

## Prison Gangs and Prison Governance in the Philippines

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**Abstract:** *In the large, overcrowded, out-dated and under-funded prisons of the Philippines, the essential task of maintaining prison order is complex and often problematic. To carry out this crucial (albeit usually elusive) task, prison administrators are forced not only to compromise organisational integrity, but also to relinquish basic aspects of their management function to prison gang leaders. Due to scarce resources and high levels of corruption, prison administrators are also unable to adequately provide security and protection to inmates. It is therefore common practice for Philippine prisons to operate under a system of shared governance. In this type of arrangement, prison gang leaders help to maintain internal control and safeguard inmates as best they can. Even though prison stability is fragile, gang leaders help prison guards restore order quickly once disorder occurs. Based on the author's personal observations over a three-year period, as well as his personal interactions with prison gang leaders and prison officials, this paper provides insight into the compromises prison administrators take to gain inmate compliance in New Bilibid Prison (NBP) - the largest maximum security facility in the Philippines and one of the largest in the world.*

In New Bilibid Prison's (NBP) maximum security compound - one of the largest of its kind in the world - the primary task for prison administrators is to prevent the prison from falling into disorder.<sup>1</sup> This task is made difficult because the prison is severely overcrowded, out-dated and under-funded. The inmate-to-prison-guard ratio is high, which means that the most basic correctional responsibilities of providing inmates with security and protection are not adequately met. In order to achieve the crucial (and often elusive) objectives of prison order and inmate safety, the Bureau of Corrections (BuCor), which administers NBP, is forced to compromise organisational integrity and relinquish basic aspects of prison management to prison gangs. Therefore, NBP is run under a system of shared governance, whereby the BuCor splits the responsibility for internal control with prison gang leaders (or *bosyos* here on in). This type of shared governance should be distinguished from a system of self-governance. In many correctional facilities in South America, for example, gang leaders govern the prisons themselves and exert total control of the

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internal running of the facilities. The prison administrators can only secure the perimeter walls – yet even this function is questionable, as escapes are common and contraband is rife.<sup>2</sup> When total control is relinquished to prison gangs, prison stability becomes fragile and regularly switches between a state of anarchy and order.<sup>3</sup>

This paper draws from a broader study currently being undertaken by the author, which examines the functional importance of prison gangs in the Philippine corrective system. The paper at hand serves to provide an up-to-date snapshot of the unofficial arrangements the BuCor is making with the *bosyos* to gain inmate cooperation to maintain prison order in NBP. NBP is the largest and one of eight correctional facilities for convicted felons in the Philippines. In order to understand the factors that have contributed to the BuCor's partial reliance on gangs to help maintain order, the author has recorded his observations from 14 field visits over three years to NBP's maximum-security compound. Aspects of his informal discussions and personal communications with the *bosyos* and prison officials have also been included in this study. The information collected by the author has centred on the nature of the Philippine correctional system, the make-up and functions of the prison gangs, the social and cultural characteristics of the gangs, as well as the gangs' unofficial role within the prison system.

Access into prisons to undertake research of this type is normally very difficult and getting cooperation from gang leaders to participate in this type of study is usually very rare. Gaining approval to meet with inmates is also complicated.<sup>4</sup> Even when access has been granted by prison administrators, prison guards tend to be the 'ultimate gatekeepers'.<sup>5</sup> For this research, once the head of the BuCor (Director) had given approval to meet with the *bosyos*, several other levels of authorisation was also often required. This included being granted access by the officer-in-charge of security and operations, as well as from his subordinates, who were responsible for managing the entry of visitors into the maximum security compound. At times, the chain of command appeared disjointed, in that the approval given by the Director to the author to meet with the *bosyos* was often not passed down the chain to the prison guards.

The most challenging aspect of this study was gaining the voluntary participation of the prison gang leaders. Such participation is rare and the difficulties associated with gaining their trust and cooperation cannot be overstated. Their eventual cooperation was granted, provided anonymity and confidentiality could be guaranteed. Therefore, in this paper, every effort has been made to hide the specific sources of information (i.e. no names have been cited and no specific reference to individual gang membership or staff position has been recorded), and no information pertaining to criminal activity has been documented.

Because of the difficulties in gaining access to prisons and prison gangs in correctional facilities in developing countries, there are only a few relevant studies that provide a realistic comparison for this paper. While these studies focus on prisons in South America, many similarities can be drawn in the way the prison are

managed in the Philippines. Darke (2013), for example, examines inmate self-governance in Brazilian prisons. He claims that, because of chronic staff shortages, inmates manage themselves, maintain the prison facilities, run their own rehabilitation programs, and perform many of the administrative duties usually done by prison officials. In these prisons, 'multi-occupancy' type accommodation and other environmental conditions encourage the development of prison gangs and inmate self-governance.<sup>6</sup> In extreme cases, even the prison gangs cannot provide adequate protection for inmates. In the Pedrinhas prison in northern Brazil, for example, the recent decapitation of several inmates draws attention to 'the lawlessness of the nation's correctional facilities'.<sup>7</sup>

The Inter-American Commission on Human Rights has also conducted two relevant studies on prisons in South America. The first study examines the prison conditions in 15 South American countries, focusing on overcrowded, inhumane conditions that lead to the violation of human rights.<sup>8</sup> The second study focuses more specifically on conditions in prisons in Honduras.<sup>9</sup> The common themes in both of these studies include high levels of congestion, sub-standard conditions of confinement, a high incidence of prison violence, a lack of effective control and the inability of prison administrators to protect vulnerable inmates. Because gang leaders exert total control of prison operations, it is unsafe for prison guards to enter the prison. Corruption among prison guards is also endemic, which means inmates can smuggle virtually anything into the prisons. Drug trafficking is rife and fatalities are frequent due to competition over the contraband and drug trade.

Most other contemporary literature on prison gangs focuses on those in US prisons and, to a lesser extent, in the UK. In these studies, prison gangs are usually labelled as disruptive and detrimental to the smooth running of penal institutions. They are commonly said to worsen conditions for inmates, harming their prospects of rehabilitation and reducing their chances of successfully reintegrating back into society.<sup>10</sup> Approximately three to five per cent of the prison population in the US, which stands at close to 2.3 million, are claimed to be gang members.<sup>11</sup> Yet despite this relatively small percentage, prison gangs are 'responsible for approximately one-quarter to one half' of all prison management problems.<sup>12</sup> By way of contrast, in NBP, approximately 95 per cent of inmates belong to gangs.

While most of the studies mentioned so far take a negative perspective on prison gangs, Toch (1995) provides a contrasting approach to studies in this field. While not specifically focussing on gangs, he examines the more positive aspects of 'inmate involvement in prison governance' and control in Scottish prisons. Toch sees a prison system of shared governance as giving prisoners 'sound and practical ideas about improving' their lives in prison by being able to propose new ideas for improving conditions and 'working hard to implement them'. Toch also views prisoner involvement in decision-making as a means to 'enhance prison regimes by reducing the dependency of dependent prisoners, the alienation of alienated ones, and the ambivalence to authority of most others'. He posits that prisons can benefit

from democratic practices when inmates become committed to the improvement of their custodial environment.<sup>13</sup>

Toch is not alone in exploring the positive role of inmates in helping to control order in prisons. Earlier writers like Cressey (1961) observed how the inmate community played an important role in prison control and how a stabilised prisoner hierarchy contributed to prison order.<sup>14</sup> In a slightly later study, De Berker (1966) highlighted that prison control did not mean law-abiding; it meant that prison violations still occurred (or were allowed to occur). These were tolerated by the warden so long as the incidents did not disrupt the smooth order of the correctional facility.<sup>15</sup> Similar observations have been made by Berk (1966) who found that prison guards resorted to 'various methods of accommodation' and bargaining to gain conformity. This meant that guards would sometimes purchase 'compliance at the cost of tolerating deviance'.<sup>16</sup> If the guards overlooked certain prison violations or criminal activity, the inmates were expected to obey the rest of the rules. In this context, inmates learnt to regulate their own behaviour and, through gang culture and a formal system of gang rules, inmates learnt to govern themselves.

Relationships that hold various forms of power and dominance in prisons are identified by two more recent authors. The most recent of the two is Colvin (2007), who applies coercion and social support theory to examine inmate compliance and the power relationships in prisons. He argues that 'the consistent delivery of social support...forms the basis of consent in complex organizations and is especially crucial for maintaining the consent of the governed in prison'. Colvin claims that, 'without these networks of social support', compliance to prison rules and the maintenance of prison order could only be achieved with the application of consistently applied coercion by prison administrators. In the study at hand, the consistent delivery of social support provided by the *bosyos* and the gang system more generally 'forms the basis of consent' by inmates in NBP.<sup>17</sup>

Less recent is Stojkovic (1984), who focuses on the 'types of power found among prison inmates' in maximum security prisons.<sup>18</sup> He explores 'the bases of power among prison groups', which includes administrators, prison officers and inmate leaders.<sup>19</sup> While his study is situated in a modern US facility, unlike those in the Philippines, the prison environment appears to reflect some similarities in the level of volatility and lack of viable options for inmate rehabilitation. Stojkovic also notes 'five types of power found among inmates - coercive, referent, providing of resources, expert, and legitimate'<sup>20</sup>, which are also evident in NBP. Much of the inmate power, or the basis of power found in NBP gangs more generally, is generated from the provision of resources. These resources are often funded through the sale of contraband, particularly drugs and weapons. Stojkovic concludes that further research would benefit from the examination of how these types of power interact among differing groups, such as the administrators, staff and inmates, to produce prison order. An evaluation of the way the BuCor uses the gang system in NBP to obtain prison order is a major focus of this study.

### **The Philippine Correctional System**

Before proceeding further in studying the role of gangs in the shared governance of NBP, it is useful to provide a brief overview of the Philippines correctional system as a whole. NBP is the largest facility in the Philippine corrective system. This system consists of approximately 1344 different types of prisons and jails, including national prisons, provincial jails, sub-provincial jails, district jails, city jails, municipal jails and regional rehabilitation centres.<sup>†</sup> There are also numerous 'lock-up' jails and detention centres maintained by the Philippines National Police (PNP), the National Bureau of Investigation, the Drug Enforcement Agency and the Bureau of Immigration, which are not included in the above figure. These temporary detention facilities are utilised for those under investigation and for those awaiting transfer to jails under court orders. It is in these detention facilities where many offenders join (or coerced to join) the gangs and are 'tagged' (tattooed) with the gang markings.

Due to the different types of correctional facilities, out-dated record management systems, court backlogs and over-stayers, it is difficult to ascertain the exact number of offenders incarcerated in the Philippines. Keeping these limitations in mind, the author estimates that there are over 132,000 adult offenders, in a correctional system that has been designed to house only 35,000. The inmate population (in the prison system alone) is currently expanding at a rate of around 5 per cent annually.<sup>21</sup> On average, the Philippine prisons and jails combined are around 300 per cent overcrowded. In NBP's maximum security compound, for example, there are currently 14,356 inmates with space for only 5,500 (286 per cent overcrowded). In Manila City Jail, there are currently around 4000 inmates in a facility originally built to accommodate 1000 inmates (300 per cent overcrowded). In Leyte regional prison in Abuyog, there are a total of 1,601 inmates held in a facility designed to hold only 486 (230 per cent overcrowded).<sup>22</sup> This overcrowding has serious consequences, the most immediate being that there is simply a lack of physical space to sleep.

As a result of overcrowding, most of the prisons and jails in the Philippines struggle to meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (United Nations, 2012).<sup>23</sup> Overcrowding usually means that there is a marked reduction in the quantity and quality of resources available for day-to-day survival, such as nutritious food and clean water. The increased scarcity of resources also increases the chances for competition and conflict to acquire and retain them. Even though each inmate reacts differently to overcrowding, it commonly has a detrimental effect on inmate behaviour.<sup>24</sup> There is a significant correlation between overcrowding and prison violations, and, in this study, the author also draws a relationship between overcrowding and the cultivation of prison gangs.<sup>25</sup>

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<sup>†</sup> There is an important distinction between a jail and a prison in the Philippines. The jails, which are run by the Bureau of Jail Management and Penology, house individuals on remand or inmates serving sentences up to three years. The prisons, which are run by the Bureau of Corrections, refer to national penitentiaries and are for those inmates serving sentences of three years to life.

Overcrowding is primarily the result of the Philippines' notoriously dysfunctional judicial system. This system has a high conviction and imprisonment rate due to poor legal representation, while the prosecutors and the police in charge of the cases are often corrupt. There are also poor record-keeping processes that fail to identify the end of an inmate's sentence. Inmates often over-stay their sentences because they view conditions on the inside as better than those outside. There is also a backlog of inmates waiting in jail. Those on remand can sometimes wait up to ten years or more before their trial date is set. Because of this backlog, inmates appealing their sentences therefore remain in prison, rather than on bail.

The total inmate population in NBP stands at close to 23,000.<sup>‡</sup> Inmates are categorised into three sections or compounds – maximum, medium and minimum – based primarily on their length of sentence rather than level of risk. Maximum security, where this study is based, has an inmate population of 14,356. This number is made up of recidivists and those serving 20 years to life.<sup>26</sup> Medium security (Camp Sampaguita) has around 8000 inmates, consisting of first offenders and those serving less than 20 years. Minimum security (Camp Bukang Liwayway) has around 600 inmates, consisting of those with two to three years to go before release, those who are physically disabled, and those aged 60 years and above. There is also a Research and Diagnostic Centre (RDC) that houses around 1300 inmates. In the RDC, an inmate's personal history is recorded, their physical and psychological health is assessed and prison orientation is provided.<sup>27</sup>

The system of inmate categorisation in NBP is significantly different from prison systems used in the US, UK or Australia. In these countries, the most prominent form of classification for inmates is security risk-based. In a security risk-based system, a senior Australian correctional official stated that 'inmates are separated into groups according to threat of escape and custody requirements [referring to the level of danger posed by inmates to themselves, staff and fellow prisoners]. More dangerous inmates, for example, are usually kept under higher levels of security and custody than less dangerous prisoners'.<sup>28</sup> Risk-based classifications can also be used to separate 'special needs offenders'<sup>29</sup>, such as those with rehabilitative or medical needs, those that are vulnerable and requiring protection (i.e. minority religious groups, sex offenders or ageing inmates), or those undergoing disciplinary measures.<sup>30</sup> In the maximum security compound in NBP, regardless of an inmate's risk or vulnerability, all offender types are mixed together, regardless of whether they were convicted for murder, assault, rape, burglary, property crime, extortion or drug offences.<sup>31</sup> This mix of offender types, all living closely in an overpopulated environment, creates a 'perfect storm' in terms of potential for conflict and the subsequent reliance on gangs for protection.

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<sup>‡</sup> There is also a female prison on the grounds of NBP. The female compound does not have gangs and therefore was not included in this study.

### NBP's Maximum Security Compound

The maximum security compound consists of formal and informal structures. Of the formal structures, which have been provided by the BuCor, there are 14 dormitories or buildings, a hospital or infirmary, kitchen, administration buildings, plus numerous other facilities that cater for education and rehabilitation; drug treatment; sports and recreation; religious activities; and vocational, health and welfare programs. The 14,356 inmates in the maximum security compound are divided into 12 gangs and a group of inmates called the *Querna* (described in detail below). The *Querna* have no gang affiliation and generally consist of foreign prisoners, those holding political status, or those considered as 'VIPs' (or very important prisoners). The 12 gangs and the *Querna* are accommodated in 13 of the 14 buildings. These buildings define the different gang territories and are organised into 13 *brigadas* (or brigades). Each of the 13 buildings has around 1000 inmates. The fourteenth building (Building 14) is separated from the others. This building is used exclusively for inmates with a history of major illicit drug offences and also functions as a disciplinary area for inmates who frequently violate prison rules and regulations.

Each *brigada* has a *bosyo* and two or more subordinate mayors, depending on the number of gangs housed in the building. There can be up to two gangs per building, but each is physically separated by a brick wall. The mayors help provide order, are in charge of maintaining cleanliness in the buildings, and are responsible for social, religious and recreational programs. In return, they enjoy special benefits, such as being allowed by the *bosyos* to build or occupy informal structures (not endorsed by the BuCor) called *kubols* (or huts). The *kubols* are usually attached to the outside of the gangs' buildings. The *kubols* function as sleeping quarters, offices and/or headquarters. Compared to usual prison standards, they are relatively more comfortable. Some have air conditioning and television, and all have personal space and privacy.

As most things that take place inside NBP occur at a cost of some form, the *bosyos* and the approving prison guards all receive money from the construction and rent of the *kubols*. The *bosyos* also profit from allowing fellow gang members to build *nipas* or temporary small dwellings for rest and relaxation inside the buildings. The *nipas* act as room dividers and provide inmates with basic privacy, consisting of a bed covered on both sides with curtains made from linen or other material. The mayors also profit by operating the *nipas* as either motels, where inmates pay a small fee for a short period of privacy when wives and partners visit, or as brothels where inmates pay to have sex with transsexual inmates or with prostitutes provided by prison guards.

To a casual observer, the maximum-security compound of NBP seems more like a functioning and self-sustaining community than a high-risk and potentially volatile correctional institution. The laneways that criss-cross the prison are crowded with inmates cooking, washing clothes, gambling, playing billiards or just standing idle. On most days, inmates and their families roam the prison grounds. It is also

common to see children playing among the prisoners, looking at animals in the small zoo or having fun on the children's play equipment.

In reality, however, NBP's densely populated spaces are carefully divided into tightly held gang territories, although there are no formal boundaries to demarcate these areas. Usually, geographic boundaries in prisons 'serve as a source of conflict'<sup>32</sup>, particularly if an inmate from an opposing gang crosses into another gang's territory. In NBP, however, inmates can move safely around the prison grounds regardless of territory. Generally, the only time conflict arises over gang boundaries is when a gang member conducts business in another gang's territory without approval from the occupying *bosyo*.

The gang territories are well-known to the inmates and are usually identified by gang insignias and other territorial indicators, such as club houses and gang dormitories painted in their individual colours. As well as illicit gang activities, there are also gang-controlled licit businesses throughout the prison that generate cash to support a quasi-cash-based economy - money being critical for inmate survival. Licit gang businesses include barbershops, shoe-repairers, tattoo parlours, hardware stores, fast-food cafés, a bakery and fresh food markets selling vegetables, meat and fish. One gang also runs a television station that produces programs that mimic popular TV programs such as 'Iron Bar Chef' and 'NBP's Got Talent'. There are also small woodwork industries, basket-weaving factories and arts shops, although these are endorsed by prison management as part of prison rehabilitation and they also generate extra money for other prison programs.

Regardless of gang affiliation and occupations, all inmates are exposed, to varying degrees, to the 'pains of imprisonment', to quote Sykes' famous term.<sup>33</sup> Overcrowding, unsanitary living conditions, poorly ventilated accommodation, an inadequate number of toilets and washing facilities and poor diet, all exacerbate the pains of imprisonment. These conditions are aggravated by an inadequate supply of clean water and poor waste management. The water pipes and sewerage system get clogged and have deteriorated to the point that sewerage waste seeps into the clean water supply. Uncontaminated water is in short supply and even the hospital regularly runs out. Patients are forced to drink the contaminated supply, which results in a higher number of fatalities. Approximately one inmate dies per day as a result of communicable diseases and illness created by the poor living conditions.<sup>34</sup> Although an Act (*BuCor Act 2013*) to reform the prison system and enhance staff conditions has recently been endorsed by the Philippine President, it will take some time before inmate conditions improve. In the interim, prison gangs will continue to hold considerable power within the prison. This is mainly because of the gangs' ability to provide inmates with consistent support and protection provided by the *bosyos* and their gangs' hierarchies.<sup>35</sup>



### NBP Gangs

Around 95 per cent of the maximum security inmate population belong to one of twelve gangs. The following table gives a count of gang numbers as of 6 November 2013. The gangs from largest to smallest are:

Gang Name	Membership
Sigue-Sigue Sputnik (SSS)	2,642
Genuine Ilocano Gang (GIG)	2,092
Batang City Jail (BCJ)	1,890
Sigu-Sigu Commandos (SSC)	1,074
Happy Go Lucky (HGL)	908
Batang Cebu 45 (BC)	907
Batang Mananalo (Batman)	825
Bahala Na Gang (BNG)	815
Batang Samar Leyte (BSL)	523
Batang Mindanao (BM)	449
Bicol Region Masbate (BRM)	406
Original Ex-Convict (OXO)	180
Querna	1,140
NBP Hospital	499
<b>Total:</b>	<b>14,356</b>

The membership of the four largest gangs is usually drawn from those inmates originating from Manilla, while the others gangs take inmates from other regions around the Philippines.

The maximum security compound is divided into two sections: Presidio and Carcel. Each section is led by a chairman who controls six gangs each. The two chairmen sit at the top of the NBP gang hierarchy. The two chairmen (also well-respected gang leaders) are the main conduit between the gangs and the BuCor and hold considerable influence over the inmate population. All the gangs under the chairmen have a formal hierarchical structure similar to a military style chain of command. This structure includes a leader or commander (a *bosyo*, sometimes also referred to as elders), a deputy commander, several subordinate mayors, vice mayors, chief petty officers and petty officers. There can also be one or two advisors to the *bosyos*, depending on the size of the gang. This formal structure not only enables the gangs to accomplish collective goals, either to support the BuCor or to complete discrete criminal tasks for their own agendas, but also 'establishes stability' within the prison.<sup>36</sup>

At the top of each gang is a *bosyo*, who forms the nucleus of a gang and oversees all of its activities (licit and illicit). The *bosyo* also provides a stable role model for the gang and helps provide order to the inmates' day-to-day life. Without strong leadership and direction from the *bosyo*, inmate conflict would most likely escalate. In this context, a *bosyo* wields a great deal of power and authority over inmates. This also means that they have a strong influence on the internal operations of the prison. The chairmen and some of the *bosyos* are also alleged to have contacts in the highest levels of the Philippine government. These contacts not only increase their influence over inmates, but also the BuCor itself. These high-level relationships have enabled the chairmen and the *bosyos* to gain permission to improve their conditions of confinement. *Bosyos* are selected through a stringent election process, based on characteristics like popularity, wealth, influence (primarily to the prison officials, but also to the inmates), personality, intelligence, seniority, length of sentence (the longer the period of incarceration, the more credibility the inmate has for election), and criminal reputation.

Within the gang structure, there is also a protection group that consists of armed enforcers or warriors known as *tiradors*. The position of *tirador* is unofficial and highly secret. The *tiradors* provide protection for the *bosyo* and the gangs' interests and they also act as the key pugilists during gang disputes. The *tiradors* also run the protection and extortion rackets and carry out reprisal attacks on behalf of the *bosyos*. A gang leader stated that 'the number of *tiradors* per gang varies depending on the size of the gang. The SSS gang may have up to 300 *tiradors*, while the OXO gang may have less than ten'.<sup>37</sup>

There is also an informal structure in NBP where inmates establish their own hierarchy or pecking order based on inmate code. This 'pecking order' is no different to other prison systems around the world where there is always a constant power struggles between those in the middle rankings competing for prison status.<sup>38</sup> The

pecking order in NBP is dynamic as survival of the fittest is the general rule of existence. However, it does not automatically follow that the strong and intelligent inmates are placed at the top of the hierarchy and the weak and vulnerable at the bottom. A strong intelligent man would be disqualified from his natural position in the pecking order if, for example, it was discovered that he was a rapist or a child molester. A person who appeared weak and perhaps not so intelligent could be elevated to the upper echelons of the hierarchy if, for example, he was wealthy from his criminal exploits as a bank robber or kidnapper.

Generally, an inmate's criminal history is the greatest determining factor of where they find themselves positioned within the inmate hierarchy. However, the inmate code also has a bearing on the pecking order. The inmate code as traditionally defined by Wellford (1967) is 'a series of conduct norms that define the proper behaviour for inmates...above all else, prescribes behaviour that is contrary to the behaviour patterns expected by the administration'.<sup>39</sup> However, the inmate code can also reflect outside cultural and social values that specify the immorality of a crime. Inmates tend to place rankings on various crimes based on the crime's morality, for example, despite the fact that some had committed heinous acts. Like ordinary citizens, inmates display a sense of justice and moral standards and often show a sympathetic reaction of outrage and anger to certain crimes. Offences that are socially regarded as immoral, such as sexual offences against women or violence against children, are similarly regarded by inmates in NBP.<sup>40</sup>

Inmates who want to continue their patterns of offending inside NBP have to do so with extreme caution. If an inmate breaches gang rules, there can be dire consequences. Each gang has its own form of disciplinary or judiciary system where trials are conducted should a gang member contravene his or other gang rules or unofficial codes of conduct. A jury is appointed to determine the level of guilt and the gravity of the breach, and the *bosyos*, together with a committee of delegated members, determine the punishment. In the case of rival gang members, retribution is usually swift and is carried out without consultation or approval from the BuCor. This retribution or punishment is usually overseen by a *tirador*. While *bosyos* and the *tiradors* usually deal with troublesome gang members, internal security within the prison is also partly administered by marshals or peace-keepers. These peace-keepers consist of trusted inmates that are endorsed by the BuCor and made up predominantly of incarcerated former police and military officials. The peace-keepers are paid a token fee by the BuCor to maintain order, but their real direction comes from the *bosyos*.

Even though prison policy dictates the prison regime and security arrangements, such as entry and exit procedures to the prison, internal gang rules or *magna cartas* provide the actual guidelines for prison order. One gang leader outlined his gang's *magna carta*. He said that 'all *magna cartas* vary slightly, but have rules like:

1. Give respect to all officers and member of the gang;
2. Failure to pay debt to a gang mate will be given appropriate penalty;

3. Stealing from a gang mate is strictly prohibited;
4. Never fail to give a weekly due or contribution to the gang;
5. Avoid any form of criticism to fellow inmates - any problem that may arise involving gang mates should be communicated to elders (*bosyos*) before taking action;
6. Give due respect to visitors of gang mates – talking to them is allowed only with the consent of the gang mate;
7. In cases of trouble among gang members, the same should be deliberated fairly and justly;
8. Voyeurism is strictly prohibited – violation shall receive the maximum penalty; and
9. Having an affair with the wife or girlfriend of a gang mate is strictly prohibited – a maximum penalty shall be imposed for those who violate this rule'.<sup>41</sup>

There are significant differences between the ways gangs enforce their *magna cartas*. In some of the larger gangs, such as the SSS, SSC, GIG or the BCJ, there can be dire consequences for those gang members who breach the rules. However, in some of the smaller gangs like the BM and OXO, the punishments can be less severe. The lesser penalties can involve the offender providing personal services to a gang officer for a set period of time or more swift penalties involving physical beatings. One example, described a BuCor official was where an inmate student absconded with P500 (approximately A\$12) he was given by a prison teacher to buy lunch for his class. After several hours, it was found that he had gambled the money away. When his *bosyo* (also a student) found out, he immediately paid the money back to the school and punished his gang member by hitting him several times with a bat (called 'padding' by the inmates).<sup>42</sup> In other more serious cases, the penalty may involve the offender giving his wife or partner to the *bosyo* for sexual favours. The wife or partner has little choice but to consent, as refusal would likely result in the killing of the offending gang member. A serious violation could be where a gang member has verbally or physically assaulted the wife, girlfriend or partner of a fellow inmate from his or a rival gang. The penalty for such a violation can be fatal. To send a strong message, a Philippine government official mentioned that gangs have been known to have dismembered offenders and 'sent them down the sewers to Boracay'<sup>§</sup>, which figuratively meant flushing their remains to a place of paradise.<sup>43</sup> This type of penalty could also be imposed as an act of retaliation or retribution for killing a rival gang member, for betraying a *bosyo*, or for unsuccessfully challenging the *bosyo* for the leadership.

Overall, very little is known about gang punishments due to the criminality involved. Also, gang loyalty is upheld at all costs and the associated inmate code of silence means that only the brave and foolish pass information to non-gang

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<sup>§</sup> Boracay is a small island in the Philippines located approximately 315 km south of Manila.

members. If an inmate was caught by other members giving gang information away to outsiders, it is considered as betrayal and can have dire consequences. As in most prisons, inmates that seek money or extra benefits from guards in exchange for information about gang activities are deemed 'snitchers'. However, the harsh conditions inside NBP and an inmate's survival instinct mean that everyone eventually has a price, even the *bosyos*. A prison officer claimed that '*bosyos* usually have their own intelligence networks and, at times, law enforcement and intelligence agencies tap into those networks and pressure *bosyos* for information.'<sup>44</sup>

### Self-Governance

Following a recent spate of violent gang incidents in the maximum security compound, the BuCor, under the instructions of the Philippine Secretary of Justice, has begun to implement new security strategies to try and curb prison disorder and retake control from the gangs. Some of the incidents have included (from most recent): in March this year, three inmates were stabbed because of gang rivalry between the SSS and BCJ, leaving two dead and a third wounded.<sup>45</sup> In May 2013, an inmate being groomed to lead the SSS gang was shot twice in the head with a .22 calibre pistol in the gang's dormitory by a member of his own gang while playing billiards. Earlier in February the same year, an inmate was killed and three others injured when a riot broke out during a basketball game between rival gangs the SSS and SSC.<sup>46</sup>

While these types of violent incidents seem common, most inmates would prefer to lead a quiet life, do their time the best way they can, and get out. The recent introduction of a new law (*Republic Act 10592*) provides incentives for good conduct by deducting time from an inmate's sentence should they undergo rehabilitation program and behave according to the prison rules. Generally, only a handful of inmates are interested in violence and disorder for its own sake. All sides (i.e. the BuCor, the prison guards and the gangs) have a strong, self-preserving interest in maintaining control and cooperate considerably, even covertly, to that end. Due to limited resources, the BuCor has come to tolerate, and often ignore, the prison gangs' illicit activities under the proviso that the gangs cooperate or at least give an outward appearance of order and compliance.

When violent incidents have occurred, it has been important for the BuCor that the violence has not thrown the prison into total chaos. Equally important is that the incidents have not reached the media's attention and embarrassed the BuCor and the Philippine government as a whole. In order to quickly regain control and, to reduce the level of tension between the conflicting inmates or gangs, careful negotiation with the relevant *bosyos* is carried out. This often results in the *bosyos* being permitted to administer their own system of punishment, which has sometimes led to inmate fatalities.

While the gangs may give the appearance of consent and compliance, which gives an impression of order, their compliance is often to ensure 'the continuation of the illegitimate social support of the gangs'. For example, inmates may consent and

comply with the rules to give the impression of order (i.e. no fighting, rioting or escapes) while still engaging in activities (i.e. drug trafficking and kidnapping) that are clearly violating prison rules.<sup>47</sup> As gangs generate income from illegitimate and legitimate enterprises within NBP, with the proceeds often being sent to sustain families, it is important that the privileges, which support the sources of income, are not withdrawn through punitive action.

Often a gang member's wife or partner also takes on gang membership and plays an active part in managing the affairs of the gang. Therefore, the withdrawal of visiting privileges can have a significant impact on a gang's operations. A prison officer spoke about the problems associated with family visits. He claimed that family members 'carry information and contraband in and out of the prison. The withdrawal of visiting privileges would temporarily affect a gang's business opportunities. This is particularly the case when it results in a reduction of supply of drugs, weapons or other contraband'.<sup>48</sup> In this context, there are also financial and familial incentives for gangs to keep prison disruption to a minimum. It is in a gang's interest, therefore, to maintain an outward appearance of peace and order so as not to disrupt their illicit business operations. Thus, 'through calculated mentality', *bosyos* share a common interest with the BuCor to maintain order. A form of compliance and consent to the prison regime is purchased through the tolerance of gang activities.<sup>49</sup>

One of the major factors behind the inmates' reliance on gangs in NBP has been the inconsistency in the way they have been managed. This has stemmed from the regular changeover of prison officials within the BuCor. Over the past three years, for example, there have been six different directors (both temporary and permanent appointments) to head the BuCor. The removal and replacement of each director has been based on a range of reasons, including a change in the Philippine presidency (resulting in a change government agency heads) to corruption allegations and prison scandals. The most recent permanent appointment of a new director occurred in March 2013. This appointment followed an incident in November the previous year, when six inmates were injured while jogging after a fragmentation hand grenade was thrown at them by an inmate from a rival gang. As a result of investigations into the incident, which resulted in charging and transferring several inmates, serious allegations of corruption and breaches in security have followed. These allegations have focussed mainly on the origins of the hand grenade and how prison officials may have been involved in bringing the weapon into the prison. This incident has been one of the most significant in the prison's history because it drew significant media attention and international focus on NBP.

When such significant incidents have occurred, particularly when the incident caused major embarrassment to the Philippine government, the typical response has been to sack the director of the BuCor. Accompanying each new director has been implementation of a new administration team and a change of prison guards. Prison rules and regulations are also usually changed and different levels of punishment

are applied to enforce the new prison rules. These changes are often made without any thought to how they affect the inmate population. As a result of the inconsistency in staffing and punishment, maximum security inmates have, over time, learnt to ignore the changes to the prison regime. Instead, they simply pay lip service to the prison rules and regulation, and rely on their *bosyos* and their gangs' *magna carta* for stability and direction.

As the Bucor has allowed gangs to thrive for over half a century, gang loyalty has also become so entrenched within the inmate culture that it will now be difficult for the BuCor to regain full control. The inmates now see their gangs as the only mechanism for the provision of consistent support. While the gangs may give the appearance of consent and compliance with the prison rules and regulations, which gives the appearance of order, their compliance is to ensure 'the continuation of the illegitimate social support of the gangs'. That is, inmates may consent and comply with the rules to give the impression of order (i.e., no fighting, rioting or escapes), while still engaging in activities (i.e., drug trafficking and kidnapping) that are clearly against prison rules.<sup>50</sup>

## Conclusion

Despite attempts to curtail prison gang activities, the BuCor has succumbed to unofficially endorsing the use of gangs to help provide order in NBP. While reliance on gangs may not be appropriate for modern prisons in developed countries, the author suggests that, for prisons in developing countries, inmate compliance and prison order are difficult to maintain unless inmates have a system of shared or self-governance. That function is usually carried out by prison gangs.

As the BuCor in the Philippines has not been able to afford to reform its ageing prisons, NBP administrators have come to tolerate, and often ignore, the prison gangs' illicit activities. This tolerance has been conditional on the gangs at least giving the appearance of compliance and control. When violent incidents have occurred, it has been important for the BuCor that the incidents have not led to total disorder, reached the public's attention and caused embarrassment to the Philippine government. Nonetheless, over the past three years, increasing prison congestion and a series of gang-related incidents have unsettled the prison environment, resulting in inmate discontent and uncertainty.

Corruption also appears to have been one of the most divisive problems in NBP. This has resulted in inmates distrusting the BuCor and relying on the prison gangs for reliable support. The BuCor's system of classification (i.e. non-violent offenders mixing with some of the Philippines' most brutal), coupled with an inadequate number of prison guards per inmate population, has also meant that the prison management has been unable to adequately provide protection to those inmates in need. Inmates have therefore looked for security and protection through gang membership.

Because of a long history of inaction by the BuCor to improve prison conditions in NBP, the gang system has become entrenched. The new, recently appointed prison administration will be forced to walk a very fine line between control and chaos. Gang violence can change the prison from order to chaos, and the reverse, very quickly. Unless significant resources can be directed towards drastically modernising NBP's archaic facilities, significantly reducing the inmate-to-prison guard ratio and eliminating corruption, prison gangs will retain their functional importance to inmates. Only time will tell whether it will be possible to successfully implement the objectives set out in the new *BuCor Act 2013*, which, among other things, aims to improve prison conditions. Until then, prison gangs will continue to fill the role of provider, offering inmates stability, security, protection, a source of income, and a sense of 'belongingness' to a *de facto* family.

## NOTES

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