

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

REVISED LIST OF AUTHORIZED PERSONAL PROPERTIES FOR PERSONS DEPRIVED OF LIBERTY

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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