

Overcrowding in Prisons of Colombia (1991-2016)

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Abstract: The purpose of this document is to answer: what is the panorama of prison overcrowding in Colombia between 1991 and 2016? This document facilitates the understanding of the prison crisis that crosses the country and emphasizes in a phenomenon rarely seen. It was evidenced that since 1991 there is an increasing attendance of the PPL in the case of women with a growth of 444% compared to 2016 and in the men of 305%. There is overpopulation with a continuous upward trend since 1991, housing in recent years more than double the population that could be given the installed capacity.

Key words: Justice, overcrowding, prison, penitentiary system, installed capacity

INTRODUCTION

At the end of 2016 the overcrowding rate in prisons of the National Penitentiary and Prison Institute (INPEC) stood at 51.2% (INPEC, 2017a, b). The rate of recidivism of the condemned population was 16.7%, corresponding to 112.271 (INPEC, 2016a-c) and considering the total recidivism of the population in charge of Inpec would amount to 10.7% (175.336 people). These indicators call into question the resocializing purpose of the sentence.

It is necessary to mention at the outset that overcrowding is not due to the failure of a single entity, since there are various actors involved and realities that have led to the current problem. In Colombia the National Penitentiary and Prison System in accordance with law 1709 of 2014 is composed of: The Ministry of Justice and Law; The National Penitentiary and Prison Institute (INPEC) and the Penitentiary and Prison Services Unit (USPEC), [...] by all the detention centers operating in the country by the National Penitentiary School (EPN) by the ministry of health and social protection by the Colombian Institute of Family Welfare (ICBF) and by other public entities that perform functions related to the system.

It is also worth mentioning that while penitentiary and prison policies are different their compliance guarantees re-socialization. According to CONPES No. 3828 of 2015 (NDP, 2015). Prison policy aims to create the right conditions for people who are convicted to effectively serve a deprivation of liberty and through penitentiary treatment, achieve their social

reintegration. While the prison policy is concerned with ensuring the rights of the population detained preventively (NPD, 2015).

In summary, the penitentiary policy is aimed at caring for those who have already been convicted while the prison policy is aimed at the syndicated persons. According to the above, the purpose of this document is to answer: what is the panorama of prison overcrowding in Colombia between 1991 and 2016? This document facilitates an understanding of the prison crisis that crosses the country and emphasizes a phenomenon rarely seen, considering that the main consequences include reducing the quality of life and contributing to the violation of fundamental human rights of the deprived population of freedom (Guerrero, 2015) the impossibility of achieving the re-socializing aim (Bruges and Gomez, 2011) produce violence inside the establishments.

MATERIALS AND METHODS

The type of study performed corresponds to an exploratory, descriptive, observational and non experimental type. The data used are the longitudinal statistics between 1991 and 2016, provided by INPEC, overcrowding and syndicated or condemned population. In addition, documentation was used on overcrowding of public and private institutions in Colombia.

RESULTS AND DISCUSSION

At the court of December 31, 2016 the overcrowding rate in prisons in Colombia stood at 51.2%

Table 1: Behavior reclusive population (1991-2016)

Years	Capacity	Population	Over populationrate	Over crowding (%)
1991	28.319	29.355	1.036	3.66
1992	28.294	27.016	-1.278	-4.52
1993	28.084	28.260	176.000	0.63
1994	27.260	29.338	2.079	7.63
1995	27.358	31.960	4.602	16.82
1996	28.332	38.063	9.731	34.35
1997	29.239	41.405	12.165	41.81
1998	33.009	43.259	10.250	31.05
1999	33.090	46.322	13.232	40.00
2000	35.969	49.816	13.848	38.57
2001	40.037	52.181	12.144	30.59
2002	44.373	51.276	6.903	15.56
2003	46.399	58.894	12.495	26.93
2004	48.916	66.474	17.558	35.89
2005	49.763	69.365	19.602	39.39
2006	52.115	62.906	10.791	20.71
2007	52.504	61.543	09.039	17.21
2008	53.784	67.812	14.028	26.08
2009	55.019	74.277	19.258	35.00
2010	61.100	81.095	19.996	32.73
2011	73.451	94.267	20.816	28.34
2012	75.679	109.822	34.143	45.12
2013	75.797	117.987	42.190	55.66
2014	76.777	117.389	40.612	52.90
2015	77.980	120.040	42.060	53.94
2016	78.120	120.914	42.795	54.78
Hasta abril de 2017	78.486	118.375	39.889	50.82

Own elaboration starting from INPEC (2017a, b); the figures correspond to annual averages

(Table 1). Taking an average of the year 2016 of 54.8% which indicates that the prison and intramural prison population in charge of the INPEC was on average during 2016 of 120,914 inmates while the capacity of the 136 National Order Detention facilities (ERON) was 78,120 people that is an overpopulation of 42,795 people occurred on average (INPEC, 2017a, b).

In Colombia, different causes have been identified that have led to the prison crisis a criminal model in which the idea of punishment against crime prevention prevails (NPD, 2015; Villar *et al.*, 2013) orientation of the solution to the construction of more prisons (CGR, 2015) limited penitentiary re-socialization schemes high rates of recidivism non-compliance with the legal responsibilities of local authorities as opposed to the construction of establishments for the syndicated population.

It is worth mentioning that between 1991 and 2015 the number of authorized average annual quotas increased by 177.15% however, for the same period the Private freedom Population (PPL) grew in a much higher proportion compared to the new quotas Average prisoners (303.7% or 89.020 people). This is evidence of the lack of crime prevention policies (Table 1). On average between 1991 and 2016 the number of women participating in the PPL was 6.3% and that of men 97.3% (Fig. 1). The number of women deprived of liberty increased by 444% between 1991 and 2016 and that of men by 305%.

Table 2: Investment Justice and Law Sector (2002-2015)

Investment category	Appropriation (millions of constant pesos of 2015)	Share (%)
Infrastructure-ERON	3,347,727	91.09
Equipment and equipment	255.184	6.94
Management and information systems	40.221	1.09
Strengthening for re-socialization	22.229	0.60
Institutional strengthening	9.845	0.27
Total	3,675,206	100.00

NPD (2015)

However, although the budget for the plans for the expansion and improvement of prison infrastructure represented 91.09% of the total budget for investment projects in the justice and law sector between 2002 and 2015 (Table 2). CGR (2015) this figure contrasts sharply with the limited investment in strengthening the different penitentiary treatment programs (work, study and education). The total amount between 2002-2015 was <1% of the total budget of justice sector investment projects (Table 3).

This low investment is also reflected in the number of people who are part of the Private Population of Liberty (PPL) linked to the different penitentiary treatment programs (77.55%) offered by INPEC (2016a-c) (Table 3). From another perspective it should be considered that Article 17 of the penitentiary code assigns territorial authorities the power to create, merge, suppress, direct, organize, administer, maintain and monitor prisons for persons detained in a preventive (syndicated) manner. This indicates that the people who are captured and still have not been condemned should be held in prisons by the mayors and governorates. In spite of this the reality is different since several departments do not manage or allocate a budget for prisons for pre-trial detainees (NPD, 2015).

A sample of the above is that at the end of December 2016, a total of 37.839 inmates were accounted for as syndicates, a figure that is very close to that of prison overcrowding (40.112) (INPEC, 2016a-c). That is the syndicated population accounted for 94.33% of overcrowding in prisons in December 2016 and this is a recurring behavior as shown in Fig. 2.

Based on this it can be inferred that the non-compliance of the legal mandate on the part of the territorial entities affected in the last years in the overpopulation of the establishments of the national order in charge of the INPEC.

With respect to post-prison assistance, only in July 2015 was the operation of casa libertad made official by an agreement signed between the Ministry of Justice and the Law the Family Compensation Fund Colsubsidio the Internal Theater Foundation and The INPEC. This support network seeks to provide support to the population that

Table 3: PPL ocupada en programas de tratamiento penitenciario (2016)

Regional	Work		Study		Teaching		Total man	Total woman	Total TEE
	Man	Woman	Man	Woman	Man	Woman			
Central	15.887	932.000	16.548	955.000	692.000	48.00	33.1270	1.935	35.062
West	07.976	633.000	8.265	643.000	260.000	30.00	16.5010	1.306	17.807
North	05.129	248.000	3.838	75.000	169.000	5.00	9.1360	328.000	9.464
East	05.025	491.000	3.987	225.000	154.000	22.00	9.1660	738.000	9.904
Northwest	03.552	470.000	5.188	467.000	142.000	14.00	8.8820	951.000	9.833
Old Caldas	05.771	591.000	4.530	575.000	206.000	30.00	10.5070	1.196	11.703
Total	43.340	3.365	42.356	2.940	1.623	149.00	87.3190	6.454	93.773
Percentage of population	35.840	2.780	35.030	2.430	1.340	0.12	72.2200	5.340	77.550

INPEC (2016a-c)

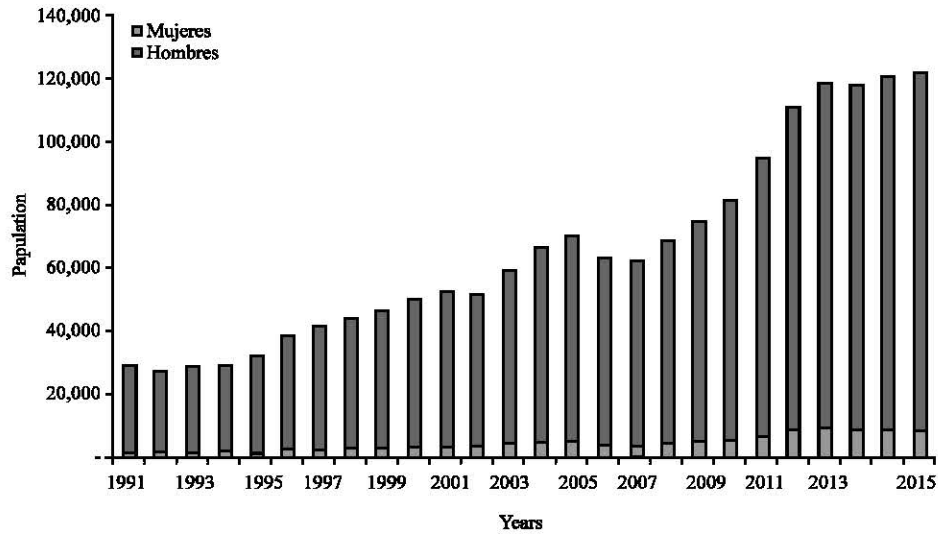


Fig. 1: Evolution of reclusive population by sex (1991-2016); Own elaboration from (Inpec, 2017a, b)

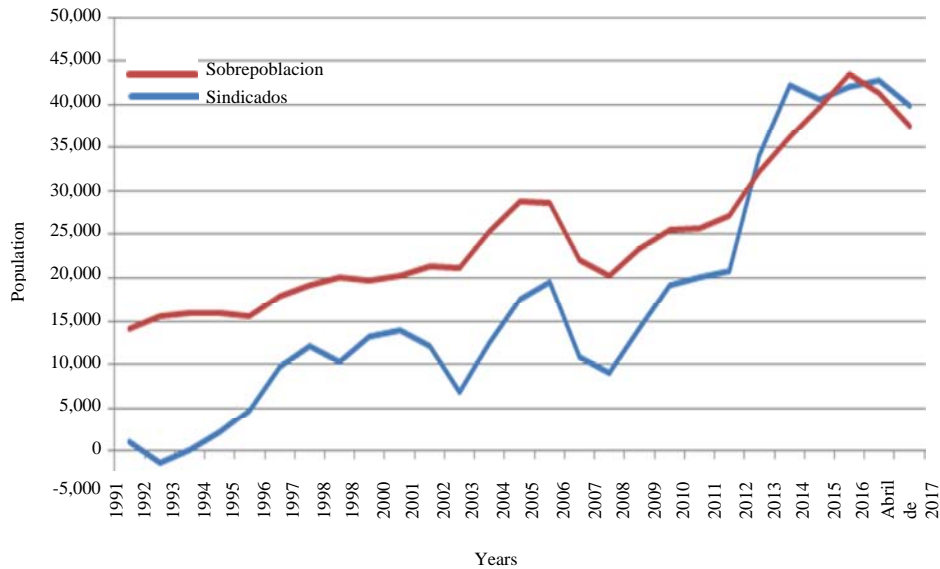


Fig. 2: Evolution of prison population by legal situation (1991-2016); Own elaboration

has regained its freedom with respect to entering the labor market and living in a community (INPEC, 2016a-c) however to date there are no significant results of this initiative.

CONCLUSION

This document has reviewed the evolution in quantitative terms of prison overcrowding in Colombia. It was evidenced that since 1991 there is an increasing attendance of the PPL in the case of women with a growth of 444% compared to 2016 and in the men of 305%. There is overcrowding with a continuous upward trend since 1991, housing in recent years more than double the population that could be given the installed capacity.

One of the major findings is that non-compliance on the part of the mayors and governorships has led to the unionists have to share spaces with the condemned the first being equivalent to almost 100% of overpopulation. In the current conditions of prisons in Colombia it is not possible to guarantee the quality of life or safety of the PPL or to achieve the re-socializing aim of penitentiary politics.

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