



INL GUIDE TO CORRECTIONS ASSISTANCE



UNITED STATES DEPARTMENT OF STATE

Bureau of International Narcotics and Law Enforcement Affairs

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Foreword

“Effective implementation of rule of law reforms can only be accomplished if corrections is part of the equation.”

– **Keynote Address to the 15th Annual International Corrections and Prisons Association Conference on October 28, 2013, William R. Brownfield**

The mission of the Bureau of International Narcotics and Law Enforcement Affairs (INL) is to minimize the impact of international crime and illegal drugs on the United States and its citizens by providing effective foreign assistance and fostering global cooperation. The complex and transnational nature of crime can only be countered when nations work together to build effective and responsive criminal justice systems. This is why INL focuses on a broad range of criminal justice capacity building and related policy efforts around the world.

A criminal justice system will only be as effective as its component parts – police, justice, and corrections – and for a system to be fully effective it must give sufficient attention to the quality of all its institutions. Shoring up one institution without addressing the weaknesses of the others is not sustainable. This is often seen in the lack of attention paid to the quality and functionality of correctional systems in countries with chronically weak justice systems.

INL has produced a series of guides to aid Department of State employees in criminal justice program assessment, design, and execution. This particular guide focuses on how reforms and sound correctional practices can support safe, secure, humane, and transparent correctional institutions. It highlights principles, concepts, and best practices for professionals to incorporate into programming.

I expect this guide will be useful in INL’s efforts to develop and manage corrections assistance programs, and I hope it is helpful to those outside INL as well. I encourage you to share with our Office of Criminal Justice Assistance and Partnership (INL/CAP) your best practices and lessons learned so that we can incorporate them into future iterations of this guide.

Thank you.



William R. Brownfield
Assistant Secretary of State

Why Corrections Matters

Correctional systems – including detention, imprisonment, probation, parole, and community supervision – are essential components of an effective criminal justice system. Correctional systems support law enforcement and the judiciary, and promote public safety by safely, securely, and humanely managing individuals in conflict with the law while providing opportunities for them to rehabilitate and successfully integrate back into society.

Ineffective, corrupt, and inhumane correctional systems can have adverse effects on society by contributing to instability and undermining the legitimacy of the government. Such systems also exacerbate crime and undermine criminal justice by serving as safe havens for individuals and enabling criminal organizations to continue conducting criminal activities and enterprises.

The following examples illustrate how prisons and jails operated by ineffective, corrupt, or inhumane administrators can fail in their mission:

Brazil

In May 2006, Brazil's notorious prison gang, First Command of the Capital (*Primeiro Comando da Capital*), used contraband cell phones to orchestrate riots in 18 prisons throughout the state of São Paulo as well as violence in the streets of the city. More than 115 people were killed, including 40 police officers. The riots and street violence paralyzed the city of São Paulo for several days.

Afghanistan

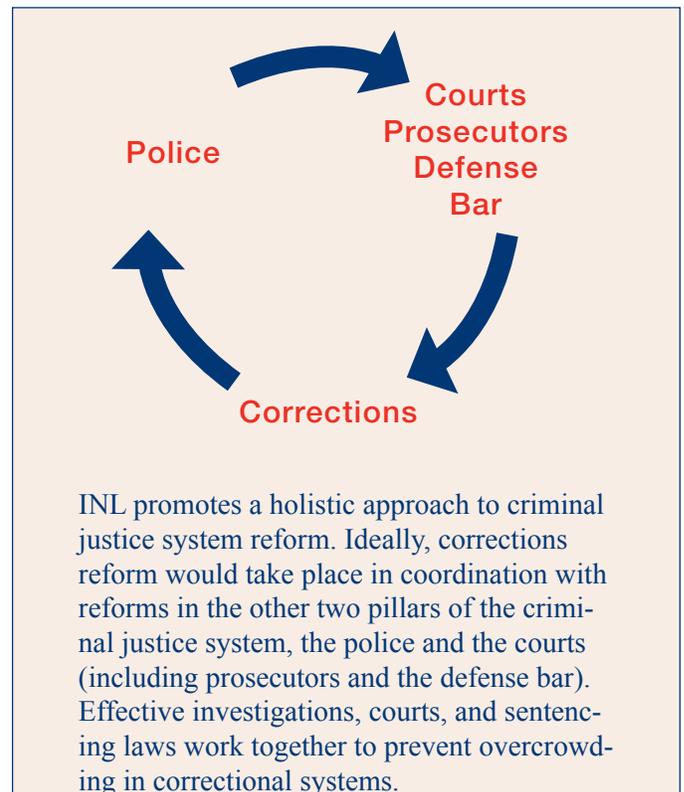
On April 25, 2011, nearly 500 Taliban prisoners escaped from the Sarposha Prison through a tunnel that had been dug from an outside residential area into a cell block within the prison. The warden and several other staff were arrested for complicity in the escape. The warden was subsequently convicted and sentenced to death (the sentence was later commuted).

Honduras

On February 15, 2012, a fire erupted at the Comayagua Prison resulting in the death of 359 prisoners and one visitor. Poor design, unsafe fire loads, and severe overcrowding contributed to the blaze.

Mexico

Joaquin Archivaldo “Chapo” Guzmán Loera, the infamous leader of the drug trafficking Sinaloa Cartel, has been recognized as one of the world's richest men with an estimated fortune of over \$1 billion.¹ Guzmán was captured in Guatemala on June 9, 1993, extradited back to Mexico, convicted, and imprisoned in one of Mexico's federal penitentiaries. On January 19, 2001, Guzmán escaped from federal prison with the assistance of prison staff. He was captured again on February 22, 2014, in Mazatlan, Mexico after a 13-year manhunt and faces charges relating to drug trafficking and organized crime.



¹ “10 Years after Prison Escape, ‘El Chapo’ Thrives,” CBS News, January 18, 2011.

Purpose and Scope of the Handbook

This guide is an introduction to corrections programs and serves as a resource for program officers to use in planning, designing, measuring, and assessing foreign assistance corrections programs.

This guide is included in the series of INL guides on

project management — project design, results frameworks, and performance measurement — and on programs — police, justice, gender, and anticorruption.

Other programmatic guides can be found on INL's public website at www.state.gov/j/inl/.

The Corrections World at a Glance

Approximately 10 million people throughout the world are incarcerated in a wide variety of corrections systems that reflect human and financial resources, legal and judicial systems, cultural values, crime rates, and types of crime. Regardless of where they are being held, prison populations are vulnerable and unable to ensure their own health, protection, and welfare. Government leadership is responsible for administering standards and obligations to create safe, secure, humane, and transparent environments for people incarcerated within their country borders or territories under their control.

In many countries, corrections systems are administered by national-level government agencies, while in other countries, responsibilities rest with provincial or state governments. The management philosophy of correctional systems may focus on confinement for breaking laws or goals for rehabilitation and reform, or a combination of both.

Definitions

Corrections: The term “corrections” encompasses any form of judicial detention, incarceration, or community supervision. Detention generally refers to a temporary period of pre-trial/pre-conviction confinement in a jail, detention center, prison, or penitentiary. Incarceration generally means post-conviction confinement or supervision and can take place in a correctional center, prison, penitentiary, or community residential center. Prisoner programs include training, education, work,

medical care, food service designed to provide for the prisoners and their rehabilitation.

Prison Systems versus Corrections Systems: **Prison Systems** focus on the physical containment and control of the prisoners. **Corrections Systems** manage prisoners according to the level of risk they pose to themselves and others, while providing opportunities to change and successfully re-enter society by offering educational and vocational, drug treatment, and life skills programs.

Jails versus Prisons: **Jails** are used to detain individuals awaiting trial or serving short sentences for minor crimes. **Prisons** are facilities with the mission of confining individuals convicted of serious crimes.

Federal System versus National System: A **federal** prison or corrections system is often distinguished from a state or provincial-run system in that it houses prisoners charged with federal crimes. In the United States – which has a federal system – there are also local, state, and county facilities that house pre-trial detainees and those convicted under municipal and state laws. In a **national system** one governmental authority has responsibility for all prison and correctional facilities.

Types of Incarceration and Supervision

The following list is from most restrictive to least restrictive types of incarceration and supervision for inmates:

- **Penitentiaries/Prisons:** Usually high-security facilities, designed to hold dangerous offenders and/or those serving extremely long sentences.
- **Correctional Centers:** Levels of security may vary and are likely to have heavier reliance on programs rather than physical confinement to help manage less volatile offenders.
- **Probation and Parole:** Managed supervision within local communities through halfway houses, electronic monitoring, home visits, and other mechanisms.
- **Diversion Programs:** Alternatives to incarceration, such as drug and alcohol treatment programs or community service programs.
- ♦ **Support units** – laundry, food service, and religious, medical, and prisoner programs; and
- ♦ **Case management** – staff are assigned case loads of offenders, which they manage according to the individual prisoner’s classification, release date, and re-integration needs.
- **Community Corrections:** The incarceration of offenders may be avoided or suspended in favor of community supervision through probation or parole.
- ♦ **Probation** – pre- or post-incarceration supervision of offenders under conditions established by law. Probation includes supervision in community settings, treatment programs, and other venues depending on the risk of harm the offender presents to the community and his or her individual needs. Depending on the jurisdiction’s legal authorities,

Elements of a Corrections System

Corrections systems are an intricate weave of logistics, security, and programs (see Appendix II). The following are some of the elements found in a well-functioning system. The location and exact operation of each element depend on the country’s processes, laws, regulations, structures, and resources available.

- **Administration:** This generally encompasses the senior leadership and support functions of a department, including management, human resources, training, budget, procurement, facilities, planning, and records. The staff maintains current knowledge of corrections research and develops programs focused on reducing prisoner recidivism.
- **Institutions:** In addition to the facilities that house prisoners, such as jails, penitentiaries, prisons, correctional centers, and camps, correctional institutions include:
 - ♦ **Security-related functions** – special units for prisoner classification, prisoner transport, emergency response, and security threat group and gang intelligence;
- ♦ **Parole** – is the release of a prisoner from incarceration before conclusion of the sentence. It is also considered “early conditional release.” Parole involves supervision conditions for those released from incarceration to serve the remainder of their sentences in the community. The possibility of early release may influence offenders to exhibit good behavior and participate in rehabilitation programs.
- **Supporting ministry or department:** In many countries the corrections system is part of the Ministry of Justice or the Ministry of Social Affairs. In some developing countries, the prisons and jails are operated by the police through the Ministry of Interior. The preferred structure, however, is for the corrections system to operate independently of the police. This provides a counterbalance

There is no national prison service in the United States.

probation programs may be considered part of the justice sector (if operated by the courts) or the correctional system (if operated by the correctional agency).

Assessing Risk

An individual is remanded into detention, tried, and, if convicted, placed under some form of supervision, either in a correctional center, prison, or in an alternative-to-incarceration program, such as probation. The corrections department to which the offender is assigned will then evaluate his or her risks and programmatic needs, and then transfer him or her to a setting that best fulfills the security and programming requirements for that offender. After transfer, it is incumbent on the prisoner to make the best use of his or her time in confinement to increase the chances for successful re-entry into society. At the same time, it is incumbent on the system to afford the prisoner opportunities to improve his or her condition.

to avoid potential police misconduct, arbitrary arrest or detention, and a healthy buffer between investigation-arrest and trial-sentencing processes.

- **Alternatives to incarceration:** The goal of alternatives to incarceration is to reserve prisons or correctional centers for offenders who pose a threat to public safety. A court may order alternatives to incarceration, such as suspended sentences or drug treatment programs. Alternatives may also include housing for convicted criminals in halfway houses and/or house arrest. Unlike probation or parole, alternatives to incarceration involve an offender serving a sentence in an “alternative” fashion rather than in a prison.

Persons in Vulnerable Situations

The populations particularly vulnerable to human rights violations in corrections settings may vary widely depending on the social and cultural context. Members of certain ethnic or religious groups might be particularly vulnerable if they are minorities within the prison

The fastest growing segment of the world’s prison population is female.³

population. Juveniles and women detainees or prisoners also may be particularly susceptible to abuse, exploitation, or neglect within prisons.

Pregnant women or women with young children present unique challenges with respect to personal hygiene, healthcare, and childcare.

Others in prison populations susceptible to discrimination, exploitation, and harsh conditions of confinement include those under sentence of death, foreign nationals, individuals with physical or mental disabilities, terminal illnesses, older individuals, and lesbian, gay, bisexual, and transgender (LGBT) persons.

The United States Corrections System

The corrections system in the United States involves various local, county, state, tribal, and federal agencies. In 2012, there were approximately 2.2 million people incarcerated in the United States.² Of these, just over 217,000 (10 percent) were serving in U.S. Federal Bureau of Prisons (FBOP) facilities. The remaining 90 percent were incarcerated in non-federal systems.

The FBOP is responsible for incarcerating persons convicted under U.S. federal laws.

States are responsible for incarcerating persons convicted of non-federal crimes or violating state laws. Jails are usually operated by municipal and county governments, and most probation departments are affiliated with the courts. Parole operations are often independent from the corrections system and report to a state parole board or commission.

Total nationwide annual expenditures for U.S. corrections systems are approximately \$67 billion for correctional institutions and \$13 billion for administering probation and parole programs.⁴

State/local corrections systems, largely made up of corrections officers, include training academies and require

² Department of Justice Bureau of Justice Statistics (2012). Correctional Population in the United States 2011 www.bjs.gov/content/pub/pdf/cpus11.pdf

³ “The Punitiveness Report-HARD HIT: The Growth in Imprisonment of Women, 1977-2004” Institute on Women & Criminal Justice

⁴ Department of Justice, October, 29, 2013: The FBOP budget was \$6 billion, state government expenditures were \$38.6 billion, and local government expenditures were \$22.6 billion.

most categories of personnel to successfully complete certification programs as a requisite for employment. Other personnel work in the areas of probation and parole, facilities management, administration, medical services, education and vocational training, mental health, social services, procurement, employee training, transportation, information technology, and human resources. The U.S. Department of Justice and other entities, such as ombudsman offices, provide regulatory and enforcement oversight to ensure correctional systems conform to relevant statutes and regulations.

Institutional Resistance to Change

Routine Procedures: One of the most common errors made in corrections sector assistance is the presumption that a desire for change by a few leaders resonates throughout the system's personnel. The perspective of the individuals interacting daily with prisoners is a very important factor in determining the openness to change in the system. Many correctional personnel perform the same tasks and duties on a daily basis, which creates a routine and rhythm that many staff find comforting. Thus, correctional systems adopt change reluctantly.

INL will work with local partners to deliver effective justice and security through programs including those that cover police and law enforcement, courts/judicial bodies, corrections, legal reform, access to justice, and executive branch reform.

—The First Quadrennial Diplomacy and Development Review (QDDR) (2010), 158

Corruption: The economic benefits of corruption for staff or officers should not be underestimated. Prisons are like small towns with a contained and sometimes easily exploited population. Prisoners live in an environment where material goods, and in some cases even basic provisions, must come from the outside. Poor wages can contribute to staff soliciting bribes and extortion. When “fees” for food, phones, visits, and packages, for example, are added, the potential revenue of a corrupt operation can be a significant incentive for staff and managers.

Planning a Corrections Assistance Program

This part of the guide will help INL officers understand the factors they should consider during the planning phase. Planning a corrections assistance program requires an understanding of the parameters of U.S. foreign assistance and international human rights standards, INL objectives, extent of available resources, and context of the host country. This part of the guide also describes how to analyze an assessment and includes tips for conducting the assessment.

U.S. Foreign Assistance and International Human Rights Standards

The Department of State's work in the corrections sector overseas is primarily governed by the **Foreign**

Assistance Act of 1961 (as amended), which limits the accounts and circumstances under which foreign assistance funds may be used for international corrections programming. Although Section 660 of the Act contains a general prohibition on providing assistance to police forces and prisons, it contains some exceptions, including a general exception for International Narcotics Control and Law Enforcement-funded programs under Section 482(a). Particularly relevant to corrections work is the requirement that “no assistance may be provided to units or individuals of security forces if the Department has credible information that the unit or individual has committed a gross violations of human rights.” This is a requirement under Section 620M, also known as the Leahy amendment.

The Standard Minimum Rules for the Treatment of Prisoners (UN 1955) set forth standards that are the foundation for INL's work.

The U.S. Congress has been particularly interested in the conditions and treatment of prisoners in the international sphere, including efforts that result in actual improvement in conditions for prisoners. Congress has included language requiring increased attention on this issue in the Department of State's annual appropriation legislation since 2009, including reporting requirements. Every year, the section on criminal justice systems is one of the largest in the widely read Department of State's *Country Reports on Human Rights Practices*.

Human rights violations can occur in any correctional system and at any point during incarceration. Correctional systems must be structured and managed in such a way that they respect the rights of the prisoners, staff, and members of the public.

The United Nations has created standards for the global community. It is difficult, however, to create a set of "one size fits all" requirements. For this reason, the bulk of the UN rules dealing with prisons are non-binding standards, rather than obligations. Rules governing the operations of corrections systems are left up to each

Legal Requirements Applicable to Police Foreign Assistance Programs

The Leahy Law or Leahy amendment is a human rights stipulation in U.S. Congressional foreign assistance legislation that prohibits certain assistance to any unit of a foreign country's security forces that has committed human rights violations. Vetting of potential participants in all INL-funded activities (not just training) is a critical legal requirement and all foreign personnel proposed for inclusion in any such activity are subject to Leahy vetting. Lead times of about two months will be needed for the vetting process. Refer to the Bureau for Democracy, Human Rights, and Labor for guidance on the latest requirements and directives.

sovereign nation in accordance with its own laws and adherence to international standards.

One of the first documents to set forth international standards related to corrections was the **Standard Minimum Rules for the Treatment of Prisoners** (Minimum Rules). The Minimum Rules were adopted at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955. Subsequent UN Congresses have adopted additional standards to complement the Minimum Rules, including the **Beijing Rules** (1985) to provide for the administration of regulations regarding juvenile justice; the **Riyadh Guidelines** (1990) for the prevention of juvenile delinquency; the **Tokyo Rules** (1990) to mandate the creation of non-custodial measures and alternatives to incarceration; and the **Bangkok Rules** (2010) which outline specific provisions for the treatment of and non-custodial measures for female prisoners.

These widely accepted rules, which collectively are referred to as the UN Compendium of Standards and Norms in Crime Prevention and Criminal Justice, comprise some of the standards upon which we assess a country's correctional system and measure progress, and are used as a basis for program standards. Although these standards and norms are not legally binding, they are supported by the political commitment of UN member states.

The United Nations published a handbook titled *Human Rights and Prisons: A Pocketbook of International Human Rights Standards for Prison Officials*. The booklet provides a brief overview of relevant human rights standards specific to the rights of prisoners. It was designed to be the first of four booklets to be used for human rights training for prison officials and can be accessed on the Internet.

INL Program Objectives

It can be useful for program officers to frame corrections assistance around the basic concept of **people managing people safely, securely, humanely, and transparently:**

- **People managing people:** Corrections is about well-trained, properly led, and motivated staff managing people appropriately and effectively.
- **Managing people safely:** Safety in corrections means ensuring the safety of the staff, offenders, prisoners, and visitors from crime, disease, natural disaster, and violence – including but not limited to rape, gang violence, excessive force, and riots.
- **Managing people securely:** The first mission of any correctional system must be public safety. This means ensuring that institutions are secure from breach internally or externally and that offenders residing in community settings are properly supervised according to their risk.
- **Managing people humanely:** There are many conventions and norms that define human rights. These rights apply not only to prisoners and detainees, but to staff, visitors, and the public. It is the responsibility of a corrections system to respect and protect the human rights of the people it impacts.
- **Managing people transparently:** Transparency implies accountability, integrity, and competence. Correctional systems must be transparent to the people they serve and everyone that works under the authority of the system must be held accountable for their actions.

Identifying Resources for Sustainability

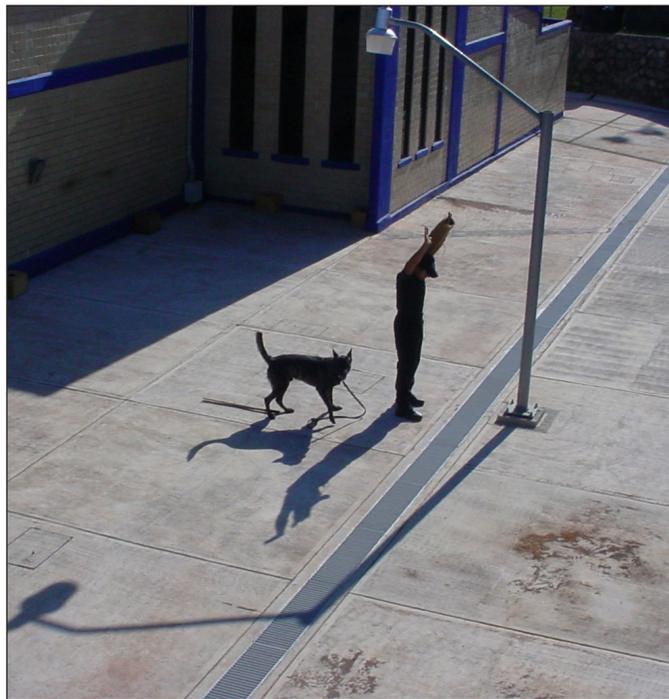
It is critical that a program manager take into consideration the availability of host nation, INL, and international community resources. If these resources are not clearly identified early in the process, the sustainability of efforts is threatened.

Host nation resources: Each nation's needs and available resources are unique, so there is no set formula that can be applied to determine the appropriate budget for a given correctional system. However, most budgets can be broken down into the capital budget containing the

physical plant, renovations, vehicles and equipment, and the operating budget, which includes costs for salaries and benefits, training, fuel, utilities, rent, supplies, food, insurance, medications, and maintenance.

INL resources: The INL program officer will need to determine the resources available for the corrections program in the context of the overall INL program budget. There are also resources available within INL in the CAP office, which is comprised of criminal justice and corrections subject matter specialists. INL/CAP can assist with assessments, scheduling training and study tours, and other advisory services. INL/CAP has established relationships with federal and state correctional agencies that can assist with program implementation.

Department resources: INL is not the only bureau within the Department that is involved with corrections. The Bureaus for Democracy, Human Rights and Labor (DRL), Counterterrorism (CT), and Consular Affairs (CA) all have connections to the sector. For DRL, the focus is on human rights, primarily that of the prisoners; for CT the focus is on countering violent extremism (CVE) and the vulnerabilities that prisons create when they are poorly



K-9 training in search and apprehension operations is just one of the courses INL offers to its international partners to aid in making their facilities safer and more secure for both staff and inmates.

run and/or seriously overcrowded; and the focus for CA is on the treatment of imprisoned U.S. citizens.

DRL and CT usually have funding for programs to address human rights and CVE should be included in discussions for program design and system sustainability early on in the process. For CA, the work of INL and DRL is particularly relevant since CA is charged with ensuring the humane treatment of U.S. citizens who find themselves incarcerated overseas.

In some crisis situations, the Department may first look to the Bureau of Conflict Stabilization and Operations (CSO) to provide immediate interventions while the crisis is on-going or in its early stages of resolution.

International community resources: It is also important to reach out to other donor countries and multilateral organizations to determine what other resources may be available to support corrections programming. Other actors are discussed more fully later in the guide.

Context

There are a variety of political and economic situations that may affect the decision to provide corrections-sector assistance to the host nation, such as the political dynamics in-country, available human and financial resources, the activities of other donors, the existence of potential partners (including in-country NGO collaborators), host nation motivation, and U.S. strategic interests.

Following are examples of political and economic situations, and approaches that can be employed in response.

Authoritarian regimes: Assistance to countries under repressive or authoritarian rule can be difficult. It is highly unlikely that these governments will be genuinely interested in real reform.

- **Approaches:** In these instances, corrections assistance activities can focus on constituency and coalition building to create pressure for compliance with international standards and norms. The strategic

focus is to broaden and deepen the obligations of a government to operate safe, secure, and humane correctional institutions, and encourage key groups to mobilize constituencies for reform. Limited programming with local or regional governments that have demonstrated some capacity for and commitment to corrections reform should be considered. Such partnership initiatives would likely take the shape of pilot programs, possibly in collaboration with local or regional NGOs or international organizations.

Fragile states and emerging democracies: Assistance to fragile states and partner countries emerging from

Lessons from Armenia: Commitment, Leadership, Partnership

INL corrections assistance programming in Armenia achieved success in meeting its targeted goals due, in large part, to the Armenian Ministry of Justice's (MOJ) commitment to corrections reform, capable Armenian leadership, and the dedication of INL partner Wisconsin Department of Corrections (WI-DOC) in developing a training program responsive to Armenia's needs. The context of the program was particularly important in the partnership between INL and Armenia. The region had witnessed incidents of human rights abuses in the penitentiary systems. Armenia was ready to move forward with penitentiary reform by adopting international standards and modern correctional practices.

Three primary components contributed to the Armenia program's success:

- Armenia displayed a full commitment to corrections reform. Within the MOJ, the advisor to the Minister had the support of the Ministry to reform the penitentiary system, and possessed the skills and ability to implement the reform plan.
- That commitment was translated to middle and lower level officer participation.
- The finely calibrated partnership between the WIDOC and Armenia showcased well-planned interactive learning experiences focused on training needs, built on a foundation of trust and respect developed over time.



Some countries recruit correctional officers from the national police service. Correctional officers for the Haiti Department of Prison Administration are selected from the Haiti National Police's (HNP) basic training classes who then receive additional training on correctional institution management. Pictured above are new HNP recruits from November 2013.

authoritarian rule may require long-term engagements aimed at reforming or replacing the existing corrections apparatus. Nations in or emerging from conflict are often faced with destroyed infrastructure, large numbers of internally displaced people, a lack of tax structures, and poor roads and electrical power grids. The existing institutional culture often lacks transparency and resists change. While there may be a temptation to develop full-blown programmatic activities for one or more elements of the central government, careful consideration should be given before pursuing this course of action during the initial stages of the program, at a minimum.

- **Approaches:** A good objective is to get to know the key stakeholders and the emerging power structures to assess whether – and how – they can be brought into the reform effort. In these situations more targeted capacity building and training, rather than large-scale institution building, may be appropriate due to limited absorptive and sustainability capacity.

Developing democracies: Assistance to more established, yet still developing, democracies can focus on enhancing efficiencies and capacities for bilateral and multilateral cooperation in matters of criminal justice reform. There is often willingness to change and a political commitment to implementing the changes, which may create significant opportunities for reform. The common challenge is that the needs frequently outweigh the available funding to properly address the requirements for proposed reform initiatives.

- **Approaches:** It is important to target available resources for previously identified areas for reform while building upon each successive initiatives over time.

Economic situation: A nation's economic situation is one of the keys to understanding the nature of the prisoner population, the types of crimes, and the ability of the government to properly fund and sustain the system. An economy without a stable revenue base is incapable of providing adequate resources to a corrections system.

- **Approaches:** It is important to determine the economic realities of the partner nation before initiating a program for reform. The host nation must be capable of sustaining the type and scale of reforms selected.

Assessing the Corrections System

All efforts should be made to conduct a comprehensive assessment of the corrections or prisons system prior to designing and implementing a program. When conducting the assessment, it is important to take into account the culture and customs of the host country. It is recommended that the program officer contact a CAP subject matter expert (SME) for assistance with the assessment.

INL/CAP has developed an assessment framework that evaluates corrections systems in five core areas: security operations, administrative operations, staffing and resources, alternatives to incarceration, and transparency. An INL/CAP-led assessment will rate the five core functions along a continuum (poor to excellent) to enable the targeting and prioritization of effort in areas of greatest opportunity. It is particularly important to highlight – and later capitalize on – any windows of opportunity identified during the assessment. The assessment rating allows the program to track the impact of programming and progress over time.

An assessment should contain the following elements:

- **Pre-assessment:** In consultations with the INL section or its equivalent at the Embassy, the program officer should develop a **statement of work** that will define the terms of the assessment that includes the duration, activities, objectives, and deliverables.
- **Desk study:** A desk study should include reviewing relevant human rights reports, laws, and criminal justice system for that country. There may be other information available from NGOs and watchdog groups that could help provide context and background for the assessment.
- **Field study:** The field study should include information-gathering meetings with government officials, department heads, civil society groups, and site visits to jails, prisons, and correctional centers, as well as staff training centers or academies.
- **Analyzing the assessment:** After the field study is complete, an INL/CAP SME should work with the

Lessons from Brazil: Commitment of Leadership and Staff Leads to Successful Reforms

Engagement in the corrections sector between INL and the Government of Brazil first began in 2009. The majority of the identified outcomes for the program has been achieved and in many instances exceeded expectations. Corrections leadership and staff in Rondônia have:

- Designed and instituted a modern objective classification system;
- Activated a pilot prison using modern correctional management practices; and
- Revised staff training curriculum to reflect modern practices.

These program successes are due to the willingness of all levels of the Rondônia prison staff and the leadership of Brazil's National Prison's Department to commit to identified training and reforms, as well as to create a plan that fit the local context, resources, and capacities.

program officer to analyze the information to draw conclusions and help design program recommendations that address priorities and recognize available INL and host nation resources and capacities.

- **Final assessment report:** The assessment report consists of the activities observations, findings, and analyses. Also, CAP corrections assessments typically also include program recommendations, with an organized list targeted at building sustainable capacities.

When conducting an assessment, a number of problems typically found in prisons in a host nation will become apparent. These problems often include, but are not limited to, overcrowding, criminal elements operating inside prisons, violence in prisons, poor conditions, and degraded infrastructure. These problems generally stem from the following root causes:

- **Overuse of imprisonment prior to conviction and prolonged pre-trial detention:** Corrections populations have dramatically increased around the world, due in part to the growing number of remand prisoners in pre-trial detention. In some countries, a majority — or a disproportionate percentage — of the overall corrections population is awaiting trial. Prolonged and, in some instances, arbitrary confinement is a human rights violation that also takes up valuable space and consumes institutional resources.
- **Insufficient use of non-custodial measures:** Reliance on custodial measures to confine persons who do not represent a threat to society contributes to overcrowding in corrections facilities in many countries. Use of non-custodial measures and alternatives to incarceration, such as probation, work release, and community service programs, have proved effective in managing overcrowding. However in many developing and post-conflict countries, these programs are not yet widely understood, incorporated into sentencing guidelines, or legislated.
- **Inadequate corrections facilities:** Corrections facilities may be old and unfit for use due to conflict, natural

disaster, and long-term neglect. Lack of available beds and personal space lead to overcrowding, which gives rise to discontent, and sometimes violence, directed toward the inmate population and staff. Inadequate structures also increase the likelihood of escape and threaten public health and safety.

- **Limited budgets and funding:** Government authorities in many countries are either unable or unwilling to adequately fund the corrections system. Limited budgetary support has a negative impact on all areas of operations from the availability of basic services and resources such as food, water, sanitation, and health care to rehabilitative programs. A lack of adequate funding also has adverse implications for employing qualified, effective, and professional corrections personnel and providing them with the training and equipment necessary to perform their duties.
- **Food and basic necessities:** In countries struggling to allocate limited resources, it is not uncommon for correctional systems to be funded according to their rated capacity (number of actual beds) not according to their actual population (often above the rated capacity). Limited resources lead to lower quality food and clothing for the prisoners as insufficient quantities are shared throughout the overcrowded facility.

- **Insufficient staffing and training of personnel:** Corrections systems are frequently understaffed or improperly staffed by personnel that have not been properly screened for their suitability to work in correctional settings. Furthermore, many corrections personnel have not been trained in leadership and other professional standards, basic operations, prisoner management, human rights, and other necessary skills. INL often encounters agencies led by officials with little or no experience or training in corrections.
- **Corruption and mismanagement:** Lack of transparency combined with insufficient salaries, inadequate training, and ineffective supervision contributes to corruption and mismanagement in corrections settings that undermine the safety and security of the confined population and society at large. Corrupt practices by corrections administrators and line staff can, for instance, give rise to and empower criminal gangs in corrections facilities.
- **Lack of sustained maintenance:** Poor procurement policies, untrained staff, corruption, underfunded budgets, and limited incentives often create a poor maintenance culture, leading to degraded infrastructure and inhumane and unsanitary conditions.

Designing and Implementing a Corrections Assistance Program

Corrections-sector assistance improves the capacities and capabilities of the corrections sector to fulfill its role within the criminal justice system, including institutionalizing respect for human rights and the rule of law. The following sections include considerations for INL officers to keep in mind during the program design and implementation phases, a list of possible interventions, and a reminder to keep focused on the project end goal throughout the process.

Multiple Sectors Impact Recidivism

Correctional systems are one part of a three-pronged criminal justice system that includes the law enforcement and justice sectors. Re-calibrations of policy in the non-corrections sectors may increase or decrease the prison population and drive recidivism figures as well. Therefore, when evaluating a corrections system, INL program managers should examine the root cause of heightened or lowered recidivism figures. This analysis will likely provide deeper detail regarding the priorities in and state of the overall criminal justice system.

Program Design and Implementation

INL officers should consult with partner country decision-makers and stakeholders during the program design stage and throughout implementation to ensure host country buy-in and their ability to sustain reforms

beyond the duration of the program. Prior to initiating any assistance, INL officers should consider the following:

- **Entry points for engagement:** Relationships with national authorities, institutions, and actors involved in corrections reform (e.g., line ministries and

Lessons from Morocco: Host Government Buy-in is Essential

In 2009, U.S. Embassy Rabat requested INL assistance to engage the Moroccan Prison Administration due to concerns about recent escapes and alleged terrorist recruitment and extremism in Moroccan prisons. INL invited Morocco's prison leadership – the General Delegation of the Penitentiaries and Reinsertion Administration (DGAPR) – to the United States to observe state and federal prisons in operation. The study tour helped build a relationship and trust between the United States and Morocco in the area of corrections. It was not an easy task, but by the end of the study tour, DGAPR invited INL to visit their prisons and conduct an assessment.

While DGAPR did not allow INL to access all areas of prisons during the assessment, the evaluation provided enough information for INL to launch a comprehensive training program for DGAPR's central leadership, wardens, and deputies with the International Correctional Management Training Center (ICMTC) in Cañon City, Colorado. Since 2010, INL has trained more than 70 prison wardens, deputies, and security chiefs in correctional management. Putting into practice the ICMTC trainings, DGAPR leadership has instituted a formal, enhanced intake procedure and basic classification process nationwide, in all 61 prisons.

In early 2013, INL visited Morocco for a follow-up evaluation, revealing significant reform progress by DGAPR. For the first time since the start of INL's relationship with DGAPR in 2009, the INL team had unrestricted, full access to all areas of Morocco's prisons, including cell blocks, recreation areas, kitchens, medical facilities, and education centers.

DGAPR explained during the visit how they now employ more women than they did prior to receiving corrections assistance and training from

the United States, including the first female prison warden. The DGAPR Delegate General praised the professionalism and knowledge of the INL female corrections advisor and female wardens he met in the United States as positive factors in these appointments.

Other DGAPR-instituted changes that stemmed from INL-funded training courses include:

- Implementation of a mediation program between inmates and prison staff, as well as between inmates, resulting in a decrease in violence and disciplinary actions;
- Increased communication between inmates and prison staff;
- Explaining inmates' rights and responsibilities to them upon entering prison;
- Increased vocational training and emphasis on reintegration;
- Use of key control procedures;
- Increased use of commissaries;
- Use of food menus based on guidance by the Moroccan Ministry of Health;
- Improved staff management with clear roles and responsibilities for employees; and
- Implementation of drug treatment programs in partnership with the Ministry of Health.

One of the main lessons learned from the success of the Morocco program is that it is *imperative* to gain the political buy-in of the host country's leadership *before* embarking on a reform program. The buy-in from the prison administration leadership has been critical to the program's success. Gaining political buy-in can be difficult, but patience and polite persistence can lead to program success. INL continues to work with DGAPR to consolidate and further institutionalize improvements.

government agencies, corrections administrators and actors, civil society organizations) could serve as starting points for intervention.

- **Level of INL engagement:** INL should frame its level of engagement from the beginning. This is particularly important for INL programs with a small budget.
- **Types of assistance:** INL officers should consider the comparative advantages of mentoring, training, advising, providing material support, and offering grants to NGOs.
- **Sustainability:** Correctional systems are expensive. If a system is plagued by poor pay, infrastructure and staffing, sanitation problems, and other maladies, it could be a reflection of greater economic malaise. When a government must choose among funding a school, hospital, or prison, the choice is not likely to be the prison. Program interventions need to be consistent with the partner nation's ability and willingness to sustain them.
- **Absorption:** How much and what types of assistance can the partner absorb? For example, if there is no reliable electricity service in the country, it does not make sense to provide metal detectors and cameras.
- **Periods of performance:** Each activity should include a set period of performance, including a plan to measure performance, so that activities are properly executed and tracked in a timely fashion.
- **International donor community:** Coordinating with other international donors that support criminal justice reform will help avoid duplication of efforts.

Program Activities

Careful analysis, assessment, and goal setting are followed by assistance activities to reach the desired end state for the INL corrections program. Corrections-system assistance provided by INL and the international donor community, working in consultation with

national partners and stakeholders in corrections reform, spans a broad spectrum of technical, material, and financial support. This assistance is intended to improve the ability of national authorities to effectively administer corrections systems that adhere to internationally accepted standards and norms and that uphold the rule of law.

Examples of these activities include, but are not limited to, study tours, mentoring, training, equipping, and advising activities that aim to establish a well-functioning, professional, and civilian-led corrections system — one that rehabilitates as well as incarcerates. On rare occasions, it also includes the construction and renovation of facilities.

Introducing partner country decision makers to successful corrections systems through study tours of well-functioning systems has proved effective in helping them envision the goals they set for their own institutions and programs. Exposure to reform options, combined with follow-on queries and strategy planning sessions, serves to help determine how aid may be best directed. When national partners actively direct reform, INL programs are more likely to succeed.

Successful corrections systems rely on properly trained and resourced staff to effectively and humanely manage prisoners. Training should not be restricted to line staff or security staff. Corrections systems require various skills, including logistics, food service, medical services, firearms, transportation, construction, human resources, and budgeting. Training should be available to all staff according to their job duties, skill sets, and the agency's needs. The following are key interventions that INL corrections programs can make in partnership with the host nation:

- **Ensuring institutional security:** Institutional security is most reliable and effective when trained staff manages an institution with the basic physical internal security features – locks, doors, bars, cameras, cells, tools – and have the systems in place to effectively manage physical security features. Equipment such

as cameras may not be available or even practical in some settings where INL works. External threats by insurgents and well-armed criminal organizations are a growing vulnerability for some prisons as well.

• **Strengthening administrative capacities:** Corrections reform and assistance programs involve the development and implementation of formal organizational structures, policies, and processes for the administration of corrections systems and institutions. Possible activities include:

- ◆ strengthening executive and organizational leadership
- ◆ improving coordination with other criminal justice actors
- ◆ establishing prison registers and filing systems
- ◆ developing inmate assessment and classification systems
- ◆ providing guidance on budget and financial management
- ◆ creating standards for the maintenance of facilities
- ◆ developing practices for recruitment, staffing, and training
- ◆ establishing oversight and accountability mechanisms
- ◆ formalizing codes of conduct and disciplinary procedures
- ◆ providing training on public affairs and outreach



INL helped Mexico open its federal penitentiary academy in Xalapa, Veracruz in May 2009. Since that time 453 academy instructors – both male and female – have been trained in the United States and 210 instructors trained in Xalapa. These instructors have gone on to train almost 7,000 new penitentiary agents, more than 50 percent of whom have been women.

- ◆ creating systems of accountability for corrections personnel who commit crimes against inmates.

• **Encouraging independent operations:** In many countries the jails and prisons are operated by the police under the Ministry of the Interior. At times this is an appropriate bureaucratic structure, particularly with regard to short-term detention facilities and jails. However, the co-location of both corrections and police under a single agency with the powers of arrest and long-term confinement is not the preferred structure. A correctional system that is independent of the police is more likely to be appropriately resourced and less likely to serve as a downgraded job that police officers are assigned as punishment for poor performance. Independent correctional systems are better able to develop a professional cadre of specialized staff to serve as a counterbalance against arbitrary detention by the police and the judiciary.

• **Establishing civilian control of corrections:** An issue facing some countries in transition is the transfer of responsibility for the administration and management of the corrections systems from military to civilian control. In authoritarian and oppressive regimes, prisons often hold pre-trial detainees and convicted criminals along with political prisoners and others deemed a threat to the ruling authorities. Addressing the legacies of authoritarian rule and demilitarizing prisons may be an important part of a corrections assistance program.

• **Regulating internal power structures:** Informal relationships within prisons can be equally if not more powerful than formal ones, and involve inmates that may be linked by ethnic, tribal, or regional backgrounds, and/or gang, terrorist, or insurgent affiliations. This structure often controls the trafficking of contraband within the institution through violence and intimidation. Training staff how to identify and manage these power structures within existing policies and procedures can be an effective tool for regulating these situations.

- **Conducting inmate assessment and classification:** Identifying both risks and needs of inmates improves services and helps manage threats and behavior within the prison system. Needs assessments serve to identify health issues through medical, dental, psychological, and psychiatric screening, as well as vocational and educational skills and may also reveal tendencies of violence toward others, potential victimization, and other information that can influence the programming plan and housing placement.
- **Managing pre-trial detention:** Reducing pre-trial detention will require coordinating reform efforts with justice sector institutions, law enforcement agencies, and other stakeholders to increase the use of alternatives to incarceration during investigation and trial. Compiling data on detainees, including length of time in detention, along with creating and using automated systems to track detainees and prisoners as they progress through the criminal justice system from arrest to trial to release, will necessitate engagement with justice and law enforcement institutions.
- **Exploring the use of non-custodial sanctions and alternatives to incarceration:** Corrections systems can employ early release mechanisms, non-custodial alternatives to imprisonment, and diversion programs at the time of arrest, during prosecution, and at sentencing to prevent and reduce overcrowding. These types of mechanisms and measures include bail, special courts, treatment programs, probation, community service, various forms of parole, work/education release, furlough, halfway houses, and electronic monitoring. A partner country's laws or culture may serve as barriers to implementation of alternative programs. INL programming can include assistance in identifying where pockets of support might exist for pilot projects without legislation and conduct outreach to help gain support for such programs in the community.
- **Rightsizing personnel costs:** Personnel costs are the largest expense in a correctional system – typically

60-80 percent of the total budget. When examining a system, personnel costs should be compared to the total annual operating budget. This comparison, when placed in the total economic context, will assist in evaluating the adequacy of employee compensation. The long accepted practice for determining the number of staff required for a well-functioning correctional facility was to identify the custody level of the offenders and apply a ratio of staff to prisoners. This is no longer the preferred method and thorough staffing analysis conducted by an expert can save significant amounts of money as well as improve security.

- **Incorporating gender issues:** Corrections assistance should go beyond the separation of female from male prisoners. Support should incorporate a wider range of gender issues into the process of planning and implementing strategies, policies, and procedures

Alternatives to Incarceration

Alternatives to incarceration provide flexibility to systems to deal with non-violent and less-serious offenses, help save resources, and can benefit offender rehabilitation since the disruption to the social and employment structures are often reduced.

There are two main sectors involved with providing offenders with alternatives to incarceration: the courts and corrections.

- In the judicial system, alternatives to incarceration generally involve alternative sanctions allowed under the law, such as drug treatment and community work service.
- In corrections, alternatives to incarceration can include alternative housing outside of a prison or correctional center, such as community residential centers, electronic monitoring, and home confinement.
- Regardless of whether the alternative sanction is imposed by the court or corrections, it is important to remember that all alternatives need to be established in the law, either by statute or jurisprudence, and must be accepted by the law enforcement community as well as the public.

in corrections settings. This can entail working with the justice sector and law enforcement to develop pre-trial detention criteria, sentencing guidelines, and other practices that recognize gender differences. Other assistance may support establishment of mechanisms to protect all inmates, including women and LGBT persons, from discrimination and gender-based violence by staff and other inmates. This can include recruitment of female staff, sensitivity and boundaries training for all personnel, introduction of oversight and monitoring, and creation of a complaints mechanism. Developing services that address the health needs of women – including pregnant women and mothers with young children – is also an important assistance activity.

- **Improving juvenile confinement:** It is important to separate juveniles from adult detainees and prisoners, and predatory juveniles from vulnerable juveniles. Assistance efforts should focus on ensuring that juvenile inmates have appropriate education, training, health, and recreation services while confined. In addition to these opportunities and services, establishing

The Value of Pilot Activities

The INL-funded Morocco Juvenile Corrections Project (MJCP) was designed to improve safety and services in Morocco’s Juvenile Protection Centers (CPCs). Working through a multi-disciplinary advisory council, whose members the Government of Morocco appointed, the MJCP supported the development of risk and needs assessment tools, standard operating procedures, and a life skills curriculum.

The decision to focus on implementing the new tools at two pilot CPCs was critical to the success of the project. The two pilot CPCs represented different demographic characteristics:

- one male and rural
- one female and urban.

Working through pilot CPCs helped keep the project manageable and the advisory council was able to improve the tools based on application in the two different pilot settings before finalizing them.

alternatives to detention and imprisonment for children accused of less serious crimes – in coordination with the justice sector, law enforcement, social service agencies, and NGOs – is critical when dealing with juveniles.

- **Protecting persons with disabilities:** Special accommodations to detention facilities or processes ensure the safety and well-being of persons with disabilities. Assistance efforts could include liaising with relevant ministries, such as ministries of health and relevant NGOs to coordinate provision of needed support.
- **Constructing prisons:** The first solution people often seek to remedy overcrowding and inadequate facilities is to build more prisons. Prisons are expensive to build and operate; they take time to construct and make fully operational; construction is often not a viable first solution, and overcrowding often persists even after new prisons are constructed. When considering the option to build a new facility, INL officers should discuss realistic construction costs with the host country counterpart. These costs include building and operating a facility that will endure and absorb abuse by the inmates, and sustain it for the long-term.
- **Improving prisoner living conditions:** Factors impacting the institutional accommodation and living conditions include size and characteristics of the inmate population, access to food, medical services, infrastructure design, capability of the staff, and the institutional budget. Inmates are confined as punishment but should not be subjected to additional punishment while confined. Studies of sensory wellness indicate that efforts to enhance lighting, reduce sounds, and introduce soothing colors in inmate areas contribute to stress reduction for both inmates and staff.
- **Refurbishing corrections facilities:** Many corrections facilities are old, poorly designed and maintained, underfunded, and overcrowded. In these facilities, inmates go without access to basic services and must cope with challenging living conditions. Even in modern facilities, the inmate population is often well in excess of the intended population capacity, placing

significant strain on the infrastructure and its ability to properly accommodate the inmate population. While it is expensive and should not be the first option, refurbishment of facilities may need to be considered.

- **Supporting institutional programs:** If a corrections facility does not have inmate programs, an inmate's day will consist of hours of idle time potentially generating unrest in the prison population. Because the vast majority of inmates eventually regain their freedom, providing them with opportunities to enhance their employment skills and basic educational abilities not only occupies their time, but will also prove valuable to them as they return to society.
- **Developing prison industries and use of inmate labor:** Prison industry programs offer inmates the opportunity to earn income and learn skills. Industry programs do not generate enough revenue to pay for a system's operations, but they can contribute to how well it operates and how well the structures are maintained. However, in some instances inmate labor can be exploited and caution should be exercised when supporting prison industries or inmate labor program.
- **Providing health services:** Crowded confinement creates conditions where diseases can quickly spread. Though there is an expectation that health care will be provided to those confined, factors such as limited operating budgets and lack of medical staff, medications, and equipment in some parts of the world often significantly restrict the available health services. In these correctional settings, the health of prisoners, staff, and even the community may be at risk. Training

Prison Construction is Expensive

- **Colorado State Penitentiary:** \$180+ million to construct 954 administrative maximum security beds. Opened in 2010.
- **Izalco Prison, El Salvador:** \$10 million to construct 800 medium security beds. Opened in 2008.
- **Cham Chamal Prison, Iraq:** \$30.5 million to renovate an old fort into 3,000 high-security beds. Opened in 2010.

or other programs for prison health care staff can help a host nation take into account the needs and requirements of all inmates.

- **Developing grievance procedures:** A grievance procedure offers inmates the opportunity to formally lodge complaints and offers remedies for legitimate complaints. The procedure should be confidential and retaliation for filing complaints should be prohibited.
- **Facilitating community reintegration and after-care:** Corrections professionals should be supportive in assisting inmates to successfully transition back into society. After-care and post-release programs, employment assistance, and parole are valuable to inmates. It provides them with support during the transition period from confinement to freedom and contributes to a reduction in recidivism.

Program Goals

Every INL corrections assistance program should be planned and designed with clear activities,

Meet Program Goals with Help from INL's Office of Program Assistance and Evaluation

INL's corrections programs are designed to strengthen corrections systems to support INL's broader goal of strengthening law enforcement and rule of law to ensure citizen security. The use of metrics is an important element of any program. An INL/CAP assessment can help identify the types of activities, outputs, and outcomes that are realistic and meaningful based upon key performance indicators. INL/RM/PA&E is available to work with program offices to align measures within a results framework that fulfills the Bureau's goals. PA&E works with Posts and Program Offices to improve business processes based on best practices. PA&E also offers knowledge management, training, and management guidance aimed at increasing efficiency and effectiveness of administrative capabilities.

objectives, and outcomes, including a desired end state – or set of completed results – that will mark the conclusion of the program. Identifying the desired end state prior to the program launch allows funding and program activities to be most effectively aligned with the program results, thereby

allowing for a successful outcome. The end state for a particular program can best be determined through a measured process of understanding the context of the system within the host nation, assessment of the system itself, evaluation of the program, and resource identification.

Measuring Progress and Reporting in Corrections Assistance

Corrections-sector assistance programs should be managed and implemented in a way that focuses on the

Examples of Key Performance Indicators in the Corrections Context

Safe:

- Number of assaults requiring medical attention
- Prisoner and staff deaths (causes other than natural)
- Major disciplinary infractions
- Number of prisoner uprisings

Secure:

- Number of escapes
- Number of attempted escapes
- Amounts and types of dangerous contraband seized
- Number of prisoner uprisings

Humane:

- Conditions of the facilities
- Light
- Ventilation
- Sanitation
- Potable water
- Number of prisoner visits (family)
- Number of visits by legal counsel
- Number of meals served
- Number of prisoners in programs
- Number of sentences reduced

Transparent:

- Number of visits/inspections by independent organizations and their findings
- Number of cases investigated for abuse and/or corruption (including disposition)
- Compilation and publication of a public annual report
- Review and adjustment of training curriculum
- Reform benchmarking and tracking

achievement of desired outcomes including improvements in the operation of the corrections system. Corrections is one of the easiest sectors in which to measure progress, because most activities occur in finite locations that can be observed with regularity and consistency. It is best to define “Key Performance Indicators” to measure corrections assistance activities, outputs, and outcomes, which should be incorporated into a results framework. INL officers and program managers can track these indicators over a set period of time, correlate them to program activities, and analyze the data for outcomes.

It is essential to keep the types and numbers of key indicators narrow and easily measurable. This will simplify accurate capture of information and enable partner nation personnel to learn how to use key indicators to manage the system. The key indicators should be tailored to the specific country, program goals, and INL interventions.

Progress toward intended outcomes should be reported on a regular basis. Determining the included information and the frequency of reports is dependent upon program requirements, the audience (which might only be the U.S. government or may include the partner country and other partners or donors), and the type of implementing mechanisms, such as an interagency agreement, a contract, or a contribution to an organization.

Reports should incorporate, at a minimum, the activities conducted during the given period, funds expended, stated benchmarks, outputs and outcomes,

key indicator tracking and trends, any special incidents or events, lessons learned, and planned activities for the next reporting period. A program should ideally require

quarterly, bi-annual, annual, and end-of-program reports by the implementers. Reports should follow a standard format through the life of the program.

Incorporating Lessons Learned

INL's decades of experience in program development and implementation have contributed to a set of principles and best practices that inform the design, management, and implementation of criminal justice assistance projects. These principles articulate a shared understanding among international donors and implementers of the most efficient and effective end state when providing assistance. The best practices include managing for results (see **MEASURING PROGRESS AND REPORTING IN CORRECTIONS ASSISTANCE** above) and coordinating assistance,

which is discussed in greater detail along with other select best practices in the following sections.

Consultations and national ownership: Consultations with national authorities and stakeholders assist in identifying the conditions, needs, and priorities that should inform the nature and scope of corrections assistance. National authorities and stakeholders usually are aware of the overall problems and can help identify the priorities along with the sequencing issues. Their input and leadership in designing assistance programs

Incorporating Lessons Learned

When engaging with a partner nation it is important to:

- **Set expectations:** One of the most difficult tasks is managing the expectations of the host nation. Often, the word “assistance” can be charged with unrealistic expectations of funding, equipment, training, and assured success.
- **Deliver on promises:** Similarly, foreign officials often do not understand the intricacies of procurement, customs clearances, and installation and training for equipment provisions. Failure to provide these officials with a realistic time frame for these activities can discredit the program and make engagements problematic.
- **Stick to the basics:** It is common for the partner nation leadership to present a specific list of their corrections needs and wants. These generally tend to be technology and/or equipment requests, such as cameras, metal detectors, vehicles, weapons, etc. Also included are requests for construction, which are often mistakenly seen as solutions to more profound problems. These requests can often raise issues of sustainability because people need to be trained in how to use and maintain the equipment.
- **Tackle problems within the context of a system:** While partner nation leadership may want to focus on one problem, such as managing violent gangs or security threat groups, these efforts will not be effective if not placed within the context of other processes; such as staff training, inmate programs, or classification. All of these processes will impact the efficacy of an anti-gang initiative.
- **Incorporate standards:** The corrections world has developed many standards and makes frequent use of the term “best practices,” however, the definition of best practices remains subject to interpretation. The American Correctional Association (ACA) has recently adopted a set of “International Core Standards” that are solid guidelines to be used with partners.



Many of INL's partner countries lack the funding and capacity to operate their facilities in accordance with international standards. INL corrections programs strive to assist partner countries with this challenge.

should be respected and encouraged. Doing so will help contribute to national ownership and long-term sustainability of assistance programs.

Actively engaging corrections officials in reform:

Enduring change comes from affecting the corrections system's philosophies, management, structures, and processes. While one-on-one mentoring and training of line staff is important, a more effective approach takes advantage of the hierarchical and consolidated nature of corrections that emphasizes the impact of senior and middle management. Reform efforts must be accepted by these managers and then vertically communicated to lower level personnel through their leadership.

Disengagement points: Every program needs a series of disengagement points that include events, actions, and timeframes. An exit strategy based on the completion of specific objectives and measurable results should be discussed and agreed upon during the initial period of assistance planning and design. Recognizing when to disengage and understanding the factors involved in a decision to do so is an important part of program design and implementation. These factors include the accomplishment of initial goals and objectives; degree of political will and constituency for reform; and the capacity of national actors to take ownership over – and sustain – reform.

Coordinating assistance: Collaborating with other assistance providers including U.S. government interagency partners, like-minded governments, intergovernmental organizations, and civil society organizations that fund or implement criminal justice reform initiatives improves the effectiveness and efficiency of INL programs. INL assistance programs must take into consideration the involvement and actions of other donor nations within the host country to prevent duplication of efforts and contradictory training approaches.

International organizations: A number of agencies within the United Nations support corrections reform around the world. Chief among them are the United Nations Office on Drugs and Crime (UNODC) and the United Nations Department of Peacekeeping Operations (DPKO). Other UN agencies also provide corrections support, including the Office of the High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), and United Nations Children's Fund (UNICEF). Other organizations such as the International Committee of the Red Cross (ICRC), the World Health Organization, Penal Reform International, *Observatoire International des Prisons*, Amnesty International, and Human Rights Watch monitor and report on prison conditions

Case Study: Mexico and the Mérida Initiative

Mexico's prisons, both state and federal, have a long history of poor conditions, violence, corruption, and ineffectiveness. In 2007 President Bush and the Government of Mexico announced the Mérida Initiative – a major endeavor to combat crime and drug trafficking.

Prior to the Mérida Initiative, cooperation between the United States and the Government of Mexico on corrections was extremely limited. This changed in 2008 when the newly appointed Secretariat for Public Security in Mexico requested a meeting with INL to discuss cooperation.

The initial meetings set the tone for the program. The United States would support the strategic plan that had been outlined by Mexico's Under Secretary and his staff, and would provide technical expertise as needed to supporting Mexican leadership and implementation. During the first year, \$4 million was available for the program.

This approach has been extremely successful and several important lessons learned can aid program officers in the design of a successful corrections program for other countries.

Context

- The challenges within Mexico's prisons were well-known and documented.
- The basic legal and administrative frameworks were in place.
- Each nation's strategic interests were identified and acknowledged.

Leadership

- Mexico had a strong commitment to reworking the corrections system and was open to gathering expertise for effective system development.

Partnership with the Government of Mexico

- At the outset, INL met with key Mexican authorities to discuss their strategic plan, help them establish priorities, and identify areas where the United States could provide the most effective assistance.
- The INL Corrections program manager and his staff worked directly within the offices at

Sistema Penitenciario Federal (SPF)/Federal Penitentiary System headquarters, enabling daily coordination.

- U.S. government funding was utilized in partnership with significant Mexican funding and resources. Mexico provided infrastructure and operational funding, while INL, through its partners, provided instruction, certifications, and equipment.

INL partners

- INL arranged a study tour of various U.S. systems so that the SPF could determine which system would be most compatible to study.
- INL identified U.S. corrections partners that had the appropriate capacities to assist and could offer strategic assistance corresponding to Mexican prison reforms.
- These partners have facilitated the training of more than 900 SPF staff and 370 SPF corrections instructors, leading to the training of more than 7,000 new federal penitentiary staff.

Measurable and sustainable program success

- Mexico designed their approach and activities to facilitate concrete milestones and measurements that went far beyond identifying the number of personnel trained.
- Under its own initiative, the SPF sought, with INL technical advice, independent accreditation of its federal operations by the American Correctional Association (ACA). Mexico has received international accreditation from the ACA for eight federal facilities, the Federal Corrections Academy at Xalapa, and six state prisons. In these facilities there have been no incidents and no deaths, in marked contrast with the violence that pervades other state-level prisons.
- With an investment of just over \$23.5 million by the U.S. government and almost \$8 billion by the Government of Mexico, Mexico has transformed its federal penitentiary system. Today, Mexico has increased the capacity of the federal prison system from 3,500 (in 2008) to 20,000 inmates, has a fully functional national corrections academy, and has a cadre of 6,000 trained corrections officers, including specialists in classification, transportation, and emergency response.

and, in some cases, provide training, resources, and materials.

Professional organizations and academic institutions: Organizations and associations such as the American Correctional Association, the American Jail Association, the International Corrections and Prisons Association, and academic institutions, such as the International Centre for Prison Studies at Kings College in London, have served as leaders in the field of corrections. These organizations develop and distribute outstanding research and training material on a wide variety of corrections issues such as facility design and construction, management, staff training, inmate health care, operations, and rehabilitation programs.

Private sector and businesses: Privately owned businesses have ventured into the corrections field, providing assistance from general support services,

such as food preparation and medical support, to the full operation of facilities.

Other U.S. government agencies and bureaus: Within the United States government, INL is the leader in providing international corrections assistance. However, there are other agencies and bureaus, including the Bureau for Democracy, Human Rights and Labor, the U.S. Agency for International Development (USAID), the Bureau for Consular Affairs, and the U.S. Department of Justice that are engaged in corrections-related work.

Civil society: Local and international nongovernmental organizations may gather and publicize information about prison conditions in partner countries. They may also be available to provide training, goods, and services to the prison population including education, vocational training, blankets, and food.

CONCLUSION

This guide identifies and describes a range of approaches for assessing, designing, managing, and implementing corrections assistance initiatives. While the range of options and approaches should be understood, ultimately

corrections programming should be contextualized and responsive to the host country's conditions, needs, and priorities. This guide serves as a companion to the technical expertise available through INL/CAP.

Contacting the INL Office of Criminal Justice Assistance and Partnership

The INL Office of Criminal Justice Assistance and Partnership (INL/CAP) employs subject matter specialists who are available to provide guidance to INL officers during project design and implementation. They can provide subject matter expertise in the following areas:

- Case Management
- Community Corrections including Probation and Parole
- Emergency Response
- Facility Design
- Industries and Programs
- International Human Rights Standards
- Investigation and Intelligence Operations
- Jail Administration
- Juvenile Justice and Vulnerable Populations
- New Prison Activation/Start-up
- Prisoner Classification
- Program Design
- Prison Management
- Security Operations and Auditing
- Special Security Operations
- Vulnerability Assessments

Please contact the INL/CAP Corrections Team at INLCorrections@state.gov to request assistance from INL/CAP's subject matter specialists.

APPENDIX I

International Standards

Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), United Nations (1955)

Adopted in 1955 under the auspices of the United Nations, this non-binding instrument elaborates generally accepted principles and leading practices in the treatment of all categories of prisoners, i.e., criminal or civil, untried or convicted, including prisoners subject to security or corrective measures ordered by a judicial authority. It also addresses standards for prisoner registration and processing, categorical separation, accommodations, personal hygiene, clothing and bedding, food, exercise and sport, medical services, restraints, discipline and punishment, communications, books and personal properties, and institutional personnel.

Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), United Nations (1985)

Adopted by a 1985 United Nations General Assembly Resolution, the Beijing Rules reflect international consensus on measures to promote juvenile welfare and how to ensure the best interests of juvenile offenders. The Beijing Rules affirm procedural safeguards, such as the presumption of innocence and other rights enjoyed by juveniles, and offer guidance to juvenile justice personnel in the treatment of juveniles during each stage of custody – arrest, detention, trial, and imprisonment. They also stipulate specific non-custodial measures to avoid institutionalization of juvenile offenders, and set forth basic standards for institutional treatment, records management, conditional release, and professional competence and training for juvenile justice personnel.

Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Rules), United Nations (1990)

Adopted and proclaimed by the United Nations General Assembly in 1990, the Riyadh Rules set forth a basic framework along with practical guidance for delinquency prevention policies to promote the general welfare of juveniles at risk of criminal behavior. The guidelines stipulate that delinquency prevention plans be instituted at every level of government along with special processes to facilitate the successful socialization and integration of children and young persons by the family, community, educational institutions, and other structures. In matters of juvenile justice, the guidelines prohibit subjecting young persons to harsh or degrading correction or punishment measures. They also call upon states to provide law enforcement personnel with training appropriate to the needs of juveniles in custody and develop programs to divert juveniles from the justice system.

United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), United Nations (1990)

Adopted as a resolution of the United Nations General Assembly in 1990, this instrument articulates international consensus on the fundamental aims, scope, and principles of non-custodial measures and their application in pre-trial, trial and sentencing, and post-sentencing stages. In addition to describing specific activities for implementing non-custodial measures – such as supervision, duration, conditions, treatment processes, and discipline and breach of conditions – the Tokyo Rules set forth basic standards for recruiting and training professional staff, promoting public understanding, and encouraging community participation in formulating and implementing non-custodial measures.

Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), United Nations (2010)

Adopted by the General Assembly in 2010, the Bangkok Rules are the first UN standards specific to the treatment of women offenders. They are intended to supplement the 1955 Minimum Standards by drawing greater attention to the rights as well as specific needs and vulnerabilities of women offenders, including pregnant or breastfeeding women, women detained with their children, and female juvenile offenders. The Bangkok Rules set forth standards for the management of institutions that detain women, whether pre-trial or sentenced, and introduction of gender sensitive approaches to inmate categorization, accommodation and security, and provision of services, including sanitation, hygiene, and health services.

Universal Declaration of Human Rights, United Nations (1948)

Although not legally binding, the UDHR remains one of the most potent and foundational of UN documents.

The UDHR expresses strong support for a multitude of human rights and fundamental freedoms, and laid the groundwork for numerous international agreements, treaties, and covenants.

Regional instruments

Regional instruments that stipulate basic standards for administering corrections systems and guaranteeing the rights of detainees and prisoners include the Council of Europe's *Recommendation of the Committee of Ministers on European Prison Rules*, the African Union's *Kampala Declaration on Prison Conditions in Africa*, and annual resolutions of the General Assembly of the Organization of American States *On the Rights and the Care of Persons under any Form of Detention or Imprisonment*.

APPENDIX II

Corrections Terminology

Classification: An objective system designed to categorize prisoners according to their criminal risk and programmatic needs.

Custody: A score assigned to a prisoner through classification that determines the type and intensity of supervision assigned to a prisoner. The custody of a prisoner can change depending on his or her institutional behavior, such as smuggling contraband, fighting, or active participation in programs.

Count: The process of counting the number of prisoners.

CS/CN: A synthetic powder, often called tear gas; a less than lethal manufactured agent commonly used for crowd control.

CTU: Central Transportation Unit.

Detainee: A term commonly used to describe a person held in pre-trial or non-convicted status; a remand prisoner.

Direct supervision: A management method whereby corrections staff is in constant contact and interaction with prisoners.

ERT/CERT/SORT: Emergency Response Team/Critical Emergency Response Team/Special Operations Response Team. A unit for disturbance control; often referred to as riot control.

OC: Oleoresin Capsicum, also known as pepper spray; a less-than-lethal agent used to temporarily incapacitate aggressors and other individuals.

Offender: A term used interchangeably with prisoner, but most commonly used to refer to a person being supervised in the community under probation and/or parole.

Post: A term used to identify and describe a location staffed by a correctional officer.

Post order: A list of duties for a correctional officer to carry out at a specific location.

PTO-Prisoner transport officer: A correctional officer specially trained to transport prisoners.

Remand: The process by which law enforcement admits an arrestee to confinement in a jail prior to trial.

Rover: A correctional officer assigned to a mobile or “roving” post.

Unit management: A system whereby prisoners are managed by a team of corrections professionals according to their classification in a housing unit.

Use of force: A scale used to determine the level of force required to control or manage a situation, usually on a continuum of increasing control from presence and verbal commands to the use of lethal instruments, such as firearms.

APPENDIX III

Additional Resources

Note: These organizations and their publications do not necessarily reflect U.S. government policy.

United Nations Office on Drugs and Crime

UNODC initiatives combat organized crime, corruption, and terrorism, and support drug abuse prevention and criminal justice reform. UNODC's work to reduce human trafficking and the smuggling of migrants is supported by the United Nations Convention on Transnational Organized Crime and its protocols on trafficking in persons and migrant smuggling. UNODC publishes the *Criminal Justice Handbook Series: Handbook for Prison Leaders, United Nations (2010)*.

The International Centre for Prison Studies

The International Centre for Prison Studies was established in 1997 and is an independent, nongovernmental research institution. Its goal is to assist governments and relevant agencies in developing appropriate policies on prisons. In 2011, the Centre entered into an academic partnership with the University of Essex.

The International Network to Promote the Rule of Law

The International Network to Promote the Rule of Law (INPROL) is a global, online community of practice, comprised of approximately 1,700 rule of law practitioners from around the world. Its goal is to allow these practitioners to learn and share knowledge in order

to better assist post-conflict and developing countries with rule of law reforms. Among their publications, many are dedicated to correctional, prison, and detention reforms.

The Office of the United Nations High Commissioner for Refugees

The Office of the United Nations High Commissioner for Refugees (UNHCR) was established in 1950, and is mandated to lead and coordinate international action to protect refugees and resolve refugee issues worldwide. Capacity building is also a core activity of UNHCR and correctional reform plays a role in this. UNHCR published *Human Rights and Prisons: A Pocketbook of International Human Rights Standards for Prison Officials* in 2005, which provides in depth information on sources, systems and standards for human rights in the field of prison reform.

International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is a neutral and independent organization whose mission is to protect the lives and dignity of victims of armed conflict and provide them with assistance. Many of their efforts in the field, as well as their published works, relate to conditions and needs of people incarcerated in prisons around the world.

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