilities should not extend for more than 36 hours, or up to the time that criminal charges are lodged against them in court. These inmates should be immediately transferred to either a BJMP Jail or a Provincial Jail. However, many PDLs end up in jails for longer periods (1 month to 3 years), and some inmates actually end up serving their sentences in these facilities. As such, though intended as places of short-term or temporary incarceration, Detention and Holding cells of the PNP, NBI, and PDEA had become synonymous with BJMP/Provincial “jails” and BuCor “prisons.”

Two other agencies are mandated to detain people going against the law. These include the Bureau of Immigration (BI) and the Armed Forces of the Philippines (AFP). While traditionally these agencies have very specific functions and cater to unique types of PDLs, more recent developments point to their

⁶ As of August, 2015, there are still around 474 Municipal Jails under the jurisdiction of the PNP. The BJMP has issued a Standard Operating Procedure on the transfer of the remaining PNP Municipal Jails to the BJMP.

⁷ There are around 11 provincial jails and 4 sub-provincial jails which have inked a Memorandum of Agreement with the BJMP. The BJMP is expecting more Provincial Jails to be transferred under their control. However, funding and personnel arrangements had derailed the transfer of the provincial jails. The BJMP has issued a Standard Operating Procedure to guide efforts in the transfer of Provincial Jails.

engagement with the other penal agencies of the country. For example, most BI detainees are transferred to the BuCor prisons prior to their deportation to their countries of origin, and most insurgents and terrorists, who were initially held in AFP holding cells, are transferred to the BJMP Jails / Provincial Jails and BuCor prisons. Additionally, the long duration of the trial process, where it takes years for a case to be decided upon by the local courts, inadvertently turns the BI and AFP Detention Centers into long-term places of incarceration, which make them indistinguishable from the other “detention facilities”, “jails”, and “prisons.”

In summary, there must be a conscious effort to distinguish between “detention centers”, “jails”, and “prisons”. Lumping them together in one category betrays their differences in terms of mandates, type of inmates under their care, and the department or bureau having supervision over them. Grouping them together also presupposes that the standards, policies, procedures, and practices are similar between and among agencies, which, in fact, they are not, and still to be desired. While there are some similarities, especially in the type of structural problems they face and the informal practices that had evolved through time, the penal facilities, even within a particular agency, are unique. For example, the conditions, dynamics, and cultural practices of the Quezon City Jail is quite different from those emerging in the Manila City Jail, even if both facilities are managed by the BJMP.

TABLE 2. Penal agencies, their specific clients, and prescribed and actual length of stay ⁸

Dutybearers	Type of PDLs	Prescribed length of stay	Average length of stay; maximum recorded
Philippine National Police	Inmates under investigation	36 hours	One months; two years
National Bureau of Investigation	Inmates under investigation	36 hours	Three months; three years
Philippine Drug Enforcement Agency	Inmates under investigation	36 hours	One month; 6 months
Bureau of Immigration	Foreign nationals in conflict with Philippine laws	Until the case is decided upon by the courts	8 months; three years
Armed Forces of the Philippines	Charged with security offense	Until case is decided upon by the courts	No data
Bureau of Jail Management and Penology	Bureau of Jail Management and Penology Inmates undergoing trial and those sentenced with 3 years and below	Until the case is decided by the courts and/or service of sentence	1 year and 5 months; 19 years
Provincial Governments	Inmates undergoing trial and those sentence with 3 years and below	Until the case is decided by the courts and/or service of sentence	No data
Bureau of Corrections	Inmates convicted with a penalty of more than three years	Upon service of sentence	12 years; 40 years

⁸ Data collected by the author from various workshops, focus group discussion, and documentary reviews. See for example, Narag Report on the conditions of the Bureau of Corrections submitted to the Department of Justice (2014).

a. The present state of the Philippine Penal agencies

Having described the subtle differences between “detention centers”, “jails” and “prisons”, the next step is to develop an understanding of the current realities of the Philippine penal agencies. In this section, a broad description of penal facilities will be provided, where common conditions and practices are delineated. While the extent of the conditions and practices will vary from one penal facility to another, these conditions and traits are more likely to be found in most penal facilities in the country, be it a detention center, jail, or prison.

Additionally, given that penal work is intertwined, a description of the current relationships between the different agencies is provided. For example, Detention Centers managed and run by the PNP, NBI and PDEA has a direct impact on how BJMP Jails and Provincial Jails are managed, and the BJMP Jail and Provincial Jail practices also affect how BuCor Prisons are administered. Specifically, this section provides a description of how dysfunctions in one facility will be transferred and inherited by other agencies.

b. Common Conditions and Traits of Penal Facilities

■.....

***Focus group discussion:
How do we challenge
and resolve common
arguments and issues
on the lack of facilities,
and space, quality
of personnel and
operational resources in
detention facilities?***

One of the common conditions that afflict most penal facilities is the lack of facilities and space, quality personnel, and operational resources. While the level of deficiency varies from agency to agency (BuCor versus BJMP and Provincial Jails), location of the facility (urban versus rural; first class municipality versus third class municipality) and the type of inmates (detained versus convicted; maximum security versus minimum security), most of the agencies have failed to provide the basic minimum standards for the treatment of PDLs. For example, the BuCor currently has a total of 41,000 inmates under its care, but the holding capacity of all its facilities is slated only for 18,000 inmates.⁹ The most overcrowded facility managed by the BuCor is the Leyte Regional Prison, which has a 1256 total number of inmates but with rated bed capacity of 486 inmates.¹⁰ As previously mentioned, the New Bilibid Prison, with a combined inmate population of 22,000 inmates, is the biggest mega-prison complex in the world.¹¹ The steady growth of the inmate population has not been matched by any new prison construction resulting to acute cell overcrowding.¹²

While the BuCor facilities are overcrowded in terms of *cell space*, BuCor facilities, at least, have been endowed with vast tracts of lands and, and have *yard space* for inmates to move around. Thus, BuCor prisons have relatively ample *yard space* for recreation, livelihood, and inmate programming. The same cannot be said of the BJMP facilities which are mostly characterized by overcrowded *cell space* and cramped *yard space*. Most of the BJMP facilities were inherited from the Philippine Constabulary-Integrated National Police (PC-INP) and were originally designed as Police Temporary Detention Cells. In terms of national statistics, the BJMP currently has a total population of 96,000 inmates and continues to grow, but the ideal cell capacity of all BJMP jail facilities combined is only good for 19,000 inmates, thus registering a congestion rate of 408%.¹³ The most overcrowded jail managed by the BJMP is the Malolos

⁹ BuCor Annual Report, 2015. This is based on cell occupancy rate.

¹⁰ This condition was made worse by the fire that raged the Maximum Facility of the Leyte Regional Prison in October 8, 2015.

¹¹ Mega-prisons are prisons with population of more than a thousand inmates. In some jurisdictions, they are also called “Titan Prisons” or “Super Jails”.

¹² The last prison to be constructed is the Leyte Regional Prison which was constructed in 1973.

¹³ BJMP Annual Report, 2015.

City Jail, which has an ideal capacity of 6 inmates, but currently holds 146 inmates, recording a congestion rate of 2,441%. The population of the BJMP is projected to grow as more inmates with drug cases fill up newly constructed makeshift cells, and as the length of criminal trial continues to grind slowly. Most inmates under trial in the National Capital Region, for example, have an average stay in jail of 1 year and 5 months.¹⁴ Coupled with the generally low interest among local city councils and national congress on the construction of new jails, this jail population will worsen in the next few years and will constitute a humanitarian crisis.¹⁵



Ordinary cell crowding that characterizes local jails and prisons

Provincial Jail conditions vary widely based on the involvement of their respective Provincial Governments. Some Provincial Governments have taken an active stand on the construction of new Provincial Jails, while other provinces are either too resource-deficient to construct a new one or do not consider construction of jail facilities a priority. Given that there is no national government agency that regularly monitors the administration and operation of the Provincial Jails, there are hardly any national data on the total number of inmates and the total capacity of all the provincial jails. Individual provincial jail conditions, however, do suggest that they resemble the overcrowded conditions of the BJMP jails, if not worse off.

The PNP Detention Centers are generally small facilities constructed as appendages to Police Station Precincts. Most PNP Detention Centers are two-cell facilities, designed to separate the male from the female detainees. The level of crowding in the PNP Detention Centers is cyclical and varies based on the number of arrests and the transfers to jail facilities in a particular week. On average, however, most PNP Detention Centers are full to the brim. Additionally, PNP detention centers do not have any spaces for visiting, recreation, and inmate programming. Inmates in the PNP Detention Centers sleep, eat, accept visitors, and do their day-to-day chores in the same cell.¹⁶

The NBI, PDEA, BI and AFP maintain a limited number of Detention Centers/ Holding Centers and are comparatively more spacious compared to PNP Detention Centers. However, facilities in each of the aforementioned agencies are all still below the minimum standards for the treatment of PDLs. Most cells are multi-occupancy cells, inmates are not individually provided with bed bunks, and there are limited spaces for visiting, recreation, and inmate programming. Ironically for the NBI, the relatively better conditions it affords, at least, compared to the PNP and BJMP cells, compels its inmates to delay their transfer from the NBI Detention Center. Some inmates in the NBI Detention Center stay as long as three years, contributing to overcrowding. PDEA Detention Centers are newly constructed, since the PDEA, as a government agency, is also new. However, the number of arrests made by its agents is keeping the inmate population way more than the ideal capacity, and, if not addressed, it will soon resemble the PNP and NBI Detention Centers. The BI Detention Center caters to foreign nationals that are in conflict

¹⁴ Documentary review made by the author on six (6) jails in Metro Manila on one particular day in October 2015.

¹⁵ BJMP Annual Report, 2015. An analysis of the yearly population growth suggests that the BJMP inmate population will exceed 100,000 before end of 2016.

¹⁶ A recent inspection by the Commission on Human Rights of the Philippines (CHRP) of detention centers in Metro Manila conducted in April 2015 documents these conditions. See: A study of the Human Rights situation in Police lock-up cells in the National Capital Region (2015).

with Philippine Laws. The physical conditions are better than most PNP detention facilities but they still resemble the multi-occupancy and limited space characteristics of the NBI and PDEA Detention Centers. The AFP Holding Cells are the most spacious and it provides individual bed bunks for each inmate. However, the limited number of inmates in AFP facilities makes them resemble solitary confinement cells where inmates have limited interactions with other inmates and staff.

The lack of facilities and space faced by the different penal facilities is compounded by the insufficiency of personnel and operational resources. Again, the level of personnel and resource deficiency varies from agency to agency but it is safe to say that most penal facilities needs improvement in these areas.

The BuCor, for example, has personnel strength of 2,568 in the year 2013 when the inmate population was 37,787 inmates. This personnel strength is pegged to the same number but the population is currently at 41,000 inmates. The BJMP fared a little bit better, compared to the BuCor, in terms of personnel quantity and quality. Since the passage of the modernization law of the BJMP, it was able to attract and recruit better quality officers. However, the fast-paced growth of inmate population still outpaces the growth of the BJMP personnel. As such, the custodial and rehabilitation ratio of personnel to inmates, for both the BuCor Prisons and BJMP Jails are way below the ideal of 1:7 and 1:24, respectively.¹⁷

Again, the number of personnel in the provincial jails is not regularly collected, and their personnel strength is hard to estimate. Reports from individual Provincial Jails do indicate, however, that their custodial and rehabilitation ratios are similar, if not worse off, compared to BJMP Jails and BuCor Prisons. Additionally, the standards of personnel in the Provincial Jails are qualitatively lower compared to BJMP Jails, and, with the modernization program about to take effect, to BuCor Prisons. At least for the BJMP and the BuCor, a college education is a requirement for entry of all personnel, and both institutions have a training center for its new recruits. Both the BJMP and the BuCor also offer continuing enrichment programs for their personnel. The same cannot be said of Provincial Jails. Most provincial jail personnel are appointees of the provincial governor, selected after local elections, and with limited training on jail management.

While the PNP, NBI, PDEA, BI, and the AFP offer training to their respective personnel, these trainings are centered on law enforcement and national security and not on the management of PDLs. Personnel assigned in the Detention Centers of these agencies are usually short in number and are supplemented by “ad hoc” employees assigned from other units.

Applying the Nelson Mandela Rules from admission to release*

The 122 Rules cover all aspects of prison management and outline the agreed minimum standards for the treatment of prisoners – whether pre-trial or convicted.

Rules 1-5 provide the following basic principles:

- Prisoners must be treated with respect for their inherent dignity and value as human beings.
- Torture or other ill-treatment is prohibited.
- Prisoners should be treated according to their needs, without discrimination.
- The purpose of prison is to protect society and reduce reoffending.
- The safety of prisoners, staff, service providers and visitors at all times is paramount.

**Source: Short Guide on the Nelson Mandela Rules, Penal Management Reform, 2016*

¹⁷ The current ratio stands at 1:60 for custodial and 1:126 for reformation officers.

Additionally, assignment to the Detention Centers is considered by some employees as a form of punishment, as most personnel with pending administrative charges are temporarily assigned in the Detention Centers and return to their original units only when cleared.

The insufficiency of quality personnel is compounded by the lack of resources. The BuCor and the BJMP provides food budget of Php 50.00 per day per inmate, which by most accounts, is not sufficient to meet the needed daily calories. The NBI, PDEA, BI, and the AFP provide a little bit more at Php 60.00 per day per inmate, but given the smaller number of inmates, the economies of scale is not maximized and thus, falls short as well.

The most challenging is the PNP situation which does not have food allocation for inmates. Police Detention Unit officers have to find ways to personally provide food for the inmates they arrested.¹⁸

There is wide variation among Provincial Jails in food provisions, with some Provincial Jails allotting as much as Php 65.00 and some Provincial Jails allotting only Php 35.00. Again, this situation depends on the level of support provided by the provincial governments.

In terms of other needs, the BuCor and the BJMP allot a Php 5 per day per inmate for medicines but the rest of the agencies do not have medical provisions. The BuCor and the BJMP also allot for each inmate two shirts, one serving of toiletries (toothpaste, brush and soaps) and beddings (blankets, pillows, mosquito nets), though the availability of these materials vary from year to year. Other agencies do not have these provisions. As such, in almost all penal facilities, inmates rely on family members, visitors, and volunteers for food, clothing, medicines, toiletries, and other basic needs.

The BuCor, the BJMP, and the Provincial Jails also struggle in providing rehabilitation services to inmates. While the BuCor facilities have sufficient spaces to conduct inmate programming, there are limited quality personnel and operational resources to implement programs. The BJMP, on the other hand, have better equipped personnel but do not have functional spaces to implement the programs. Most provincial jails are hampered by limitations of space, personnel and resources, except for provincial jails whose provincial governments have invested resources for their upgrades.

c. Coping Mechanisms

The insufficiency of facilities and space, personnel, and operational resources that uniformly characterize the different penal settings induces the creation of informal organizational coping mechanisms that are practiced, in more or less degree, by most penal facilities. For example, the lack of cell facilities and space induces the formation of *tarima* (beds), or *kubol* (cubicle) where penal staff informally allow inmates to maximize spaces by constructing makeshift partitions inside the cells. Though the sizes of the *tarima* and *kubol* vary in relation to the inmate population size and geographic area, almost all penal facilities display the inmates' efforts to privatize and commercialize the penal space. For example, a few inmates in the Maximum Security Compound of the NBP had been discovered to have constructed hotel-type prison cells with matching Jacuzzis, showers, and hot tubs. Inmates who own these facilities consider it as their private property which can be sold, rented, or loaned to other inmates.

Though the NBP example is an extreme outlier, a smaller scale version of this practice is mimicked by the PNP and NBI Detention Centers, BJMP and Provincial Jails, and other BuCor Prisons.

¹⁸ The Commission on Human Rights recently released a Human Rights Advisory CHR A2015-005 entitled "On the Right to Adequate Food of PNP Detainees" imploring the Philippine government to allocate food for the PNP detained inmates.

The lack of personnel also induces the formation and recognition of inmate cell and brigade leaders. These inmate leaders (also called *nanunungkulan*) have come to take active custodial, rehabilitation, and administrative roles. Specifically present in bigger jails and prisons, these inmate leaders are allowed to generate resources, implement their own conflict resolution and rehabilitation programs, and maintain the cleanliness of their facility surroundings. As such, most Detention Centers managed by the PNP and the NBI, and all the BJMP and Provincial Jails, have different forms of inmate leaders, though the specific names like *Mayores*, *Chairman*, and *Bosyo*, may vary from each facility. The names of these inmate leaders are prominently displayed in the wall of every cell and the inmate leaders are given utmost respect by their fellow inmates.¹⁹

The insufficiency of resources also induces the reliance on inmate and visitor resources. Inmates bring food, cash, appliances, and other personal belongings to overcome the challenges of penal conditions. In most cases, inmates are allowed to bring their own electric fans, cooking wares, TV sets, and refrigerators. As such, in most detention centers, jails and prisons, inmates with the capacity to contribute financially for cell or brigade upkeep are classified as VIP (*Very Important Preso*).²⁰ Those who are without resources are called a *buyonero* and will be expected to contribute manual labor. VIP inmates are usually paired with *buyonero* inmates in a food group called *rancho* or *kasalo* where they combine resources and manpower. In many cases, *big-time* VIP inmates are also called upon to contribute in facility maintenance, like contributing for painting of cells, paying of electric bills, bringing sick inmates to hospitals, and other operational tasks.²¹

Finally, in BJMP Jails, Provincial Jails, and BuCor Prisons, inmates have formed *pangkat* or brotherhoods. These inmate organizations are also called “gangs”.²² In the New Bilibid Prison Maximum Security Compound, 95 percent of the inmate population are members in any of the 12 different gangs. Most inmates in the BJMP Jails in the National Capital Region are also members of the four Metro Manila based gangs (*Sigue Sigue Commando*, *Sigue Sigue Sputnik*, *Batang City Jail*, and *Bahala na Gang*). The inmate *pangkat* have their respective inmate leaders called *Commander* or *Bosyos*, and they also perform custodial, rehabilitation, and administrative functions. The *pangkat* also generate funds through different fundraising activities, like contributions from VIPs,

.....
Persons deprived of liberty is a vulnerable group due primarily to its total reliance to prison authorities for basic needs. The provision of clean water at all times and good quality food are essential to their healthy existence. It is a universal vital need and the lack thereof is the root cause of many conflicts inside detention facilities. The quality, quantity, delivery, schedule and even temperature of food tend to be polarizing factors in daily prison life. Prison authorities, including those in the police stations, have an obligation to meet the needs of the detainees. Failure to comply with this obligation may constitute a form of cruel, inhuman or degrading treatment, or even torture. Deprivation of food [and basic needs] as a form of punishment for detainees is strictly proscribed by existing International Human Rights and Humanitarian Laws. It is thus essential and indispensable that Persons Deprived of Liberty are provided with adequate and good quality of food, which is highly personal and culture-specific.

- Commission on Human Rights, “Human Rights Advisory on The Right to Adequate Food of PNP Detainees (The right to adequate food: an inclusive right), December 2015

¹⁹ See for example Narag (2005) report on the conditions of the Quezon City Jail.

²⁰ The Very Important Preso (VIP) is commonly misconstrued by the media as Very Important Persons. Reporting the coping mechanism as Very Important Persons suggest that the facility provides preferential treatment to these inmates.

²¹ These developmental functions by inmate leaders is a unique characteristic of Filipino prison experience.

²² In the Philippines, inmate *pangkats* have developmental functions and are not considered security threat groups, unlike in western developed countries where gangs are considered threat to facilities and are officially suppressed.

operating variety stores, or managing furniture shops. The *pangkat* allows inmates to re-create many of the services and amenities available in the free world, like construction of sports facilities and worship areas, and implementation of recreation and rehabilitation programs.

To some extent, the PNP and the NBI Detention Centers mimic the informal mechanisms in jails and prisons, like the formation of inmate leaders, the generation of inmate resources, and the recruitment to *pangkat*. This mimicry of agency practices happens as the agencies share the same clients. For example, a number of inmates released from the BJMP Jails, Provincial Jails, and BuCor Prisons are re-arrested and sent back to Detention Centers. When they are locked up in the PNP and NBI Detention Centers, they are regarded highly by the “*bagito* inmates” (or first time inmates). These re-arrestees are known in the Philippine penal world as *tayman* and they tend to propagate the informal penal practices they learned in their previous incarceration experiences.

Due to the non-provision of food, toiletries, and other material needs in the PNP Detention Centers, most first time inmates are dependent on the direction of the inmate *tayman* for resource generation techniques. This gives the *tayman* a leverage to cajole first time inmates into joining his gang. The *tayman* would provide rosy pictures about life in jail and prison and urge the *bagitos* to join his gang. The *tayman* would peddle the perceived benefits of protection of joining a gang when inmates are transferred from detention centers to jails, which are referred to as the *malaking bahay* (big house).

These informal coping mechanisms like construction of *tarima* and *kubol*, the formation of inmate *mayores*, and the utilization of inmate resources, spawn a certain way of life and code of conduct among the inmates and penal staff. An intricate *Batas ng Kulungan* or Inmate Magna Carta spells out the dos and don'ts for inmates. A cultural narrative that justifies a particular behavior become available to inmates and staff, and through a process of prisonization or *pangungulungan*, they learn when to use or not to use a particular narrative. For example, inmates may request for the entry of an electric fan, and utilize such narratives as “humanitarian considerations” to justify behavior. However, a penal staff may utilize a “formal narrative” such as, “it will create an inequality among inmates” to deny such requests.

The power of the penal staff to deny or approve a request by switching from the available cultural narratives leads to corruption and other forms of abuse. These discretionary powers of the penal staff, on the other hand, are replicated by the inmate leaders in their dealings with lower social status inmates. Thus, both penal officers and inmate leaders, depending on their level of investment to the penal way of life, can generate extra-legal financial resources. For example, newly-committed VIP inmates are “bought” by the inmate *mayores*, in cahoots with some jail or prison officers, with the expectation that the new inmates will bring resources to the cell and brigade.

This intricate penal culture is most apparent in mega jails and prisons (facilities with more than 1,000 inmates). In the New Bilibid Prison Maximum Security Compound, its 12,000 inmate population has spawned an intractable culture where drugs, gang violence, prostitution, and corruption had become a way of life. BJMP Jails and Provincial Jails with an inmate population of more than 1,000 inmates have also replicated the presence of gangs and drug use, though in a much lower scale. In the PNP and NBI Detention Centers, due to the smaller number of inmates, the penal culture is not very sophisticated, but nascent form of inmate leadership and resource generation are still very visible. The PDEA Detention Centers have not registered the presence of these informal practices, but with the entry of inmates from one facility to another, this practice may soon creep into the PDEA Detention facilities. The BI and AFP holding cells have manifested only a few of these informal structures, but once transferred to the jails or prisons, their former clients would soon imbibe these practices.

d. The Philippine Penal Cycle

Taken together, the burdens faced by each penal facility are transferred to each other. Given that most inmates are initially detained in the PNP, NBI, and PDEA cells, where personnel are not equipped in detainee management, proper procedures like inmate classification and housing segregation are not observed. Instead, inmates are lumped together in the cells, regardless of whether they are first time offenders or repeat offenders, low or high risk inmates, and inmates needing medical or psychological care.

Coupled with the non-provision of food (in the PNP Detention Centers) and lack of rehabilitation programs (since these law enforcement agencies are not mandated to offer reformation programs), inmates idly wait in their cells for their cases to take its course. Worse, first time inmates are educated by the recidivists (*tayman*) about jail and prison life and are recruited to join the inmate *pangkat*. As such, even before a *bagito* inmate is transferred from the PNP, NBI, or PDEA Detention Centers to BJMP Jails or Provincial Jails, gang members in the jails had been alerted of the *bagito* inmates' impending transfers through the gangs' informal networks.

As such, the BJMP Jails and Provincial Jails are forced to deal with and informally recognize the *pangkat* affiliation of the inmates coming from the Detention Centers. The BJMP and the Provincial Jails do not have a uniform policy on this issue: some BJMP and Provincial Jails house inmates with similar *pangkat* affiliations (concentration approach) and other Jails distribute the *pangkat* members to different cells (dispersal approach). For example, the Manila City Jail and Quezon City Jail of the BJMP use the concentration approach while the Caloocan City Jail utilizes the dispersal approach. These BJMP Jails simply inherited the approaches utilized during the PC-INP era.

Both of these approaches have benefits and disadvantages in terms of jail management. The concentration approach lowers the exposure of *pangkat* members to rival *pangkat*, but when they are housed together, they become a more united entity, which can pose challenges to the jail warden authority. The dispersal approach, on the other hand, makes the *pangkat* less organized and less powerful, however, they are in the proximity of other *pangkat* members, which can increase inter-gang conflicts. Both of these approaches therefore compromise jail security, especially if *pangkat* sentiment among inmates is deeply rooted and ingrained. Additionally, a strong *pangkat* sentiment ultimately challenges the principle of classifying and housing inmates based on risks, needs and responsivity to treatment. These in turn, pose a gargantuan challenge for the BJMP Jails and Provincial Jails to implement rehabilitation programs.

When inmates are transferred from the BJMP Jails and Provincial Jails to BuCor Prisons, inmates are initially oriented and classified in the Reception and Diagnostic Center (RDC) located in the NBP.²³ Most inmates stay at the RDC for a period of 60 days and are transferred in the NBP's two main security camps: Maximum and Medium. After serving a portion of their time, inmates can be transferred to Minimum Security of the NBP or to any of the seven penal farms.

Formally, inmates are classified based on custodial risks, length of sentence, and skills. However, like the BJMP and Provincial Jails, BuCor Prison facilities have to reckon with the *pangkat*, whose power and influence tremendously increase due to the concentration of a bigger number of inmates. A number of *pangkat* in the Maximum Security Compound of the NBP, for example, boast of a membership of at

23 Some inmates from the BJMP Jails and Provincial Jails are directly transferred to the nearest BuCor Prison facility in their area. For example, inmates in Davao and Leyte can be transferred directly to Davao Penal Colony and Leyte Regional Prison, respectively. However, most BJMP Jail and Provincial Jail inmates are still sent in the RDC located in Muntinlupa.

least 2,000 inmates. The BuCor likewise does not have a uniform policy: some prison facilities employ a concentration approach (example, the Maximum Security Compound of the NBP), while others utilize a dispersal approach (example, the Medium Security Compound of the NBP). The presence of the *pangkat* likewise put a dent on the classification schemes which eventually modifies the implementation of needs-based rehabilitation programs.

Overall, penal officers are hindered in attaining their goals of providing a safe custody for inmates and preparing inmates for their eventual release as responsible citizens of the country. Penal facilities are afflicted with structural deficiencies like lack of facilities and space, personnel, and operational resources. These structural deficiencies violate the human rights of both inmates and personnel and need to be immediately addressed.

Additionally, these structural deficiencies induce the formation of informal penal practices like the use of *tarima* and *kubol*, reliance on inmate *mayores* for custodial, rehabilitation, and administrative functions, and dependence on inmate and volunteer resources to keep the penal facility running. These informal practices have short-term benefits in terms of running the day-to-day operations of the penal facilities, but it has long-term negative effects on the administration of justice. These informal set-ups spawned the formation of *pangkat* which have come to dictate the nature and dynamics of penal management. The unbridled use of the informal practices also leads to corruption, drug use, and violence. In bigger jails and prisons, *pangkats* tend to vie for power and profit and compete against each other. It has been noted that some penal officers, be it jail or prison guards, have become affiliated with *pangkats*, in order to partake in the financial gains that are generated in the illicit jail or prison trades. While there are variations in the extent in which a facility has succumbed to such informal penal practices, overall, the penal facilities have become harmful institutions. The human rights of the inmates and jail and prison guards, alike, are systematically violated.



An inmate bastonero (cell disciplinarian) administers a takal to an inmate who violated cell rules.

Table 3. Current conditions of Penal Agencies²⁴

Domains of Penal Management	Detention centers	Jails	Prisons
Inmate Classification	No effective classification, reception and orientation	Rudimentary classification by gender and age. No effective classification; reception and orientation not fully developed	Classification based on sentence length; inmates classification not followed
Inmate housing	Crowded single cells; mingling of inmates, no effective segregation; tattooing of inmates	Gang housing, use of kubol, patakaran ng selda; tattooing of inmates	Gang housing, use of kubol, patakaran ng selda; tattooing of inmates
Inmate Programming	No inmate programming	Multiple, varied, open to all; NGO and inmate initiated; not enough space	Multiple, varied, open to all; NGO and inmate initiated; not enough space
Documentation and assessment	Length of stay not documented; behavior of inmates not documented	Rudimentary transmittal of documents from detention centers; participation in programs not fully or properly documented	Rudimentary transmittal of documents from detention centers; programs in jails not integrated with programs in prisons; No synergy in the transfer of documents to Board of Pardon and Parole

IV. Human Rights Based Approach (HRBA) to Penal Management

THE CURRENT state of the Philippine penal system, as discussed in the previous sections, needs immediate attention. The structural deficiencies have spawned practices that had been pragmatically and morally accepted by most penal officers. This “old penology” has crept into all facets of penal management and informally unified the disparate workings of the detention centers, jails, and prisons. To overcome this systematic and systemic corruption, a holistic and integrated approach to penal management must be introduced. It will take the commitment of all the penal agencies to have a sustainable and lasting impact.

Reforms must be introduced in three different levels: structural, organizational, and cultural. Structural reforms refer to improvements in facilities, personnel quantity and quality, and operational resources. Organizational reforms refer to the adoption of the principles of effective penal management. Cultural reforms refer to the introduction of cognitive scripts and narratives that are supportive of human rights based approach to penal management.

These reform areas must be tackled simultaneously. Improving organizational capacity (for example, training employees on how to run an Anger Management program), without addressing the structural deficiencies (example, without providing facilities for that program) will simply be unsustainable (inmates and personnel will eventually lose interest). Similarly, even if structural reforms had been introduced (for example, provision of additional personnel, new facilities, and attendant operational resources) but the old cultural ways of doing things are maintained (*kubol* and *VIP system*), the structural improvements will simply aggravate the problem (inmates partitioning the facilities).

²⁴ These findings are based on Focus Group Discussions, facility visits, and other ethnographic studies conducted by the author.

Structural reforms, however, are more long-shot as they require involvement of many sectors. Congress must pass new laws and apportion additional budget to the penal sector. Local provincial governments must provide fiscal assistance to the Provincial Jails. Cultural reforms, on the other hand, are more challenging as they require change in the mindset of the penal personnel. Asking penal officers to be professional, incorruptible, and honest is very difficult in a working environment where they are overworked and paid pitifully.

Organizational reforms, on the other hand, are the easiest to introduce. Penal officers must be introduced to the basic principles of effective penal management, which is currently alien to many of them. By understanding these principles, penal managers will comprehend what structural deficits they had been lacking and how their coping mechanisms led to their current practices. They will also comprehend how the current penal culture had undermined their formal power and authority. As such, while reforms are needed simultaneously in the three areas, this guidebook prioritizes the discussion of the principles of effective penal management.

a. Domains of Effective Penal Management

This section describes the key domains of effective penal management. These include inmate classification, inmate housing, inmate programming, and documentation and assessment of inmate behaviors. These different domains are integrated and, though discussed separately, constitute a holistic process. Delineating these domains will provide guidance on how the Detention Centers, Jails, and Prisons achieve uniformity in standards, policies, procedures, and practices. By incorporating these key domains, the different agencies can benefit from the actions of other agencies, eliminate the transfer of dysfunctions from an agency to another agency, and produce a coherent penal system. It is also argued that observing these key domains will translate in the humane treatment of PDLs that is compliant to Human Rights standards.

While Detention Centers (PNP, NBI, PDEA, BI, and AFP) may argue that some of the correctional domains are beyond their scope as law enforcement agencies, the absence of a coherent strategy in the Detention Centers spells trouble for Jails and Prisons.²⁵ As such, it is advisable that Detention Centers must be in congruence with the overall standard, policy, procedures, and practices of the BJMP Jails and Provincial Jails, and BuCor Prisons. In this context, penal institutions (detention centers, jails and prisons) are also referred to as “correctional institutions” with the overall aim of safe custody and effective rehabilitation and reintegration of the inmates.

b. Inmate Classification

The first key domain is proper inmate classification. Inmate classification is the first step in the safe custody, successful rehabilitation, and reintegration of inmates. This applies to Detention Centers, Jails, and Prisons. Inmate classification entails theoretically sound criteria. Current literature suggests that inmates must be classified based on the principles of Risk, Needs, and Responsivity (RNR).²⁶ Inmate classification must be done immediately upon receipt of an inmate in a facility. As such inmate classification comes hand in hand with Inmate Reception and Orientation.

²⁵ In fact, Jails can also make the argument that they are not correctional institutions but rather law enforcement institutions. PDLs in jails are undergoing trial, and are thus legally presumed innocent. Subjecting inmates to undergo “rehabilitation” programs may imply that they are legally guilty. It is for this reason that the BJMP prefers to call its “rehabilitation office” as “Inmates Welfare and Development” which is more generic and does not presume guilt of inmates. However, due to the pragmatic reason that inmates in Jails stay longer than the ideal, and that inmates with a sentence of less than three years are mandated by law to stay in jail, this guidebook takes the position that it is for the inmates’ and the institutions’ benefit that inmate programs are offered.

²⁶ The RNR principles and practices were developed by Canadian correctionalists James Bonta and D.A. Andrews and their colleagues. See Andrews, D. A., & Bonta, J. (2006). *The psychology of criminal conduct* (4th ed.). Newark, NJ: LexisNexis. These principles have been accepted by many correctional workers and scholars all over the world.

The inmate classification guides other components like assignment to a housing unit and types of programs that inmates should participate in. As such, classification personnel must work closely with personnel in charged with housing and inmate programming. To be successful, a facility must have the structural, organizational, and cultural capacity and readiness to implement an effective classification scheme. The criteria for classification and the procedure for administering the classification are discussed next.

i. Risks, Needs, and Responsivity (RNR) Principles

Current correctional literature suggests that classification schemes are guided by the Risk, Need Responsivity (RNR) Principles. Briefly, the Risk principle suggests that the amount of supervision and control accorded to inmates will be based on their risk levels, that is, high-risk inmates require more programming supervision and control, and low risk inmates require less programming supervision and control. The Needs principle suggests that the factors that led inmates to criminal behavior must be properly diagnosed. The Needs principle assumes that there are different causes as to why individuals commit a crime. Upon identification of the causes of criminal behavior, an intervention program will be introduced that addresses the specific causes of the behavior. For example, inmates who maintain criminal thinking (that is, endorse a criminal and illegal behavior) must be provided with intervention programs that target their criminal cognitions. The Responsivity principle suggests that inmates respond differently to programs and those programs must be specifically tailored to their capacity to respond. For example, inmates with mental disabilities are less likely to respond to cognitive restructuring but respond more effectively to behavioral therapy. The Responsivity principle suggests that inmates must undergo an individualized treatment plan.

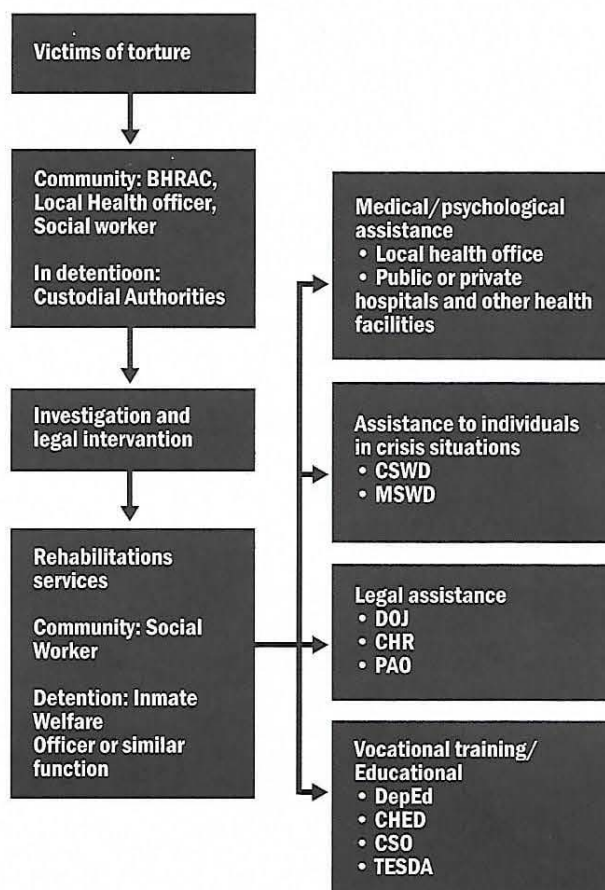
The RNR principles must guide the formulation of an Inmate Classification Instrument (ICI). This instrument will be utilized to guide efforts to effectively classify the inmates. This instrument must be regularly updated based on its capacity to predict inmate behavior. There must be trained personnel who can effectively administer the instrument. A model ICI is provided in this guidebook to direct initial efforts to develop an agency-specific ICI (See Appendix A).

ii. Substantive tasks on inmate classification, reception and orientation

For an effective classification of inmates to be realized, the correctional facility must have structural, organizational, and cultural capacity and readiness. In terms of structure, the facility must have fully trained personnel, attendant office space and equipment, and resources to fund the operation of the classification unit.

Flowchart: Management of Torture Cases.

Source: CHRP, RA 9745 Anti-Torture Act of 2009 and It's Implementing Rules and Regulations.



Importantly, the correctional facility must have a separate area designated as “Classification Cells” where newly arrived inmates are separated from the general population inmates. These classification cells must be clean and tidy, preferably with its own toilet and bath, and inmates have their own individual bed-bunks. For some inmates, their stay in the classification cells will be their first and only exposure to the correctional facility, and as such, it is important to leave a first good impression. In terms of organizational preparedness, the correctional facility must have a systematic registry, preferably computerized, of all the inmates. This registry must make sure that legal procedures are observed when an inmate is committed to the facility, like observance of medical test and evaluation of signs of torture. The correctional facility must likewise delineate the process of classification and orientation of newly arrived inmates, and this policy must be written and accessible. For example, all newly arrived inmates must be separated from the general inmate population for a specified period of time where they are introduced to the policies of the facility. The inmates must be informed of what constitutes contrabands, the disciplinary procedures, and ways of earning Good Conduct Time Allowance (GCTA) credits. In terms of culture, a welcoming atmosphere fostered by the correctional personnel and old-timer inmates, must be developed. Newly-arrived inmates must not feel threatened upon entry to the facility and inmates must be subjected to physical and psychological torture; instead, they should feel protected. The old penal practices where inmates are classified according to gangs and where inmates are “bought” by inmate cell leaders must be strictly discontinued.

iii. CHECKLIST

Determining compliance to a Human Rights Based Approach to Classification of inmates

- | | |
|--|--------|
| • The facility has a well maintained classification cell w/ individual bed bunks | Yes/No |
| • The facility has personnel unit assigned for classification | Yes/No |
| • The facility has resources allotted for purposes of classification | Yes/No |
| • The facility has a formal written policy on classification of inmates | Yes/No |
| • The facility has an instrument for classification | Yes/No |
| • The facility has a registry of incoming inmates | Yes/No |
| • The facility examines the medical conditions of newly arrived inmates | Yes/No |
| • The facility examines the newly committed inmate for signs of torture | Yes/No |
| • The facility provides orientation to all newly arrived inmates | Yes/No |
| • The facility is welcoming to newly committed inmates and not harassed | Yes/No |
| • The facility is protective of newly committed inmates | Yes/No |
| • The facility prohibits tattooing of newly committed | Yes/No |
| • The newly committed inmates are not threatened with torture | Yes/No |

iv. Making it work: Inmate classification in Detention Centers

Detention Centers managed by the PNP, NBI, PDEA, BI and AFP, even with a small number of inmates under their care, must still aspire to have a classification scheme in place. On top of the general checklist outlined above, **the Detention Centers must endeavor to do the following steps.** First, Detention Centers must be able to identify high risk inmates and relay this information to the BJMP Jails or Provincial Jails upon their transfer. As law enforcement agencies, they are more likely to have information on the level of criminal involvement and capacity for criminal networking of a particular inmate. The Detention Centers must also document their observations of the behavior of the inmates while under their custody. This information must be written so it can be utilized by the receiving BJMP Jails or Provincial Jails for their classification purposes.

The Detention Centers must likewise be able to determine the medical and psychological conditions of the inmates, especially those afflicted with communicable diseases, and those with potentially violent mental conditions. Segregating these inmates is important to keep a healthy and safe environment. The health information must also be recorded and transmitted to the BJMP Jails or Provincial Jails.

Additionally, considering the wide-ranging implications of gang affiliations on correctional management, there must be a well-defined policy against gang recruitment. Detention Centers must strictly enforce policies against tattooing of newly-arrived inmates. The cells must be regularly checked and cleared of tattooing paraphernalia. The Detention Centers must also orient inmates on the rules of the facility, list of prohibited items, and disciplinary procedures.

Finally, detention agencies must consider employing staff with competence and training in offender management. In particular, the PNP must assign police officers to the Detention Centers whose educational backgrounds are in criminology, social work, psychology, and other related fields. While their core function is still in law enforcement, the PNP, NBI, PDEA, BI, and AFP must send their personnel assigned in the Detention Centers for training in BJMP Jail National Training Institute to have a grasp of the importance and mechanisms of classification schemes.

v. Making it work: Inmate Classification in Jails

It is mandatory for the BJMP Jails and Provincial Jails to implement an inmate classification scheme. On top of the general guidelines listed above, ***BJMP Jails and Provincial Jails must consider the following:***

Jails with a population of more than 100 inmates must have an independent Inmate Classification Unit (ICU), with a fully trained staff, office space and functioning equipment. Jails with less than 100 inmates may designate a “Classification Officer” coming from a bigger departmental unit but whose task is centered on inmate classification. Regardless of population size, Jails must have “classification cells” with individual bed-bunks so newly arrived inmates can be segregated from the general population.

Jails must develop a written policy on inmate classification and develop a jail- specific Inmate Classification Instrument (ICI). The inmates must undergo the classification interview using the Inmate Classification Instrument (ICI) which will be the basis for housing assignment and inmate programming. The information gathered by officers from the Detention Centers (PNP, NBI, PDEA, BI, AFP) must be utilized by the BJMP Jail and Provincial Jail personnel to assess the level of risks, needs and responsivity of the inmates. Upon determination of the inmate level of risks, needs and responsivity, an inmate rehabilitation plan must be prepared by the classification officers. The inmate rehabilitation plan will specify the programs that inmates will participate in while they are in jail.

Inmates may stay in the “classification cells” for at least two weeks, where they will be properly oriented on house rules and regulations, the steps in the criminal procedures, different ways of early release, and mechanics of the Good Conduct Time Allowance (GCTA) law. Additionally, basic information must be gathered from the inmates. This includes demographic information, health information, biometric information, case information, criminal history, and life history of the inmates.

Even with a fully functional classification scheme, inmate classification to gangs will post a problem in the interim. In this current context, inmates with gang affiliations must be treated with respect. However, they must be educated and informed of the change in penal philosophy and the need to introduce HRBA to inmate classification. Gang members, who support the change in penal philosophy, must be given the

opportunity to renounce their memberships through removal (*pagbubura*) of their gang marks.

vi. Making it work: Inmate Classification in Prisons

The BuCor prisons currently have a fully operational Reception and Diagnostic Center (RDC) which currently classifies inmates. However, the classification outputs generated in the BuCor RDC are seldom implemented when inmates are transferred to their respective housing units due to the structural, organizational, and cultural problems earlier identified. Additionally, the classification criterion is outdated and the organizational structure is inefficient. As such, a *re-orientation and re-channeling of the classification scheme in the BuCor must be instituted*.

First, the classification criteria of the BuCor must be revised. The BuCor currently utilize “length of sentence” as the sole basis for classifying inmates. Inmates with a sentence length of more than 20 years are generally sent to the Maximum Security Compound and those sentenced 20 years and less are generally sent to Medium Security Compound. Inmates who are nearing the expiration of their sentences can be transferred to Minimum Security Compound. Utilization of a single criterion in classification of inmates lacks empirical validity. For example, many inmates with long sentences turn out to be low risks, while inmates with short sentences turn out to be high risks. The RNR principles, which incorporate factors that led inmates to criminal behavior, must be introduced in lieu of the sentence-based classification. All BuCor Prisons must therefore revise this antiquated criterion and develop an agency-specific Inmate Classification Instrument (ICI).

Additionally, the BuCor currently employs a central RDC for all incoming inmates. Most inmates all over the country are sent to the RDC for classification which is very costly for the BJMP Jails and the Provincial Jails as they carry the burden of transporting the inmates. The inmates are then transferred from the RDC to the NBP which is the nearest prison facility. Placing majority of the inmates in the NBP practically limits inmates from the provinces of access to their visitors. This also contributes to NBP overcrowding. Inmates are therefore transferred from the NBP to the different regional prisons as a mechanism to decongest the NBP population and as disciplinary actions against erring NBP inmates. This process in turn modifies the rehabilitation programming in the satellite prison camps as most of the inmates transferred are “NBP rejects.”

It is suggested that for the seven prisons and penal farms of the BuCor, a Reception and Diagnostic Center must be individually put in place. A separate RDC unit for each of the seven BuCor Prison facilities will ease up the burden of transporting all inmates to the central RDC located in Metro Manila.²⁷

When the individual RDCs are established, the RDC staff, in consultation with the inmate, must develop an Individualized Rehabilitation Plan. The Individualized Rehabilitation Plan must guide inmates on what rehabilitation modules to undertake while serving their sentences. The Inmate Rehabilitation Plan must also specify the length of housing placement for each inmate as they progress through their sentences.

In line with the provisions of the Good Conduct Time Allowance (GCTA) Law, the RDC staff in each BuCor Prison must also discuss to inmates the different ways in which he or she can be credited with GCTA. A key activity in the RDC is the simulation of how good behavior and participation in rehabilitation programs will translate to early release. This will impress to inmates that their release will all depend on their own performance.

²⁷ This will have to be done in coordination with the Supreme Court. The Supreme Court must reiterate its Circular No. 63-97 dated October 6, 1997 instructing the local courts to order the transfer of convicted inmates to their nearest regional prison facilities.

Thus, while in the RDC, inmates must be properly oriented on desirable inmate behaviors. Inmates must be oriented on prison rules and regulations. A Prison Inmate Manual must be provided to each inmate. The Prison Inmate Manual spells out the dos and don'ts inside the cells. It will also spell out the penalties that will be assessed to the inmates if they violate any of the rules and regulations. It will spell out the disciplinary process and the rights of the inmates in the disciplinary process.

Information previously gathered by the Detention agencies and BJMP Jails or Provincial Jails must also be compiled in the RDCs. This includes data on demographic information, biometric information, case information, criminal history, and life history of the inmates. The RDC must maintain a computerized database of inmate information. All documents pertaining to the inmates must have an electronic version (case decisions, certification of detention, certification of good moral character, etc.). This information must be systematically linked to the BuCor's Records and Document section database.

The re-structured RDC must be staffed with competent personnel. Masters level psychologists, social workers, criminologists, and sociologists with proven skills and backgrounds, must be hired to increase technical capacities of the staff. Computer programmers must also be hired to systematize the data collected in the RDC.

By having an integrated inmate classification scheme among Detention Centers, Jails, and Prisons, the different agencies can work in unison. There is a uniform understanding of the types of inmates under their care, the kind of information to be collected and documented, and the procedures that need to be implemented.

c. Inmate Housing

The second key domain in correctional management is inmate housing. These include proper housing provisions, housing assignment and segregation, and housing security. All these are closely intertwined with the inmates' level of risk, needs and responsivity.

■.....

Focus group discussion: What do local and international human rights standards say about the treatment of prisoners with regard to accommodation?

In all correctional facilities, housing provisions must consider the proper physical and psychological upkeep of the inmates. Cell and brigade spaces must be clean and spacious and inmates must have access to toilets and baths. Cells must also have proper humidity, ventilation and lighting. Inmates must be individually provided with bed bunks. In terms of cell services, food and water must be regularly served in a decent manner. There must be a well-maintained kitchen and mess halls. Inmates must be provided with sufficient clothing. Inmates must be regularly provided with toiletries and medicines when needed. There must also be decent areas for visitations. Cells must be sensitive to the needs of inmates with disabilities. Medical services must be made available to inmates. Inmates must have access to physicians and dentists.²⁸

The inmate classification scheme must guide the housing assignment and segregation scheme. Informed by the risks, need and responsivity (RNR) criteria, inmates with similar range of scores must be placed and segregated accordingly. High risk inmates require maximum supervision and control, limited inmate movement, and limited privileges. Low risk inmates, on the other hand, must be accorded minimal supervision and control, liberal inmate movement, and maximum privileges. Special housing must be designated for inmates with special needs. Women and under-age inmates must be separated from male and older inmates.

²⁸ These requirements are spelled out in UN Minimum Standards for the Treatment of Prisoners (1955) in which the Philippines is a signatory. These rules are recently updated and revised in the Nelson Mandela Rules promulgated by the UN General Assembly in December 17, 2015.

Inmates with communicable diseases must be segregated from the general inmate population to avoid contamination and spread of diseases.

In each of the housing levels, general population inmates can be grouped together in dormitories, wings within dormitories, or cells within wings, where they can be part of dormitory, wing or cell-based programs. This setup is in recognition of the communitarian (*damayan* and *bayanihan*) nature of Filipino inmates where they tend to create small communities.

Additionally, inmate housing must consider the safe custody of the inmates. All correctional facilities must develop a protocol for emergencies and natural calamities and prepare inmates and staff on what to do on those situations. There must also be a protocol on riots and other disturbances. Housing discipline procedures must be properly delineated. Inmates must be properly informed on the dos and don'ts of the facility. Contrabands must be properly listed and identified and protocol on searching must be properly spelled out. Custodial officers must have a proper and continuous training on security provisions. They must be courteous and respectful at all times. A protocol on the use of force must be developed and observed.

In recognition of the indigenous Filipino culture of *damayan*, *bayanihan* and respect to authority, the facilities must develop policies on utilization of inmate leadership in shared governance of the cells and brigades. As had been documented, the inmate leadership structure has developmental aspects. Inmate leaders, chosen based on certain criteria, can serve as "peer mentors" and "facilitators." The inmate leaders can be tapped to co-implement educational, religious, and sports programs.

Additionally, given the perennial lack of resources, it may be prudent for facilities to formally allow the entry of inmate resources, which is the current informal practice. However, the facilities must develop well stated policies on the use of inmate personal resources, like number of personal belongings (for example, electric fans, radio and TV sets), and the amount of cash that an inmate can maintain.

i. CHECKLIST

Determining compliance to a Human Rights Based Approach to Inmate Housing

- | | |
|---|--------|
| • The facility provides sufficient, food, water, medicines, clothing, toiletries for the inmates | Yes/No |
| • The facility provides well maintained cells with sufficient beddings, proper humidity, ventilation and lighting | Yes/No |
| • The facility provides areas for bathing, sufficient number of toilets, Kitchen, and mess hall, hospital/clinic | Yes/No |
| • The facility separates women, young, non-convicted inmates from men, old and convicted inmates | Yes/No |
| • The facility has a special housing for inmates with infectious diseases | Yes/No |
| • The facility is sensitive to the special needs of PWDs | Yes/No |
| • The facility has sufficient space for family and conjugal visitations | Yes/No |
| • The facility has sufficient custodial, medical and dental officers | Yes/No |
| • The facility has sufficient equipment for security | Yes/No |
| • The facility has a protocol on contrabands, riots and emergencies, inmate discipline, use of force, inmate movement and inmate privileges | Yes/No |
| • The facility has a protocol on the use of inmate leadership | Yes/No |
| • The facility has a protocol on use of inmate resources | Yes/No |

ii. Making it work: Inmate Housing in Detention Centers

The success of Detention Centers on inmate housing will rely primarily on how well they maintain the cells. At the very least, this is what they can provide to inmates. Detention Centers must strive to have a decent living cell space, with proper humidity, ventilation, and lighting. Basic material needs like water, food, medicines, and toiletries must be regularly provided. There must also be decent areas for toilet and baths. Cells must be tidy and cleaned regularly. A decent visiting area for family members and lawyers that is separate from the cells must also be provided.

It is quite a challenge for the PNP, NBI, PDEA, BI, and AFP to fully implement a housing assignment and segregation scheme for its inmates. Not only are there limited number of cells to use for segregation, there are also small number of inmates where segregation becomes unfeasible. Having said such qualifiers, these facilities must still aspire to segregate inmates based on sex, age, and medical condition. Male inmates must be separated from female inmates, minors must be transferred to institutions managed by the Department of Social Work and Development (DSWD), and inmates with communicable diseases or those who cannot psychologically deal with the rigors of incarceration in the inmate general population must be designated in special care cells.

Additionally, Detention Centers must ensure the safe custody of inmates. Cell rules and regulations must be properly specified and contrabands must be listed and strictly prohibited. Disciplinary procedures must also be properly spelled. An inventory of inmate belongings and surprise shakedowns must be regularly initiated. The behaviors of the inmates must be documented and a certification of good behavior must be attached to the inmates' *carpeta* which can be utilized by the Jails as basis for awarding Good Conduct Time Allowances.

iii. Making it work: Inmate housing in Jails and Prisons

Inmate housing in jails and prisons is more elaborate. Jails and prisons must deal with the large scale provision of food, medicines, clothing, toiletries, garbage services, plumbing and electrical needs, and other administrative and maintenance concerns. Jails and prisons must aspire to follow industry standards in the storage, preparation, and distribution of food. Jails and prisons must likewise check compliance on fire safety and other emergencies.

On top of this, housing assignment and segregation plays a more prominent role. In bigger facilities, the exposure of low risk inmates to high risk inmates may result to negative influence of inmate behavior. As such, inmates must be properly segregated.

For jails and prisons with a population of more than 100 inmates, housing units can be categorized in three security levels. These levels will correspond to varying levels of supervision and control, inmate movement, and privileges. For jails and prison with less than 100 inmates, most cells will be general population cells; however, special cells must be designated for the use of special need inmates.

iv. Level III housing (Maximum Security)

Level III housing is designed for inmates with higher levels of risk and needs. The level of control on inmate activities must be more restrictive. Intensive surveillance must be in place. Inmates must have a restricted movement and privileges must be minimal. For example, Level III inmates may be accorded limited hours of daily free time and reduced access to conjugal visitations. They may also have limited

access to monitored payphones. They may also be allowed limited number of personal belongings like radio or a television set. It is ideal that in any inmate population, not more than 10% of the inmates will be classified in this category.²⁹ Due to their higher risk levels, the number of inmates per cell in this housing unit should NOT exceed two inmates (double celling). As such, Level III is a high-maintenance section of the jail or prison and it must be sparingly used. Custodial officers assigned in housing Level III must have training in handling high-risk inmates. Rehabilitation officers assigned in this housing level should have training on individual counseling and cognitive therapies. Inmate programs are geared towards cognitive change like psychotherapy, counseling, and substance detoxification.

v. Level II housing (Medium Security)

Level II housing is designed for inmates with moderate levels of risk and needs. The level of control on inmate activities is less restrictive compared to Level III inmates. Moderate surveillance is in place. Inmates are freer to move around and have more privileges compared to Level III inmates. For example, inmates may have free time of up to 8 hours, accept conjugal visitations once a week, and can maintain five items of personal belongings.³⁰ Inmate programs are more geared towards social equipping like livelihood, education, and prison industries. In any inmate population, it is ideal that around 60% of the inmates will be classified under this category.³¹ The cell arrangement can be multi-occupancy where 6 to 8 inmates can form a basic unit. Programs can be implemented in the cells. Custodial officers assigned in this housing unit are expected to serve as role models for the inmates. Rehabilitation officers must be knowledgeable in implementing group programs like community therapies and faith-based programs. Inmates with good behavior can be recruited as “Peer Mentors” and they can serve to assist rehabilitation officers in implementing the programs. These “Peer Mentors” must be properly selected, trained and groomed and will serve as role models for inmates. The “Peer Mentors” however will not be given custodial functions over other inmates.

vi. Level I housing (Minimum Security)

Level I housing is designed for inmates with low levels of risk and needs. Inmates who are nearing the completion of their sentences can also be transferred to Level 1 housing. There is minimal control on inmate activities. Inmates are allowed to roam freely within the prison/jail premises. They may also be allowed work and home furloughs. Inmate programs are geared towards reintegration of inmates upon release like establishing ties with family, employment and community, and reaching out to victims. In any inmate population, it is ideal that 30% of the inmates are placed under this category. The cell arrangement can be cottage occupancy where 15 to 20 inmates can form a basic unit. Programs can be implemented on these cottages. Custodial officers assigned in this housing unit are expected to be role models. Rehabilitation officers must be equipped in implementing prisoner reentry programs. Like in the Level II, “Peer Mentors” can be mobilized in the implementation of rehabilitation programs.

vii. Special Housing

Special housing placements shall be in place for inmates with psychological and medical health needs. Inmates in need of protective custody from other inmates or inmates who perennially violate the rules or engage in violence shall be placed in special housing unit (SHU). Inmates in Special housing units are single cells or 1 inmate per cell.

²⁹ While the number of inmates assigned in a particular designated space depends on the characteristics of the inmates, it is prudent for penal facilities to plan ahead and designate cell spaces for a particular category of inmates. Ideally, a smaller number of inmates must fall under the category of high-risk inmates. See discussions in *The American Prison, Imagining a Different Future* (2014), a compendium of articles collated by Francis Cullen, Cheryl Lero Johnson and Mary Stohr, and other the leading correctional scholars in the US and other developed countries.

³⁰ The number and type of items must be determined by the specific agencies depending on their unique context.

³¹ Ideally, more inmates must fall under lower level category inmates.

Transfer of housing must strictly be based on behavioral criteria. Inmates who had dutifully followed the rules and regulations in higher-level security housing can be transferred to lower-level security housing. Inmates who failed to follow rules and engaged in infractions can be transferred to higher security levels. It is ideal that inmates advance to lower levels of security upon demonstration of good behavior and inmates are released from Housing Level 1 so they can avail of pre-release programs.

These new housing placement and segregation suggest that dorm and cell assignments must be reclaimed from the old inmate *mayores* system and the gangs. With a housing assignment based on RNR criteria, assigning inmates based on militaristic gang affiliations will no longer be tolerated. Jail and prison officers must have the sole prerogative to determine inmate housing placement. The “bidding process” where inmates are auctioned to the highest bidders must be eradicated. The placement of inmates to “Minimum” due to special arrangements with prison officials should be eradicated as well.

At the present context, this will be a very challenging task. Inmate *mayores* and gangs have fully taken over housing placement and segregation. The gangs in fact had privatized the cell spaces they occupied. Additionally, disrupting this age-old penal practice without the attendant facilities, personnel, and resources, will simply make the situation worse.

In the interim, the inmate *mayores* and the gangs must be redirected towards acceptance of the new penal philosophy. With proper criteria and procedure for the selection of officers, inmate *mayores* can be redirected towards developmental activities. Gangs can also be redirected as “Barangay” (Villages) where they can maintain their self-help activities and limit their militarism and violence.

When proper facilities, personnel and resources are in place, inmate *mayores* will transform into ‘peer mentors’ and the gangs will be replaced by legitimate inmate organizations.

d. Inmate programming



Inmates participating in educational program

Inmate programming is another key domain of effective correctional management. Upon successful inmate classification and housing placement, inmates must undergo a holistic and sustained programming. The programs must address the criminogenic factors that led inmates to the commission of their crimes. The classification scheme, which are based on RNR criteria, will inform what programs should be undertaken by the inmate. For example, inmates who used and abused drugs must undergo drug anti-relapse prevention programs and inmates who committed sex-

related offenses must undergo sex therapy programs. This suggests that programs must be individualized and no “one shoe fits all” inmates.

Inmate programming goes hand in hand with inmate housing. Program content and delivery will vary based on inmate’s housing levels. In more restrictive settings (Level III) emphasis will be on cognitive change programs. In less restrictive settings (Level II and I) inmates can be introduced to equipping and reentry programs.

Inmate programming, like the other components, entails the provision of facilities, personnel and resources. In terms of facilities, there must be areas for inmates to conduct the rehabilitation programs. At

the minimum, there should be areas for educational, spiritual, livelihood and sports/recreation activities. These areas must be independent and separate from inmate housing. In terms of personnel, correctional staff must receive proper training and education on the factors related to criminal conduct and the approaches to overcome offending. Rehabilitation officers must be knowledgeable in matching inmates' needs and program offerings and must be adept in administering the programs. In terms of resources, the rehabilitation units of the correctional facilities must be provided with sufficient operational funds to keep the programs running.

i. Program Characteristics

Inmate programs must be theoretically guided. That is, new programs that are introduced must be assessed on how it can actually improve inmate behaviors. The specific activities in the programs must be delineated on how it will address inmate criminogenic behaviors. Currently, there are many programs introduced in penal facilities without sound theoretical guidance. "Dancing inmates," "Inmates got talent" and other contests, while popular, are not necessarily rehabilitative. Additionally, programs must be evaluated based on efficiency. Some programs negatively affect the inmates. For example, "basketball tournaments" among inmates had been a source of gambling in most jails and prisons. It is not a coincidence that jail and prison riots happen after a "sporting event."

This is not to say that "Dancing inmates" and "sports events" should be totally disallowed. These activities may be allowed as long as there are clear and well stated reasons for why these programs are introduced. These disparate programs must be integrated to form a unified set of programs. The correctional facility must have a complete list of programs that is offered, the type of inmates who will undergo the programs, the duration of the program, and the amount of GCTA that can be awarded upon successful completion of the program. Programs must also have a clear curriculum and syllabus. Non-Governmental Organizations, Religious Groups and other service providers that wish to collaborate in the inmate programming must be assisted in developing the curriculum or syllabus of the programs they are offering.

Inmate programs must be modular, with a beginning and ending dates, so that the amount of GCTA credits can be properly computed. Programs can run for one month, three months, six months, and

Inmate programming based on Mandela Rules

Rehabilitation/resocialization programs [Rules 4, 88, 89, 91-94, 96-108] Prisons should offer education, vocational training, work, and any other assistance needed for the purpose of rehabilitation/ resocialization and reintegration. This reflects the primary purpose of imprisonment to protect society and reduce recidivism. To be successful such programs should be individualized. Prisons should recognize the key role staff play in the rehabilitation of prisoners.

Work [Rules 40, 96-103] Servitude, slavery or requiring prisoners to work for the personal or private benefit of any prison staff is prohibited. Any work should be useful for a prisoner's job prospects after release or be remunerated, and take place in safe and legal conditions. Prisoners must not be employed in a disciplinary capacity.

Meaningful activities [Rules 4, 23, 64-66, 105] Providing meaningful activities supports prison management as well as the mental health and rehabilitation of prisoners. Opportunities for sport should be provided and at least one hour per day of outdoor exercise permitted. A prison library must be available and prisoners should be allowed to practice their religion.

Education [Rule 104] As education plays an important role in preventing recidivism, learning opportunities should be provided to prisoners. Classes offered should be of the same level as the community education system and available to all prisoners. For illiterate or young prisoners, education is compulsory. Source: Short Guide on the Nelson Mandela Rules, Penal Management Reform, 2016

one year durations. Inmates must be awarded GCTA credits upon completion of the modular program. Program managers must issue a sealed “certification of completion” for every program that inmates completed. The certificate must contain information about the length of the program and amount of GCTA awarded to the inmates.

ii. Role of Families and Service Providers

Families and service providers play an important role in the rehabilitation and reintegration of inmates. They not only support the correctional agencies in provision of the basic needs of the inmates, they also play an important role for inmates to overcome the pains of imprisonment. They keep the inmates connected to the outside world and they also help shield inmates from the corrupting influences of imprisonment. As such, families and service providers must be encouraged to visit and interact with the inmates. This is applicable to all types of inmates, whether high risks or low risks. Having recognized the importance of families and service providers, certain programming protocols must be followed. A visitor’s list for each inmate must be constructed and visitors must be subjected to screening procedures so as not to compromise the security of the facility. A complete listing of service providers must also be developed and a process of recognition / accreditation must be put in place.

iii. CHECKLIST

Determining compliance to a Human Rights Based Approach to inmate programming

- | | |
|--|--------|
| • The facility offers educational, spiritual, livelihood, recreation/sports and reentry programs | Yes/No |
| • There are sufficient fully trained and courteous rehabilitation officers | Yes/No |
| • Rehabilitation officers are knowledgeable on inmate programming | Yes/No |
| • The facility has protocol on the selection of participants | Yes/No |
| • Inmates participate based on their needs | Yes/No |
| • The facility has protocol on recognition of service providers | Yes/No |
| • Programs have beginning and end | Yes/No |
| • Programs have clear curriculum | Yes/No |
| • Programs have basis for evaluation | Yes/No |
| • Programs have continuity with other programs | Yes/No |

iv. Making in work: Inmate programming in Detention Centers

It is not a mandate for the PNP, NBI, PDEA, BI and AFP Detention Centers to implement rehabilitation programs. These agencies are law enforcement or security agencies. These agencies are tasked to hold inmates temporarily for the purposes of investigation. The solution therefore is the immediate transfer of the inmates to the Jails. The Detention Centers must coordinate with the prosecutors and court offices in achieving the reglementary period of 36 hours of temporary detention.³² The Detention Centers must not allow the request of inmates who overstay.

However, given the current reality of prolonged detention and of inmates serving their time while in detention, there are pragmatic reasons for the Detention facilities to introduce inmate programming.

³² This requires coordination with the Supreme Court as well. Especially in high profile cases, the courts decide on where the accused are detained, which are based on legal and not on penological criteria. The courts may decide that an accused be kept in the PNP custody. This usually creates imbalances in the penal system. For example, police officers are made to guard a high profile inmate, which is not a police core function, and thus depriving the public of the law enforcement services of these police officers. The Bureau of Jail Management and Penology, which has core competency in jail management, must be empowered to take custody over all high-profile inmates undergoing trial. The BJMP must be supported in constructing a facility for these types of inmates.

Detention Centers must aspire to introduce meaningful activities for inmates to while away time and to reduce the stress and other harmful effects of incarceration.

Detention Centers must at least have areas for recreation and sunning. Most Detention facilities are located inside buildings and inmates are seldom exposed to sunlight. Without sufficient exposure to sunlight, inmates are physically and psychologically drained. Detention officers must therefore incorporate activities that safely bring the inmates out of their cells.

Inmates must be encouraged contact to the outside world. Families, friends and other relations of inmates must be encouraged to visit. Visiting opportunities increase the chances that inmates are able to maintain their family ties. If unable to visit, communication with family members, through the use of monitored phones, must be provided. Reading materials and radio and televisions must be provided. Without meaningful activities, inmates become bored and restless. Strict visitation guidelines must be in place to secure visitors and inmates alike.

v. Making it work: Inmate programming in Jails and Prisons

BJMP and Provincial Jails and BuCor prisons are mandated by law to provide rehabilitation programs.

The *Inmate Classification Unit* (for BJMP and Provincial Jails) and *Reception and Diagnostic Center* (for BuCor Prisons) must provide each inmate with an Inmate Rehabilitation Plan. The plan must identify the programs the inmate will participate in for at least the first two years of stay in jail or prison. The Inmate Rehabilitation Plan will form part of the *carpeta* (files) of the inmates. The rehabilitation officers, who will design the Rehabilitation Plan for succeeding years, will conduct assessment of the performance of the inmates.

The inmates must undergo modular programs. That is, programs must have a beginning and an ending date. This will ensure that there is a basis to determine inmate completion of programs. Programs can run for 3 months, 6 months and 1 year. All programs must have clear criteria for participation and selection so that inmates needs and program content will match. The programs must have a clear description and must identify specific activities that inmates undergo to. There must be a curriculum or a syllabus that describes the content of the programs. The programs must also be based on sound criminological theory and needs to be continually evaluated. Programs that are not effective in reforming the inmates need to be discarded. All new programs must be pilot-tested for effectiveness prior to wide scale implementation.

The programs can be generally classified in three broad categories: Cognitive change programs, equipping programs, and reentry programs. Cognitive change programs are programs intended to change criminogenic thinking and behavioral patterns among the inmates. These programs are most helpful for inmates in the higher levels of security (III and II) and for inmates who are new to the correctional system. The programs include: Cognitive restructuring, Anger Management, Psychotherapy, Therapeutic community, Intensive counseling, and Drug detoxification. Faith based programs and Yoga can also be placed under this category. Equipping programs are programs intended to improve the social and technical skills of the inmates. These programs are most helpful for inmates in the lower levels of security (II and I) and for inmates who completed most of the cognitive change programs. The

guard a high profile inmate, which is not a police core function, and thus depriving the public of the law enforcement services of these police officers. The Bureau of Jail Management and Penology, which has core competency in jail management, must be empowered to take custody over all high-profile inmates undergoing trial. The BJMP must be supported in constructing a facility for these types of inmates.

programs include: educational and vocational programs, computer literacy, livelihood, crafts making, arts and the like. Reentry programs are programs that are intended to prepare inmates for their release. These programs are most helpful for inmates in the lowest security level (level I) and inmates about to be released (at least two years before release). The programs include: work furloughs, resume development, connecting with potential employers, locating family members, and reaching out to victims and community.

All these programs can be offered in the different Housing Levels but with varying emphasis. Cognitive change programs will be emphasized in Security level III, equipping programs in Security Level II, and reentry program in Security Level I.

The Jails and Prisons, through its Inmates Welfare Development (IWD) (for BJMP Jails) or Rehabilitation Section (for BuCor Prisons), will supervise the implementation of the programs. The IWD/ Rehabilitation Section will come up with a list of program offerings, the number of inmates that can be accommodated in a particular offering, the type of inmates that will be accommodated in a program offering, and the length of time the program will be offered. Non-governmental organizations, religious groups, and other service providers, must provide a detailed description of their programs. The BuCor shall evaluate whether programs are congruent to the overall goals of the institution and these programs may be approved (or disapproved) for implementation.

As mentioned, good behavior inmates can be tapped as “Peer Mentors” and they can help facilitate the implementation of the programs. Inmates must be trained and groomed for these roles. They must serve as role models to other inmates. For inmates to become and remain as “Peer Mentors”, they should continually exhibit good character and should not be involved in rule infractions. In exchange for their participation, “Peer Mentors” can be provided with more privileges and grant of the GCTA.

The success of the inmate programming depends on the level of integrity of jail and prison officials. As such, jail and prison officers should do away with personal fraternization among the inmates. There should also be a strict prohibition against “*matic*” (in jails) or “*orbit*” (in prisons) where guards request money from the inmates. Jail and prison guards must also do away with favoritism and treat the inmates equally.

e. Documentation and Assessment of inmate behaviors

The fourth key domain of effective correctional management is documentation and assessment of inmate behaviors. This domain ties up all the components and leads back to inmate reclassification. Effective documentation and assessment also leads to evidence-based policy making. With the passage of the GCTA law and the advent of the Single Carpeta³³, the documentation must be integrated and simplified.

.....
Focus group discussion:
How do we challenge
and resolve common
arguments and issues
on the absence of
or limitations in the
documentation and filing
systems and registry of
prisoners and detainees?

In every correctional facility, a Records Unit must be constituted. The Records Unit will serve as a repository of all the documents collected for each and every inmate. These include documents collated from the court, the detention centers, jails and prisons, or as the stage may be. Information collected in the classification stage (scores in the classification stage, personal history, etc), participation in inmate programming, and

³³ The Single Carpeta is an Inmate Management and Information System that aims to integrate the data collected from the police, BJMP, provincial jails, BuCor, Board of Pardon and Parole and the Parole and Probation Office.

violation of rules must also be thoroughly collected. The Records Unit must also serve as a monitor on the length of stay of the inmates and make sure that inmates do not exceed their maximum imposable penalties. The Records Unit must be able to produce information on the current status of the inmates (stage of trial) and those nearing the completion of their sentences.

The Records Unit must also be staffed with competent personnel. Masters level statisticians, policy analysts, and public administrators must be hired to increase the competency of these offices. The data collected can be a rich source of information that can guide the formulation of new policies.

i. CHECKLIST

- | | |
|---|--------|
| a. The facility has office for documentation and assessment | Yes/No |
| b. The facility has equipment for documentation | Yes/No |
| c. The facility has personnel assigned for documentation and assessment | Yes/No |
| d. The documentation and assessment personnel have relevant education | Yes/No |
| e. The documentation and assessment personnel have sufficient training | Yes/No |
| f. Overall, the documentation and equipment are well-maintained | Yes/No |
| g. Overall, there is sufficient budget for documentation and assessment | Yes/No |
| h. The facility monitors the length of stay of the inmates | Yes/No |
| i. The facility identifies inmates who are overstaying | Yes/No |
| j. The facility provides a certification of detention to inmates | Yes/No |
| k. The facility systematically collects data on inmate participation in programming | Yes/No |
| l. The facility systematically collects data on inmate rule infraction | Yes/No |
| m. The facility has a protocol in granting GCTA | Yes/No |
| n. The facility provides a certification of GCTA credited to inmates | Yes/No |
| o. Documentation and assessment of inmate behaviors guide housing assignment | Yes/No |
| p. Documentation and assessment of inmates behaviors guide grant of privileges | Yes/No |

ii. Making it work: Documentation and assessment in Detention Centers

The Detention Centers must be able to document the day of arrest, length of days spent in the detention center, and the day of transfer to the Jails. By law, the time spent in the Detention Centers should be counted towards service of sentence, if the inmates are eventually found guilty. Additionally, the Detention Centers must provide a Certification of Good Character for inmates who dutifully complied with institutional rules. This can be utilized by the Jail Warden, if the inmates are so transferred, in the awarding of the GCTA.

iii. Making it work: Documentation and assessment in Jails and Prisons

Jails and Prisons need to document participation in inmate programming and rule violations. The IWD / Rehabilitation Section and the specific service providers who offered the programs must provide a Certificate of Completion for every inmate who completed a program offering. Participation in these programs must count towards the awarding of the inmates Time Allowance for Studying, Teaching, and Mentoring (TASTM) portion of the GCTA. The IWD/ Rehabilitation officers must furnish the Records Unit information of all the rehabilitation participation of the inmates.

Inmates' institutional behavior must also be documented. This includes rule violations, conflict with inmates and staff, and other behaviors that are prohibited in the Inmate Manual. The Custodial Unit must furnish the Records Unit information on all the rule violations committed by the inmates.

The overall body of work of the inmates must be continually assessed. This shall form the basis for reclassification of inmates and transfer to lower levels of housing security. Inmates may apply for reclassification of their housing placement upon completion of the programs designated in the Inmate Rehabilitation Plan.

The re-classification of inmates must be based purely on merit. This suggests that the old practice of creating a list of inmates to be transferred to a different housing unit and requiring inmates to pay a bribe in order to be removed from the list must be done away with. Additionally, the creation of certification of participation and good conduct must be based on documentary evidence. The old practice of providing certifications based on personal memory, a practice susceptible to abuse, needs to be eradicated.



Inmates successfully completing the requirements of the college degree in the Medium Security Compound of the New Bilibid Prison

V. Summary and Concluding remarks

THIS GUIDEBOOK spells out the overall domains that penal managers (Detention Centers, Jails and Prisons) must adhere to in order to achieve Human Right-complaint facilities. This guidebook must be considered a first step in determining agency-specific procedures that will institutionalize efforts to adhere to Human Rights standards. Specifically, by devising mechanisms to improve inmate classification, housing, programming, and documentation and assessment of inmate behaviors, previous practices that rely on informal and unwritten rules will slowly be eradicated.

Facilities that adapt these HRBA to Penal Management must be documented and assessed. Their experiences must be able to provide guidance on the validity and utility of the claims of this HRBA. Their experiences must be the basis for further fine-tuning the steps laid out in the guidebook.

In the end, this guidebook aims to start a meaningful discussion on the systemic and systematic nature of the Philippine Penal System. If Police and other law enforcement and security agencies, Jails, and Prison administrators and officers come to a realization that their tasks and activities are intimately intertwined, and that they need their long-term and sustainable cooperation, then the guidebook has done its primary objective.

TABLE 4. Human Rights Based Approach to Integrated Penal Management

Domains of Penal Management	Detention centers	Jails	Prisons
Inmate Classification	Classification based on risk, needs and responsivity; proper reception; proper orientation; Information on inmate criminal history	Classification based on risk, needs and responsivity; proper reception; proper orientation; preparation of inmate rehabilitation plan; formation of Inmate Classification Unit	Classification based on risk, needs and responsivity; proper reception; proper orientation; preparation of inmate rehabilitation plan; formation of the Reception and Diagnostics Center
Inmate housing	Adequate provision of food, clothing, and shelter, segregation by sex and age; observance of proper security	Proper housing provisions, proper segregation based on RNR; observance of proper security	Proper housing provisions, proper segregation based on RNR; observance of proper security
Inmate Programming	Emphasize immediate transfer to jails; provision of recreation and sunning, encourage contact to the outside world	Matching of inmates' needs and program offerings; modular programming	Matching of inmates inmate needs and program offerings; modular programming
Documentation and assessment	Proper collection of Court documents; Length of stay in detention; participation in inmate programming and rule violations documented; certification of good moral character	Proper collection of Court and police documents; Length of stay in detention center and jail; participation in inmate programming and rule violations documented; certification of good moral character	Proper collection of court, police and jail documents; Length of stay in prison; participation in inmate programming and rule violations documented; certification of good moral character

VI. References

- Bonta, James and D.A. Andrews. *The Psychology of Criminal Conduct*. Newark, New Jersey. 2006.
- Bureau of Corrections Annual Report, 2015.
- Bureau of Jail Management and Penology Annual Report, 2015.
- Commission on Human Rights of the Philippines (CHRP). "Position Paper on the PNP Modernization Bill (Supporting the Strengthening of the PNP Towards Community and Human Rights Based Policing)." 28 December 2015.
- CHRP. "Human Rights Advisory: On the Lack of Standard Police Stations and Lock Up Cells in Some Municipalities/Cities (Uplifting the Welfare And Dignity Of PNP Personnel, An Initial Step Toward Human-Rights Based Governance)." 28 December 2015.
- CHRP. "Human Rights Advisory: On the Right to Adequate Food of PNP Detainees (The Right to Adequate Food: An Inclusive Right)." 28 December 2015.
- CHRP. Human Rights Advisory: On the PNP's Compliance on the UN Standard Minimum Rules for the Treatment of Prisoners (Ensuring the Integrity of Data of Detainees and Policy on Detention, A State Obligation)." 28 December 2015.
- CHRP. "Human Rights Advisory: An HRBA Training of PNP Personnel in Handling Detainees (Enhancing the Capabilities of the PNP)." 28 December 2015.
- CHRP. "A study of the Human Rights situation in Police lock-up cells in the National Capital Region." April 2015.
- Cullen, Francis T, Cherly Lero Jonson and Mary K Stohr (eds). "The American Prison, Imagining a Different Future." Sage. Thousand Oaks: California. 2014.
- Office of the High Commissioner for Human Rights (OHCHR). "International Human Rights Law." Accessed at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>
- Narag, Raymund. "The Current State of the Bureau of Corrections." A paper submitted to the Department of Justice. 2014.
- Narag, Raymund. "Freedom and Death Inside the City Jail." Supreme Court Press. Manila: Philippines. 2005.
- Penal Reform International. Short Guide to the Nelson Mandela Rules. January 2016. Accessed at http://www.penalreform.org/wp-content/uploads/2016/01/PRI_Nelson_Mandela_Rules_Short_Guide_WEB.pdf.
- United Nations Office on Drugs and Crime (UNODC). *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*. 2006. Accessed at http://www.unodc.org/pdf/compendium/compendium_2006.pdf.
- United Nations Standard Minimum Rules for the Treatment of Prisoners. 1955.

VII. Appendices

APPENDIX A. Model Inmate Classification Instrument (ICI)

Criteria	Response set	Unit	Score	Comments
Nature of offense				
Violent offense	No/Yes	0 / 1		
History of substance use	No/Yes	0 / 1		
History of drug dealing	No/Yes	0 / 3		
Organized crime	No/Yes	0 / 3		
Violent extremist	No/Yes	0 / 4		
Repeat offender	No/Yes	0 / 4		
Family status	Supported/Not supported	0 / 1		
Criminal history	Situational/Persistent	0-5		
Criminal attitude	Index (5 questions)	0-5		
Criminal network	Index (5 questions)	0-5		
Institutional behavior	Index (5 questions)	0-5		
Medical condition	Without communicable disease			
Psychological condition	Can function independently			

Criminal attitude Index

1. Ang batas ay ginawa para labagin (No/Yes) _____
2. Okay gawin anuman ang gusto ko (No/Yes) _____
3. Walang tama o maling paraan sa paggawa ng pera (No/Yes) _____
4. Wala akong pakialam sa pag-aaway ng mga tao (No/Yes) _____
5. Gagawin ko kahit ano para mabuhay (No/Yes) _____

Criminal network Index

1. Marami akong kakilala na (depende sa kaso) (nagbebenta ng droga,snatcher) (No/Yes) _____
2. Panatag ang loob ko sa mga barkada kong (depende sa kaso) (No/Yes) _____
3. Kung ako'y lalaya, makakatulong sa akin ang mga dati kong kasama (No/Yes) _____
4. Kaunti lang ang kaibigan kong parehas ang trabaho (No/Yes) _____
5. Malaki ang paghanga ko sa mga (depende sa kaso) na hindi nahuhuli (No/Yes) _____

Institutional behavior Index (reverse coded)

1. Ang inmate ay masunurin sa presinto (pulis, NBI, PDEA) (Yes/No) _____
2. Ang inmate ay walang nilabag na alituntunin sa presinto (Pulis, NBI, PDEA) (Yes/No) _____
3. Ang inmate ay masunurin sa ICU (Yes/No) _____
4. Ang inmate ay walang nilabag na alituntunin sa ICU (Yes/No) _____
5. Ang inmate ay handang sumali sa mga gawain (Yes/No) _____

Qualitative evaluation of ICU personnel

- ☞ Personnel must make evaluation on the demeanor, level of remorse and culpability of the inmate

Personal statement of inmate

- ☞ Inmates may provide an essay "Bakit ako narito sa kulungan" (confidential)

APPENDIX B. Sample Program Offerings

Programs offered in _____

Title of program	Type of program	Service provider	Length of program	Type of clients	Maximum participants	GCTA credits
Orientation program for newly committed inmates	Cognitive change	Composite team (custodial, IWD, paralegal, records)	2 weeks	General population	100	14 days
Anti-drugs relapse program	Cognitive change	ABC provider	3 months	Drug related	20	90 days
Anger management program	Cognitive change	EXY provider	2 months	Violence related	20	60 days
Life in the spirit seminar	Cognitive change	AAA provider	3 months	General population	40	90 days
Leadership training program	Behavioral change	IWD	1 week	Inmate leaders	30	7 days
Crafts-making program	Equipping program	MMM provider	2 months	General population	50	60 days
Inmates got talent	Recreation program	IWD	1 month	General population	50	30 days
Work Furlough	Pre-release program	WWX provider	2 months	Inmates nearing completion of sentence	10	60 days

APPENDIX C. Sample Inmate Rehabilitation Plan

Name of inmate				Risk score			Date Committed		
Cell/dorm				Needs score			Target date of release		
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 5	Quarter 6	Quarter 7	Quarter 8	Quarter 9
Cognitive Change programs									
Equipping programs									
Reentry programs									

APPENDIX D. Designing A Program Curriculum

1. What are the goals of your program?

2. Why do you offer this program? (Program rationale)

3. To whom will you offer the program? (Criteria for participation)

4. What are the components of your program? (Describe the modules)

5. How will you administer the program?

6. How will you determine program success?

7. How is your program related to other programs?

VIII. Glossary of Terms

Batas ng Kulungan	Inmate rules and regulations
Bayanihan	A Filipino cultural trait that emphasizes community support
Bagito	First-timer inmates
Bastonero	Inmate cell officer in-charge of discipline
Bilibid	Originally referring to the New and Old Bilibid Prison. A colloquial word for a detention center, jail or prison
Bosyo	Top position in an inmate hierarchy; brigade or gang leader
Buyonero	One who cleans the <i>buyon</i> (restroom)
Carpeta	Inmate files
Chairman	Inmate cell leader
Commander	Another name for the top position in an inmate hierarchy, <i>pangkat</i> leader
Damayan	A Filipino cultural trait that emphasizes helping one another; sharing of resources
Karancho/Kasalo	<i>Rancho</i> means food, <i>ka-rancho</i> means food grouping, also <i>kasalo</i> (food groupings)
Kubol	Cubicle, private rooms constructed by inmates, either inside or outside of the cell
Kulungan	A detention center, jail, or prison
Mayores	Cell or brigade leader, inmate leadership structure
Magna Carta	Another word for Inmate <i>Batas ng Kulungan</i>
Nanunungkulan	Inmate with a leadership position
Orbit/Matik	A corrupt practice where prison and jail guards extort from cell to cell, like the earth orbiting the sun. <i>Matik</i> is short for automatic
Padrino	A patron
Pagbubura	Removal of inmate tattoos and other marks
Pangkat	Gang or inmate brotherhood
Pangungulungan	Prisonization; experiencing prison
Patakaran	Cell rules and regulations promulgated by the inmates and tacitly endorsed by the prison staff; also called Magna Carta
Presohan	Same as <i>kulungan</i>
Rancho	Food
Takal	Paddling; a form of punishment
Talipapa	Market, where inmates can purchase goods and services
Tarima	Beds constructed by inmates
Tayman	Inmates in and out of jail or prison
VIP	Literally, Very Important <i>Preso</i> . Inmate who avail of privileges inside the cells in exchange of the financial support he/she provides. <i>Big-time</i> VIP refers to inmates who shoulder the major operational expenses of the cells/brigades



Acknowledgements

Agencies with Direct Penal Work

Board of Pardon and Parole
Bureau of Corrections
Bureau of Jail and Management Penology
Parole and Probation Administration

Agencies with Indirect Penal Work

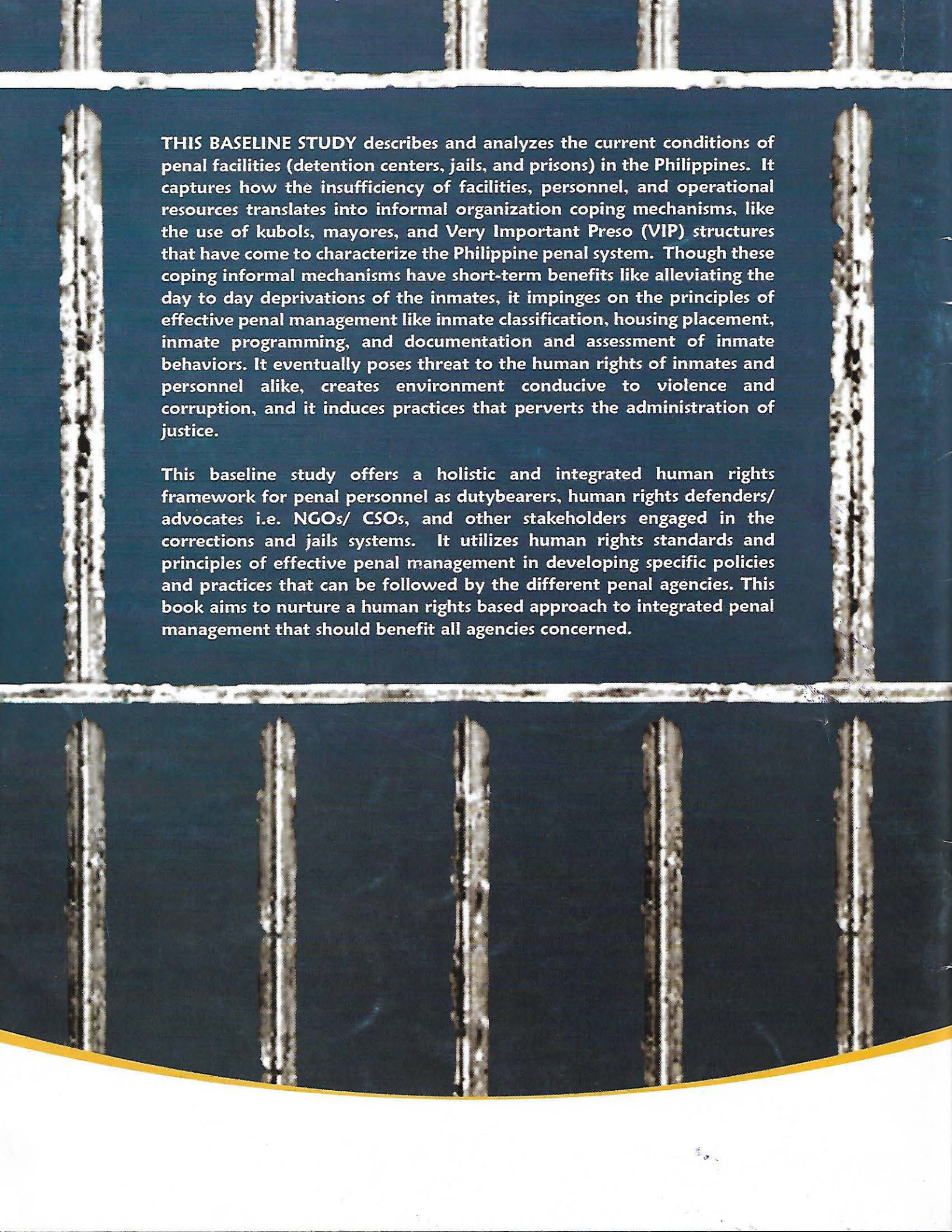
Armed Forces of the Philippines
Bureau of Immigration
Department of Justice
Department of the Interior and Local Government
Philippine Constabulary-Integrated National Police
Philippine National Police
Philippine Drugs Enforcement Agency

Commission on Human Rights of the Philippines

Chairperson Jose Luis Martin C. Gascon
Commissioner Leah P. Armamento
Commissioner Karen S. Gomez-Dumpit
Commissioner Gwendolynn LL. Pimentel-Gana
Commissioner Roberto Eugenio T. Cadiz
Atty Brenda Canapi
Atty Sheena Usquina-Binaro
Atty Julie Anne Regalado
Atty Jaime Arroyo
Atty Francis Tom Temprosa
Atty. Ida La'O
Ms. Dulce Parinas
Ms. Marizen Santos
Ms. Rahnesh Ramos

UNDP Democratic Governance Unit

Dr. Emmanuel E. Buendia, Team Leader for the Democratic Governance
Ms. Judith R. Fortin, Project Manager for the CHR Projects
Ms. Felicitas D. Orantes, Senior Project Assistant for the CHR Projects

The background of the entire page is a photograph of vertical metal prison bars, creating a grid-like pattern. The bars are dark and weathered, set against a lighter, slightly blurred background.

THIS BASELINE STUDY describes and analyzes the current conditions of penal facilities (detention centers, jails, and prisons) in the Philippines. It captures how the insufficiency of facilities, personnel, and operational resources translates into informal organization coping mechanisms, like the use of kubols, mayores, and Very Important Preso (VIP) structures that have come to characterize the Philippine penal system. Though these coping informal mechanisms have short-term benefits like alleviating the day to day deprivations of the inmates, it impinges on the principles of effective penal management like inmate classification, housing placement, inmate programming, and documentation and assessment of inmate behaviors. It eventually poses threat to the human rights of inmates and personnel alike, creates environment conducive to violence and corruption, and it induces practices that perverts the administration of justice.

This baseline study offers a holistic and integrated human rights framework for penal personnel as dutybearers, human rights defenders/ advocates i.e. NGOs/ CSOs, and other stakeholders engaged in the corrections and jails systems. It utilizes human rights standards and principles of effective penal management in developing specific policies and practices that can be followed by the different penal agencies. This book aims to nurture a human rights based approach to integrated penal management that should benefit all agencies concerned.