
PARTICIPANTS' PAPERS

PREVENTING INMATE ABUSE AND CORRUPTION IN CORRECTIONAL FACILITIES: FOSTERING A REHABILITATIVE PRISON ENVIRONMENT

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I. STATUS OF INMATE ABUSE AND CORRUPTION IN GUYANA'S DETENTION FACILITIES

The Laws of Guyana Chapter 11:01 is the legislative basis for the Guyana Prison Service (GPS), establishing key parameters that include the articulation of the management structure of the Prisons as well as the main powers and responsibilities of key principals — the Director of Prisons and the Deputy Director.

Although the functions of the GPS are not clearly adumbrated in the Act (as noted in the *Report of the Disciplined Forces, 2004*), such responsibilities are implied in Part III:217 and 281. These sections determine that the GPS's main functions can be perceived to rest on two pillars — (a) Custodial and (b) Corrections.¹ The Act provides a sound framework within which the GPS has functioned since 1957; however, few revisions have been made.

In practice, the GPS long operated, within the framework of its name; that is, a *prison*. As defined by the *Oxford Dictionary*, a prison is a building in which people are legally held as a punishment for a crime they have committed or for which they are awaiting trial. This definition neither encompasses reformation for the individual nor enforces measures of positive correction.

The GPS began pursuing several initiatives, identified in its Strategic Plan in the year 2014, directed at transforming it from a primarily custodial institution to one with a strong focus on corrections. These include legislative reform, enhanced inmate programming, operational improvements, human resource capacity-building and infrastructural improvements, among other strategic initiatives.

A. Abuse

According to the 2019 research completed by an inter-disciplinary team of experts from the United Kingdom and Guyana titled *An Historical Perspective on Guyana's Jails*, since the 1830s, "infrastructure has shaped living conditions within this penal institution." It has resulted in harsh realities like chronic overcrowding, lack of meaningful activity, limited access to healthcare, enforced solitude, various forms of violence, poor sanitation and insufficient upkeep of familial relations for inmates. These realities align with what criminologists call "the pains of imprisonment" (Johnson & Toch, 1982).

Over the years, the lack of secure prison compounds has forced a significant proportion of prisoners in Guyana to be frequently locked in overcrowded dorms and cells for hours each day with limited means of occupation or exercise. The effect of such an environment on the mental health of prisoners was acknowledged as early as 1831, when contemporaries noted that bouts of melancholy, insolence and "idleness" were increasing.² The practice of confining persons deemed "criminally insane" in prisons as well added to this pressure.

Overcrowding is a major contributing factor to instances of abuse in Guyana. Guyana's prisons operate well above capacity, exceeding design limits by a significant margin (according to the US Department of State in 2022). Overcrowding coupled with few positive activities to utilize time creates a strained and violent environment, leading to increased risk of abuse by both inmates and prison officers. Overcrowding has

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¹ Disciplined Forces Commission. (2004). *Disciplined Forces Commission Report*, Guyana.

² Anderson, Clare. (2019). *An Historical Perspective on Guyana's Jails*, University of Leicester.

moved from a whopping 118.5 per cent as of March 2019 (according to the *Support for the Criminal Justice System Programme 2017 Report*) and now stands at 65 per cent, amidst massive construction and reconstruction works, as of April 2024.

Allegations of physical abuse by prison officers have surely been reported in the past (*MNS Disorders in Guyana's Jails Project*, University of Leicester, 2016). Physical aggression was used as a method to subdue, control and to instil fear and a false sense of respect for prison officers. Further, Guyana is yet to repeal Chapter 11:03 of its Laws: *Whipping and Flogging Act* from the Constitution. However, no sentence to such cruel and inhumane punishment has been ordered or instituted in decades. Moreover, there is now a Ministerial-ordered *Zero-Tolerance Policy* for abuse in any form towards inmates that has been instituted, beginning in the year 2021. Resultantly, investigations into matters of reported abuse are treated with high priority, and penalties for breaching this policy directive have been applied on several occasions. Additionally, human rights training continues to be rolled out across the employee pool through collaborations with the International Human Rights Association.

Public reports have highlighted inadequate sanitation, limited access to healthcare and a lack of sunlight in some facilities (according to the *Office of the United Nations High Commissioner for Human Rights*, in dialogue with Guyana during its 4109th meeting). However, sanitation is now prioritized, particularly on the heels of the global pandemic, Covid-19. Since the year 2020, the sanitization budget has tripled and designated Sanitation Workers are identified amongst the prison population to consistently upkeep sanitary environments. Unlike the high infection rates that a majority of the world's general population faced during the upsurge of Covid-19 cases, within the walls of Guyana's detention facilities only 10 per cent of inmates contracted the virus during the outbreak. Further, no related deaths were reported, all incoming inmates were tested, quarantined and retested before being introduced to the general population, and 85 per cent of the inmate population was vaccinated as of December 2021.

The very positive healthcare response to the Covid-19 pandemic was greatly owed to the team of healthcare experts that are employed by the GPS and those that are seconded to the work with the Prison Service by the Ministry of Health. Each of the five prison locations have a staffed Medical Unit. Medical Doctors at the largest prison facility attend to an average of 70 patients daily. This is added to the 40 inmates (average) that may seek the services of on-staff Nurses and Community Health Workers that are also present. Inmates have access to outpatient and some in-patient care, and any matter that may require added resources or expertise is referred to the closest Health Centre or Public Hospital. Ongoing infrastructural improvements will enhance the quality and scope of services offered to inmates through the Medical Department.

A negative response to prison escapes has resulted in inmate restrictions and chronic lockdowns. This is used as a means of control since prison infrastructure is not optimal and does not provide layers of security to prevent escapes. Massive construction and reconstruction are underway to recreate what Guyana knows as its Detention Facilities. This reconstruction and a modernization of security procedures will resolve this matter.

B. Corruption

Contraband continues to be introduced into Guyana's detention facilities through the schemes and ploys of inmates, their visiting family members and rogue prison officers. Daily searches, Random searches and monthly Joint Services Searches are carried out to rid the facilities of unauthorized articles. Admittedly, there is always something else to be found.

Prison officers that are suspected to be partaking in these activities are investigated departmentally and, depending on the severity of the infringement (for instance, the trafficking of drugs into the prisons), can be punished by Law to time spent in prison. In the past, there have been allegations of prison staff extorting monies from inmates or their families to provide favourable treatment to the incarcerated individual. The consistent reinforcement of prison rules, discussions on risks posed by engaging in such practices and the repercussions for persons found guilty have served as deterrents to this type of corruption.

As positive reinforcements, officers are offered a vast and wide range of short to long term training opportunities for their personal and professional growth. Also, the Service's Training Strategy and the

training opportunities offered have progressively sharpened its focus on meeting the correctional needs of a modern correctional facility.

II. LEGAL FRAMEWORK AND PRACTICES TO PREVENT INMATE ABUSE AND CORRUPTION

The GPS was established under the Prison Act #26 of 1975. As noted above, the Laws of Guyana Chapter 11:01 is the Legislative basis for the GPS, and it establishes parameters that include the articulation of the management structure of the prisons. In keeping, parameters are in place for the prevention of inmate abuse and corruption.

Firstly, there are provisions for the governing Minister to appoint a *Board of Visiting Justices* to provide oversight and strategic intervention into matters arising within detention facilities. Furthermore, all judges of the High Court and Magistrates are *ex-officio visiting justices* and have legal powers within the prisons of Guyana. The following excerpt applies:

Laws of Guyana, Chapter 11:01, Part VI

Powers and duties of visiting justice.	47. (1) A visiting justice may at any time visit any prison in respect of which he is a visiting justice, and may inspect any part of such prison, may enquire into and examine the food, diet, clothing, treatment and conduct of prisoners, may question any member of the prison staff or prisoner, may hear complaints from any prisoner, may enquire into any abuses and irregularities in any prison and shall ascertain as far as possible whether the provisions of this Act and the Prison Rules are being complied with, and may make a report upon any such matters to the Minister.
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Secondly, provisions are made for independent Visiting Committees to provide general oversight into every area of operation. These committee members are chosen from wide expert backgrounds and are Cabinet appointed to provide oversight to prison operations. The following excerpt applies:

Laws of Guyana, Chapter 11:01, Part II

Investigation of reports.	9. The Visiting Committee shall attend to any report which they receive as to the mind or body of any prisoner being likely to be injured by the discipline or treatment to which he is subjected and shall communicate their opinion to the Minister. If the case is urgent they shall give such directions thereon as they deem expedient, and communicate the same to the Minister.
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Thirdly, Prison Officers are legally bound to refrain from, and report, matters of abuse of officers to inmates, inmates to inmates or inmates to officers. The following excerpt applies:

Laws of Guyana, Chapter 11:01, Part II

Abuses.	181. Every prison officer shall at once communicate to the officer in charge any abuses or impropriety which may come to his knowledge.
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Further, all prison officers have the legal duty to ensure that prisoners do not gain possession of

unauthorized articles as outlined within the Prison Act when within or under supervision outside of the walls of the prison.

Breaches of these statutes, operating procedures and the GPS Code of Ethics results in departmental penalties being laid against officers. As noted above, breaches related to matters of corruption are punishable by Law. If the infraction is a criminal offence like the trafficking of drugs, the infringement can result in an officer being sentenced to three years in prison. If found guilty of aiding and abetting an escape of an inmate who is serving a sentence for a term less than life, an ex-officer “shall be guilty of a felony and liable to imprisonment for seven years” (*Laws of Guyana, Chapter 8:01 Title 23: 342*). If the escapee was serving a sentence for a term of life imprisonment, an ex-officer “shall be guilty of a felony and liable to imprisonment for life” (*Laws of Guyana, Chapter 8:01 Title 23: 341*).

III. CHALLENGES TO THE PREVENTION OF INMATE ABUSE AND CORRUPTION

There remain significant challenges hindering efforts to prevent inmate abuse and corruption in Guyana’s detention facilities. These roadblocks are:

- A. Overcrowding Due to Limited Spacing.** Overcrowding can create a tense environment, making it difficult to maintain order and prevent violence. Limited space also hinders proper oversight, increasing the opportunity for abuse and the spread of contraband.
- B. Resource Constraints.** With limited resources inclusive of staff, funding and sufficient infrastructure, supervising inmates is an especially difficult task. Limited funding has impacted improvements in facilities and holistic rehabilitative programming significantly pre-2022.
- C. Accountability and Oversight Structures.** A lack of robust mechanisms for investigating and prosecuting allegations of abuse and corruption creates a perception of impunity.
- D. Difficult Working Conditions for Prison Officers.** Officers that are negatively affected by (i) extremely long work hours, (ii) a perception of not earning enough for their time and energy or (iii) a harsh hierarchical organizational structure can be prime targets for accepting bribes or facilitating the flow of contraband. Being understaffed and feeling intimidated by a lack of “power” within a prison facility can also cause officers to facilitate the flow of contraband to keep the prison environment “peaceful”.

IV. PROPOSED SOLUTIONS

Guyana’s drive to embody a more holistic and rights-based framework must be championed within the walls of our detention facilities. The GPS must foster an environment that prioritizes rehabilitation, respects human dignity, and contributes to the overall advancement of human rights. To foster a more rehabilitative environment, I propose the following points:

A. Penal Reform

The GPS began pursuing several initiatives, identified in its strategic plan in the year 2014, directed at transforming it from a primarily custodial institution to one with a strong focus on corrections. The greatest pivot of the eight transformative strategic goals of the GPS is the Modernization of Penal Legislation. This requires the creation of a new statute that will repeal and replace the existing archaic record to one which reflects a philosophy of inmate rehabilitation and ex-offender reintegration.

This statute review must be a highly participatory process with strong groups of internal, external, direct and indirect stakeholders from every stakeholder group. Once completed the new Guyana Corrections Service Act will usher Guyana’s detention facilities into a new era of being a highly functional correctional institution.

B. Physical and Non-physical Infrastructural Enhancements

With the construction of appropriately designed accommodations and additional facilities to create a holistic reformative environment of inmates, reliable systems must be put in place. New and expansive physical infrastructure must be supported by efficient and effective procedures that are aimed at improving the lives of men and women in Guyana's detention facilities.

Though the GPS has faced numerous challenges, many inmates have been able to earn positive experiences while living under difficult prison circumstances and have not returned to a life of crime. A low recidivism rate of 18 per cent as of 2023 proves that much can be accomplished even under otherwise trying circumstances. The Service aims to sustain the consistent decline in recidivists in prisons and to reduce the level of risk the prison population poses to the nation.

C. Dedicated Enforcement Arm

The creation of a dedicated investigative arm that is responsible for fostering external accountability and building a positive public perception would best combat issues of malpractice among prison officers. Speedy detection and resolution of cases that imposes just penalties would also serve as a disruptor to any entrenched corruption.

D. Enhanced Human Resource Capabilities

Added to secure infrastructure, prison officers must understand how to regain their powers as captains of the lives of inmates in our care. Among the numerous risks that corruption creates, loss of respect is a core issue that can manifest in many other ways. Providing prison staff with appropriate knowledge of the art of manipulation, negotiation and how to suitably hone their powers as the figure of authority within detention facilities will result in positive changes.

V. EFFORTS TO ENSURE TRANSPARENCY OF CORRECTIONAL FACILITIES

To ensure transparency and build public trust, the GPS has employed a few good measures:

- Employment of a structured Public Relations Strategy. Monthly newsletters and a monthly television programme serve to highlight developments and rehabilitation efforts across the Service. These media act as a forum to share important messages to the public;
- Facilitating regular inspections by government appointed teams as well as visiting justices, in addition to maintaining an open environment for all interested collaborators;
- Encouraging journalists and tertiary level researchers to access information about and exposure to the facilities to foster greater accountability;
- Five Prison Advisory Boards are in place to provide oversight and offer recommendations for improvements in five core areas of prison administration. Similarly, Visiting Committees are legally empowered to "promote the efficiency of the prison" (*Laws of Guyana, Chapter 11:01, Part II Rule #7*) to the prison authorities and to the governing Minister on the general administration of each prison location and events arising therein;
- 24-hour video monitoring that is always accessible by members of the Prison Directorate.

The GPS is in a prime position to revamp systems and procedures to create an environment that is rich with positive opportunities for the lives of the country's law-offenders and staff. The steps we take today must optimally prepare us for a better tomorrow. Learnings from our regional and international colleagues will truly serve not just the GPS but the citizenry of Guyana and support national development.

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