



**Prison Reform in the Dominican Republic:**  
An Analysis through the lens of the United Nations Sustainable Development Goals

**Jennifer Peirce**



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Jennifer Peirce

PhD Candidate, John Jay College of Criminal Justice  
FUNGLODE DR Fellow, 2017

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***Prison Reform in the Dominican Republic: An Analysis through the  
lens of the United Nations Sustainable Development Goals***

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Jennifer Peirce



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## Foreword

Global Foundation for Democracy and Development (GFDD) and Fundación Global Democracia y Desarrollo (FUNGLODE) are dedicated to promoting research and awareness in areas crucial to the sustainable development of the Dominican Republic and the world. GFDD and FUNGLODE organize meetings, educational programs, research, studies and publications that contribute to creating new perspectives, enriching debates and public policy proposals, encouraging the search for innovative solutions and putting forth transformative initiatives at the national and international level.

GFDD and FUNGLODE are honored to present the publication series Research and Ideas, which makes available to society the findings of research projects, academic articles and intellectual speeches, taking on crucial subjects in the contemporary world from local, regional and global perspectives.

On this occasion the series presents the work entitled *Prison Reform in the Dominican Republic: An Analysis through the lens of the United Nations Sustainable Development Goals*, which examines the process of prison reform in the Dominican Republic—unique and pioneering in Latin America and the world—carried out in the country from 2003 onward. The report covers the challenges of coexistence between the New Prison Management Model, focused on international human rights principles, particularly the United Nations’ Nelson Mandela Rules, and the still operative traditional prison model.

We hope this publication and the entire Research and Ideas series contribute to a better understanding of the world, empowering us to act in a more informed, efficient and harmonious way.

**Natasha Despotovic**  
EXECUTIVE DIRECTOR, GFDD



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## Preface

A prison can be defined as a building that incarcerates people. The term "incarcerate" comes from the Latin *carcer*, which can have various synonyms including "to imprison," "to cage," or "to trap," among others. The prison is the space that makes up part of what is called the penitentiary system, which is a set of norms and rules that regulate prison facilities.

Sustainable Development Goal (SDG) 16 focuses on peace, justice, and solid institutions, and aims to "promote just, peaceful and inclusive societies." Although this SDG does not specifically elaborate on the prison situation around the world, provision 16.3 aims to "promote the rule of law at the national and international levels and ensure equal access to justice for all." This concept serves as the frame of reference for the work presented here by Jennifer Peirce, who conducted the research in her capacity as a doctoral candidate at John Jay College of Criminal Justice and CUNY Graduate Center in New York.

Peirce completed the research in the Dominican Republic through the GFDD/FUNGLODE Fellows program between 2017 and 2018 and traveled across the island to be able to present this work that goes beyond analysis, with conclusions encompassing detailed proposals that call us to action to make these spaces and the prison system in general more humane and aligned with respect for human dignity.

The author presents the historical context of Dominican prisons, moving from the regional to the local and taking in consideration that the country now has nearly half of its prisons under the new model, which is based on **Centers for Correction and Rehabilitation (CCRs)** and a strategy to implement the *Prison System Humanization Plan*. In this context, Peirce offers conclusions that rest on interviews and visits with more than 1,200 incarcerated people and different actors in the Dominican prison system from both the traditional and the new models.

This comparative analysis between both models allow for a better understanding of the conditions and perceptions of incarcerated people in both settings, while also providing the opportunity to familiarize ourselves with the physical and human conditions in which the two groups live, taking into consideration the economic limitations faced by both systems.

**Yamile Eusebio Paulino**  
DIRECTOR, GFDD NEW YORK OFFICE



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I was also fortunate to have an excellent team of research assistants, including students and graduates of the Universidad Autónoma de Santo Domingo (UASD), all of whom are talented researchers in law and sociology. To all of you, thank you for your time, enthusiasm, diligence, and adaptability in our fieldwork. At John Jay College, thank you to Leslie Smith and Vanessa Gutiérrez for your research assistance. I am very grateful for the mentorship, guidance, and support of my dissertation committee: at John Jay College and CUNY, Dr. Jeff Mellow, Dr. Lila Kazemian, and Dr. Mark Ungar, and Dr. Andrés Rengifo (Rutgers) and Dr. David Skarbek (Brown). I also appreciate the ongoing support and guidance from Dr. Lilian Bobea.

I owe a huge thank you to the Dominican government officials who welcomed this research project, gave crucial suggestions, and were very generous with access to information, contacts, and prison facilities for data collection. In particular, I am grateful to Tomás Holguín La Paz, Director General of Prisons at the PGR, and his team, and to Ysmael Paniagua, National Coordinator of the New Model for Prison Management, and his team. I am also grateful to other government institutions and officials, justice system professionals, civil society and community-based organizations, human rights advocates, and individuals who spoke with me about their experiences. To the incarcerated and formerly incarcerated people who participated in my study, I appreciate your courage and candor in helping me understand your experiences. This has been a collaborative project and I hope it will be useful for continuing the admirable and difficult work that these institutions do.

Finally, doing an international research project involving extensive fieldwork is a resource-intensive endeavor. I would not have been able to do this project without funding support from the Pierre Elliott Trudeau

Foundation (Canada), the Social Sciences and Humanities Council (Canada), internal grants from John Jay College & the Graduate Center's doctoral program, CUNY's Center for Latin American, Caribbean & Latino Studies (CLACS), and CUNY's Institute for Research on the African Diaspora in the Americas and the Caribbean (IRADAC). I have also benefited from mentorship and feedback from colleagues at these institutions.

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## Executive Summary

The Dominican Republic's prison reform process is unique in Latin America and internationally. Since 2003, the Dominican government, with various partner organizations, has transformed the prison system through the "New Model for Prison Management" and has opened (to date) 22 Centers for Correction and Rehabilitation. This approach is explicitly oriented toward international human rights principles, in particular the UN Mandela Rules about the treatment of prisoners. The key features include new buildings; a trained, professional corps of corrections officers, new programs, and a shift in discourse, policy, and practice away from punitive control and toward human rights, and rehabilitation. Currently, about half of the country's prisons are CCRs and the other half are "traditional," located in police or military barracks. All of these changes have occurred in a larger context of judicial reform, increases in pretrial detention and punitive sentencing, and a near-doubling of the overall prison population between 2004 and 2018. This situation of parallel prison models coexisting in a justice system under pressure has generated challenges and unanticipated consequences in terms of protecting the well-being and rights of incarcerated people.

Based on fieldwork, in both traditional and CCR facilities, including a survey of over 1200 prisoners, interviews with a range of actors, and official records, this report outlines the key landmarks and obstacles in the reform process over the past 15 years. It also analyzes the conditions and perceptions of prisoners in both types of facilities. It highlights improvements in material conditions and program/services access in the CCRs –though with notable gaps– and some advances in education and health in traditional facilities. But there is also frustration with limited space for earning money for daily costs and for input on facility management problems. More broadly, as the system is stretched under the weight of ever-rising incarceration and pretrial detention rates, even well-implemented programs are not reaching everyone, and basic resources are sometimes scarce. When judicial processes are slow, opaque, or arbitrary, this undermines the legitimacy of prison institutions in general, despite notable investments in rehabilitation.

As the Dominican government undertakes an ambitious next phase of prison reform, the *Plan de Humanización del Sistema Penitenciario*,<sup>1</sup> launched in 2018 by the Procuraduría, it is important to consider the

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1. Procuraduría General de la Republica Dominicana. Speech by Attorney General, Jean Alain Rodríguez. Available at: <https://pgr.gob.do/wp-content/uploads/2018/10/Discurso-PG-Plan-Humanizacion-Sistema-Penitenciario.pdf>

lessons of the prison reform experience so far. The next phase addresses many key challenges that the New Model to date has not tackled, notably integrating the two models within the prisons institutions and dismantling the country's largest facility (La Victoria) and building a new, CCR-like facility to replace it. This offers a significant opportunity to make adjustments, based on a balanced analysis of the successes and limitations of the implementation of the New Model over the past 15 years. This report offers some concrete recommendations to this end.

This report connects the Dominican prison reform experience to the United Nations 2030 Agenda for Sustainable Development, which rightly puts an emphasis on violence and justice as essential dimensions of development, articulated in SDG 16 –on peaceful, just, and inclusive societies.

The conditions of incarceration affect not just incarcerated people, but also prison staff, families of prisoners, the communities to which people return upon release, and prospects for preventing reoffending. This report highlights achievements and areas for improvement in terms of basic protections of due process and state services, institutional transparency and accountability, and empowerment of marginalized people –notably incarcerated people and their families. Using the Pathfinders framework for action on SDG 16,<sup>2</sup> this report identifies specific actions and recommendations for expanding and sustaining the positive elements of the Dominican prison reform, correcting some of the problems, and using the experience to catalyze broader changes in justice and development efforts in the Dominican Republic and internationally.

In terms of recommendations, I propose that the government should focus on reducing the total prison population, rather than simply building nicer prisons for an ever-growing number of people. This will require drastically reducing the use of pretrial detention, reducing sentence length, and expanding the use of parole and alternative sentences. On infrastructure, plans for new prisons should be based on projections of reduced population, not current numbers. Designs should also integrate principles of rehabilitation and collaborative space –that is, infrastructure and program design should happen together, not one before the other. Data systems should be integrated– across old and new prisons, and also with police, courts, and health institutions –so that case management is smoother and more efficient. Incarcerated people should have access to their own information and data, too.

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2. <https://cic.nyu.edu/publications/roadmap-peaceful-just-and-inclusive-societies-call-action-change-ourworld>

Although the New Model has made great strides in personnel development, it should be careful not to over-emphasize the security elements of VTP officer training. Spaces for professionals who are not VTP recruits are also important, especially for treatment and support roles such as social workers, psychologists, medical staff, teaching staff, etc. Partnerships with other government departments –which have the obligation to provide services to people behind bars– could expand the scope of services available, such as in education, post-secondary education, public health, and identity documents. Programs should be more standardized and evidence-based, particularly for programs addressing substance use and serious mental health issues. Post-prison and community supervision services should be provided by a government agency rooted in social work principles, with a caution that expanded community services should not add to burdens or surveillance imposed upon people in conflict with the law. Given the extent of human rights violations –especially the use of force by prison officers– there is a need to strengthen and expand the channels by which people can report misconduct and the methods by which authorities investigate and sanction abuse of power.

Finally, specific strategies and resources should be dedicated to the needs of vulnerable groups: women, juveniles, LGBTQ people, migrants, Haitians and people of Haitian descent, foreign nationals, and people with mental health conditions and/or with disabilities.

In this sense, the Dominican example of prison reform has the potential to be a trailblazer in bringing the concerns of incarcerated people out of the shadows and into a central position for building human rights and sustainable development for all people.



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## Abbreviations

CCR	Centros de Corrección y Rehabilitación (Centers for Correction and Rehabilitation)
CEJA	Centro de Estudios de Justicia de las Américas
CENASI	Centros de Atención Psicosocial a los Internos
CIDH	Corte Interamericana de Derechos Humanos
DGP	Dirección General de Prisiones [General Directorate of Prisons]
ENAP	Escuela Nacional Penitenciaria [National Penitentiary Academy]
FINJUS	Fundación Institucionalidad y Justicia
GDP	gross domestic product
ICPS	International Centre for Prison Studies
INFOTEP	Instituto Nacional de Formación Técnico Profesional [National Institute for Technical and Professional Training]
LGBTQ	lesbian, gay, bisexual, transgender, and queer
NMGP	Nuevo Modelo de Gestión Penitenciaria
NGO	non-governmental organization
ONDP	Oficina Nacional de Defensa Pública [National Public Defenders' Office]
PARME	Proyecto de Apoyo a la Reforma y Modernización del Estado Dominicano [Project to Support the Reform and Modernization of the Dominican State]
PGR	Procuraduría General de la República [Attorney-General's Office]
SDG	Sustainable Development Goal
SPM	San Pedro de Macorís
UASD	Universidad Autónoma de Santo Domingo
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
VTP	Agentes de Vigilancia y Tratamiento Penitenciario [Penitentiary Supervision and Treatment Officers]



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# I. Introduction

In the United Nations 2030 Agenda for Sustainable Development, there is unprecedented attention to the connections between issues of justice, crime, and violence and socio-economic development processes. While the negative economic consequences of crime have long been recognized by scholars (Jaitman et al., 2017), traditional sustainable development frameworks such as the UN Millennium Development Goals have not directly integrated these issues. The establishment of Sustainable Development Goal #16 in the 2030 Agenda marks an important step in putting peace and justice issues at the center of the global development discussion.

The Agenda speaks of: *“peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels, and on transparent, effective and accountable institutions.”* Specifically, Goal 16 calls for *“fostering peaceful, just and inclusive societies which are free from fear and violence”* (Pathfinders for Peaceful, Just and Inclusive Societies, 2017). Although much of the analysis and discussion on Goal 16 is about countries emerging from armed conflict,<sup>3</sup> it applies also to countries with established democratic institutions that still grapple with violence and crime. By integrating issues of human rights, justice, transparency, and institutions, Goal 16 calls for deeper and more creative approaches to building “better” law enforcement and justice institutions.

This report puts a spotlight on what is typically the least-visible and least-resourced of justice institutions: the prison system. First, prisons represent the most direct manifestation of state control over its citizenry. As the famous Dostoyevsky quote notes, how a state treats its prisoners tells you how a state treats its people more generally.<sup>4</sup> This is a site where definitions, compliance, and oversight of how states protect human rights is particularly contested and particularly influential on people’s daily lives. The entire 2030 agenda applies in quite concrete ways to prisons and to people living in prisons, who are entitled to nutrition, healthcare, education, etc. The 2017 Global Prison Trends Report provides a thorough analysis of how each SDG applies to prisons (Penal Reform International, 2017).

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3. For example, the Sustainable Development Goals Fund: <http://www.sdgfund.org/goal-16-peace-justice-and-strong-institutions>

4. The quote is from The House of the Dead. “The degree of civilization in a society can be judged by entering its prisons.”

Second, prisons provide the services, conditions, and relationships that shape incarcerated people during their sentence, and thus are influential on a person's prospects for reintegration into law-abiding society. In international organizations focused on crime prevention, countries acknowledge that imprisonment, particularly in poor conditions, leads to more severe poverty, poor public health, and further social exclusion that fuel crime and violence (UNODC, n.d.).

Third, countries in Latin America and the Caribbean are spending ever-greater proportions of their GDP on public security costs –averaging about 3.5% (Izquierdo, Pessino, & Vuletin, 2018)– and prison systems are a significant component of this. Thus, improving both the quality and the efficiency of prisons has far-reaching social and economic development effects.

But prison reform is not a politically popular endeavor. There is rarely a political payoff to investing resources in a portion of the population that the general public can easily dismiss as unworthy. What's more, prison systems are complex institutions that do not change quickly. The benefits of reform initiatives may occur long after a political cycle has passed. But pressures for addressing the problems in prisons are growing, in the US and in much of Latin America, several factors are converging to create some political room for prison reform in a progressive direction. This is in part because harsher prisons have not delivered on the political promise of reduced crime and violence. Growing public acceptance of recreational marijuana legalization in numerous countries has opened conversations about further dismantling strict drug laws (Asmann, 2018). There is more media coverage and outcry from researchers and families about violations of basic rights in prisons (Restrepo & Bergman, 2018; Brandoli, 2017). And, governments struggling to balance their budgets are less ready to spend on new prisons and technologies without clear evidence of results (Izquierdo et al., 2018).

In this policy window, one-off interventions are not enough; governments are seeking more comprehensive reform strategies. Given this, it is important to disseminate international experiences of sustained reform that has led to real positive changes –even when these are ongoing, messy, imperfect processes. Demonstrating the alignment between institutional reforms and broader international commitments –such as the SDGs– can help to solidify the political buy-in and resources for the reforms.

Against this background, this report provides an overview of the Dominican Republic's experience in building and implementing the *New Prison Management Model*, a major institutional reform and an explicit application of human rights and sustainable development concepts to prisons ("Modelo de Gestión Penitenciario," n.d.).

The Dominican Republic is one of the only countries in Latin America and the Caribbean that has implemented a long-term, system-wide prison reform process. The New Prison Management Model includes a new corrections officer figure, new programs, and a new institutional structure. By implementing this model gradually, one facility at a time, in newly-built or renovated prison facilities, the Dominican government has adapted and adjusted its model over the course of implementation. The reforms began in 2003, with a formal decree in 2005, and as of 2018, there are 22 prison facilities operating under the New Model, representing about half of the prison facilities in the country and holding about a third of the incarcerated population. The other half of the prisons remain under the "traditional model," typically in police barracks. Under the institutional authority of the *Procuraduría General de la República* (PGR, Attorney-General's Office), the government is managing a complex, iterative process of managing two types of prisons concurrently, while winding down one and expanding the other.

The Dominican reform experience is widely-cited as a reference point and best practice in Latin America, particularly in Central America and the Caribbean, where crime is higher and budgets more meager (Carranza, 2012; Justice Trends, 2017). The Dominican model attracts international visitors and study tours on a regular basis, and it is now being adapted and implemented in Ecuador (Garces & Navarette, 2017) and Guatemala (Ministerio de Gobernacion de Guatemala, 2017). After 15 years of implementation, like any long-term policy initiative, it has also faced challenges and generated unintended consequences, both positive and negative. As the importance of prisons as a key component of criminal justice systems and a key space for strengthening social welfare and human rights, an in-depth analysis of the Dominican experience—the model itself and the implementation process—holds lessons for the next iterations of prison reform in the Dominican Republic and for other countries committed to similar goals. Furthermore, the current Dominican government has launched its next phase of improving the

prison system –the *Plan de Humanización del Sistema Penitenciario*<sup>5</sup> – which aims to build several major new facilities, expanding the New Prison Management Model to the entire prison system and the juvenile system. Thus, the lessons from the first portion of its reform experience can inform this ambitious next phase.

The United Nations Sustainable Development Goals and Agenda 2030 also need to put attention and resources toward what happens inside prisons. The New Prison Management Model explicitly aligns itself with United Nations principles and human rights frameworks. This includes the UN Sustainable Development Agenda generally, but the New Model refers primarily to the UN Standard Minimum Rules for the Treatment of Prisoners, known as the Mandela Rules (UNODC, 2015). These standards, updated in 2015 from a 1955 version, set out clear principles and concrete benchmarks for the conditions of prisons and the manner in which staff treat prisoners in delivering services and in daily interactions. They are general enough to cover prison situations around the world but specific enough for monitoring and reporting on compliance. The Dominican Republic has made a concerted, public effort to adapt the Standards to its local context and to weave their content into policy and practice.

This report has two objectives:

- 1) to provide an outline of the main elements and challenges of the Dominican New Prison Management Model, and
- 2) to consider the impacts and limitations of this prison reform through the lens of Goal 16 of the United Nations Agenda 2030 for Sustainable Development.

It uses surveys, interviews, and secondary data analysis with people who are incarcerated and with government officials and civil society organizations. Given the limitations of data on re-entry and recidivism, this report does not aim to assess the outcomes or individual-level effects of the new prison model. Rather, it considers the complexities of implementing sustainable changes in how prisons are run and whether or how such reforms might translate to better protection of the rights of incarcerated people.

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5. <http://pgr.gob.do/tag/plan-humanizacion/>

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## II. Methods

This project is part of my dissertation research project, toward a doctorate in criminal justice with John Jay College of Criminal Justice (City University of New York). I began this project in 2016 and have developed the overall approach and research methods in close consultation with the key government officials responsible for prisons, both in the *Procuraduría General* and in the coordination of the new model.

My data collection strategies used both quantitative and qualitative methods. In the early phases of the project, I interviewed policymakers, civil society organizations, and government officials involved in various aspects of the prison reform experience and on justice and human rights issues in the Dominican Republic more broadly. I also conducted numerous visits to prisons (both new model and traditional model) and spoke with staff informally and with incarcerated people in interviews and in focus groups.

Building on the themes identified in this stage, I developed a survey for incarcerated people about their trajectories before prison, their current conditions of confinement, and their perceptions of more subjective aspects of their experience, such as sense of autonomy, dignity, respect, and safety. The survey is based on the *Measuring Quality of Prison Life* conceptual framework and survey instrument, developed by researchers in the UK (Liebling, 2004) and adapted in numerous other countries. The adaptation for the Dominican context integrates lessons from similar surveys in Chile and regionally (Bergman, Fondevila, Vilalta, & Azaola, 2014; Sanhueza, 2015). There are some open-ended questions that generate more narrative answers. The research design received approval from my university review process and from Dominican authorities. Over the course of several months in 2017, with a team of students, I administered the survey first to a small pilot group and then to more than 1200 individuals in 17 prisons, from the traditional and new models. Participation was as random as possible – selecting from those available in the general population area on a given day – and voluntary. Some filled out the survey in writing and some responded verbally to questions asked by a research team member.

I continued to conduct semi-structured interviews with people currently incarcerated and formerly incarcerated, as well as focus groups inside prisons and in some local communities. I also interviewed government and international organization officials, judicial system officials, and NGO representatives. In total, I interviewed approximately 25 people with experience of incarceration, conducted ten focus groups, and interviewed 45 other stakeholders. The surveys are voluntary and anonymous (with no identifying details recorded) and the interviews are confidential.

This methodological approach puts an emphasis on the perspectives of incarcerated people because they are the most directly affected by prison conditions and by institutional reforms.

By combining self-reported objective conditions and subjective perceptions of the social climate of the facility, it attempts to capture a more complex picture of prisoners' experiences than merely documenting the dimensions of facilities and access to services. But I acknowledge that there were some groups of prisoners who were beyond my reach, such as those with health or psychological challenges, those who did not speak Spanish, English, or French, and those who are held in more restrictive housing types within a facility or in police or court lock-up areas. I fill out the broader picture of the reform process through the interviews with other stakeholders, but due to feasibility limitations, I did not collect detailed perspectives from other groups with direct experience of daily prison conditions, notably prison facility staff and family members of incarcerated people.

### III. History of the Modern Dominican Prison System

#### a. The Dominican Republic in Regional Context

The Dominican Republic is in the middle range of countries in the Latin America and Caribbean region in terms of its incarceration rate per capita, with 238 people incarcerated per 100,000 inhabitants. This compares with a high rate of 618 per 100,000 in El Salvador –close to the rate in the United States, 655 per 100,000– but far above its neighbors Haiti and Jamaica, at 80 and 138 respectively, or Canada at 114. However, in terms of the proportion of incarcerated people held in pretrial detention, the Dominican Republic ranks worse. With 60.3% in pretrial detention, only Bolivia, Uruguay, Venezuela, and Haiti have a higher percentage of people behind bars without a sentence. (Pretrial detention issues are discussed in more detail in a subsequent section.)

**Table 1: Prison Populations and Rates in Latin America and the Caribbean** Data from the *Institute for Criminal Policy Research*, [prisonstudies.org](http://prisonstudies.org):

Country	Incarceration rate per 100,000 inhabitants (descending order)	Total incarcerated population	% of incarcerated people in pretrial detention
El Salvador	618	39,807	30.5%
Virgin Islands (UK)	542	134	37%
Cuba	510	57,337	-- unknown
Bahamas	438	1,746	42.0%
Grenada	435	465	15.2%
Virgin Islands (USA)	426	577	36.4%
Panama	395	16,561	47.3%
St Kitts & Nevis	393	220	30.5%
Cayman Islands	393	253	29.6%
St Vincent & Grenadines	378	469	24.3%
Costa Rica	374	19,226	13.3%
Anguilla (UK)	367	55	45.5%
Belize	356	1,297	30.1%
Antigua & Barbuda	347	305	37%
Brasil	337	719,998	33.8%
Barbados	322	874	48.9%
Uruguay	321	11,078	69.7%
Puerto Rico (USA)	313	10,475	13.0%
Guyana	283	2,200	35.6%
St Lucia	280	527	53.5%

Country	Incarceration rate per 100,000 inhabitants (descending order)	Total incarcerated population	% of incarcerated people in pretrial detention
Peru	277	90,638	39.1%
Nicaragua	276	17,196	21.4%
Trinidad y Tobago	270	3,999	59.7%
Guiana Frances (Francia)	267	784	25.9%
Dominica	247	211	23.7%
Dominican Republic	238	26,286	60.3%
Curacao (Holanda)	236	377	41%
Colombia	227	119,896	32.1%
Chile	226	41,594	31.8%
Ecuador	222	37,497	34.9%
Honduras	216	18,950	53.1%
Martinique (France)	211	813	27.3%
Guadalupe (France)	211	946	26.9%
Paraguay	199	13,607	77.9%
Argentina	186	72,693	47.7%
Suriname	183	1,000	50%
Venezuela	178	54,738	63.0%
Aruba (Holanda)	165	170	16.6%
Mexico	163	203,364	39.2%
Bolivia	156	17,946	69.9%
Sint Maarten (Holanda)	153	62	18.1%
Guatemala	140	24,303	52.0%
Jamaica	138	3,866	23.1%
Haiti	80	8,882	66.8%

Despite being relatively average in regional incarceration indicators, what makes the Dominican Republic unique in the region is its prison reform process. While other countries have built new facilities and infrastructure (e.g. Costa Rica, Colombia, Argentina), revamped their staff training approach (e.g. Uruguay), or experimented with private prisons (e.g. Chile) or nonprofit- or community-run facilities (e.g. Belize, APACs in Brazil), few countries have undertaken a full-scale institutional reform spanning several political cycles. Although the New Prison Management Model in the Dominican Republic does not yet cover the full scope of the prison system there, it does represent arguably the most dramatic and sustained prison reform in the Americas in the past two decades.

## b. Legislative Framework

The modern prison system in the Dominican Republic was established through Law 224, in 1984 (Ley No. 224 sobre Régimen Penitenciario, n.d.). This marked a departure from colonial- and dictatorship-era approaches, in which prisons served mainly to warehouse people and, in

some cases, to exert harsh punishment on accused people or on political opponents. Law 224 establishes a prison system with the stated objectives of rehabilitation and correction and sets out the institutional structure of the Directorate of Prisons, under civilian oversight. One unusual feature is that the prison system is located institutionally under the Attorney-General's Office (*Procuraduría General de la República*, PGR), which also has responsibility for prosecutions and other justice-related policies. Although the prisons system has autonomy, there are budgetary, staffing, and other resource decisions made at an institution-wide level. This can generate apparent conflicting incentives, because the actions of the prosecution branch have an influence on the number and type of people who are sent to prison –people whom the prison system is responsible for housing and caring for.

Law 224 also establishes phases of incarceration: intake/observation, treatment, and *prueba* (test – this can involve certain privileges or even day release or weekend release). At the *prueba* phase, depending on the sentence a person can be eligible for parole. Law 224 mandates facilities separated by sex, with basic infrastructural conditions, standards for hygiene, food, visits, access to lawyers, and other standard prison conditions. The roles and rules for prison staff and for disciplinary regimes are explained, including a commission to determine sanctions for any infractions by prisoners and any misconduct by staff. Basic rights for prisoners, such as the right to religious practice, education, work with some remuneration, and to grievance channels, are clear. In sum, this law is a typical modern legislative framework for a prison system that more or less approximates many of the contemporary international standards for prisons, though in less detail than what current documents contain. The challenge is, as in many areas of public policy, that the implementation of these laws is not consistent or comprehensive. So, in practice, people incarcerated in Dominican prisons often do not have meaningful access to the conditions and rights that legally pertain to them.

The Dominican Republic is also party to international human rights conventions, which are also part of the broad legal framework overarching the prison system –including both the traditional facilities and new model centers. These include the major UN human rights instruments –in particular, the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the Convention Against Torture (1985). The most detailed set of principles and standards are the UN Mandela Rules, mentioned above, which are the Standard Minimum Rules for the Treatment of Prisoners, first

developed in 1955 and then updated in 1990 and in 2015 (for details, see Peirce, 2018). Other UN standards for special populations –notably the Bangkok Rules for women prisoners and the Havana Rules for juvenile prisoners– also apply.

### **c. Genesis of the New Prison Management Model**

In the 1990s, there was growing outcry from prisoners themselves, from their family members, from civil society groups and from media reports about poor prison conditions. The principal complaint was extreme overcrowding (Interview, 2017). There were also problems with incidents of violence and sometimes death, as well as several rare but dramatic events: riots, fires, and escapes (Interviews). Families also complained about the poor quality of food, water, and health services. Due to a lack of personnel and the overcrowded conditions, there was little formal control or discipline of illegal or violent actions by prisoners (Interviews, 2017). As organized crime became more prominent, there were also high-profile cases of corruption and preferential treatment for certain individuals who were detained (Interviews, 2017). Inside institutions, confrontations occurred over different views on whether or how to tackle low-level but widespread corruption. Under this combination of pressures, policymakers and leaders within the government institutions began to seek new approaches and solutions. Some initiated more training and professionalization for the police officers assigned to the penitentiary system (Interviews, 2017); this generated new knowledge and a small core of officials interested in modernizing the system. There was also internal resistance to professionalization and more formal structures for prison management, since some factions were benefitting from illicit economic transactions inside facilities.

At the same time, there were broader institutional modernization initiatives occurring across Dominican government agencies. One important process was the general reform of the judicial system, shifting from an inquisitorial to an adversarial system (CEJA, 2018). The transformation of the justice system began with the 1994 constitutional reform, and began in earnest in 1996, with the formation of the National Commission for Judicial Reform (CONARJ), through Decree 460-96.

Another main initiative was a project partly funded by the European Union, known as PARME –*Proyecto de Apoyo a la Reforma y Modernización del Estado Dominicano*<sup>6</sup>. According to interviews with people involved

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6. <http://opac.pucmm.edu.do/virtuales/bvds/moderparme.htm>

at this time, a small group of policymakers and politicians decided to devote some of the resources of this project to building a more modern way of managing prisons. They drew on relationships with the European Union and with the British Embassy and secured technical assistance from consultants and former prison management leaders from Spain and Britain. Two key leaders in this initiative were the Attorney-General at the time and the former president of the *Universidad Autónoma de Santo Domingo*, both of whom had strong personal commitment to and interest in building a new vision for the prison system in the Dominican Republic. Other entities, notably NGOs with specialization in judicial issues (FINJUS and Participación Ciudadana) and USAID, also contributed to the development of the ENAP. By combining a new academy, new institutional structures, and robust public outreach, as described below, this initial pilot effort ultimately transformed the entire prison system of the country (Paniagua Guerrero, 2015).

In 2007, the government created the new Coordination Office for the New Model of Prison Management (through resolution No. 0078, 22 November 2007), to organize and fortify the reform and transition process and to manage the *Centros de Corrección y Rehabilitación* (CCRs). This is a de facto headquarters office, operating under the auspices of the Directorate of Prisons (DGP), but with significant autonomy.

#### **d. The National Penitentiary School (ENAP) and the New Corrections Officer**

One of the first initiatives of what would become the New Prison Management Model was to establish a training school for a new type of prison personnel. *The Escuela Nacional Penitenciaria* (National Penitentiary School, ENAP) was established in 2003, initially operating at local sites and as of 2007, located in the Castillo del Cerro (a property donated by the government). The small team established a curriculum that taught key components of corrections practice, based in part on the human rights management framework developed by British corrections leader Andrew Coyle (Coyle, 2003) and adapted for the Dominican context. The first Manual of Prison Management for the new model was published in 2006 and has been updated regularly since then.

The ENAP developed a range of courses, ranging from basic training to advanced specialized trainings and continuing education courses (*Escuela Nacional Penitenciaria (ENAP)*, 2013). The central course is the basic training course for corrections officers, which typically runs four

months. It covers overall principles and philosophy (including human rights concepts); social and psychological theories about structural and individual factors that contribute to crime and delinquency; techniques for managing daily routines and order inside a facility; disciplinary and incentive systems; security and surveillance methods; managing visits; judicial system and legal assistance; and administration of budgetary and other resources. The course follows the content of the Prison Management Training Manual, which guides all the operations of the corrections staff (Dirección General de Prisiones - Nuevo Modelo de Gestión Penitenciario, 2006).

According to the 2006 edition of the Manual, the key areas are: Organization of the CCRs, Operations (schedule, intake, observation period, treatment period, release and temporary release), Administrative Management, Security Management, Health Services, Collaboration with Public and Private Institutions, and many different protocols, procedures, and forms. The basic training also includes an internship placement for practical experience hours. New recruits live at the school during courses and at the facility during the internship. Parts of the training resemble military training –such as boot-camp-style exercises and marching– but much of the content is substantively about the new prison management policies.

Over the years, the ENAP developed other courses, such as training for directors of CCRs, instructors of courses, courses for support staff, transport of high-risk inmates, and training for working with canine units. It also developed a Masters degree in Penitentiary Administration, delivered jointly with the Universidad Autónoma de Santo Domingo (UASD) ((Escuela Nacional Penitenciaria (ENAP), 2013); Stakeholder interviews; Pinales Matos, 2014).

Within the auspices of the ENAP, a new correctional officer figure was established: the *Agente de Vigilancia y Tratamiento Penitenciario* (Agente VTP - Penitentiary Treatment Officer). For symbolic and practical reasons, this was a deliberately civilian figure, to set it apart from the police and military institutions. Therefore, aspiring VTP officer applicants were required not to have had prior roles in either police or the armed forces. Other eligibility criteria included a high school diploma, an interview oriented towards pro-social attitudes and skills, a physical health and fitness test, and willingness to follow the new human rights ethos.

The first class of VTPs graduated in December, 2003. Since then, the school has graduated one or two cohorts each year; as of 2013, more than 1400 VTP officers had graduated. In 2018 the twenty-third class was certified. As of 2018, there were 1,620 VTP agents (including 333 women) actively working in the New Model system, including CCRs, headquarters, training, and other tasks. There were also 544 administrative personnel (352 of whom are women). The ENAP has also trained groups of corrections officers from Guatemala. In continuing education courses, the ENAP has delivered dozens of different topics, usually in one-day workshops, on topics ranging from corruption to budget management to pedagogical techniques to drug use prevention.

VTP trainees are typically young, having recently finished high school. In my interviews with current trainees, most expressed that they selected this professional pathway because they had seen friends or family members advance professionally in this line of work. They were more likely to be from rural areas of the country where there were fewer formal employment options. Several expressed that they were choosing between military, police, and prison officer training programs, since these positions promise steady work with the benefits of being a public servant. Although VTP salaries are typically higher than police officer salaries, most trainees in my interviews emphasized that they selected this route mainly for the potential for professional advancement, including through university courses. “I would not be able to follow a university degree without the support promised by working in this position. I want to become a psychologist, but I cannot do that alone,” said one (Interview). They spoke positively about the progressive philosophy of the training program and a willingness to believe in the potential for people who commit crimes to change and rehabilitate. But overall, their priorities and motivations for this line of work are mainly about the conditions of the profession, possibilities for advancement, and security of employment for the longer term.

In a typical CCR, there is a standard structure for staff. The director may be a VTP officer who has risen through the ranks or may be a professional from the local community. There is a Deputy Director for the key areas: Care and Treatment, Administration, and Security. A team of VTP officers and support staff work in each area. For other areas, such as the school and vocational workshops, sometimes VTP officers are in charge of classes and coordination and sometimes non-officer staff from other government ministries or institutions do so.



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## **IV. Evolution of the New Prison Management Model within the Criminal Justice System**

### **a. Centros de Corrección y Rehabilitación (CCR): Construction and Expansion**

The prison facilities that are under the New Prison Management Model are called Centers for Correction and Rehabilitation (CCRs). The key feature of a CCR is that it does not permit a population beyond its stated capacity. In practice, this means that it has a set number of beds, and once those are filled, it does not accept any more prisoners. Judges in that district typically send prisoners to other prisons (in the traditional model) when the CCRs are full. The other key feature is that CCRs are managed by facility staff and the VTP personnel, with a team of staff divided into specific roles: security, legal services, health services, treatment and education services, administration, facilities management, etc. Generally, the number of VTP and other staff working at a CCR is substantially larger than the number of police and administrative staff working at a traditional prison of a similar size. The specific ratios are difficult to calculate because security services at traditional prisons are provided by police or military officers, whose deployment is determined by their institutions and not by the Directorate of Prisons (DGP). Nonetheless, given personnel limitations, there are usually fewer police officers monitoring the internal sectors of a traditional prison; they primarily provide gate and perimeter security. In contrast, in a CCR, a VTP staff member is usually stationed at each internal area, while others circulate as escorts when prisoners move from one area to another.

CCRs have more spacious facilities than traditional prisons. They often have modules or sectors, with dormitory areas that have bunkbeds, sleeping anywhere from six to twenty people in each cell. Each person has a bed with a locker to keep his possessions. Each cell usually has its own toilet; showers are either in each cell area or in a block for each floor or module. There is running water, electricity, windows (with bars) to the outside, and open hallways connecting each area. This design allows corrections officers to walk easily among units and to see what is happening in each cellblock. Each floor or module usually also has a public phone, sometimes a television, and an area for relaxing and playing dominoes or other simple games. In my survey, over 80% of

people residing in CCRs had their own bed,<sup>7</sup> compared to less than 30% of people in traditional prisons. The majority of people in traditional prisons sleep on the floor (about 17% have a mattress and 37% sleep on the bare floor), due to overcrowding.

CCR facilities also have more space for programs, activities, recreation, and workshops. Although the CCRs vary dramatically in size and in the amount of space the facility has, most have a sports area –a basketball court, soccer field, or baseball pitch. Most have gardens where prisoners grow vegetables for the kitchen. Some also have workshops for vocational training, such as carpentry, leather work, sewing, or craft making. Other activities –educational classes, rehabilitation treatment activities, and sometimes religious activities– are held in separate classroom spaces. Many CCRs, but not all, have also created libraries and small computer labs.

## **b. Expansion of CCR Facilities**

The first such center was established at Puerto Plata in 2004. The existing prison facility was renovated to create more space and infrastructural amenities. The transition from traditional facility to CCR is dramatic and rapid: the VTP management team replaces the police-run security team and the other administrative staff of the old model. This can involve some confrontation and resistance, since prisoners face an immediate change in conditions, including the removal of some amenities they may have had, such as televisions, fans, and personal food. The new VTP team attempts to explain the benefits of the new system –more equal conditions, better hygiene, better programs– to encourage the prisoners to adapt voluntarily. The national authorities determine which prisoners will stay in the new CCR and which ones will be transferred to other facilities. The new VTP team puts in place the standard programs for CCRs: education, health services, new intake services, obligatory work positions for prisoners.

Over the years, the New Model has built or renovated additional CCR facilities. The second CCR was *Najayo Mujeres*, near the capital, with a capacity of about 300 people. In the first round of conversions, the new CCRs were relatively small –such as in Dajabón, Elias Piña, and Mao in the western part of the country in 2005 and 2006. Larger facilities required more resources and time, as they were new constructions on new terrain.

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7. This number includes CCRs “in transition” that retain some characteristics of the traditional facilities. Almost all the incarcerated people have beds in the fully new or renovated CCRs.

For example, the CCR in San Pedro Macorís, built in 2009, is a new facility with multiple buildings outside the city, with a capacity of about 800 people, including some in maximum security conditions. In addition to these larger facilities, some of the CCRs were built for specialized populations. In 2015, the New Model opened *Haras Nacionales* for older adults, men over 50 years old, in a more relaxed, cabin-style residential setting. In another style of facility, the *Sabana Toro* center is a large house, with room for about 80 people, and it is reserved for women in the last phase of their sentence who are deemed trustworthy. They have greater liberty in their daily activities inside the facility and many have permission to leave during the daytime for education or work projects.

### **c. Trends in the Numbers of Prison Population**

As the number of CCRs grew, the number of traditional facilities reduced. Some were converted, through extensive renovations, into CCRs, while others were simply closed. In 2017, there were 22 CCRs and 19 traditional prison facilities, for a total of 41 in the country. The largest prison by far is La Victoria, located near Santo Domingo, which has at least 9,000 people in a prison that was originally built for 2,000 people. This means that one large prison holds about as many people as the entire New Model system.

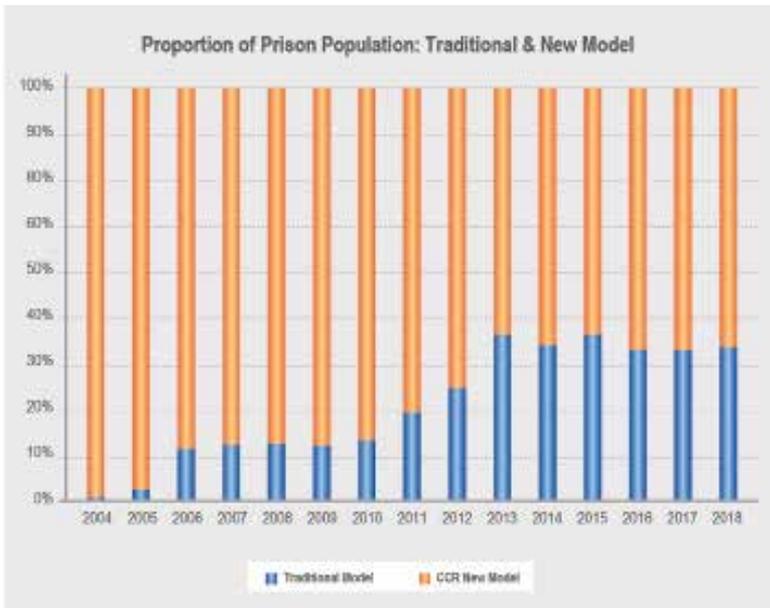
This table shows the trend in overall numbers of incarcerated people, with a breakdown of the proportion held in each system. It is important to note that these numbers do not include people held in police stations or courts on a temporary basis, sometimes for weeks, who are also under the institutional responsibility of the state.

As this table sets out, as the CCRs have expanded in number, they have taken on a growing proportion of the overall population of incarcerated people. The biggest jumps occurred in 2012-2013, when some of the larger new facilities began to operate at full capacity. In 2017, the New Model held about 35% of the total prison population. Most, though not all, of the CCRs are operating fairly close to 100% capacity. A couple facilities that originally were renovations of older buildings are undergoing additional repairs, due to dilapidated infrastructure, and so are not holding their full capacity of prisoners.

**Table 2:** Evolution of Prison Population, CCR & Traditional Model, 2004-2018.

	# of CCRs	Total CCR Pop	Total Trad'l Model Pop'n	% New Model	Total Prison Pop'n
2004	1	62	12946	0%	13008
2005	3	391	12104	3%	12495
2006	9	1948	11852	14%	13800
2007	9	2313	12855	15%	15168
2008	10	2599	14129	16%	16728
2009	12	2815	16336	15%	19151
2010	13	3335	17408	16%	20743
2011	14	4506	17429	21%	21935
2012	16	6223	17821	26%	24044
2013	17	9323	16105	37%	25428
2014	18	9102	16876	35%	25888
2015	20	8753	15150	37%	23903
2016	22	8676	16359	35%	25035
2017	22	9012	17044	35%	26056
2018	22	9290	16525	36%	25815

Source: Dirección General de Prisiones and Coordinación del Modelo de Gestión Penitenciaria (PGR), 2018.



One of the notable patterns here, though, is that the total prison population has approximately doubled from 2004 to 2017, from 13,000 to 26,000 people. This means that even as the CCR system has dramatically expanded, from 1 to 22 centers, holding 9,000 people, the New Model still only holds about a third of the total prison population. Had the prison population remained close to 13,000, the New Model at its current capacity of about 9,000 people would be holding almost 70% of the total population.

The Dominican Republic's incarceration rate per 100,000 residents in 2004 was 140 (ICPS). In 2017, the rate was 239 per 100,000 – which is about a 70% increase in the rate. This means that the increase in incarceration is far out of step with the increase in the population. Similarly, this increase does not align with changes in crime rates. The homicide rate in 2005 was 26.4 per 100,000 residents, and in 2017 the rate was 14.9 (Bobeá, 2013); (Clavel, 2018). Although the patterns are more mixed for other types of crime, there is no increase in any type of crime that keeps pace with the 70% increase in incarceration numbers.

#### **d. Pretrial Detention**

Within the total incarceration numbers, the proportion of people in pretrial detention is an important data point. In 2000, the vast majority of people held in prisons were in pretrial detention: about 82% of the total, or about 141 people per 100,000 residents (Walmsley, 2017).<sup>8</sup> Following the shift in the judicial system from the inquisitorial to the adversarial system in the early 2000s, there was a precipitous drop in pretrial cases, as many were vacated during the conversion. In 2005, the pretrial proportion fell to 77% of the total incarcerated population but the rate per 100,000 was much lower, at 104. By 2010, about 65% of the total incarcerated population was in pretrial detention, but the rate per 100,000 for pretrial detention had risen again to 136. In 2017, the proportion was about the same (66% overall). Given the increase in overall incarceration, though, the pretrial detention rate is 160 people per 100,000 residents. This means the growth in the total number of people behind bars is in large part due to an increase in both the total and relative numbers of people being held in pretrial detention. It is quite possible that other factors –such as longer sentences, fewer parole approvals, and harsher prosecution actions– have also contributed to the increase. But when considering the

8. [http://www.prisonstudies.org/sites/default/files/resources/downloads/wptribl\\_3rd\\_edition.pdf](http://www.prisonstudies.org/sites/default/files/resources/downloads/wptribl_3rd_edition.pdf)

potential causes for the doubling of the incarcerated population, pretrial detention rates are clearly a major part of the problem.

Pretrial detention in the Dominican Republic is regulated under Law 76-02 (2002), modified in 2015, specifically article 226. In the law, the most common available options for a person awaiting trial include: periodic presentation in court, an economic guarantee (i.e. a bail payment), electronic monitoring, house arrest, or the person's promise to appear. Notably, detention inside a prison is reserved as a last resort, meant for severe charges, where a public safety risk and/or a flight risk exists, or for complex cases. Pretrial detention can last from three to twelve months, with review periods every three months. In principle, certain groups, such as people over 75 years old, pregnant women, or seriously ill people, are not eligible for pretrial detention; of course in practice these groups rarely face criminal charges.

Despite the availability of alternative measures and the principle of keeping pretrial detention as a last resort, in reality it is the most commonly applied measure. In other words, it is often used as a first, not a last, option.

Media reports on data from the court system reflect similar numbers. In 2016, out of 26,829 cases with hearings, 11,338 (42%) resulted in pretrial detention, 9,814 (36%) in economic guarantee (bail, without specifying who could pay or not), 3,791 (14%) in periodic appearances, and 1,836 (7%) in other measures (Santana, 2017).

In my survey, I asked respondents who are currently incarcerated whether they requested bail or another alternative pretrial measure at their hearing. In my sample, 40% of respondents said that they had requested bail –but most were put in pretrial detention. Eighty-six percent of people in old model prisons and 89% of people in new model facilities were in pretrial detention at the time of the survey or had been in pretrial detention before their conviction. The median length of time they spent in pretrial detention was 1.16 years– far more than the prescribed three-month period.

**Table 3: Pretrial Coercive Measures Applied, Jan-Sept 2017**  
*(Data from the Office of the National Public Defender)*

Type of Pretrial Coercive Measure	Number of Cases (Jan-Sept 2017)	Percentage of Cases
<b>ADULTS</b>		
Liberty without coercion (release on recognizance)	650	5.28%
Restrictions on external travel	7	0.06%
Restrictions on internal travel	8	0.06%
Periodic appearance at court	2,842	23.07%
Institutional supervision	61	0.5%
House arrest	21	0.17%
Liberty through economic guarantee (bail)	2,572	20.87%
Economic guarantee – unable to pay (bail)	934	7.58%
Pretrial detention	5,226	42.42%
<b>Total</b>	<b>12,321</b>	<b>100%</b>
<b>JUVENILES</b>		
Liberty without coercion (release on recognizance)	47	5.79%
Obligation to appear before an authority	291	35.84%
Prohibition on travel without permission	1	0.12%
Prohibition on interaction with certain people	13	1.60%
Change of residence	9	1.11%
Under the custody of another person or institution	130	16.01%
House arrest	22	2.71%
Provisional pretrial detention	299	36.82%
<b>Total</b>	<b>812</b>	<b>100%</b>

Most analysts agree that the excessive use of pretrial detention is a problem of practice, not of legal constraints. In my interviews, policymakers and civil society organizations identified several common factors as likely causes for the increase in the overall numbers of incarcerated people and the relative increase in pretrial detention. The most common response, from people in a wide range of roles, was that prosecutors and judges hesitate to apply the existing alternative measures for pretrial supervision –because they are afraid of negative media coverage and potential political backlash. People cited cases where a person in pretrial status failed to appear, fled the country, or committed another crime. The perception is that the public and the media will blame a prosecutor or judge for “letting” the person go. In my stakeholder interviews, people working in the court system generally agreed that both

prosecutors and judges frequently apply pretrial detention as part of the punishment– because they assume that the actual conviction process may be slow or flawed. Since the pretrial detention period gets counted in the time served at time of sentencing, some consider this to be acceptable.

This reflects the phenomenon of penal populism, which is public support for harsh punishments, with little regard for due process considerations. This occurs in societies around the world, particularly when the public believes that the justice system will fail to provide clear accountability or fair consequences for crimes (Muller, 2012; Sozzo & Somaglia, 2017). The media often play a role in fueling these perceptions and highlighting incidents of judicial discretion or lenience, framing these as risks or exceptions even if they are within normal parameters (Kostenwein, 2015).

The other common theme mentioned during interviews was more about delays in the investigation and trial process, which extend the pretrial detention period. Although pretrial detention is typically imposed for three-month periods, sometimes up to twelve months, interview respondents commented that there are no meaningful consequences for a prosecutor’s request for extensions. As a result, simple delays such as absent court officials or mistakes in paperwork can justify a further three months of pretrial detention. According to my interviews with incarcerated people, judges or attorneys request and grant such extensions casually, with little apparent consideration for the effects of longer detention on the accused person. Some measures have been put in place to address case backlog (Espinoza, 2016), but the effects of these changes are not yet apparent.

### **e. Conditional Release and Parole**

The growth in incarceration is also fueled by other factors. First, more widespread and more punitive laws on certain crimes have increased the number of people charged and convicted. In my interviews, respondents noted that most such cases relate to drug trafficking and gender-based violence, two issues that have been in the political spotlight and that are priorities of international funders with influence on justice policy (mainly the US). (In my study, 28% of respondents were charged with homicide, 23% with drug-related crimes, and 18% with domestic or sexual violence.)

Second, more punitive sentencing decisions can mean people stay in prison longer once sentenced. According to a 2013 census of people in traditional model prisons, 20% of respondents were serving a 20-year sentence 18% were serving five years, 16% were serving ten years, and 12% were serving thirty years. Only 8% were serving sentences less than five years long (Dirección General de Prisiones (DGP), 2013).

Third, even though options exist in legislation to grant day release or weekend release to people in the “test” or *prueba* phase of their sentence –typically known as *medio libre*– the numbers who successfully receive this status are fairly low. In the New Model system in 2017, according to headquarters numbers, there were 639 people with some or another special condition for temporary release, i.e. a version of *medio libre*, at the end of 2018 (NMGP statistics). Of these, 54 are on house arrest and three on electronic monitoring; the rest are on day-release for school or work, but sleep at the prison facility.

Similarly, approvals for parole –for which people are eligible after two thirds of a sentence– are difficult and unpredictable (Interviews, 2017). One judicial system official estimated that only about a third of parole applications from eligible candidates are approved by the judge (Interview, 2019). One obstacle is that parole approvals require a *garante* –a person who commits to providing housing– and this can be impossible for a person with few family ties or a long stay in prison. Several interview respondents remarked that when there is media coverage of a person on work or medical or family leave (from a prison sentence) who fails to return to prison, there is heavy media pressure and sometimes professional consequences against a judge regardless of whether the judge’s decision was well-founded. This risk-averseness in the public arena can reduce a judge’s willingness to grant such leave to other people.



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## V. Key Elements of Reforms: CCRs and Traditional Prisons

### a. Infrastructure & Basic Services

A fundamental element of the New Prison Management Model is a new design and infrastructure for the CCR facilities. Each of the 22 CCRs is either a renovation or expansion of a pre-existing traditional prison –typically in a barrack– or a newly constructed facility. The larger CCRs tend to be the new constructions, usually on donated land outside of a town or city.

The first principle of the new design is space. The CCRs have spacious entrance areas, collective spaces for outdoor and indoor activities, sports courts, gardens, classrooms, kitchens and meal areas, and administrative offices. The cell areas are arranged either in apartment-style multi-floor buildings (e.g. Pinito La Vega) or in more panopticon-style single-story connected wings (e.g. Anamuya Higuey). Most buildings have open-air windows and barred gates only between sectors and for cell-room doors. A typical facility has several modules, sometimes separating people by legal status or other factors. Each module has several cell rooms, which contain between four to eighteen bunk beds, usually with a toilet, sink, and shower per cellblock. In some modules, residents have a lockable cupboard or a locker under their bed. Generally, there is little privacy within the cell room, but each room is separated from the other.

The concept of spaciousness also manifests in a key policy rule: CCR facilities cannot accept more individuals than they have beds. So, when a CCR reaches capacity, it refuses additional people, and the courts generally are obliged to send those extra people to traditional facilities. Thus, CCRs do not grapple with overcrowding dynamics, although this occasionally occurs when a section of a facility is not usable for some reason.

Other key aspects of infrastructure improvement include clean, running water and sufficient, regular toilets and showers, usually located inside the cell rooms, throughout CCRs. Given that accessing running water can be challenging within the traditional facilities, due to their age and overcrowding, this is a key change that affects the daily routines of all residents. CCRs also generally have reliable electricity, more windows and natural light and ventilation, and at least one public telephone per area. In many facilities, there is also a *flota* cellphone, owned by the

administration and loaned to individual incarcerated people within specific parameters.

In CCRs, by policy every new arrival receives a mattress, bed, t-shirt, and locker for their possessions. There are no upfront costs for bed space—in contrast to the traditional facilities, where typically arriving prisoners have to pay an ‘entry fee’ or a weekly rental rate to live in more comfortable sectors or cell spaces— or for access to water, transportation, or other basic amenities. The facility provides three meals per day, with everyone eating the same meal, prepared by other inmates. While traditional prisons also provide meals, these meals are rarely sufficient, and 85% of incarcerated people in traditional prisons (in my survey) buy food from outside at least twice a week. Since CCRs have more restrictions on the access to outside food, only 39% of survey respondents in CCRs buy food at least twice a week; this is mainly at the facility commissary, which has higher-than-market prices. In general, people held in CCR facilities have access to more space, amenities, and services cost-free than do people in traditional prisons. However, as the New Model administration has expanded across more facilities and housing more incarcerated people, it seems that resources are being stretched. This may be affecting the extent to which it provides these basic amenities. For example, in my study, some respondents in CCRs had to pay fees for items such as mattresses (up to 25% of residents in one facility) or t-shirts, when the facility did not have these items available for free. Anecdotally, facility staff told me that these shortages are due to budget restrictions as the CCR population increases.

## **b. Data and Information Systems**

Prison data in Latin America and the Caribbean are notoriously scarce. For the Dominican prison systems, both on the traditional and the new model side, there are at least basic data on prison population numbers going back more than 20 years, albeit not consolidated into a single data system.

In the traditional system (*Dirección General de Prisiones*), there is a database that contains basic demographic and family information, collected at intake, for each incarcerated person. Typically, an administrative staff person takes a photo, fingerprints, and basic information at intake, which are uploaded to an electronic database. The daily count at each facility is typically documented in a notebook or spreadsheet and each facility office calls in a daily count to headquarters.

Headquarters maintains data on counts per prison, with details on pretrial status, gender, transfers, medical leaves, and other movements on a daily basis, relying on the called-in numbers. The New Prison Management Model collects similar data at intake, in each facility. They use a different database, Cosmos, to organize individual information and to compile system-wide numbers. The typical profile for an individual inmate in a CCR has more categories and details. Staff also document information about inmates' participation in programs and activities, over the course of their stay, but sometimes this information is kept in paper files and sometimes in the electronic database.

Although these data systems have gaps and precarities, they do generate regular, fairly complete numbers. A first limitation of the data systems is that the databases for the traditional prisons and the CCRs are not integrated. Since the DGP officially oversees the entire prison system, the CCRs do send their population numbers, with some categories, to the DGP offices, which then compiles system-wide information. However, there is no integration of details beyond basic demographics and counts. Even within each side of the system, it appears that more detailed information on prisoners is not necessarily used as a basis for deciding which programs or treatment pathways to assign, except for formal education. Instead of being used for planning, the program information seems to be primarily for tracking certificates of program completion.

Apart from these limitations, the single biggest problem in the data systems is that they have no connection to other parts of the justice system. When police register arrests, these data do not automatically connect to the prison system database. This means that police cannot look up someone's incarceration history easily. When a prison receives a new inmate, they only have information on that person's case and sentence if the individual is carrying a court file. Formal court records may arrive weeks later. Similarly, other judicial orders, most importantly release orders, take time to reach prison offices. In my interviews, more than a few people were past their release date but could not be released until a certain court document physically arrived. Overall, the gaps in the data systems across different components of the judicial system seem to generate significant delays in communication, sometimes errors, and a lack of context and details about a person's prior experience with the justice system.

### c. Prison Staff

One of the key differences between traditional model facilities and CCRs is the formation and management method by prison staff. In the traditional model facilities, the management team is typically composed of a director, sometimes one or more deputy directors, a team of administrators who handle accounting, purchasing, human resources, etc., plus another team of administrators who handle intake and prisoner data management, and sometimes other professionals such as psychologists and doctors. Most facilities also have maintenance and cooking staff on at least a part-time basis. Police or military officers provide security functions and escort transportation to and from court appearances. There are no clear numbers on deployments, as this is managed by the centralized police and armed forces headquarters, and there is no set deployment level specific to the prison facilities; rotations and turnover rates are high. One policymaker estimated that there are about 2,000 police officers deployed to the country's traditional prisons, and they typically work on 12-hour shifts. At La Victoria, the country's largest facility, approximately 300 police officers are assigned, on rotating shifts. At some facilities, police or military officers receive some basic training in prison management and corrections concepts, but this is rare – I heard about it only in one facility, where social worker influence was high – and voluntary. Typically, police and military officers protect entry and exit points within and at the gates of a facility, and handle movements and conflicts in each sector, but they do not directly oversee activities or have a role in prisoners' programs.

In contrast, the CCR facilities are defined by a structured and extensive presence of *Agentes de Vigilancia y Tratamiento Penitenciario* (corrections officers) – known as agentes VTP. These VTP officers must undergo training at the ENAP outlined above. At each CCR, there are clear staff profiles and roles: Executive/Management, Administration, Legal Assistance, Medical and Mental Health Services, Education, and Security. Many of these positions are held by VTP officers who have basic training (for the security role) plus additional specialized training. Some positions are generally filled by non-VTP people – known as civilians – who already have a professional credential, such as psychologist or accountant.

In 2018, there were 1,620 VTP officers (corrections officers), 333 of them women, and 544 administrative personnel (352 of them women) (NMGP numbers). Most are deployed to a CCR and reside there during their work shift – between four days to two weeks – and return to their home community for their days off, while local professional staff work daytime

hours and live nearby. VTP officers are rotated to different facilities around the country, depending on staff needs and promotion opportunities. Numerous VTP officers commented in interviews that this rotational and live-in-shift routine is one of the more challenging elements of the job, as it requires substantial time away from their families.

The VTP officers work through a system of rank and hierarchy. Recent graduates are first placed in a facility as “apprentices” for a few months, and they shadow other VTPs in various roles to learn the work “on the ground” (Escuela Nacional Penitenciaria (ENAP), 2013) In my interviews with VTP staff, several commented that this is initially a shock, as the prison environment is intense and unpredictable, and they quickly confront the challenges of translating the theory of prison management into practice. VTP officers in their first official placement (one stripe) usually work in a general role, overseeing daily movements and activities. As they move up in the hierarchy, they take on supervisory responsibilities for other officers. Some specialize in certain areas –such as administration or psychological treatment– but this requires additional training. The deputy director of security at a CCR is always a VTP officer, whereas the deputy directors of other areas may be VTP officers or may be public employees with other relevant training. Many VTP officers also work for periods of time in the central coordination office for the New Model and in the ENAP.

The New Model system has a wide range of staff positions, in five occupational groups. The first group includes entry-level VTPs and drivers, messengers, and maintenance staff. The second group includes administrative staff, including VTP supervisors. The third group includes various specializations –many typically held by VTPs– such as people in charge of transportation, protocol, maintenance, intelligence, crisis management, special unit management, canine unit management, contracting, commissary, etc. It also includes trades people such as mechanics, plumbers, purchasing specialists. Finally, people assigned to specializations in legal aid, social work, therapy, education, monitoring, and general supervision are in this group. In the fourth group, roles include lawyers, doctors, other medical professionals, psychologists, therapists, social workers, human resource specialists, accountants, project managers, and teachers, as well as people assigned to sports, weapons management, transfer units, etc. The fifth group includes CCR directors, the overall director of national departments (e.g. communications, planning, human resources, security, open regime), and regional supervisors.

At the end of 2018, the total number of New Model staff was 2,131, according to numbers provided by the NMGP headquarters. Of these, 1,573 were in security roles (these are all VTP officers), 386 in administration and support roles, and 172 in treatment and program roles. Out of these, 202 work at the central office. There are two specialized VTP units that are not attached to specific CCRs: the canine unit (75 people) and the High-Risk Transfer Unit (108 people). The number of people in specific roles varies by CCR. On average, about 70-75% of the staff at any CCR are in security roles (though for some, the proportion is closer to 85%). The proportion of staff in administrative and support roles ranges from about 8% to about 25%. Treatment and program staff make up the smallest proportion of staff, almost always under 10% of the total, and only about 2% of staff in some of the larger facilities.

There is a notable degree of formal structure for personnel, including clear job descriptions, criteria for hiring and promotion, transparent salary data, and tracking deployments and even people who leave their positions for various reasons, are important advances in human resources. There are strong incentives and support for the initial VTP training, as well as opportunities for further specializations and trainings, both in universities and in shorter diploma programs.

However, there are two major challenges with the current New Model approach to personnel. First, there is an ambiguity about the role of VTP officers who are primarily in security roles versus VTP officers in other roles. Although their title may be clear, they work in the same uniform and may move between different positions. In my study, both incarcerated people and numerous staff people commented that the “security mentality” developed in basic VTP training and in VTP security roles can undermine the officer’s ability to be effective in other roles, particularly those oriented toward legal aid and psychological or social support. For example, several interviewees commented that they did not feel comfortable confiding their emotional challenges to a psychologist who is a VTP officer and used to be in a security role, during which he was sometimes aggressive toward prisoners. Even with the title “psychologist,” he still looks –in uniform– like a security officer. While it is important for corrections officers to see their role as something broader than just security, this requires deliberate training and distinctions. Currently, the emphasis on security and on the VTP role being about security first and then other specializations second may undermine the rehabilitation function of CCRs.

The second challenge with personnel is simply the proportion of program and treatment staff, which is low. It is of course necessary to have sufficient security staff as a basis for running a custodial facility, and administrative staff are also essential for the smooth daily functioning of the CCRs. On the other hand, sometimes program and treatment activities can seem to be in the discretionary category, as the facility remains open and secure even when there are no activities underway. But in numerous CCRs, the number of treatment and program staff is surprisingly low— in some medium-sized facilities, fewer than 10. These include psychologists, therapists, arts and culture program leaders, and social workers. There is a clear need to increase the number of people in these roles, as not everyone incarcerated in CCRs is able to access all the services and programs that are supposed to exist; this is outlined in the following sections.

#### **d. Programs for Rehabilitation and Reintegration**

The CCRs emphasize programs as essential to their model. These programs fall into four general categories: formal education, vocational education, treatment programs, and recreational and voluntary activities. All CCRs offer primary and secondary education classes to prisoners, according to their level of schooling. Several facilities also offer university courses, through online access or through day release options. All CCR facilities offer vocational workshops, though the size and variety of the workshops vary. Most offer carpentry, craftmaking, and tailoring, and some of the larger facilities have more elaborate occupations.

#### **Education & Vocational Training**

Education is a centerpiece of the CCR programs. Primary and secondary education are generally mandatory activities for incarcerated people, and classes are delivered on a near-full-time schedule. The New Model partners with the Ministry of Education on curriculum and provision of teachers, although in some cases some classes are taught by VTP officers or other civilians with relevant credentials. One limitation on expanding education programs is that bringing in outside staff requires logistics and extra training for teachers to handle the security requirements of working inside. In my interviews, teachers commented that additional incentives for working inside prisons, given the extra challenges required, would attract more staff. In my survey responses, about two thirds of CCR residents were active in some type of education program. (See section below for more detail.) The university program availability is much more

varied across facilities, with some CCRs using online access to university programs and some permitting day-release for students to attend classes. The major limitation, though, is cost, since in most cases the incarcerated persons or their families must pay tuition fees.

The CCRs also operates many vocational training programs, both in class and in practical workshop settings. Many of these programs are delivered by the *Instituto Nacional de Formación Técnica Profesional* (INFOTEP), the national vocational training school, through a series of partnerships. For the most part, these programs do not charge tuition, though in some of the practical workshops students must buy their own materials. Some vocational workshops produce items that are used internally in the prison system or in another government department; in some cases the prisoner workers are paid a modest stipend, of which the prison administration retains a portion. In general, there is more demand inside a CCR than there is space in a given workshop. The most in-demand workshops are those where incarcerated people can make products and sell them outside the facility (via family members or partner organizations). This allows them to earn funds for commissary products or (eventually) for their families or other expenses.

The traditional model also has basic and secondary education classes and vocational workshops (including a significant number of workshops in La Victoria) and partnerships with INFOTEP and classes taught by both outside instructors and by trained prisoners (Dirección General de Prisiones (DGP), 2015). The formal structures, in terms of numbers, resources, credentials, salaries, and costs, are somewhat less clear and consistent in the traditional model facilities, compared to the CCRs. See section 5.c. below for details.

## **Treatment**

Treatment programs are less standardized, and many treatment services are through individual sessions with psychologists. The most common group treatment programs address problematic drug or alcohol use; most are based on 12-step models (Alcoholics Anonymous) and abstinence-based therapeutic community programs. The non-profit organization *Hogar Crea* has a small group operating in La Victoria, where participants live together under specific, abstinence-based rules and routines –but the program does not have any additional resources. One more progressive program is Proyecto Hombre, which originated in Europe and uses

humanist, community-based approaches, and operates in Najayo prison with support from Catholic church staff— though with precarious resources. This program approaches overcoming drug addiction in a holistic way, without the moralizing that tends to dominate other programs. In my interviews and surveys, I did not encounter any programs or individuals accessing medication-based treatment for drug addiction.<sup>9</sup>

Treatment programs on other topics are mostly cognitive behavioral therapy-style programs for managing anger, group talk therapy to address topics such as responsible fatherhood and positive masculinity, and programs that teach parenting and conflict-resolution skills. Occasionally, a local foundation or organization offers resources for materials and volunteers, but this can be sporadic.

In general, there is little standardization of these programs across facilities. The specific content, frequency, and design of the programs tends to depend on the interests and resources of the staff at each facility, and on the organizations working in the local community that are willing to deliver programming inside the prisons.

The offerings in the fourth category, recreational and voluntary programs, also vary widely by facility. In most CCRs, there are numerous churches that offer programs, including worship services but also sometimes music, group counseling, and other activities. Every CCR I visited had extensive presence by both evangelical and Catholic church groups from the local community; I did not encounter any institution from a non-Christian religion offering services.

In some communities, local groups offer other classes and programs. Although the vast majority of such groups are churches, some individuals and local organizations offer various classes –ranging from English to yoga classes to specific job skills– or form partnership projects, such as repairing cars or building a small recycling plant. These are promising partnerships, as they build familiarity and social ties between incarcerated people and local community residents, and they supplement other CCR rehabilitation efforts.

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<sup>9</sup> Since the most common substances used, according to my interviews, are marijuana and cocaine or crack-cocaine, there is less need for medication-assisted treatments such as those for heroin dependence. According to people working in this field, those who do have problematic heroin use can access treatment programs run by a national hospital program.

## Legal Services

Access to legal services is a fundamental right for all detained people. In the Dominican Republic, a public defender agency offers legal services for people who cannot afford a private lawyer. The National Office of Public Defenders (ONDP) has a constitutional mandate to offer these services, through its offices throughout the country. National public defenders also visit incarcerated people in prisons, both new and traditional types. According to the ONDP's 2017 Annual Report (Oficina Nacional de Defensa Pública, 2017), public defenders were involved in over 27,000 cases that year, including over 19,000 cases of people in pretrial stages (including pretrial detention).

In my survey responses, 45% of people in CCRs and 58% of people in traditional prisons used a public lawyer. First, this suggests two potential differences between the groups: people who end up in CCRs may, on average, have more financial resources (to hire a private lawyer), and/or, private lawyers may have more success in having their clients sent to CCRs rather than traditional prisons. In interviews in my study, both incarcerated people and external stakeholders commented that the public defenders are dedicated but have very heavy caseloads and cannot dedicate meaningful time or resources to any single case.

More concerning, 2% in CCRs and 4% in traditional facilities had no lawyer at all during the pretrial stage. Because of the shortage of legal services, many prisoners rely on family members to follow up and monitor case progress. When someone is incarcerated, public defenders can visit incarcerated people at the facility; this occurs in traditional facilities as well. The CCRs typically have a small team of staff who coordinate legal services, with both public defenders and private lawyers. This is a partial solution to the most common difficulty noted in my study about legal access, other than the availability of public defenders: logistical problems –related to phones, documents, and transportation– often delayed communications and even court appearances.

## Healthcare Services

In terms of access to healthcare services, the New Model has a strong partnership with the Ministry of Health. In many CCRs, government public health employees work part- or full-time providing medical services to incarcerated people. Due to resource and logistical limitations, sometimes the CCR also uses other sources, such as VTP officers trained in certain

healthcare services for basic needs and outside clinics and hospitals for more serious needs. In my survey, respondents who said they had sought medical care underscored that in-facility medical services were often, but not always, sufficient. They sometimes faced a financial cost for accessing outside clinic services, depending on the facility and the insurance coverage of the incarcerated person. Approximately 29% reported accessing health care services for a fee, while 13% reported having no access to healthcare services—typically due to costs, transport logistics, or limited availability of in-house professionals.

While this represents a substantial improvement over the access level available in the traditional system, and of course there are also challenges in comprehensive healthcare service delivery for Dominicans who are not incarcerated, there are significant gaps in services for those confined in state care. On mental health services, there are similar constraints on the availability of professional service providers. Many CCRs have their own psychologists on staff, since such professionals are less common through the government health institutions. Mental health issues are still subject to significant social stigma, and many prisoners in my study were reluctant to self-identify as having mental health problems. Of those who did say that they had sought mental health services, 74% said they were able to access services for free. Nonetheless, more comprehensive mental health services at intake and throughout detention for all incarcerated people might help in reaching people who do not self-select in seeking help and might reduce the stigma of mental health issues.

## **e. Reforms and Programs in Traditional Prisons**

The vast majority of state resources for reforms in the prison system have been invested in the implementation of the New Model. But the majority of the prisoners in the Dominican Republic are still detained in traditional model prison facilities. Given the overall increase in the incarcerated population, as discussed above, even as the capacity of the New Model CCRs has expanded, the capacity of traditional model prisons has been reduced—but they are holding more and more people, close to 17,000 in 2018. The rate of overcrowding in facilities is well over 100% in all facilities and reaches over 700% in certain facilities (DGP sources; Oficina Nacional de Defensa Pública, 2017). In these conditions, many people sleep on the floor and there is limited access to bathrooms and hygienic conditions. Since these facilities have limited collective spaces—and those that exist are often used for sleeping— it is very challenging

to deliver programs and services to incarcerated people. In general, daily routines in traditional facilities are managed by the prisoners themselves, who organize self-governed committees (in coordination with the official administration) and rules to distribute and regulate food, space, movement, and to mediate disputes. Given the low personnel numbers for these facilities, it is nearly impossible for police and civilian officials to handle all of these tasks. As a result, they frequently cooperate with prisoners' self-governance committees in order to meet the basic needs of the detained population.

Despite these significant structural and institutional challenges, the traditional model facilities have implemented positive reforms. In medical services, for example, the government has implemented campaigns to offer preventative services and treatment to reduce the rates of communicable diseases such as tuberculosis and HIV (Dirección General de Prisiones (DGP), 2015). The Directorate has also partnered with other government agencies to provide substantial education programming. Although all prisons are supposed to offer primary and secondary education programs, in numerous facilities these programs do not exist due to lack of staff, space, or administrative coordination.

Over the past few years, the government has recently invested in widespread access to a basic literacy program, *Quisqueya Aprende Contigo*, including inside prisons. Given that literacy rates among incarcerated people are significantly lower than in the general population, there is a high demand for this program. The national illiteracy rate in the Dominican Republic is about 8% (Pichardo, 2017). In 2013, the DGP identified 3,087 people in the traditional facilities who do not know how to read or write (Dirección General de Prisiones (DGP) & Procuraduría General de la República (PGR), 2013). Assuming that about 16,100 people were in the traditional prison facilities in 2013, this is an illiteracy rate of 19%. The government established a program to provide literacy classes in all facilities, primarily through using trained inmate facilitators to run these classes.

At La Victoria, the country's largest prison, in 2017, the government (with the office of the First Lady) built a psychological counselling services center (CENASI). The multi-disciplinary team working at this center offers individual and group therapy sessions in the center, which is a stand-alone building with modern amenities. Its counselling staff

also give public talks on various topics about personal development topics several days a week, in each sector of the prison. For example, by mid-2018, the team had given talks on positive gender relations within families, prevention of sexually transmitted diseases, culture of peace (conflict resolution), re-entry planning, and motivational interviewing to hundreds of prisoners at La Victoria.

The DGP has also developed some programs for traditional prisons. Due to staff shortages, these activities tend to be delivered in stand-alone sessions, rotating across different prisons. In 2018, the DGP launched *Proyecto Nueva Vida*, in which staff members from the DGP headquarters and other government colleagues deliver speeches and lead discussions with groups of prisoners on self-development topics. This is a substantial mobilization of resources and personnel, but it also lacks the resources to establish regular programming in each facility.

## **f. Post-Release Programs**

In the New Model, the post-penitentiary programs are centered in *Casas del Redentor*, which are the responsibility of the *Pastoral Penitenciario* of the Catholic Church, in several municipalities throughout the country. They welcome people who leave prisons, whether traditional prisons and CCRs. People who are on a suspended sentence or a type of probation may also attend the *Casas* as a condition of their sentence. Generally, the *Casas* have a collective space for activities, including fairs, workshops, masses, and therapy groups. Typically, the house has a small team of support staff, employed by the Pastoral, and have links with local organizations. But they are not dormitories or hostels for former inmates.

The services offered in the *Casas del Redentor* (Escuela Nacional Penitenciaria (ENAP), 2013) are pastoral, educational, legal, and social. Many houses receive former inmates once a week, and former inmates typically have to arrive at least once or twice a month, depending on the conditions of their probation. The typical activities are talk or group therapy, with religious content, directed by the staff of the house. There is also a lunch and other individual support, such as help with health problems, seeking a job or accommodation, and any other immediate need. The houses receive a budget from the State through the *Pastoral Penitenciario* but they also depend on donations from the churches and the communities, especially clothes, medicines, food, etc. Many houses also support vocational workshops such as crafts and art exhibitions

for the local community. In general, there are few organizations in the communities that work in post-prison support. In some communities, such as Salcedo, there are coalitions of local entities focusing on this issue.

Furthermore, there are no government offices or employees whose main responsibility is helping people with their post-release reintegration. Although the New Model has a team to support *medio libre*, they do not have the capacity to offer full support to people who are released on parole.

A difference in these post-prison programs is that they do not maintain data or official evaluations of the person's progress. The court and the judge who supervises probation or the suspended sentence records their appearance. It is not very common to have an official who goes to the community to verify if the person has a house, work, good relations with his family, etc. (except if they are being monitored by *medio libre del Nuevo Modelo*). This means that if someone reoffends, it is only documented if police arrest and charge them –but if the person finds stable housing and a job, this is not necessarily documented by any government entity. The advantage here is that the post-release system has flexibility and discretion without having to meet standardized data frameworks, but the shortcoming is that post-release data are minimal.

There is a clear need for some kind of institutional planning and services for people in post-sentence phases, especially for those who are still under state supervision, on parole or probation. First, the numerous barriers that people leaving prison face –such as difficulty finding housing, employment, and social support– are significant. A government program to provide assistance tailored for people with criminal convictions or prior incarceration could make a major difference, especially in the first few weeks, when people are most vulnerable. Second, for people who are on parole or probation, the government should offer support services in addition to simply requiring people to check in with a court office periodically. Third, the government does not currently track or measure the positive outcomes of reintegration –people who successfully reestablish their lives post-release. It measures only those who return to prison. A post-penitentiary support system could generate important information about where reintegration is going well and where it is difficult.

The risk in setting up post-prison programs and institutions is that this well-intentioned effort will result in additional burdens on formerly incarcerated people. In US research, this is called net-widening. If additional supervision emphasizes surveillance and enforcement of strict parole conditions, it can lead to more people returning to prison on technical parole violations. If data collection initiatives seeking to track reintegration information result in government officials asking people to stay connected to the prison system merely to provide data, this can be exploitative or reduce people's autonomy. Therefore, any new programs and systems should be cautious and should emphasize voluntary services and support that respond to what formerly incarcerated people say is helpful, with minimal obligations put upon newly released people.

### **g. Oversight and Criticisms**

Both the New Model and the traditional model (within the PGR) have internal affairs units that investigate allegations of misconduct or illegal activity by staff members of their institutions. These are confidential procedures led by institutional staff. The internal affairs unit may initiate an investigation based on an observed incident or on allegations by other prison staff, by other professionals working in the facility, or by incarcerated people or their families. In practice, incarcerated people have limited ability to submit such reports. Although most results of these processes are confidential, the potential outcomes include suspension from work, firing the person, and, where applicable, pressing criminal charges. Some prison staff have been convicted of contraband and other corruption-related offenses. High-profile recent incidents include the case in June 2018 in which CCR VTP officers who shot and killed two prisoners who were trying to escape the San Pedro Macorís.<sup>10</sup>

In my interviews, both incarcerated people and outside stakeholders remarked that there are few internal channels where prisoners can submit complaints or grievances to institutional authorities in a confidential way that protects them from repercussions. Some do exist, although not all incarcerated people are aware that they have this role. An official channel exists through the *Juez de Ejecución de la Pena*, as an incarcerated person can contact the judge directly and communicate concerns about their conditions of confinement. In some jurisdictions, judges receive extensive correspondence and invest significant effort in investigating the grievances and overseeing any changes or responses.

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10. Listín Diario, 2 June 2018. "Dos muertos y tres heridos durante fuga en cárcel SPM." <https://listindiario.com/la-republica/2018/06/02/517726/dos-muertos-y-tres-heridos-durante-fuga-en-carcel-spm>

Another institutional entity is the Commission on Prisons, which is a unit within the National Office of Public Defenders. The Commission has a mandate to visit any facility, talk with any prisoner, take photos, and raise problems. They conduct extensive visits and interviews across the country each year. Their 2017 annual report (published as part of the ONDP Annual Report) discusses challenges in gaining access to facilities (Oficina Nacional de Defensa Pública, 2017). It identifies serious problems with overcrowding, food, hygiene, and other basic physical conditions at police stations and courthouses that hold people temporarily –though some people stay far longer than the day or two that the policy allows. Within the prison facilities, the Commission’s report highlights some systemic problems. First, it names the overcrowding in traditional model facilities as a violation of human rights. It sets the blame for this situation partially on the imbalance between CCRs, which do not accept people beyond capacity, despite the surge in the population of prisoners. It also notes that as the CCRs have expanded, there are serious shortages of basic conditions and supplies: mattresses, sheets, and other amenities that should be provided for free to each prisoner, but some CCRs either charge for these or do not have any. More seriously, there are shortages of quality food and enough meals in some CCRs; in traditional prisons, most people buy their food due to the poor quality and quantity of the facility-provided options. Lack of transport capacity is also a problem, resulting in people missing court hearings. The report criticizes the privileged conditions enjoyed by some prisoners –members of the prisoner discipline committee in traditional prisons, and wealthy or powerful prisoners (such as the Odebrecht case defendants) in some CCRs. Furthermore, the report notes that excessive use of force by prison staff remains a problem.

The National Commission on Human Rights (CNDH) is the Dominican Republic’s official human rights organization. It also generates occasional reports on prison conditions, including a 2016 report that was critical of conditions in La Victoria prison. The CNDH participates in the *Patronato Penitenciario*, the coalition of civil society organizations that provides guidance to the New Prison Management Model. It is not clear how specific concerns or grievances raised by human rights organizations are channeled from the Patronato to the institutional authorities. Although the leaders of the CNDH occasionally criticize specific situations in CCRs, most of their public statements are critical of the traditional prisons.

These are important oversight mechanisms and entities that hold authorities to account. Nonetheless, with the exception of some internal

affairs procedures, they are nonbinding mechanisms. They also do not have the capacity to respond to every grievance or allegation that they may receive. In my interviews, both incarcerated people and stakeholders said that if a situation is very serious, they try to gain press coverage, through calling reporters directly or asking their families to do so. This generates a faster and more serious political response. Of course, the press reports primarily on the most dramatic or visible problems, and gives less coverage to “ordinary” violations of prison standards or policies. It is possible but difficult for reporters to have enough access to determine whether a given issue is systemic.<sup>11</sup> The media provide an important information-sharing function and can exert a certain degree of political accountability. However, this is not a replacement for meaningful, confidential grievance processes inside government institutions.

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11. A notable exception is the feature report by the national newspaper *Listín Diario* in 2016 on La Victoria prison, in which a reporter spent 30 days in a row hanging around in a few different sectors. To its credit, the DGP granted permission to the reporter to do this project – an important step for transparency. <https://listindiario.com/la-republica/2016/03/31/413641/presos-sin-justicia> and <https://listindiario.com/la-republica/2016/04/05/414265/la-visita-del-martirio>



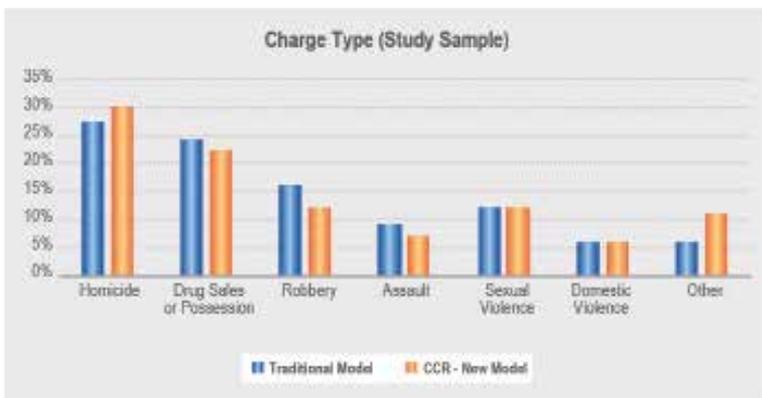
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## VI. The Experiences of Incarcerated People

### a. Demographic Profiles

This section provides a window into incarcerated people's perspectives on their conditions and experiences in both new and traditional prisons, based on data collected through my project. My survey data is based on a sample of 1235 respondents. Of the total respondents, 56% were in a traditional prison at the time of the survey, and 44% in a new model facility. The following results exclude respondents who did not answer for the particular question; the missing data rate for the questions on conditions and programs was less than 15%. This study does not claim to be fully representative of all incarcerated people, although the sampled group characteristics approximate the full population in many basic aspects (as per the 2013 DGP census and internal data provided by the NMGP). Instead, the study sheds light on the views and self-reported conditions of the people who chose to participate. My study was only with men. Future research should explore these same issues with women incarcerated in Dominican prisons. Also, I did not ask about certain sensitive characteristics –such as sexual orientation and gang affiliation –because of the risk posed to respondents.

Within this sample, the median age is 33 years old and the median sentence is 12 years. The charge or conviction type distribution aligns with official statistics, with no significant differences between those housed in the new and old prisons. The most common charge/accusation categories are as follows, with the first number being those in the old model facilities and the second number being those in the new model



facilities: homicide (27%, 30%), drug-related crimes (24%, 22%), robbery (16%, 12%), assault (9%, 7%), sexual violence (12%, 12%), and domestic violence (6%, 6%).

Generally speaking, as in most countries, people who are incarcerated in the Dominican Republic are socially and economically marginalized, compared to the general population. My survey asked about previous occupation and education level. About a third worked in manual labor, a third in trades or commerce (such as owning a store), while about 5% had a professionally-credentialed occupation, and 5% previously worked in the police or armed forces. A little over half –55%– have family members near the location of their incarceration; this is for many people their main source of financial support and connections to outside services.

## **b. Foreign Nationals**

Approximately 9% of the sample in both sides of the system are foreign nationals. The vast majority of this group is of Haitian nationality. While foreigners from certain countries have access to regular embassy services and some family communication, this is not common for Haitian nationals. Despite significant efforts by the Haitian government to support their citizens who are incarcerated and to push for their return to Haiti, there are political and logistical obstacles. In interviews with Haitian prisoners, almost all commented that they faced difficulties accessing legal aid, court hearings, and other basic services because they did not have complete or valid identification documents. The political contestations and debates about the rights and citizenship status of Haitians and people of Haitian descent in the Dominican Republic more generally (Corte Inter-Americana de Derechos Humanos (CIDH), 2016) complicate this situation. On top of these formal obstacles, due to Haitians' low economic resources and discrimination, they typically had no way of resolving this situation. Language barriers and inconsistent interpretation services in courts compounded these difficulties.

Detained Haitians are caught in a strange situation, in which their partial or sometimes invalid identity documents are acceptable to the Dominican authorities for the initial detention, but numerous participants in my study reported that these are not sufficient for moving through further stages of the justice process. Moreover, those who do not speak Spanish struggle to access the services available inside prisons. This

represents a particularly harsh degree of isolation for a group of people who also face social marginalization and stigma in Dominican society more generally. A collaboration between the National Public Defenders' Office and the Embassy of Haiti has begun, to identify individuals who could be released on bail (Oficina Nacional de Defensa Pública, 2017).

## Education

The previous education level of incarcerated people shows some differences between the two models (though these differences are not statistically significant), with somewhat lower levels of education in the old model facilities.

**Table 4:** Pre-Prison Education Level. (*Valid cases: 952*).

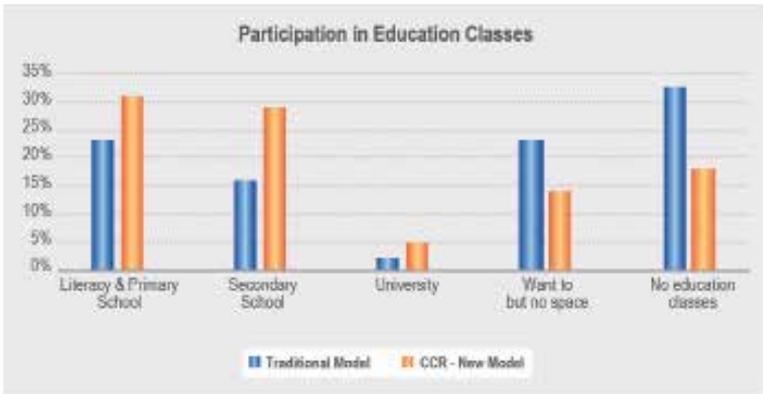
Level of Pre-Prison Education	Old Model Prisons	New Model Prisons
None	10%	6%
Primary: 1 <sup>st</sup> -4 <sup>th</sup> grade	13%	11%
Primary: 5 <sup>th</sup> -8 <sup>th</sup> grade	36%	38%
High School: 9-10 <sup>th</sup> grade	17%	19%
High School: 11 <sup>th</sup> -12 <sup>th</sup> grade	17%	20%
University	6%	7%

In my study, people incarcerated in the new model facilities have significantly higher access to education programs. Approximately 65.4% of people in CCRs are currently in some type of education program, compared to 42.1% in old model prisons. Of those who are not in education programs, some attempted to access education classes but were not able to participate due to limitations in class size or other resource constraints; others simply answered that they are not currently in education programs. There are various reasons for this: people who already have a high school degree may opt to undertake paid work or vocational training instead of post-secondary education, or they may be in a facility that does not have a university-level education option. Anecdotally, people reported that it is harder to secure a place in secondary-level education compared to primary-level or literacy-level education, and so some of the non-participation numbers are likely due to a mismatch between the needs of prisoners and the supply of education services offered.

This survey does not distinguish between formal school programs provided by the government education institutions versus informal education provided by other prisoners or by civil society organizations. Policymakers commented in interviews that it is a challenge to set up the employment and security conditions required for teachers to work inside prisons, particularly if they have equally or more appealing job opportunities in other settings. Limited resources pose another challenge, since classroom space and library resources require upfront investment, and daily class activities require personnel to handle movement and supervision.

**Table 5:** Participation in Education Programs In Prison.  
(Valid cases: 1016).

Type of Education Program	Old Model Prisons	New Model Prisons
Literacy or Primary School	23.8%	31.5%
Secondary School	15.7%	28.6%
University	2.6%	5.3%
Applied but insufficient space	22.7%	14.1%
None	33.3%	17.9%



#### d. Other Programs and Services

In terms of other activities, about 20% of people in old model facilities and 27% of those in new model facilities were participating in a workshop or vocational training program of some type at the time of the study. Regular maintenance, cooking, and cleaning activities within the facility

show a wider difference: about 15% of old model prisoners participate in these, versus 29% of new model prisoners. This difference is likely because these activities are organized in a collective, mandatory way in the New Model, whereas most people are responsible for their own personal needs and area in the old prisons, on a voluntary basis. In both types of facilities, about 21% of respondents report that they applied to these workshops but were not accepted due to space limitations. This suggests that participation rates would be higher if more resources were invested in the workshop space and staff supervision. However, in interviews, numerous incarcerated people told me that they also would like to have the opportunity to build their own small business projects –such as small stores or services for other prisoners– in a more independent fashion. This occurs in the informal economy of the old model prisons, but it is generally not officially permitted in the new model facilities, which use a voucher system for commissary transactions in place of cash.

For programs that focus more on treatment and rehabilitation, there is more access to services in new model facilities overall: 75% of respondents who reported needing mental health care services were able to access free services in new CCRs, compared to 45% of people in old model facilities. It is important to note that in interviews, many people expressed skepticism toward the notion that someone without a serious mental illness might still need mental health services. For example, people said, “That is for the really crazy ones.” This suggests that the actual need for mental health services for more widespread conditions –such as depression or childhood trauma– is probably higher than what people report. Interestingly, in both types of prisons, only about 20% of people report attending some type of substance use treatment program, and 65% in both types say that there are no drug addiction treatment programs available. A somewhat higher proportion –about 34% in old facilities and 40% in new facilities– report attending programs aimed at changing behavior. In interviews, it is clear that most people consider religious programs, notably group counselling sessions run by church groups, to be part of this category, so it is broader than what might count as “behavior change” interventions in other settings.

Recreational and voluntary program access seems to be dependent on the space and partnerships available. For sports and recreation, only 27% reported participating in old model prisons, compared to 47% in new model facilities. Approximately twice as many (25% versus 11%) participate in art or music activities, which of course also require some supplies and

organization. Meanwhile, about half of incarcerated prisoners across both systems regularly participate in some type of church or religious activity.

### **e. Principal Benefits and Difficulties of Each Model**

Incarcerated people report a mix of opinions when asked about the positive and negative aspects of living in one or other type of prison. Overall, people highlight the same themes regardless of their specific conditions. They value access to communications and visits with their family members, access to clean and private living spaces, a sense of safety and calm, the opportunity to learn and to work, and access to health and legal services. They also appreciate church and sports, often describing these as activities that help them cope with the difficulties of incarceration. Of course, a prison remains a prison, even under the most amenable conditions.

By far the most common themes in the open-ended survey questions were about the all-encompassing negative experience of confinement. For example: “Nothing is positive here,” or “I am tolerating hell until my freedom returns.” Even respondents who provided thoughtful details and examples about aspects of prison life that they see as positive did so within an overall picture in which a sense of abandonment, neglect, exclusion, and poor treatment are the dominant themes. Many spoke through metaphors about being treated as animals or as children by prison staff—these experiences traverse all other dimensions of their daily lives. This section highlights the differences in what prisoners perceive as “positive” aspects of the conditions in new and traditional facilities, but these considerations are relatively modest in scale compared to the overall experience of suffering and demeaning treatment expressed by incarcerated people.

In my study, in open-ended questions, people in new model facilities emphasized that the principal improvements and benefits (compared to traditional facilities) relate to the more spacious, clean, and predictable living conditions. They describe the facilities as more tranquil and with less violence and conflict among prisoners. In interviews, most attribute this to two key changes. First, since everyone’s basic needs of shelter and food and sleeping space are met, with relatively equitable conditions for all, disputes related to resource distribution drop dramatically. Second, the authorities have imposed more formal control on the internal economy of the prison, and this has reduced disputes over debts and other transactions, for both legal and illegal products. Third, the VTPs

are subject to more scrutiny in their daily tasks and receive more decent salaries, so the prevalence of corruption –and the conflicts this can engender– is also lower. Of course, all of these sources of conflict still occur, but to a lesser degree.

The second most common benefit of the CCR model, from the perspective of prisoners, is the access to formal educational and work training programs. This increased access is demonstrated in the data outlined above. Because many incarcerated people come from socio-economically marginalized backgrounds, prison may be one of the first opportunities they have to continue –or, for some, begin– formal education. This can have a significant effect on a person’s chances of gaining employment upon release. In interviews and survey answers, people also remarked that their sense of self-esteem and ability to express themselves also improved through formal education. Particularly for those pursuing university courses, several interviewees said they now feel they have the skills to take a different path in life and to give back to those who live at the social margins. Unsurprisingly, the most popular topic of post-secondary education is law.

In contrast, there are elements within the conditions of the traditional prisons that incarcerated people find valuable, even though their overall material conditions are generally harsher. First, respondents speak about autonomy and access to goods and services. They can decide what they do with their time and resources. This means, on the one hand, they generally have more flexibility of choice about their daily activities; few programs are mandatory. While the actual menu of options of programs is typically limited, many people in traditional facilities run their own small businesses or projects. They also have autonomy with their financial resources: they can buy products and services in the internal economy. For those who have access to money, this means that they can buy food, clothing, entertainment, and amenities of their own choosing –beyond what the administration provides. They also generally have greater access to their families, through easier cellphone access and more frequent and fluid visitation regimes. It goes without saying, of course, that prisoners who do not have access to money or to family support are particularly deprived, as the publicly-provided amenities are scarce and they cannot purchase their own.

The second overall advantage of the traditional prisons that people express is that they face fewer disciplinary actions from prison staff. This is likely due to the fact that there are fewer personnel in the facility, fewer

rules, and therefore less enforcement of rules. A significantly higher proportion of people in the new model CCRs report having been subject to a sanction by the administration –ranging from the removal of privileges to isolation in a solitary confinement cell– while discipline by authorities in traditional model prisons is less widespread. (It is important to note that it does still occur, and, furthermore, prisoners’ self-governance organizations do exert informal disciplinary actions against people who break certain rules.) But on the whole, prisoners feel that there is less arbitrary or unjustified application of punitive measures, particularly for relatively minor infractions. A frequent complaint of prisoners in the new model is that they do not have meaningful channels for seeking recourse if prison staff abuse their power or commit misconduct. They do not have much trust in the Council on Evaluation and Consequence (Junta de Evaluación y Sanción) because it is composed of members of the same facility staff. Because the prisoner committees and self-generated organizational structures that exist (in flawed ways) in the traditional system are typically dismantled for CCRs, prisoners are left to their own devices. Some try to register their concerns through their lawyers, but in interviews many noted that they reserve this option for very serious incidents. Their sense of fair treatment is undermined by the absence of meaningful dialogue spaces directly with prison staff at the facility level.

The social climate and daily conditions of prison life in any single facility are far more complicated than this outline of single issues portrays. And each person living inside a prison has different experiences, shaped by his or her individual circumstances, prior experiences, specific needs, and expectations. This outline of some of the common features of the traditional and new model prison facilities does not capture these variations and complexities. Rather, this description aims to show how some of the principal institutional reforms in the Dominican prison system have unfolded and that they have improved some aspects of prison life in general, while leaving other aspects unchanged or, sometimes, further constrained.

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## VII. Recommendations

### a. Reduce the Total Prison Population

As outlined in this report, the total prison population in the Dominican Republic has nearly doubled, to over 26,000, since the launch of the prison reform process through the New Prison Management Model. Any future initiatives should, before anything else, aim to reduce the total prison population, not simply build a larger set of CCR-level facilities. This requires the following actions:

- Develop a strategy for reducing the use of pretrial detention, including protocols, training, and enforcement to ensure that prosecutors and judges use it only as a last resort where public safety concerns are paramount. This strategy should include a component for educating justice system officials, journalists, and the general public about the reasons that pretrial detention should be a last resort and about the fact that most accused people do not pose a public safety risk.
- This strategy should also include guidance on offering bail (economic guarantees) in a way that matches the actual economic resources of the accused person. If a person with minimal available funds –even when counting relatives and friends– faces even a modest bail amount, he will most likely be unable to pay; this is de facto pretrial detention.
- Review criminal code provisions and other legislation that sets excessively long sentences for a variety of offenses. Establish legislation to allow more judicial discretion to set sentences below the official “standard” sentence length.
- Develop a strategy for expanding the number of people on *medio libre*– particularly those who are on release conditions that allow them to spend some time residing at home, i.e., more than just day release. This likely involves additional resources to provide support and supervision staff and services. Education and partnerships with correctional staff who assess individuals and judges who grant *medio libre* status could also facilitate more approvals.

- Review the numbers and rationales for denials of parole and develop a strategy for increasing the number of people granted parole. Consider making parole approval the default decision unless intervening circumstances exist.
- Develop strategies to give credit and consideration for prisoners' self-initiated positive actions, not just for formal programs and certificates. Give credence to letters of support from a wider range of individuals –including community residents, teachers, and family members– so that a letter from a single prison director is less determinative of a person's fate.

## **b. Integrate Rehabilitation and Program Design into Infrastructure Plans**

The first step in the expansion of the New Prison Management Model is building new or renovated CCR facilities, to expand capacity. The government launched, in 2018, a major new construction initiative in the *Plan de Humanización*. This includes expanding several CCRs and building La Nueva Victoria, to replace the existing La Victoria, the country's largest facility. A few recommendations on infrastructure:

- Ensure that infrastructure designs accommodate the projections for a reduced number of prisoners, not the current number. If new facilities are built for the current number, the system is likely to use all of those beds, instead of finding ways to release people and prevent unnecessary incarceration.
- Require that infrastructure designs incorporate rehabilitation principles and program needs. The spaces in which programs happen and in which people live have an impact on the success of the rehabilitation process. Research shows that panopticon-style designs are the most harmful, whereas designs that feel similar to “home” –with room for privacy and for interaction– are more helpful.<sup>12</sup>
- In general, prioritize small and medium-sized prisons over mega-prisons. Smaller facilities allow more personal interactions between staff and incarcerated people and fewer requirements for

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12. <https://psmag.com/news/jail-prison-architecture-inmates-crime-design-82968>

surveillance, internal movements, etc. A frequent rule of thumb is that facilities should not exceed 1,000 incarcerated people, as a maximum. Given that the plans for La Nueva Victoria are for a facility to hold over 8,000, it is particularly important to consider building entirely separate smaller facilities within the larger complex.

### **c. Integrate and Make Accessible Data Systems**

- Integrate data systems. The most urgent need in data systems is integration across the two parts of the prison system –the traditional and the new system– and across the justice system generally, namely, police, courts, and prisons. This would dramatically reduce delays, errors, and resources expended on data entry and analysis.
- Include in data collection relevant information about people’s participation in programs and other positive activities and progress.
- Allow incarcerated people ongoing, meaningful access to their own files (at least in paper version) so that they know the status of their program participation, case advancement, and other milestones.
- Develop more internal metrics for tracking success, to measure actual changes in knowledge, attitudes, and behaviors – not just the fact that a given activity occurred.

### **d. Prison Personnel: Expand Social Work and Treatment Roles**

The overall framework and principles for the VTP officer figure are appropriate and clear. The training strategy is comprehensive and emphasizes rehabilitation and human rights principles. However, since abstract models do not always match real-life implementation, there is room for improvement.

- First, the initial training for VTP officers emphasizes quasi-military modes of communication and discipline. While this is necessary to some extent for building security routines, this approach can also limit critical thinking and creative collaborations in the day-to-day social interactions of CCR life.

- Second, training on human rights issues could give greater emphasis to two issues: discipline tactics and internal grievance and reporting mechanisms. Since the excessive use of force and arbitrary discipline by VTP officers is a central complaint, this should be addressed more thoroughly in training and in follow-up on-the-job training. Although the correct process for discipline, according to the Manual, is taught in training, new recruits should also learn what to do in real-life situations where various pressures might make it difficult to follow process.
- The array of specializations and roles for VTP officers is important. However, the New Model should consider separating more clearly people who are in security roles from people who are in treatment, programming, or other support roles.
- The New Model could also increase its hiring of professionals who are not VTPs— for example, lawyers, administrators, doctors, teachers, etc. This would help to build more connections with the local community.

### **e. Expand and Standardize Evidence-Based Programs, in Partnership with Other Government Departments**

In general, there is a need to expand the scope and diversity of programs available in all CCRs. Due to budget and personnel limitations, the logical way to do this is to partner with government departments that deliver certain services in outside communities. These departments are responsible for providing services to all Dominicans –including those who are incarcerated. Therefore, the government should push departments to work with the prison authorities to organize more services inside prisons and/or that are accessible to prisoners who have permission to leave the facility.

Examples include:

- The Ministry of Education could deliver primary and secondary school classes, and remedial classes.
- The Ministry of Higher Education, Science, and Technology, as well as public and private universities, could offer postsecondary classes.

- The Ministry of Public Health could offer medical and mental health and substance use treatment services, including through partnering with specialized professionals in hospitals and clinics when necessary.
- The Ministry of Labor could provide job training support, the entity responsible for national identity documents should serve those in prison, etc.
- Government services that provide translation and interpretation for foreign languages –especially but not only Haitian Creole– should also provide such services for prisons, courts, and people in conflict with the law.

Beyond budgetary questions, one of the barriers to this model of service delivery is that staff working for other government departments may be hesitant to work inside prison facilities, due to concerns about security, logistics, or reduced public profile. With investment in awareness-raising, professional incentives, and adjustments for logistics and security issues, the prison authorities and other department authorities should be able to find collaborative solutions.

Partnerships with non-governmental organizations would also bolster the availability of services. These could be organizations that contract with the government to deliver certain programs or classes, as well as NGOs that work on a volunteer basis. A secondary benefit would be that, since these groups tend to be hyper-local, these partnerships could also shift the local community's understanding of prison and the humanity of incarcerated people. To expand the diversity of organizations offering services inside, especially if some are acting on a volunteer or ad hoc basis, there is a need to standardize the vetting and approvals criteria and the oversight of these groups and their services.

### **Education Programs**

The CCRs demonstrate a dramatic expansion in access to primary and secondary school, compared to traditional prisons. This is important. Not all students who would like to take primary and secondary school classes are currently accessing them, due mainly to limitations in space and teachers.

- Expand access to education through collaborations with the Department of Education and the teachers who are employed there, as described above.
- Develop a standardized plan for access to university courses, including various modes of delivery (remote, in person, day release). Partnerships between prison authorities and various universities – especially public ones – could expand university access across all CCRs and for all incarcerated people who wish to attend. If costs are an issue, the government could consider providing scholarships for qualified incarcerated students. College education is one of the most reliable methods for changing a person’s skills and prospects post-release.

### **Treatment Programs**

The most urgent need in treatment programs is to build the scope and the content of the programs. Specifically, there are not enough programs addressing psychological needs and substance abuse issues.

- The prison authorities, in collaboration with relevant government departments (particularly public health), should develop more comprehensive programs, both for individual and group formats, drawing on available research evidence and practice. Programs should follow formal curriculums and standards, rather than being up to the discretion of individual leaders.
- Arts, music, cultural, sports, and religious programs are important as positive activities that build skills and teamwork. They are relatively simple to develop and are popular with incarcerated people. These programs should be maintained and expanded where possible, including through partnerships with local groups. But they are not a substitute for treatment for more serious psychological or other needs that individual people may have.
- On substance abuse treatment programs specifically, there is a need to expand beyond abstinence-only models, although these are helpful for many people. Other approaches, including therapy and/or medication, may be appropriate for other people. Expanded access should include a range of program types.

- Although marijuana is the most commonly consumed drug inside prisons (as it is in general society), its negative effects on individual and collective well-being are much less serious than other drugs, primarily crack-cocaine and cocaine. Programs that aim to reduce drug use –through rules and prevention messages– do not always distinguish between types of drugs. Given scarce resources, substance use treatment and prevention efforts should focus less on marijuana and more on more damaging substances.

### **Legal Services**

There is a need for more legal services, both at the arrest and pretrial stages and after a conviction. The fact that a small portion of people had no lawyer at all is an urgent concern.

- Build more comprehensive availability of public defenders, through legal aid services. Public defenders are overloaded with cases and in order to provide quality legal advice, the government needs to hire and retain more public defenders. (Retention could increase with lighter workloads, more professional advancement, or salary incentives.)
- Expand public education about how to access a lawyer and about rights and due process at each stage of the justice system.
- Provide training to lawyers –both prosecutors and defense– on alternatives to pretrial detention. This should include what the law allows, but also how to argue for such alternatives in a compelling way, and how to help ensure that the defendant meets eligibility requirements.
- An interesting element of the survey data on lawyers is that a significant portion of people had both public and private lawyers. Interview data suggests that this is due to frustration with private lawyers not doing their work despite charging high fees. Given this, more standardized oversight of lawyers, including perhaps an accessible complaint mechanism through the Bar Association or another entity, might help to reduce misconduct by private lawyers.

## Healthcare Services

- Hire more health personnel directly through the New Model and by more closely partnering with the Department of Public Health and/or local hospitals to provide services inside facilities. In particular, more staff are needed to attend to preventive care and minor issues.
- Prioritize and invest in much expanded mental health services. Although the CCRs have dramatically increased access to mental health care, which is positive, the psychologists and therapists tend to focus on people who have specific diagnosed conditions or are struggling in an urgent way. Since the experience of incarceration itself causes negative mental health effects for everyone –even if they are not obvious– there should be at least basic counselling and social work services available to everyone, on a regular basis, not just during crises.
- Develop electronic health records. Related to the points about data systems above, electronic health records would enable smoother management of patient case files across personnel and facilities. A caveat: an incarcerated person should have access to his/her medical files, and electronic records should not be a reason to reduce patient access to their own information.
- Eliminate fees charged to incarcerated people and their families for medical services or medications. Some survey respondents report paying fees for healthcare services, particularly for medication. Although this may reflect differences in health insurance in the outside community, when people are under involuntary state control –in custody– there should be no charge for any healthcare service. The prison authorities, in collaboration with health authorities, should change policies and practices to provide healthcare services and medications with no charge.

## Post-Release Programs

- Expand the eligibility criteria for and resources allocated to *medio libre*, so that more people can access a gradual form of release– from day release, to family leave or holiday leave, to completing a sentence in the community. The system should set an ambitious goal to move a substantial proportion of incarcerated people into

various forms of *medio libre*. This will require awareness-raising and collaboration with judges and attorneys who have a role in some decisions.

- Build a formal department or governmental entity responsible for community supervision and post-penitentiary services and support, primarily for people on parole or probation. Although the Catholic Church plays an important role, this area properly belongs to a government entity that can serve all Dominicans, regardless of religious affiliation or non-affiliation.
- Ensure that this new department takes a social work approach to its work. The primary staff for community supervision should be trained in supporting social reintegration, not in security (including VTP training).
- Any expansion of community supervision services should be cautious not to impose more burdens or surveillance on people who are on alternative sentences or have left prison. It should not extract data or information simply for the sake of tracking change. Services and resources should be determined based on what clients say they need, not on what the justice system institutions wish to offer or achieve.

## **f. Improve Human Rights Protections, Oversight, and Transparency**

The reports of poor conditions, lack of due process, excessive use of force and violence, and arbitrary disciplinary procedures –as documented in the ONDP report, the CNDH reports, and in my survey– are serious.

- Develop more confidential, trustworthy reporting mechanisms. This means that prisoners should have access to someone who does not work at the facility and is not part of prison personnel. While the juez de ejecución de la pena can sometimes take on this role, generally the judge is not sufficiently available, due to other responsibilities. The government could consider establishing an ombudsperson or outside investigator, specific to the prison system.<sup>13</sup> Such reporting spaces should also be available to family

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13. One example is the Office of the Correctional Investigator in the Canadian federal prison system.

members, public defenders, and others who spend time inside prisons, who may also experience or observe misconduct.

- Strengthen and monitor the internal system for investigating and imposing consequences for acts of misconduct.
- Develop regular mechanisms to check human rights compliance, submit reports on protections and concerns, and to share information and lessons about how to better implement human rights requirements. This already exists at a high level through the Periodic Review process at the UN and the Optional Protocol on the Convention Against Torture. More local reporting mechanisms, accessible to the general public, would also be beneficial. By paying attention to this issue on a regular basis, not just when a complaint or incident occurs, it becomes normalized.
- Provide more access to the media into prisons, in a way that is not scripted or choreographed. There are legitimate security concerns that can be addressed through clear agreements with journalists and through working only with journalists willing to tell complex stories –not sensationalist depictions of prison life. But the more there is a public window onto the daily life of prisons, the experiences and perspectives of incarcerated people and prison staff, and on government policy reform efforts, the easier it will be to hold institutions and individuals accountable.

### **g. Specific Resources and Protections for Vulnerable Groups**

- Develop a task force within the prison institutions to address specific concerns that disproportionately affect vulnerable groups.
- Allocate resources and attention to the specific needs of women, in particular pregnant women and women with young children. More generally, women should have equal access to contraception and conjugal visits as men.
- Allocate resources and attention to the specific needs of people with physical and intellectual disabilities.
- Recognize, officially, that LGBTQ people make up a significant

portion of incarcerated people –although they are not officially counted. They face various forms of discrimination and harassment inside. Prison authorities should develop a human rights-based strategy, in close collaboration with advocacy groups from civil society, to identify and respond to the specific concerns of LGBTQ people in prison.

- Develop a strategy and allocate resources to meet the needs of Haitians incarcerated in Dominican prisons, as well as people of Haitian descent who have unclear documentation or citizenship status. The Dominican government, in collaboration with the Haitian government, should endeavor to provide documentation (identity and immigration), translation services, extradition and sentence completion agreements, and connections to local advocacy groups. Haitians are currently isolated inside prisons and can get “lost” in the system, without specific attention.
- Develop a strategy and allocate resources for the specific needs of foreign nationals from other countries (other than Haiti). The court system should devote resources to make language translation (interpretation) services available at all court hearings and inside prisons. There are technologies available for remote translation for more unusual languages. There should also be a more consistent process for communicating with consular officers at embassies, especially those with fewer staff.



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## VIII. Connecting Prison Reforms to United Nations Sustainable Development Goal 16

The principal themes of Sustainable Development Goal 16 are threefold: just societies, peaceful societies, and inclusive societies. This means addressing the root causes of violence and building more constructive conflict resolution methods and more respectful, fair relationships –among individuals and between individuals and institutions. How does prison fit into this? The standard objectives of prison can appear contradictory: deterrence, retribution, incapacitation, and rehabilitation. Yet, taken together, and assuming that the logics underlying each objective hold true, prison then has a crucial role in reducing violence in society. It is meant to deter people from future acts of violence or crime. It is meant to impose actual and symbolic consequences upon those who commit violence and crime. It is meant to physically separate those people who pose a severe risk to the safety of a society. And it is meant to change the behavioral patterns of those who commit violence and crime so that they do not repeat it after release. We know that prisons rarely accomplish these goals in a constructive way. More often, they cause additional harm and suffering to those who live inside prisons and to their families and communities, while generating minimal effects on crime reduction or a broader sense of justice.

There is no such thing as a humane or peaceful prison: the nature of state-imposed confinement entails coercion. But prisons can, quite concretely, provide decent living conditions and constructive opportunities for engaging time and energy, while avoiding generating additional deprivations and difficulties for those who live and work there.

There are already robust frameworks for action on SDG 16. The 2017 Pathfinders Report, titled *The Roadmap for Peaceful, Just, and Inclusive Societies: A Call to Action to Change Our World*, sets out a clear roadmap for countries seeking to make meaningful progress on this goal (Pathfinders for Peaceful, Just and Inclusive Societies, 2017). It defines transformative strategies, catalytic actions, and enablers. In the following section, following this framework, I offer some suggestions on how the Dominican Republic’s prison reform experience might expand and inform these efforts, both for the Dominican Republic itself and for other countries in the region and around the world.

## **a. Three Transformative Strategies:**

### **1) Prevention: Invest in prevention so that all societies and people reach their full potential.**

- In crime policy, prevention strategies typically focus on communities and people who are at risk of becoming involved in crime. But prevention applies just as much to people who are in prison –those who are already entwined in the criminal justice system, many of whom have committed crimes or violence.
- The Dominican prison reform experience offers two contrasting sets of lessons here. First, the clear impact of expanded programs and services for people who have been socially marginalized is a crucial prevention investment. As described above, incarcerated people put a high value on formal education and employment training. This is an investment in their potential as individual and will reduce the chances that they resort to criminal activities upon release.
- The second lesson is negative: Despite the significant investments and achievements of the New Prison Management Model, as well as new programs in traditional prisons, the Dominican criminal justice system is now incarcerating twice as many people as it was in 2004, at the outset of the reform. As discussed above, the prison reform strategy did not directly confront the institutional and political drivers of pretrial detention, nor did it substantially expand early release or parole options. This is an example of a major investment in prevention interventions –through programs for incarcerated people– being undermined by lack of attention to system-wide prevention of unnecessary detention in the first place.

### **2) Renew: Transform institutions so that they can meet aspirations for a more prosperous, inclusive, and sustainable future.**

- The design and gradual, sustained implementation of the New Prison Management Model is an important example of transforming an institution. As described above, this process was organic, collaborative, and complex. At the early stages, it was driven by the individual convictions and commitments of key leaders at the outset, and then it was solidified by developing a professional corps of public servants trained in a common philosophy and supported with good working conditions and opportunities for

advancement. This provides a strong foundation for expanding the transformation and for handling the inevitable internal challenges and disputes that arise along the way. The inclusive philosophy of the ENAP and of the VTP training curriculum not only includes the substantive work of managing a new type of prison, but also has led to positive changes in the morale and professionalization of the workforce itself.

- The challenges to the quality and sustainability of this transformation relate to how the core coordination team fits into and works with broader institutional and government colleagues. There is a clear tension in the gradual transformation process: insofar as most resources are devoted to building and improving CCRs, the traditional facilities are left with ever-scarcer resources for managing the day-to-day operations of the not-yet-reformed prisons. Traditional prisons remain overcrowded and have few levers for addressing the inflow or outflow of prisoners. Despite new momentum for shifting more people out of the traditional facilities and into new CCRs, this imbalance generates conflicting incentives in the short term. Transforming institutions requires careful planning so that the people and programs who are not on the “cutting edge” of new practices are not left behind.

### **3) Involve: Include and empower people so that they can fulfill their potential to work for a better future.**

- Involving the people most affected by a policy intervention in the implementation of that policy can seem like an obvious recommendation. In prison policy, though, this requires real effort and commitment –since many societies do not welcome the inclusion of the voices of incarcerated people and formerly incarcerated people, as well as their families, in political or policy conversations. But real transformation of prisons cannot occur without meaningful participation from prisoners, their families, their communities, and other affected groups, including victims of crime and people who work in prisons. The development of the Dominican New Prison Management Model provides an important example of how bold leadership changed the public discourse on who counts as members of society. By speaking about incarcerated people in respectful terms –*interno* instead of *reo* or *preso*– and by providing new services and opportunities for positive public

representation, the New Model sets an example for the region on inclusion. When the rest of society sees incarcerated people as fellow citizens who contribute –now and in the future– to the well-being of the economy and culture, it makes political sense for prisons to provide quality programs and respectful living conditions and social interactions. Through extensive artistic, music, sports, and social media engagement between incarcerated people and local communities, the New Model is groundbreaking in terms of bridging some of the social stigma and distance that renders prisons and prisoners invisible in many places. Such changes will also influence the judicial system –notably prosecutors and judges– and may reduce the punitiveness of sentencing and the risk-averseness that constrains fair pretrial and parole decisions.

- Despite these advances, though, in my study prisoners also emphasize that they do not feel they have a voice in the decisions that shape daily life inside the facilities where they reside. They are not expecting a full-fledged democracy inside –they realize that prison requires top-down authority– but they do ask for more meaningful ways to offer input and to communicate concerns about amenities, services, fair treatment, and other aspects of prison management. Adapting positive examples of prisoner participation from other countries –such as prisoner councils (Barry et al., 2016)– would generate new forms of inclusion inside prisons without compromising the authority of prison staff or institutions.
- Involving all people must also include families of incarcerated people. In the Dominican prison system, families provide a significant amount of money each month to pay for their relative's basic needs. In the traditional prisons, this includes money for things that the state should provide –such as bed space, food, and transport– and in the CCRs, families pay for medical care and commissary costs, which can be steep. In my study, people reported spending on average several thousand Dominican pesos per month –which is a significant portion of a family's income. This is on top of the legal expenses of a case. Most incarcerated people, as my study shows, come from working class or low-income families. These extra cost burdens can make a difference between meeting their daily needs or not– even when they receive standard social benefits such as cash transfers.

- Finally, people need more support and empowerment after their release from prison. The government could hire people with social work training –including formerly incarcerated people who have the right qualifications– to help people navigate the challenges they face when they return to their home communities. This may include connecting them with services, offering moral and emotional support, and helping them handle formal obligations (paperwork, appearances, confirming fulfilment of parole conditions) with courts or other community supervision entities.

## **b. Nine Catalytic Actions**

The nine catalytic actions identified in the Pathfinders Report refer to a wide range of contexts where violence, exclusion, and injustice can occur. These do not directly map onto recommendations to improve the conditions and social climate in prisons, or in the post-release context. But there are connections to prison contexts, both on substantive issues and on methods or strategies of intervention.

### **1) Scale up violence prevention for women, children, and for vulnerable groups**

- Violence rates in a given community or country typically do not include violence experienced by people who are incarcerated, as neither crime data nor victimization surveys typically include them. Yet, we know that people who are incarcerated suffer violence at the hands of other incarcerated people and at the hands of staff. Violence prevention strategies that work in communities can also work inside prison. The interactions and dynamics between authority figures and incarcerated people is of course distinct due to the setting, which is by definition coercive. Some groups are more vulnerable to violence inside a prison than others –such as younger or older adults, LGBTQ people, people with few financial or family resources, people with disabilities, and people who do not speak the common language. Women and children are also vulnerable in different ways, although in prisons they usually live in separate facilities; this report has not addressed the situation of women or children who are incarcerated in any detail.
- Many principles of violence prevention that are well-established in community-based work can also apply in prison: opportunities for people to spend free time in constructive and pro-social ways,

opportunities to resolve disputes informally and non-violently, focusing interventions on higher-risk groups and at earlier stages, training authority figures in de-escalation and positive engagement with community members, and clear, proportionate consequences and accountability for acts of violence. Procedural justice and fair treatment by authorities when applying rules shape perceptions of the legitimacy of the prison governance environment, and this is influential in social order and violence (Brunton-Smith & McCarthy, 2016; Sparks & Bottoms, 1995). Negotiated truce agreements between gangs or other opposing groups may be possible (although the dynamics of prison gangs are different from street gangs and are shaped by the formal governance of economic transactions (Skarbek, 2014)). Moreover, where prisoners set up collaborative governance arrangements that address their common needs, violence can decrease –though not in all cases (Darke, 2018). Innovative experiments in other parts of the world have also shown reductions in violence, such as a unit for young adults in the US that uses mentorship and intensive programming to transform social relations (Chammah, 2018).

- In the Dominican prison reform experience, many of these principles and factors are part of the New Model and are evident in CCR daily life. But there is little research or policy planning focused specifically on reducing and preventing violence for particularly vulnerable groups. This is an area for more attention and investment in future stages.

## **2) Build safe, inclusive, and resilient cities**

- This action seems less directly relevant to prisons on its face. However, most incarcerated people come from cities, particularly marginalized urban communities. Thus, building safer and more inclusive cities should benefit these same groups, steering them into more positive life pathways. Another angle on the link between cities and prisons is that prisons are usually located near a city, especially in a small country like the Dominican Republic. The CCRs have built strong partnerships with some organizations –governmental and non-governmental– in local communities. This permits more interactions for incarcerated people with outside organizations in a positive activity. It also helps a city feel that the prison and its residents and staff are an integral part of

the community and the overall life of the city –not something invisible, shameful, or separate. This runs against the commonly-held idea that prisons should be located far from urban centers, for reasons such as reducing exposure to criminals or reducing risk of contraband.

- The town of Salcedo, in Hermanas Mirabal province in the Dominican Republic, exemplifies this approach. Through a multi-sector council on prison reform (*Consejo Provincial para la Reforma Carcelaria y la Reinsercion Sociolaboral de los Internos e Internas*), with strong political leadership in the province and a multi-disciplinary leadership team at the prison (led by a psychologist), it has generated more local-level partnerships and resources for the prison facility located in the town. This is all the more remarkable because the prison is in the traditional model, operating with high overcrowding, military-run security, and a low budget. Nonetheless, there are employment projects and even university graduates, through local partnerships.<sup>14</sup> These experiences have reduced stigmas about incarcerated people, as well as created real relationships between inside and outside, which helps reintegration post release (Interviews, 2017).

### **3) Target prevention for countries and communities most likely to be left behind**

- Prevention here means preventing violence, crime, or conflict –and prevention initiatives often only reach the people already active in their community institutions. People who are in prison are often physically, legally, and socially unable to access or benefit from most of these interventions. Unless an initiative explicitly identifies and addresses the potential barriers that an incarcerated or formerly incarcerated person might face, it is likely not to reach them.
- A clear implication of this action is that reducing incarceration is itself a violence prevention action. Being in prison is a strong predictor of future involvement in crime and (sometimes) violence –both after release (Latessa, 2014) and during incarceration (Byrne & Hummer, 2007). Thus, applying a prevention approach to the justice system and people in contact with it means, first, reducing

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14. Listin Diario, 10 February 2018. <https://listindiario.com/la-republica/2018/02/10/502238/reclusos-salen-a-realizar-actividades-productivas>

the amount and severity of their contact with the justice system—especially prison. To do so, the first place to begin is to drastically reduce pretrial detention, since this imposes the human and financial costs of incarceration when it is usually not legally required. The Dominican Republic’s high rate of pretrial detention suggests that there could be significant progress in preventing incarceration at this stage. Once a person receives a prison sentence, there is room to prevent longer or harsher incarceration, through shorter sentences and greater access to parole, as well as by improving conditions and programs during the sentence.

- Violence that occurs inside prisons is serious and common, but it is usually absent from community violence reduction efforts. As my findings show, incarcerated people list violence and threats as one of their key concerns during incarceration. Research shows that better conditions and more respectful staff treatment can reduce prison violence in the US (Lahm, 2009; Rocheleau, 2013) and in Chile (G. E. Sanhueza, 2014). Strategies that reduce community violence may also work inside prisons. One promising example is the adaptation of the “violence interrupters” methods (by the US-based NGO Cure Violence) in some Mexican prison facilities.<sup>15</sup> In short, insofar as violence and conflict prevention efforts seek to target the most afflicted places and people, people inside prison should be on that list.

#### **4) Increase justice and legal empowerment**

- My study shows that low access to justice is a theme that cuts across all categories of incarcerated people and both types of prisons. When talking about prison conditions, people often underscored problems with the judicial and court system: difficulty communicating with lawyers, delays and administrative mistakes, unjustified pretrial detention extensions, judges and prosecutors influenced by politics or money. At the same time, a majority of respondents in my study indicated that they had not heard of or had little knowledge of their legal rights or human rights (such as the UN Mandela Rules), both in the judicial system and inside the prison. This puts them at a further disadvantage.
- Despite its clear symbolic embrace of human rights concepts and language, the New Model in the Dominican Republic does

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15. Cure Violence : <http://cureviolence.org/partners/international-partners/latin-america/>

not provide comprehensive education on human rights to incarcerated people –only to staff. This reflects a tendency that has been documented elsewhere– human rights discourse can become an institutional symbolic discourse rather than transforming practice (Martin, 2017). To make human rights more substantive and meaningful in daily practice, the government could use its existing programming resources. Through creative, collaborative education programs, ideally involving civil society organizations, there could be workshops on human rights and peer support or education on how to put these into practice. Prison administrators sometimes fear that increasing prisoners’ knowledge of their rights will generate discord or complaints. But beyond the obvious reality that all people, including prisoners, are entitled to human rights (and to human rights education), when incarcerated people feel they have transparency and tools to ask questions and raise concerns with prison administrators in a meaningful way, this improves social interactions. In my study, respondents mentioned the lack of such channels as a central frustration.

- Drastically scaling up access to legal aid, mainly through public defenders, is also a key action that would improve both justice and legal empowerment. The National Public Defender’s Office has the mandate and the knowledge to address many of the frustrations and delays that people face in their cases and in their pretrial detention. But there are far too many cases for the number of attorneys. More funding and staff are crucial. There is also a need for access and proximity: more communication channels, more visits, more understanding of a person’s social context and support. The judges who oversee sentences (*jueces de ejecución de la pena*) also have a key role in this realm, as they are a crucial point of contact for incarcerated people who need attention or decisions on their conditions of confinement. More education and standardization of this role, including content on human rights and their application to both new and traditional prisons, would help to build more consistency and capacity in how the judges carry out this role in different areas of the country.

## 5) Commitment to open and responsive government

- The Dominican prison reform experience is a promising example of a government that responded to a crisis with creative and sustained investments of money, leadership, and institutional

support. The New Model was developed and implemented through unconventional partnerships and a willingness to engage with international and local actors based on common needs and talents, rather than existing institutional ties. Furthermore, the New Model has set a high standard in openness to the public, through its substantive Access to Information Unit at the headquarters, its website and social media, and its public reports, all of which include updates and data on the CCRs and activities of the New Model. While the traditional model has less publicly-accessible data, it is also increasingly sharing more information through online platforms. The public launch of the *Plan de Humanización*, with details and numbers, suggests that part of the next phase of reforms will be even more openness.

- Nonetheless, prisons are by definition closed institutions. Unfortunately, the usual political incentives push governments not to share the full story of what takes place behind bars. As discussed above, media and oversight agency reports are among the few public windows into the prison world in the Dominican Republic. In particular, there is a need for more open communication channels and responsive government actions on situations of human rights violations and grievances. Many regular citizens make assumptions about prison life based on stereotypes or sensationalized media coverage; they perceive prison as either “cushy” and/or as constantly violent, when neither is accurate. Building more opportunities for people who do not have personal or professional reasons to visit a prison can help create knowledge and reduce fear in the general public. Moreover, these connections can foster better opportunities for reintegration post-release. This could occur through schools and universities holding collaborative classes and research projects, as well as community participation in artistic, sports, or religious events

## **6) Reduce corruption and illicit financial and arms flows**

- No matter the country, the conditions of prison tend to create opportunities and demand for corruption. The constraints and hardships generated by overcrowding and insufficient food, water, communication, and safety can force people to choose illicit ways of accessing these things. There are laws, policies, and investigation mechanisms within the current institutional systems to identify and apply consequences to corruption by prison staff –but these

are not implemented consistently. Even with full enforcement, though, the conditions that foster corruption will continue to generate new problems. Therefore, as part of the ongoing reform process, corruption prevention and reduction measures are needed at all stages. This could include staff recruitment and training, staff evaluation and promotion processes, search and surveillance tools, clear and firm consequences for proven actions of corruption (regardless of the level of staff), and establishing confidential whistleblower channels and protections. Addressing potential corruption in the administrative business of running a prison –such as purchasing food, gasoline, and construction materials– is also important and requires strengthening of the institutional protocols and oversight that would apply to any other government agency.

- To reduce illicit flows of money and weapons among and to/from prisoners, though, improving the incentives and institutional mechanisms for staff can only have an effect to a certain extent. One of the main drivers is prisoners' own sense of having adequate amenities and safety inside a locked facility. So, ensuring that all prisoners have sufficient food, electricity, access to phones, and guaranteed transportation can dramatically reduce the demand for illicit transactions. Even during incarceration, people have various legitimate expenses to cover, such as legal fees, commissary, family obligations, medicine, etc. If they do not have a legitimate way of earning income, it is almost inevitable that they may opt for illicit options, whether inside the facility or through ties to the outside. While some people living in CCRs have formal income through vocational workshops, the amounts are modest and difficult to access. Meanwhile, mini-businesses in traditional facilities may allow a prisoner some entrepreneurial autonomy and income from sales of legal products (e.g., snacks or haircuts), but are not formally permitted and so exist under a constant shadow of uncertainty. More importantly, these opportunities are available only to some people who already have some financial resources to start with. Building more income-earning opportunities that are permitted and meaningful inside facilities would help reduce incentives for corruption. Finally, inside the subculture of prisons, people seek out protection in groups, money, and weapons in order to handle intimidation and disputes from other prisoners (Skarbek, 2012). Working collaboratively with trusted prisoners

to establish dispute resolution options for everyday conflicts –without necessarily escalating to a formal process– might address some of these concerns.

## 7) **Legal identity and birth registration for all**

- In the criminal justice system, formal documents matter more than in most other parts of government. People living at the margins of society are less likely to have formal identity or registration documents –and are more likely to have contact with the justice system. In Dominican prisons, according to my interviews, it is relatively common for people to have lost, partial, misplaced, or false identity documents. People may have reason to give a false name or false ID, to avoid a past warrant, for example. Upon arrest, the authorities may or may not be able to resolve this situation through matching various records. Having accurate records of names and registrations with various social services is particularly important when the state is responsible for ensuring access to healthcare, legal aid, etc. At this time, the information systems in both the traditional and the new models have personal information for each detained person and generally note the details of any missing or false identity documents. However, there are limited resources for resolving any of the documentation problems. These gaps can complicate court hearings and other logistics. Therefore, any nation-wide effort to expand identity documents should develop specific interventions to address the challenges related to people who are incarcerated.
- Another significant aspect of this issue in Dominican prisons is the situation of foreign nationals detained or incarcerated. Some may not have proper documentation, and the Dominican government may need to work with the relevant embassy to determine how to proceed. According to my interviews, Haitian nationals who are in the Dominican Republic without immigration authorization commonly give false IDs or false names to authorities upon arrest. Based on my field visits, the authorities often hold people in detention on such names, but it is difficult for them to get a court hearing (even for pretrial) with documents known to be false. This creates a cycle that makes it hard for people to find a pathway out of detention or into a confirmed sentence.

- There are some initiatives underway to identify people who are in Dominican prisons and may be eligible for release, adjusted bail, and/or transfer to Haiti. But the complications related to not having valid identity documents disproportionately affect migrants who are already marginalized. A resolution to the status of Haitian-descended people born in the DR and comprehensive immigration reform that grants formal status to undocumented migrants in the DR is important for reasons that go beyond criminal justice. Any such initiative should prioritize resolving the documentation gaps for incarcerated people.

## **8) Empower people as agents of change**

- One of the principal themes emerging from my study is that even in difficult conditions, people value having some amount of autonomy and decision-making ability in their daily lives. This may be only on small and mundane issues, but it matters. Respondents raised a wide array of frustrations with daily routines and resources that prison staff did not easily notice. Resolving these would not pose a threat to institutional safety and order. Establishing some form of participatory decision making –such as an inmate council or advisory group (Barry et al., 2016)– would help empower incarcerated people to contribute to the smooth functioning of the facility. Some of the changes that prisoners want to see would be more controversial and complicated, of course. Empowering incarcerated people to participate in some decisions does not mean handing over power or leaving aside institutional considerations. Rather, it would alleviate easily-resolved resentment and provide a forum for new thinking and collaborations, all within the bounds of the law and institutional hierarchies.
- The same principle can apply to frontline prison staff, both VTP officers and other professionals who work in facilities. A hierarchical management system –whether among police, military, or VTP officers– is in place for valid reasons of order and security. But there is likely also room to empower frontline officers to think of creative solutions to daily challenges that they face in their work. Beyond solving such issues, this also generates a sense of investment and growth in one’s role at work (Reiter & Chesnut, 2018; Lambert, Elechi, & Otu, 2018; Molleman & van der Broek, 2014). When corrections officers feel respected and valued at work,

they are less likely to be stressed and resort to short-term and sometimes violent tactics to handle problems with incarcerated people. In this sense, empowering both prisoners and staff can help to improve both safety and social relationships in a facility.

- Outside of prison, people directly affected by incarceration also tend to be left at the margins of decision-making processes. Dominican society, like in many countries, upholds stigma against anyone who has spent time in detention, based on an assumption that they are a criminal –regardless of verdict or any rehabilitation the person may have achieved. Formerly incarcerated people have important knowledge and skills for generating new initiatives to reform the justice system and to help reintegrate people after release. While the positive public outreach initiated by the New Model coordination, such as artistic productions and sharing the university graduations of prisoners, has made a dent in stigma, giving formerly incarcerated people a concrete role in building re-entry programs would likely make even more of a difference.

## **9) Respect all human rights and promote gender equality**

- Human rights are at the core of the New Model for Prison Management. The human rights of prisoners –as articulated in the UN Mandela Rules, the Pact of San Jose, and other international agreements– are gaining prominence internationally. One of the most common political arguments against reducing the scope and severity of prisons is that prisoners “deserve” to suffer in harsh conditions. But a central tenet of human rights generally, as well as in most mainstream theories of punishment and justice, is that confinement is itself the punishment. The state should not impose any further punishments beyond the deprivation of liberty. This means that, overall, a prison should provide similar conditions and services to what a person would have in outside communities. The CCRs in the Dominican Republic uphold this vision in many dimensions, particularly in treating people as human beings with dignity and potential. In the lengthy list of human rights, CCRs fall short in implementation –such as on providing sufficient legal aid, nutrition, and proportionality in discipline. However, some potential mechanisms for stronger oversight and participation are outlined in this report.

- Gender equality means equal rights and opportunities for people of all genders. Although women and LGBTQ people are a small minority of all incarcerated people in the Dominican Republic (about 5% women, and there are no data on the number of LGBTQ people), they face particular issues in the justice system. Women generally have less family support, and their children are more vulnerable when the mother is incarcerated. Reproductive healthcare issues behind bars –including menstrual care products, contraception, prenatal and postnatal care, and abortion access– require dedicated professionals, policies, and resources. Because women are disproportionately incarcerated for more minor charges (Giacomello, 2013) there is much room to reduce pretrial detention and sentence length for women.
- Unfortunately, there is little data about LGBTQ people in the Dominican prison system. Many do not reveal their sexual orientation due to fear and stigma. Trans people, including prisoners, may be ostracized or targeted for violence by authorities and peers, particularly if they are perceived to be involved in sex work (Peña Capellán, 2017). To prevent and reduce violence and conflicts related to sexual orientation, the anti-discrimination laws currently pending in the country are important. Adding substantive content on gender equality and LGBTQ rights to officer training and to programs for prisoners would also help to dismantle stereotypes and stigma.

### **c. Enablers**

The Pathfinders Report identifies four “enablers” as tools that are essential for implementing the actions outlined above. Here, I briefly note how these enablers apply to the context of prison reforms in the Dominican Republic.

#### **1) Evidence and data**

- There is a well-established body of research about prison design, programs, treatments, management, efforts to implement human rights, subculture, re-entry, and other issues related to corrections in North America and Europe. Although many debates persist, there is general agreement about the main principles and practices of effective corrections. In Latin America and the Caribbean, the research is newer and less extensive, but growing. Research focused

on these contexts –with varying political and social dynamics– can shed light on what works and does not for improving human rights protections (or other goals). Prisons research can be messy and challenging. It requires cooperation among people with different approaches and focuses. Although the UASD Master’s program generates relevant research projects, there is still a need for more diverse research about various aspects of the Dominican prison system, by people who are not directly connected to the government institutions.

- Data are important for institutional planning and management, for research, and for testing new policy initiatives. The Dominican prison system produces regular data on population numbers in different centers and basic traits of individuals who are incarcerated. Some of these data are publicly available. More integration of data across the new and old model systems would be helpful, along with more information on data collection methods. Furthermore, a broader diversity of indicators is important so that researchers and policymakers can understand and track a fuller picture of how prisons function. This means going beyond collecting only recidivism data as a measure of the effectiveness of the system.

## **2) Finance**

- The question of funding for prison reforms is complex, because sometimes improving human rights in prisons means reducing the number or size of some prisons, not investing in new ones. In other cases, such as in the Dominican Republic, there is a clear need for investment in improving infrastructure and programs –and this may require improving or expanding (modestly) some facilities, while closing others. But investment, as outlined above, should emphasize programs, alternatives to incarceration, and reducing the size of the prison system, equally or more than infrastructure.

## **3) Learning and exchange**

- The Dominican New Model of Prison Management has already established an extensive network of international partners and it has hosted many international visits. It also established an organization (Regional Training Academy) to deliver training to other countries and to adapt the model. This generates a strong framework for adapting elements of the model and learning from different implementation experiences.

- Further learning and exchange opportunities could be developed not just with other countries' prison institutions, but also across different sectors of Dominican society. Given the clear need for more meaningful implementation of human rights practices, more learning and exchange with organizations that work on the rights of specific groups – such as migrants or LGBTQ people – would help the new model and traditional model facilities improve their training and practices. Such exchanges also generate important conversations about the objectives of incarceration and how the prison experience relates to other civil society sectors.

#### **4) Communication, advocacy, and movement-building**

- A central challenge in protecting and implementing the human rights of incarcerated people is convincing political leaders, the public, and sometimes incarcerated people themselves that they are entitled to such rights. Public communication and building coalitions on this issue are essential tools for changing attitudes and assumptions about prisoners. The New Model has invested substantial resources and political capital in public outreach and marketing by talking about incarcerated people's potential and rehabilitation in the media, on television, and through public artistic events. For example, the New Model partners with the national Fashion Week each year and organizes incarcerated people to participate in the televised catwalk events, promoting their garment work. Leaders from the New Model regularly appear on televised political programs to promote their central philosophy.
- But advocacy and social movements also need robust participation from civil society, including groups that focus on transparency and human rights. The large public mobilization against generalized government corruption in the past couple years – the *Marcha Verde* – involves a wide range of groups with a broadly appealing message. This same coalition, or a subset of it, could focus on corruption within the justice system, for example. Human rights organizations that are advocating on some of the top political debates of this juncture – such as the rights of people of Haitian descent or the rights of LGBTQ people or women's reproductive health – could include details about how these arguments apply to incarcerated people. Although it is not politically popular to uphold the rights of people who are perceived as criminals, the reality is that most people

know someone in their personal circles who has been affected by incarceration. Public coalitions that push for humanization and fair treatment –along with accountability and application of the law– can shape how prison institutions operate.

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## IX. Conclusion

When international organizations talk about violence and conflict, we often assume this refers mainly to situations of armed conflict and extreme violence. The United Nations' 2030 Agenda sets an important objective and step forward in Sustainable Development Goal 16, which focuses on crime and violence and calls for action on building justice, rule of law, and inclusiveness. Prisons are often forgotten in this conversation –despite being a central component of justice systems and a site of serious violence.

Using this framework to analyze the achievements and challenges of the prison reform experience in the Dominican Republic, specifically the implementation of the New Prison Management Model, I have set out a description of the reform trajectory so far. I have also identified some struggles and dilemmas, within the prison system and in the justice system more broadly. I offer a series of recommendations, by theme, for the Dominican government to consider as it embarks on its next phase of reform, the *Plan de Humanización del Sistema Penitenciario*, and for future governments. Not all of these recommendations can be implemented immediately, but they can also serve as medium-term goals.

More generally, this report makes two calls to analysis and action, linking SDG 16 and prisons. First, we must recognize that prisons shape crime and violence dynamics throughout society, regardless of crime rates or armed conflict situations. Prison harms people who spend time inside, through physical and social deprivations, living under coercive rules, and through facing stigma and other barriers to reintegration upon release. When people who serve a prison sentence do not have much opportunity to rebuild a law-abiding life after release, they are likely to return to crime and violence. Families of incarcerated people also face tougher prospects for economic and social advancement. And prison staff can suffer violence and other forms of intimidation and disrespect in the workplace. Reducing incarceration as a first option, and making prisons more humane for those who do need to serve a sentence, is a crucial violence prevention strategy for communities in general.

Second, we must analyze prisons through broader human rights frameworks –including the Sustainable Development Goals– and not just through a narrow understanding of civil rights of due process in the justice system. Prisoners are entitled to all the human rights that

any other person enjoys, minus the freedom of movement. But most prisons in today's world take away additional rights –such as to education, nutrition, family access, and political participation– and justify this as part of punishment or security. Moreover, in many prisons, direct violations of basic rights to safety happen regularly, through threats and violence by other prisoners and by staff. The mechanisms that most countries and international institutions have in place to monitor human rights issues and to impose consequences for violations often do not attend to cases inside prisons.

So, in brief, the UN Sustainable Development Agenda needs to pay attention to prisons as a place where the entirety of human development happens, and where specific violations and vulnerabilities are more common. Prisons are not just a question for justice policy. And prison reformers and those who are building better prison systems need to take human rights frameworks seriously –including applying all human rights for prisoners, even those that may seem “too soft.” When incarcerated people have full access to education, health, political participation, safety, gender equality, etc.– even with the restrictions of confinement –prisons may, to a certain extent, become a space for rehabilitation and dignity. This also means drastically reducing the number of people who go to prison in the first place. Reform efforts that are less ambitious or less explicit will fall short.

This report has recounted the key elements of the Dominican prison reform experience and has identified key issues through the SDG 16 implementation plan, as articulated by the Pathfinders Report. The Dominican New Prison Management Model is a remarkable achievement of building and implementing an entirely new vision and practice for how a country handles punishment, rehabilitation, and policy implementation. It puts human rights discourse and principles at its core and puts concrete resources into education and services as a priority. At the institutional level, it conceptualized a new kind of professional –the VTP officer– and trained thousands of people to take on this role. Through 15 years of political changes, resource constraints, and very real challenges in managing a wide variety of people who are incarcerated, the New Model has adapted and integrated lessons. It has also shared its experiences and tools with neighboring countries in Latin America – standing in contrast to other popular prison “models” that emphasize order, technology, and highly clinical risk assessment and management strategies.

At the same time, in some areas, there are shortages of services and access to key resources. Due to weak oversight mechanisms, there is a sense of frustration and lack of accountability when officials or staff commit misconduct or abuse their power. Moreover, the lack of spaces for prisoners to participate meaningfully in some aspects of daily prison life is a missed opportunity for more collaboration and creativity. Similarly, the institutional coalitions and partnerships that shape the New Model need more participation and content from civil society organizations, especially those that work directly on human rights and the needs of vulnerable groups.

The Dominican government moves ahead with a new, bold next phase of prison reform: the *Plan de Humanización del Sistema Penitenciario*, launched in 2018 by the *Procuraduría*. It addresses many key challenges that the New Model to date has not tackled, notably integrating the two models within the prisons institutions and dismantling the country's largest facility (La Victoria) and building a new, CCR-like facility to replace it. For this plan to have traction on human rights, it should take into account some of the lessons of the New Model process to date. Implementing the transformative strategies and catalytic actions, with the enabling tools, as outlined in this report, would give more robust human rights content to the ongoing process of building a smaller and more humane, rehabilitative system.



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