

REVISED LIST OF AUTHORIZED PERSONAL PROPERTIES FOR PERSONS DEPRIVED OF LIBERTY

BJMP-DI-SOP-014, March 21, 2017

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I. REFERENCES

- a. Standard Operating Procedures Number 2004-02;
- b. BJMP Comprehensive Operations Manual Revised 2015;
- c. Memorandum on Activation and Delegation of Property, Contraband and Evidence Custodian dated 03 March 2011 signed by JCSUPT Benito A. Dorigo, RD-NCR;
- d. Minutes of Consultative Meeting on Compendium of Policies on the Contraband Management in Jails dated January 13, 2017;
- e. Consultative Meeting on Compendium of Policies on the Contraband Management in Jails dated January 13, 2017; and
- f. Recommendation of Legal Service Office re: Use of “PDL” in lieu of “inmate” pursuant to Article 10, International Covenant on Civil and Political Rights (ICCPR).

II. BACKGROUND/RATIONALE

The basic purpose of committing a person to jail is to deprive him/her liberty in order to protect the society against further crimes, however such individual is still entitled to certain rights even while in detention as cited in Section 63, Rule VIII Rights of Inmates of the Comprehensive Operations Manual 2015.

One of the basic rights of persons deprived of liberty (PDLs) is to possess certain personal properties while incarcerated. This right enjoyed by them is limited due to the principle of institutional security vis-à-vis penological interest. Institutional security is relevant and responsive to the daily operations of the jail and to the safety and security of the public as a whole. Penological interest relates to the treatment of persons deprived of liberty (PDLs) including punishment, deterrence, rehabilitation and others. As a requirement of institutional security and management procedures, the BJMP has the discretion to set property possession rules and standards.

Hence to standardize, there is a need to review and revise the list of allowable personal properties for inmates mentioned in Standard Operating Procedure No. 2004-02 entitled “Control of Contraband and Physical Evidence” dated 14 November 2004.

III. PURPOSE

This SOP aims to establish a uniform policy that would address the concern on items and properties that is allowed for the persons deprived of liberty (PDLs) to be retained upon admission, during incarceration and until their eventual release from our custody. To delineate the functions and responsibilities of the personnel designated to look into the PDLs’ personal properties. To enumerate the authorized sources where persons deprived of

liberty (PDLs) may acquire personal properties.

IV. OBJECTIVES

- a. To allow the PDLs to retain or store authorized personal properties within the standards set.
- b. To identify personal properties and items which are considered as contrabands.
- c. To contribute to a safe, secured and sanitized environment for personnel and PDLs.

V. DEFINITION OF TERMS

Authorized source – jail item issuances, jail cooperatives/commissaries and/or visitors from whom persons deprived of liberty (PDLs) may receive personal property.

Contraband – any item, device or article that is expressly prohibited by law or BJMP rules and policies regardless whether it poses risk to security or otherwise.

Excessive quantity – the accumulated space occupied by items that exceeds space allotted for persons deprived of liberty (PDLs) authorized property.

Jail Cooperative/Commissary – refers to the store within a jail facility and from which persons deprived of liberty (PDLs) may purchase such as hygiene items, snacks, writing instruments, over-the counter medication and similar items.

Person Deprived of Liberty (PDL) – are detainees who are incarcerated pending trial and/or final judgment. It includes all persons who are arrested, detained, imprisoned or otherwise under custody of the government authorities. PDLs may be held in jails, prisons, detention centers, “lock-ups”, hospitals, rehabilitation centers or elsewhere.

Personal Property – persons deprived of liberty (PDLs) property items that are not issued by the jail facility and are permitted in accordance with jail policies and procedures.

Religious Property – Items of property associated with a religious or spiritual belief as permitted within the bounds of BJMP policies and procedures.

VI. GENERAL GUIDELINES

The provisions of this standard operating procedure shall be strictly followed in order to contribute to a safe environment for personnel and persons deprived of liberty (PDLs). Reducing fire hazards, security risks, and sanitation problems could accomplish this, while at the same time, ensuring the protection of properties authorized to be retained by every person deprived of liberty (PDL). These safety efforts shall include type, quantity and methods of acquisitions of inmate personal property. The BJMP shall allow personal property based on the types and amounts reasonable and necessary for the comfort and rehabilitation of persons deprived of liberty (PDLs) while ensuring that order and security is maintained.

A. Allowable Personal Properties for Persons Deprived of Liberty

The Warden or any officer receiving the newly committed persons deprived of liberty (PDLs) shall inform him/her that the personal properties that shall be allowed for them to possess while incarcerated are those listed in the matrix in page 7-10 of this SOP (See Annex A & B. Revised Authorize Inmate Property Matrix for Male and Female Persons Deprived of Liberty).

- a. Limitations on the source/s that PDLs may access to obtain items of personal property not offered by Jail

Cooperative/Commissary, such as livelihood supplies, religious and cultural items as the case maybe, shall be established and maintained by IWD Staff and/or Property Custodian of every jail.

b. The Chief, Custodial shall ensure the space limits for PDLs personal properties. Provided, that the amount of space assigned for each PDL shall equally be distributed among them per cell.

c. PDLs should not accumulate excessive quantity of paper materials that may pose a fire, sanitation, and security hazard.

d. PDL personal property must fit in the assigned storage or stored in approved storage containers determined, based on assessment by the Warden or any officer with whom he/she delegated his/her authority.

e. PDLs are not allowed to possess personal property belonging to another PDL.

f. Religious items used in the practice of PDLs' chosen religion not posing a threat to safe, secure and orderly operation of the jail may be authorized. Provided, that such items shall acquire the clearance from the Chaplain or Imam as the case maybe.

g. PDLs are also allowed to possess money/funds to augment their day-to-day living while incarcerated. (See Annexes A & B. Revised Authorize Personal Property Matrix for Persons Deprived of Liberty). Provided, that any excess of the authorized amount shall be considered as contraband/s and shall be subjected to the provisions of the existing policies.

B. Acquisition

PDLs may obtain personal property through the following authorized sources:

- a. Personal properties at the time of admission;
- b. BJMP-issued supplies and items;
- c. Mailed PDL packages approved by the Warden;
- d. Jail Cooperative/Commissary; and
- e. Donations from Accredited Jail Service Providers and NGOs

C. Recording and Monitoring

Every jail unit shall abide with the following provisions in recording and monitoring of PDLs personal property/ies:

a. The recording of PDLs personal property does not create or infer liability to the jail. Upon admission, newly committed PDLs shall declare all his personal properties in the ODIFORM-001 PDL Property Declaration Form. The Property Custodian, upon admission of the PDL, shall provide two (2) copies for the PDL to fill out: One (1) copy shall be given to the PDL, and the other shall be signed both by the PDL and the Property Custodian, which the latter shall keep for documentation.

b. Any personal property reported by a PDL as lost, stolen, or missing shall be entered on the PDLs property record as such. The PDL however, may be allowed to purchase replacement property, as authorized by the Warden. Further, PDLs are responsible for reporting all lost, stolen, missing, damaged and/or destroyed personal properties. Moreover, if the lost, stolen or missing personal property item is found and can be returned to PDL, the PDL shall be required to sent out or destroy any property item(s) in excess of what is allowed by the Revised Authorize Property Matrix for Person Deprived of Liberty.

c. The Jail shall not be liable for damages, actions, claims, demands or expenses of whatever kind or character in connection to PDLs personal property resulting from the acts or omissions by other PDLs.

D. Disposal

In handling and disposition of all contrabands relative to PDL personal property, Wardens shall abide by the existing policies and procedures.

- a. Following PDLs death, escape or release, all tangible personal properties shall be disposed of based on the

existing policies and guidelines.

E. Liability of the Warden and/or any Concerned Personnel

a. The Warden, Officer of the Day and/or any concerned personnel who without valid reasons refuses to implement the aforementioned standard operating procedure in their respective jails and/or violated and tolerated the same shall be held administratively liable for misconduct and/or neglect of duty, as the case maybe, depending upon the circumstances of participation and with corresponding penalty as provided in the BJMP Administrative Disciplinary Machinery.

VII. SEPARABILITY CLAUSE

In the event that any provision or part of this Standard Operating Procedure has been declared unauthorized or rendered invalid by a competent authority, those provisions not affected by such declaration shall remain valid and effective.

VIII. REPEALING CLAUSE

All existing issuances that are inconsistent with this policy are hereby rescinded or modified accordingly.

IX. EFFECTIVITY

This policy shall take effect fifteen (15) days after the registration with Office of National Administrative Register (ONAR). Thereafter, all Regional Directors and Wardens shall be given thirty (30) days to formulate their respective Implementation Plans (IMPLANS) in order to execute the provisions of this policy.

Approved by:

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Chief, BJMP
QMR

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