



**WESTERN HEMISPHERE
RULE OF LAW INDEX AND ANALYSIS PROGRAM
ACCUSATORIAL TRANSITION
AND INMATE SURVEY FINDINGS:
PANAMA**

**FINAL REPORT
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THE TEAM

Principal Investigators

Verónica Michel, Ph.D. (PI Accusatorial Transition Report)

Deborah Koetzle, Ph.D. (PI Inmate Survey)

Jeff Mellow, Ph.D. (Co-PI Inmate Survey)

Survey Research Director

Laura Andrade

Data Analysis Director

Joel Capellán

Chief of Staff

Natalia Gan

Research Team

Irina Fanarraga

Sebastián Galleguillos

Ian Kaufman

Juan Marte

Jonathan Sharp

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EXECUTIVE SUMMARY

Since the criminal procedure reform of 2008 (Law 63 of 2008), Panama has made various efforts to move towards an accusatorial model of criminal prosecution to improve access to justice, modernize, and increase the efficiency of its criminal justice system. In contrast to other countries in the region, the transition towards an accusatorial criminal justice system was implemented gradually, beginning in 2011 and concluding in September of 2016. With these reforms, Panama has moved away from legal proceedings that followed an inquisitorial model of criminal prosecution (characterized by written, non-public proceedings), towards an accusatorial or adversarial model of criminal prosecution (guided by the principles of contradiction, publicity, and orality).

With funding from the Bureau of International Narcotics and Law Enforcement Affairs (INL) of the U.S. Department of State, our team traveled to Panama between October and November of 2021 to gather most of the data that we present in this report. Despite delays and various restrictions that the COVID-19 pandemic imposed on our project, our team worked in close collaboration with all relevant institutions to gather information that allowed us to write this overall assessment of the Panamanian criminal justice system. We traveled again in August of 2022 for a discussion of preliminary results and to incorporate feedback from stakeholders.

This is a graphical report that provides readers with a snapshot of the current state of the accusatorial system and the perceptions of individuals in prison in Panama. We hope the findings of this report will help stakeholders, policymakers, and donors identify the areas where the system is doing well and where it can be improved, with an emphasis on upholding the principles of the new accusatorial model and improving prison conditions.

Purpose and Organization of the Report

The findings that we present in this *Accusatorial Transition and Inmate Survey Report* aim to provide baseline systemic knowledge on the current state of the accusatorial criminal justice system in Panama. Thus, in this project we focused on the following objectives: (1) to explore prisoners' experience of the criminal justice system and with the rule of law, (2) to assess if the new accusatorial system has impacted the prisoners' experience, (3) to identify weaknesses and obstacles that criminal justice operators face in the new accusatorial system, and (4) to assess the overall functioning of the system through performance indicators.

This project offers two important contributions. First, we developed a new survey tool, the *Inmate Perceptions of Procedural Justice and Correctional Standards of Care Survey*, that measures both experiences with criminal proceedings and life in prison. The survey is unique as it incorporates items that aim to measure perceptions on procedural justice and compliance with rule of law within prisons. Second, following the Accusatorial System Assessment Framework, we identify areas of compliance with the accusatorial principles in the criminal justice system. It must be noted that three topics were not studied in this project: the police, the juvenile system, and victims of crime.

This report is organized as follows. In Chapter 1 we review the importance of rule of law in the region, followed by a summary of the methodological and conceptual framework in Chapter 2. In Chapter 3, we provide an assessment of the protection of the accusatorial principles systemic perspective using the Accusatorial System Assessment Framework, which aims to provide baseline information for stakeholders to be able to evaluate, over time, performance of the various institutions herein reviewed. Next, we describe the findings of our *Inmate Perceptions of Procedural Justice and Correctional Standards of Care Survey*, the first study of this scope to ever been implemented in the prisons of Panama. The results from the survey are divided into two chapters. In Chapter 4, we review the prisoners' experiences with the criminal proceedings and their perceptions on procedural justice. Then, in Chapter 5, we discuss the prisoners' experiences living in prison, and we analyze how the penitentiary system upholds Rule of Law indicators in their treatment to individuals in prison. Finally, we conclude the report with evidence-based recommendations.

Results in Brief

The reforms that have taken place in Panama since 2011 have fundamentally transformed the way justice is served and imposed many challenges to all criminal justice operators. The new reforms have also generated important expectations among citizens. The new accusatorial system should improve efficiency, transparency, and access to justice. The rule of law as a "lived experience" should also be perceived as improving among operators as well as users (victims and defendants). In this report, we hope to shed light on how the criminal justice system is complying with the newly adopted accusatorial principles and show through prisoner survey results the impact that these changes have had on perceptions of procedural justice and overall experiences with criminal proceedings and life in prison. If the system is working as expected, our findings should reflect improvements in how operators perceive the operation of their system, as well as how defendants experience justice. Our findings show there has been some progress in some areas, but there are still many challenges that must be addressed.

Following the Accusatorial System Assessment Framework, in Chapter 3 we show variations in both the performance and capacity of judicial districts. Much of this variation can be explained by the timing of the introduction of the accusatorial reform, and by the different demands experienced by each judicial district. We found that for the period 2011-2021, most adjudication in Panama occurred during the pre-trial stage, via the use of alternative conflict resolution measures such as mediation, plea bargaining, and other abbreviated procedures. Most adjudication in trial courts ended in a guilty verdict; and over time, from 2011 to 2021, we observe a decrease in the rate of acquittals. Our findings show various challenges that the system faces in the consolidation of five key accusatorial principles: contradiction, orality, publicity, equality, and due process. The most important challenges observed were likely due to the principles of publicity, due process, and orality. Across districts, there is evidence of insufficient physical and human resources in various institutions. In particular, the shortages in the judiciary and the Public Defense result in an incapacity to schedule hearings and produce systemic backlogs. In the prison system, this has produced overcrowding, which is also fueled by what some described as a "punitive culture" and the unwillingness to use other personal preventive measures such as bail or domiciliary arrest. The COVID-19 pandemic slowed the activity in the criminal justice system, evidenced in a one-year period of fewer hearings and adjudications. We also found resistance to move towards oral litigation which some blamed on an inquisitorial "paper culture" or on insufficient training. Although we found that there are important challenges to the principle of equality due to differences in resources and staffing across institutions, the

institutionalization of the Department for Victims of Crime in Panama constitutes an important advancement towards providing equal access to justice to all parties in criminal disputes.

In Chapters 4 and 5, we include our findings from the *Inmate Perceptions of Procedural Justice and Correctional Standards of Care Survey*, which was answered by 1,578 individuals in 16 prisons in Panama. The Survey included 242 questions and allowed us to create two different indices. First, we created the Procedural Justice Index, which includes indicators that measure perceptions of fairness in decision-making and perceptions of fair treatment in criminal proceedings. And second, we created a Rule of Law Index, a composite measure that includes four prison indices (Performance; Capacity; Integrity, Transparency, and Accountability; and Treatment of Vulnerable Groups) based on the United Nations' Rule of Law Indicators that measure "the strengths and effectiveness of correctional institutions" (The United Nations Rule of Law Indicators, 2011, p. v).

We first describe, in Chapter 4, the experiences of defendants with criminal proceedings in the inquisitorial system and in the accusatorial system. Overall perceptions of procedural justice are slightly better among respondents in the accusatorial system (0.25), than those that experienced proceedings in the inquisitorial system (0.20), and there are other important differences that must be noted. Defendants were more likely to be informed of their right to remain silent in the accusatorial system, but more likely to be informed of their right to an attorney in the inquisitorial system. In general, all reports of abuse (which includes denying access to food, water, or communication with relatives, asking for a bribe or threatening with false charges) or mistreatment (which includes experience being blindfolded, forcibly undressed, beaten up or an asphyxiation attempt), are lower among those respondents in the accusatorial system, except for experiences with being bound or tied with something other than handcuffs while in custody after their arrest. Regarding experiences with the plea bargain, a majority of those in the accusatorial system were informed that they could obtain a reduced sentence for pleading guilty, but many of them felt coerced into guilty pleas. In general, experiences with judges have improved in the accusatorial system. Similarly, experiences with the overall quality of defense have improved in the accusatorial system, but experiences are reportedly better with private attorneys when compared to public defenders. Also, respondents reported that the average amount of time between an arrest to seeing a judge for the first hearing and the average amount of time between arrest and conviction, both improved in the accusatorial system. The impact of the COVID-19 pandemic was also felt among individuals in prison, who reported a decrease in the presence of family and friends in their hearings, negatively impacting the transparency and publicity of proceedings.

In Chapter 5, we report survey findings focused on the prisoners' experiences living in prison. Overall, we found that adherence to rule of law, based on all four indices, was 0.55. Ratings were highest on the Prison Staff Integrity, Transparency, and Accountability index, which includes items related to respect for prisoner's rights, absence of reported corruption, and prison staff accountability (0.70). The ratings on the other three indexes were lower. The Prison Capacity index, which assesses if the prison system has enough material and human resources and its structural condition, was rated 0.54. The Treatment of Vulnerable Groups index score was 0.51 and includes ratings on how the prisons handle discrimination and address the specific needs of women. The Performance Index score was 0.46, the lowest score of the four indexes. This index included questions about prison safety, prisoner well-being, healthcare and rehabilitation programming. Finally, the survey revealed large differences in prisoners' perceptions and experiences across the prisons. For instance, prisoners surveyed in Renacer were generally more satisfied with their prison experience than those at the La Joya prison complex.

Summary of Recommendations

Our report provides various recommendations based on our visits to prison sites, interviews with stakeholders, official statistical data, and the analysis of survey data. We identified the following key areas that need increased funding across institutions: increase human resources, expand infrastructure, and expand training and professional development, all in a way to support the consolidation of accusatorial principles and expand access to justice. In addition, we provide recommendations targeted by institution, particularly to improve the protection of defendants' rights and due process.

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1. INTRODUCTION: RULE OF LAW AND THE TRANSITION TO THE ACCUSATORIAL SYSTEM

In this introductory chapter, we first define the rule of law and explain the importance of the reforms towards an accusatorial model in the Latin American region, highlighting the importance of procedural justice in shaping citizens' perceptions on access to justice and their relationship to the rule of law. Next, we review the recent reforms in Panama in an effort to provide background information on the importance of the new Accusatorial System in Panama and the rights it provides to defendants. In the last section, we briefly introduce the penitentiary system.

Rule of Law and Procedural Justice in an Accusatorial Model

An efficient criminal justice system should uphold the rule of law, balance the demands between parties, and safeguard human rights. The rule of law requires equal treatment of all people before the law, which ideally translates into an experience that is free of rights-violations for victims and defendants. Thus, adherence to the rule of law should be assessed in every institution of the criminal justice system, from the police to prisons. Constitutional democracies with a strong rule of law should ensure that people cannot be imprisoned without due process, that the rights of prisoners are respected, and that correctional institutions are secure and effective in preventing recidivism.

Since the 1990s, countries across Latin America have implemented ambitious reforms to improve access to justice, and to modernize and increase the efficiency of their criminal justice systems. Arguably the most ambitious reform implemented by Latin American countries has involved the move away from an inquisitorial model (characterized by written, non-public proceedings), towards an accusatorial or adversarial model of criminal prosecution (guided by the principles of contradiction, publicity, and orality).

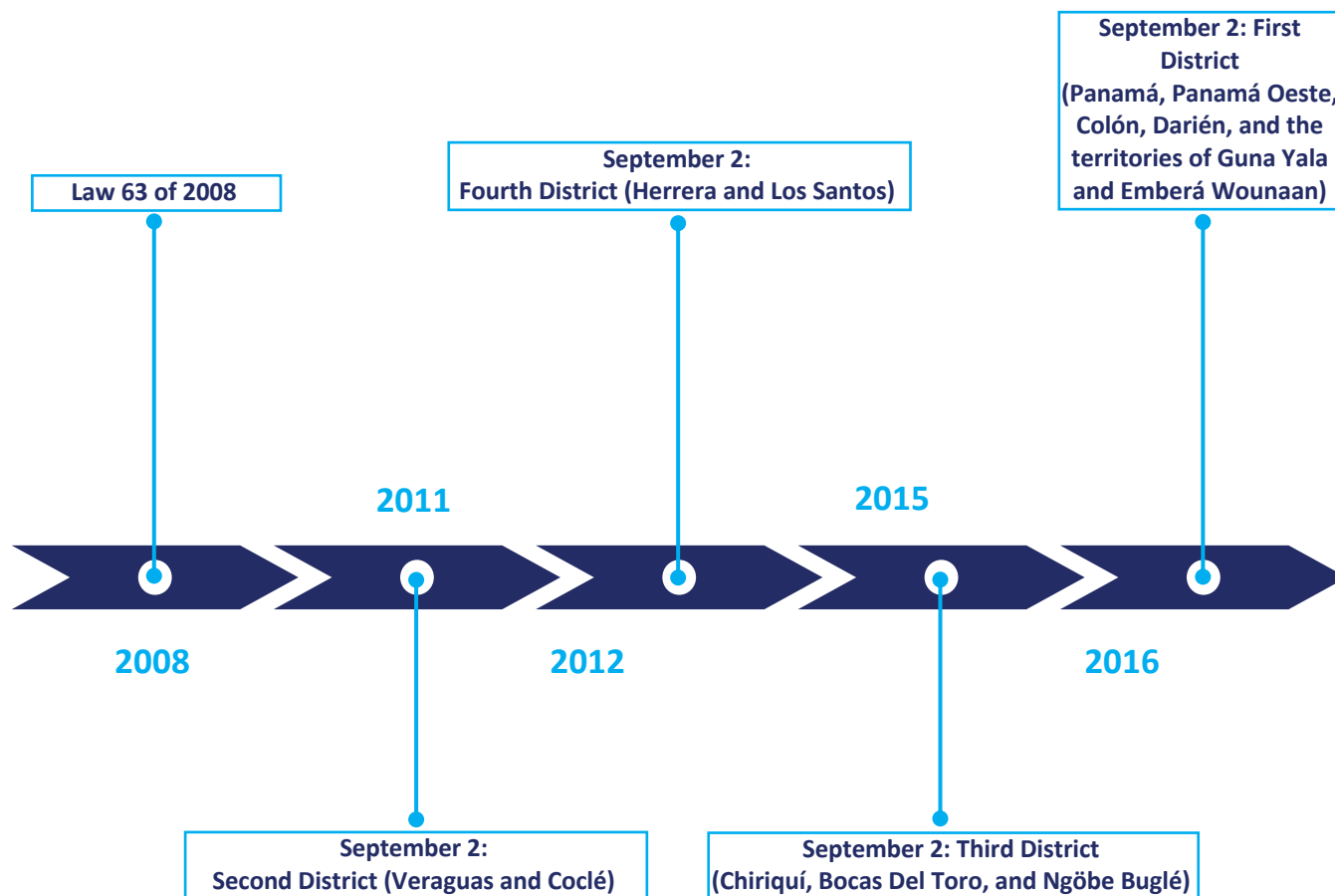
The consolidation of the accusatorial model of criminal prosecution in Latin America should improve the efficiency and transparency of the criminal justice system, and overall perceptions of access to justice and rule of law among victims and defendants. Adversarial systems tend to increase perceptions of fairness in criminal proceedings (Thibaut & Walker, 1975; Walker, et al., 1979) and this, in turn, is associated with improved perceptions of rule of law (Baker, et al., 2014). In this report, we provide an overview of the current criminal justice system and bring to light the experiences of prisoners with the rule of law and their perceptions of procedural justice in Panama.

The Accusatorial Criminal System in Panama

Panama began a comprehensive overhaul of its criminal justice system that was operating under an inquisitorial model of criminal prosecution in 2011. The goal of the reform was to improve the investigation, prosecution, and adjudication of criminal cases with a new criminal procedure code (Law 63 of 2008). This law introduced an adversarial or accusatorial model of criminal prosecution based on key principles such as contradiction, immediacy, orality, publicity, and equality (See Appendix A for a Glossary of Legal Terms in English and Spanish). The new accusatorial criminal justice procedure allows all parties (victim, defendant, and public prosecutor) to participate in every stage of criminal proceedings and

provides a clear separation of roles between the prosecutor, who gathers evidence, and the judges, who adjudicate cases.

Timeline of the accusatorial reform process in Panama



The implementation of the Accusatorial Criminal System in Panama (*Sistema Penal Acusatorio*, or ACS hereafter) was gradual and rolled out slowly across the judiciary, which includes four judicial districts. It began on September 2, 2011 in the Second Judicial District (which includes the provinces of Veraguas and Coclé). A year later, on September 2, 2012, the Fourth Judicial District followed by implementing the new system (with coverage on the provinces of Herrera and Los Santos). The implementation in the Third Judicial District (that includes Chiriquí, Bocas del Toro, and Ngöbe Buglé) was postponed for two years, until September 2, 2015, with the passage of Law No. 8 on March 6, 2013. Finally, on September 2, 2016, the new system began operating in the First Judicial District (which includes the provinces of Panamá, Panamá Oeste, Darién, Colón, and the territories of Guna Yala and Emberá Wounaan).

The gradual implementation of the reform has required the system to simultaneously manage old cases under the inquisitorial system and under the ACS. De facto, two parallel systems operate to date, handling cases under both the inquisitorial and the accusatorial criminal procedures. However, there are efforts to resolve inquisitorial cases soon (what operators call *descarga*) and all cases that were judicialized from January 1, 2018 onwards (regardless of the date of the occurrence of the crime), are being processed in the accusatorial system (*Federico José Suárez, et al. vs. Fiscalía Especial Anticorrupción de Descarga*, 2017).

Organization of the court system in Panama

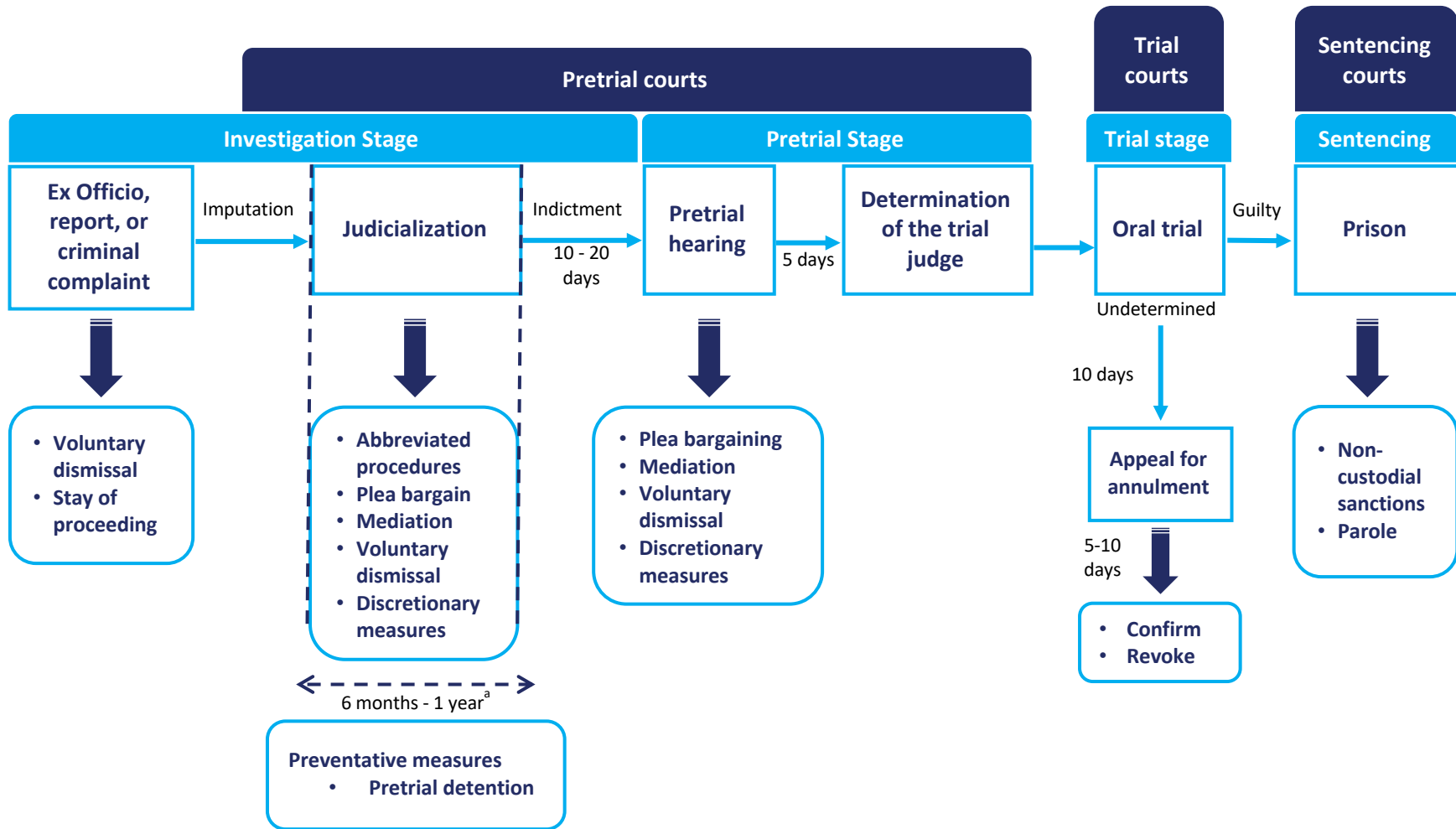
Supreme Court (Penal Chamber)							
Superior Courts (Inquisitorial)				Appeal Courts (Adversarial)			
1 st District (4 Magistrates)	2 nd District (1 Magistrate)	3 rd District (2 Magistrates)	4 th District (1 Magistrate)	1 st District (18 Magistrates)	2 nd District (3 Magistrates)	3 rd District (6 Magistrates)	4 th District (3 Magistrates)
Panamá (1), Panamá Oeste (1), Colón (1), San Miguelito (1)	Coclé-Veraguas (1)	Chiriquí (1) Bocas del Toro (1)	Herrera-Los Santos (1)	Primera Oficina Judicial (18)	Coclé (3)	Chiriquí (3) Bocas del Toro (3)	Los Santos (3)
Sentencing (Both)							
1 st District (25 Judges)		2 nd District (4 Judges)		3 rd District (6 Judges)		4 th District (2 Judges)	
Primera Oficina Judicial (12), San Miguelito (4), Colón (4), Panamá Oeste (4), Darién (1)		Coclé (2) Veraguas (2)		Chiriquí (5) Bocas del Toro (1)		Los Santos (1) Herrera (1)	
Municipal Courts (Inquisitorial)				Trial Courts (Adversarial)			
1 st District (8 Judges)	2 nd District (20 Judges)	3 rd District (20 Judges)	4 th District (7 Judges)	1 st District (44 Judges)	2 nd District (6 Judges)	3 rd District (12 Judges)	4 th District (6)
Panamá (2), Panamá Oeste (5), Colón (1), Darién (3), San Miguelito (1)	Coclé (6) Veraguas (14)	Chiriquí (16) Bocas del Toro (4)	Herrera (7)	Primera Oficina Judicial (23), San Miguelito (9), Colón (6), Panamá Oeste (3), Darién (3)	Coclé (3) Veraguas (3)	Chiriquí (9) Bocas del Toro (3)	Los Santos (3) Herrera (3)
Circuit Courts (Inquisitorial)				Pretrial Courts (Adversarial)			
1 st District (5 Judges)	2 nd District (6 Judges)	3 rd District (7 Judges)	4 th District (2 Judges)	1 st District (68 Judges)	2 nd District (8 Judges)	3 rd District (14 Judges)	4 th District (8 Judges)
Panamá (2), Colón (1), San Miguelito (1), Darién (1)	Coclé (3) Veraguas (3)	Chiriquí (6) Bocas del Toro (1)	Los Santos (1) Herrera (1)	Primera Oficina Judicial (36), San Miguelito (10), Colón (8), Panamá Oeste (11), Darién (1)	Coclé (1) Veraguas (1)	Chiriquí (11) Bocas del Toro (3) and 1 Comarcal judge pretrial role)	Los Santos (4) Herrera (4)

Criminal proceedings

Under the new model, the criminal process consists of four stages: investigation, pre-trial, trial, and sentencing as detailed below and on the figure in the following page (which also details the possible resolutions a case may face in each stage):

1. **Investigation stage.** As indicated, the criminal process begins when a complaint is made to the police or the Public Prosecutor's Office. At this stage, the Public Prosecutor's Office (*Ministerio Público*) is supported by the Police (*Dirección General de Inteligencia Policial*) to investigate crimes. A case becomes *judicialized* once sufficient evidence has been gathered by a public prosecutor to file in a pretrial court an "imputation" (*imputación*) against a defendant, usually following an *infraganti* arrest, or after a search or an arrest warrant. During an imputation hearing, the defendant is notified that he is under criminal investigation and, thus, the case moves to pretrial stage.
2. **Pretrial stage.** A pretrial judge (*juez de garantías*) is responsible for overseeing that the rights of the victim and the defendant are protected throughout this stage. The pretrial judge is most notably responsible for evaluating the legality of the evidence gathered. Cases can be dismissed or diverted during this stage. Cases that are not diverted from the court process are advanced to the trial stage.
3. **Trial Stage.** During this phase, cases are heard by a panel of trial judges, who are responsible for adjudicating the case. In general, the trial court is composed of a panel of 3 judges, and all decisions require a majority vote. In cases with very serious offenses (such as homicides or abortions under particularly grave circumstances), however, a jury trial may be required (Law 63 of 2008, Art. 43). Cases that result in a guilty verdict are then advanced to the sentencing stage.
4. **Sentencing Stage.** This stage is overseen by a Sentencing Judge (*Juez de Cumplimiento*) who is responsible for protecting the rights of all individuals in prison, whether as a result of pretrial detention or a criminal conviction. Sentencing judges are also charged with overseeing the punishment and rehabilitation and those who have been convicted.

Overview of the accusatorial criminal process in Panama



^a If a case is declared a “complex case”, the investigation stage is extended up to 2 years and all the procedural terms are duplicated. Pretrial detention is extended up to 3 years.

In Panama, alternative conflict resolution measures include: (1) closing a case through the use of the opportunity principle (*criterio de oportunidad*), (2) dismissal of charges (*desistimiento*), (3) an adjournment in contemplation of dismissal (*suspension condicional del procedimiento*), (4) a referral to mediation and conciliation (*mediación y conciliación*), and (5) a plea bargain agreement (*acuerdo de pena*). In addition to the plea bargain, Panamanian criminal procedure allows judges to adjudicate cases at the pretrial stage through the use of various abbreviated proceedings, as detailed in the figure below.

Types of abbreviated proceedings in Panama

Type of abbreviated proceeding	Eligibility	Requirements	Benefit
Plea bargain (<i>acuerdo de pena</i> , Law 63 of 2008, Art. 220)	Must occur before an indictment.	The defendant must consent and accept all or part of the charges, and/or collaborate with the prosecution in the investigation.	Reduction of punishment by up to two-thirds of the statutory punishment
Simplified proceeding (<i>procedimiento simplificado</i> , Law 63 of 2008, Art. 454-460)	For crimes with a maximum punishment of 3 years.	The defendant must accept the charges. If the defendant denies the charges, the pretrial judge adjudicates the case in a “simplified oral trial”.	Reduction of the sentence by one-third only if defendant accepts charges.
Direct proceeding (<i>procedimiento directo</i> , Law 63 of 2008, Art. 461-466)	For crimes with a maximum punishment of 4 years. The defendant must have been arrested in flagrante.	The defendant must accept the charges.	Reduction of the sentence by one-third
Immediate simplified proceeding (<i>procedimiento simplificado inmediato</i> , Law 63 of 2008, Art. 282)	For crimes with a maximum punishment of 3 years.	The defendant must accept the charges.	Reduction of the sentence by one-third. It allows a pretrial judge to convict in an indictment hearing.

Any case that is not dismissed or adjudicated during the pretrial stage advances to the trial stage. At this point, the pretrial judge assigns the case to a trial judge, who is responsible for protecting the rights of all parties during the trial proceedings. The assignment of trial judges is based largely on geography as opposed to other considerations.

Victim and defendants' rights

The transition to an accusatorial system improved both the rights of victims and the rights of the accused in Panama. Victims have various rights (Law 63 of 2008, Art. 80) including the right to be heard, the right to be protected from harm or revictimization, and the right to redress and free legal assistance from the state through the Department for Victims of Crime (*Departamento de Asesoría Legal Gratuita para las Víctimas del Delito*) which was created by Law 31 in 1998. This Department was the first of its kind in the region and constitutes a unique and interesting institutional innovation in Latin America in terms of victims' rights, as this department was the first of its kind in the region.

Defendants' rights are also included in the new criminal procedure code (Law 63 of 2008, Art. 93). These include the right to information, the right to be silent, and the right to effective legal representation under the law. The Panamanian state has also expanded its obligations to protect defendants' rights through the adoption of various international treaties and agreements. For instance, in 2011, Panama adopted the Brasilia Rules (Acuerdo 245), and in 2019 the updated rules (Acuerdo 368A), which imposed the obligation on the Panamanian state to guarantee effective access to justice for vulnerable people, including individuals in the penitentiary system.

The Prison System

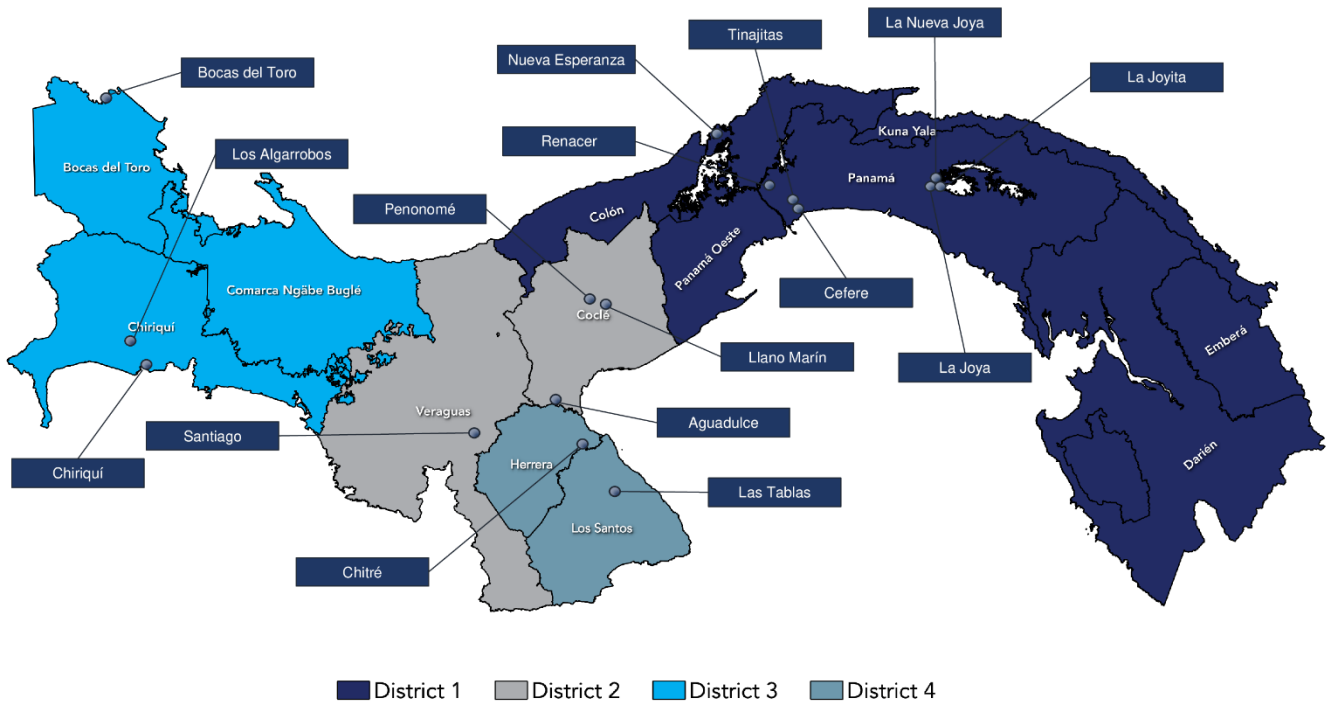
The penitentiary system has the mission of maintaining prisoners in safe and humane conditions while providing rehabilitation, and over time the penitentiary system has tried to adjust to the demands of a democratic society and the needs of the overall criminal justice system. Law 87 of 1941 established that the objectives for the prison system include security for prisoners and the banning of excessively severe punishment.¹ In 1945, the first female rehabilitation center was formed. The executive decree 139 of 1999 transformed the Department of Corrections to the current *Dirección General del Sistema Penitenciario* or DGSP (General Management of the Penitentiary System), as part of the executive branch under the Ministry of Government.² Currently, there are 16 prisons distributed across the four judicial districts, with a combined average daily population of 19,516 prisoners in 2021.³ The First Judicial District, the largest district, houses seven facilities (Renacer, Nueva Esperanza, Tinajitas, La Nueva Joya, La Joyita, La Joya, and Cefere). The Second Judicial District houses four prisons (Penonomé, Llano Marín, Aguadulce, and Santiago). The Third Judicial District has three prisons (Bocas del Toro, Los Algarrobos, and Chiriquí). And, finally, the Fourth Judicial District houses two prisons (Las Tablas and Chitré).

¹ Law 87 Sobre Establecimiento Penales y Correccionales, Panama, signed on July 1, 1941.

² Executive decree 139 Por el cual se modifica el Artículo 1 del Decreto No. 467 de 22 de julio de 1942 y se adoptan otras disposiciones, Panamá, signed on June 6, 1999.

³ Dirección General del Sistema Penitenciario, 2021.

Map of Judicial Districts and Prisons



The Current Study

The current study is designed to improve our understanding of the current state of the accusatorial criminal justice system in Panama through a “systemic” lens. Thus, in this project we focused on the following objectives: (1) to learn about the experiences of individuals in prison with the criminal justice system and with rule of law, and to assess if the new accusatorial system has impacted these experiences, (2) to identify weaknesses and obstacles that criminal justice operators face in the new accusatorial system, and (3) to assess the overall functioning of the system through performance indicators. The result of this research was organized using the “Accusatorial System Assessment Framework,” which aims to identify how well the system protects the rule of law and upholds the principles of the accusatorial system as described in the following chapters.

2. METHODOLOGY

In this chapter, we provide a summary review of the various methodologies that we followed to support the findings included in this report. Our report draws on official statistics, qualitative interviews with stakeholders, and survey interviews with individuals living in prison.

Official Statistics

We made data requests in 2021 directly to the Judiciary, the Public Prosecutor's Office, the police, and the prison authorities for the period 2011-2021. When data was not complete, we report it as partial or incomplete. For some variables we only report for the year 2021.

Stakeholder Interviews

We conducted a total of 21 semi-structured interviews. To identify stakeholders, we asked the Public Prosecutor's Office, the Public Defense, and Judiciary to provide a list of individuals that had experience in the inquisitorial and the adversarial systems. From that list, we randomly recruited participants who were willing to be interviewed in the project. Our final sample included 5 public prosecutors, 4 judges, 5 attorneys, and 6 public defenders. Most interviews were in person (16), but a few were conducted via Zoom (5). In-person interviews were conducted in Panama City between November 8-12, 2021. Interviews were conducted in public spaces. We also met with academics and human rights observers for background knowledge.

Survey Development and Design

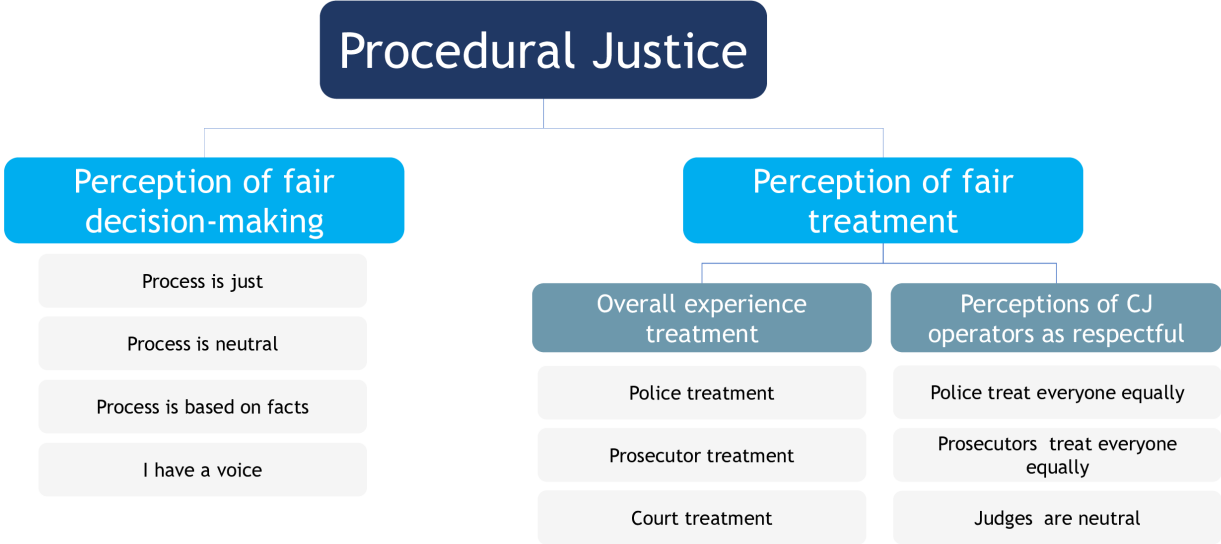
We developed a culturally congruent survey to capture prisoners' perceptions of procedural justice and rule of law, to gather background characteristics, and to measure experiences with the criminal justice system, including arrest, court, and prison. The survey was based on a review of the academic literature on prison climate surveys, procedural justice measures, and rule of law indicators. We sent a draft of the survey for peer review to a panel of subject matter experts, including criminal justice operators (judges, correctional administrators), and regionally based researchers who have previously implemented prison surveys in Central America. They were asked to review item quality, relevance, phrasing, and potential biases. We pretested a second draft of the survey with a focus group consisting of seven ($n = 7$) formerly incarcerated individuals in El Salvador. Their feedback led to the inclusion of new items, changes in wording and order of some items. The final survey included 242 questions and was approved by the City University of New York's Institutional Review Board.

Procedural Justice Index

An individual's perception of proceedings as being fair can have an impact on their overall perception of rule of law and access to justice. For this reason, our survey includes indicators designed to measure perceptions on procedural justice. The Procedural Justice Index is based on perceptions of a fair decision-making process and fair treatment during the proceedings. These indicators were developed using behavioral and perceptual questions regarding their experiences with criminal proceedings from the time

of arrest. Fair decision-making is a composite measure that includes: (1) how fair or just a process is perceived to be, (2) if the decision-making is perceived as neutral and not biased, (3) if decision-making is considered to be based on facts, and (4) if an individual perceives that she/he has a voice in the process.

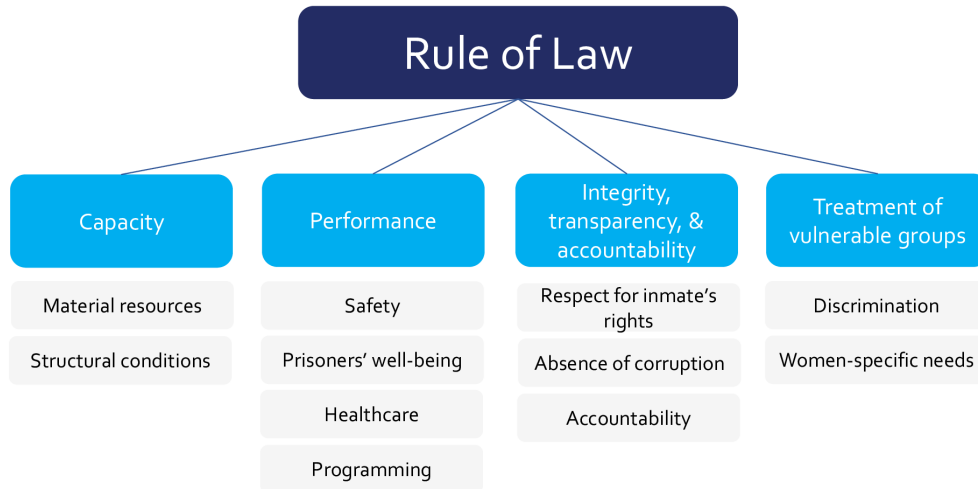
Conceptual map of Procedural Justice



Rule of Law Index

To identify and monitor Panama’s adherence to the principles of Rule of Law in the administration of penitentiary justice, we adopted the United Nation’s Indicators Framework (see United Nations, 2011). The indicators are designed to measure four major dimensions of rule of law: *performance; capacity; integrity, transparency, and accountability; and treatment of members of vulnerable groups*. Following the UN’s conceptual framework of Rule of Law, we generated indicators that are: (1) consistent with international standards of human rights and the treatment of prisoners, and (2) comparable with other Rule of Law Indexes. These indicators were measured through the use of behavioral and perceptual questions regarding prison conditions and experiences.

Conceptual map of Rule of Law



Data Analysis

Stakeholder interviews were coded and analyzed using NVIVO, a software package for qualitative data analysis. Survey responses were processed and analyzed using STATA version 17, a statistical software package. Univariate and bivariate analyses were used to describe and test for differences in prisoners' characteristics, beliefs, and experiences in the criminal justice system. The Rule of Law and Procedural Justice Indexes are an additive scale based on indicators that measure specific sub-factors, which subsequently are aggregated to measure factors. To create the indices described above, variables were normalized to a scale between 0 and 1, with values closer to 1 indicating greater adherence to the rule of law or higher perceptions of procedural justice.

Survey Implementation

Data collection

Interviews were conducted in public spaces, including prison classrooms and multi-purpose rooms. These rooms were often semi-outdoor spaces and separated from both prisoner pavilions and administrative offices. Correctional officers were assigned to oversee the data collection process at each prison and would stand inside the interview room by the door or remain outside. In both instances, correctional staff could not hear participants responses during the survey administration process. Participating prisoners had the option to give verbal responses or point to answers on the questionnaire to ensure confidentiality and safety of the participants.

Sample

The DGSP granted the research team access to all 16 prisons in 2021 (See Appendix B for the official prison names and the abbreviations used for the tables and figures in the report). The research team visited each prison in advance of the data collection efforts to gain access and approval at the prison level. During these visits, information about the project was provided to key correctional staff and prisoner leaders, and

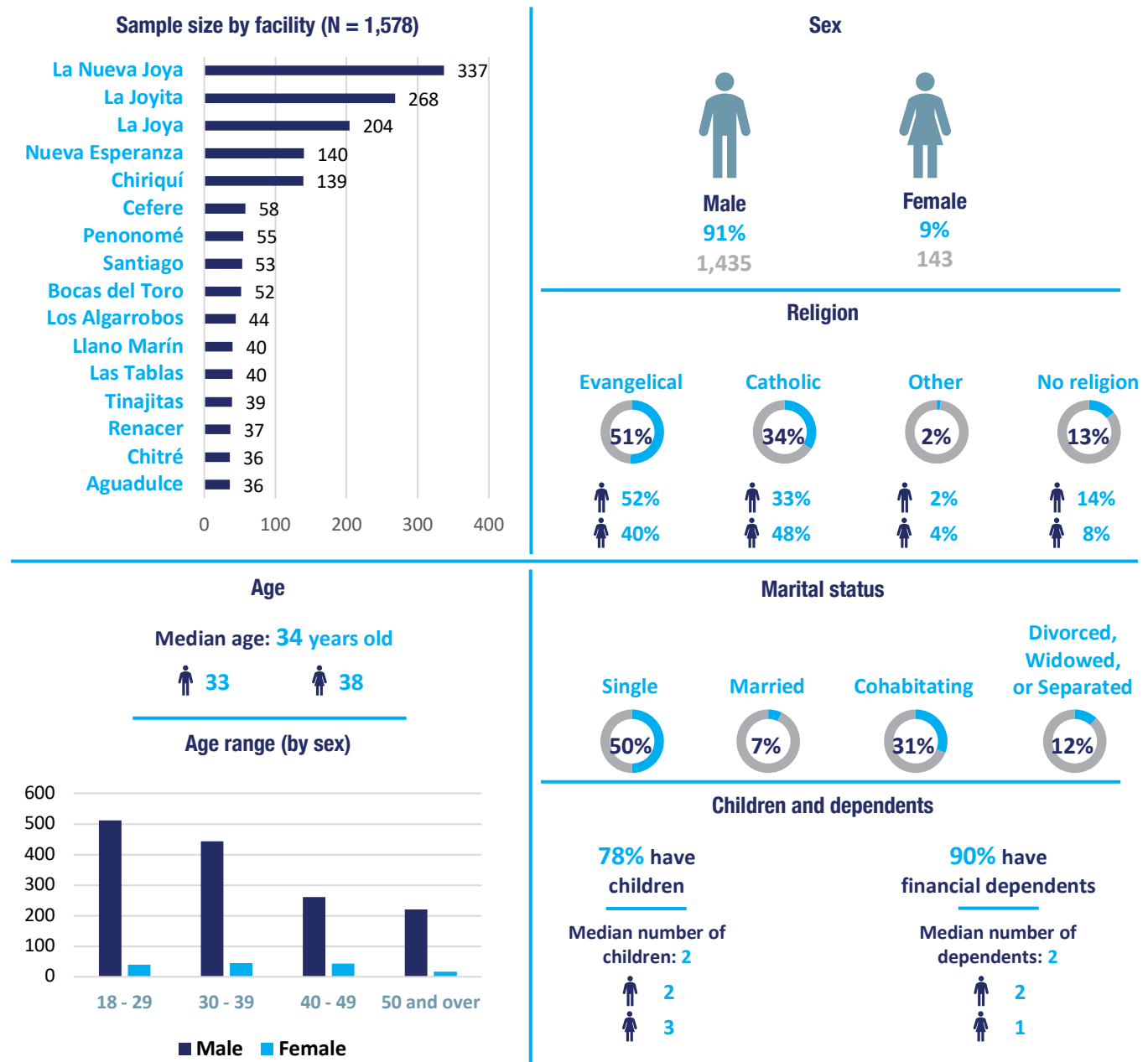
potential barriers or limitations to the data collection process were addressed. Prisons that chose to participate received incentives including cleaning supplies, educational materials, and feminine hygiene products. A final interview schedule for each facility was reviewed and approved by DGSP prior to the survey implementation in October of 2021.

Prisoners were interviewed across the 16 facilities. Efforts were made to draw a sample that was proportionally equivalent to the national prison population (N=17,893⁴ in 2020) based on the population count, legal status, and sex. Women were oversampled because they only account for approximately 5% of the total prison population. Convenience sampling was used. In the sites, correction officers or prisoner leaders would call for small groups of prisoners (from 5 to 20 individuals) at a time. Respondents would be paired with an interviewer that would ask for verbal informed consent and, if given, would complete the interview. A total of 1,599 individuals agreed to participate. Of these, 21 individuals withdrew their participation, explaining that they found the survey “too long” or “time consuming”. Our final sample was of 1,578 respondents. Next, we describe the characteristics of the final sample.

⁴ World Prison Brief, 2022.

Sample characteristics: Demographics

Respondents were asked several questions related to their demographics and background. The typical survey respondent was male, with less than a high school education, and was single or cohabitating at the time of their arrest. Over 50% of respondents were housed in the Joya complex at the time of the survey and 76% were in prisons that have overcrowding. Female respondents were slightly older than men and more likely to report being Catholic as opposed to Evangelical. The majority of respondents reported having children and financial dependents.



Although respondents tended to be undereducated, nearly all of them reported being able to read and write. A small number speak a native language. Among them, 40% of women speak Embera and 47% of men speak Guna. Although only 12% of the sample was foreign-born, this is almost double the percent of foreign-born in the population as whole. It will be important to consider this when interpreting findings, particularly as it relates to perceptions. Respondents were also asked about their employment status at the time of their arrest. Only 5% were unemployed at the time of their arrest. The most common occupations for men were related to manual labor, working for private companies, or agricultural. Among women, the most common occupations were working for private companies, management, and sales.

Highest grade completed

Education level	Total	♂	♀
8 th grade or less	42%	44%	26%
Some high school	35%	35%	37%
High school diploma	8%	8%	11%
Some college	9%	8%	16%
College degree+	5%	5%	9%

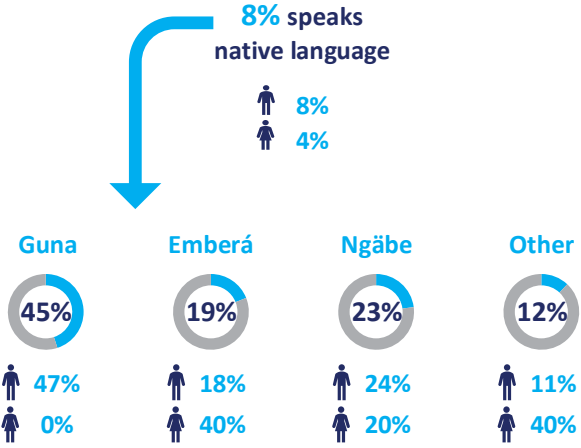
Literacy

96% can read and write
 ♂ 96% ♀ 98%

Nationality

88% Panamanian
12% Foreign

Native Language



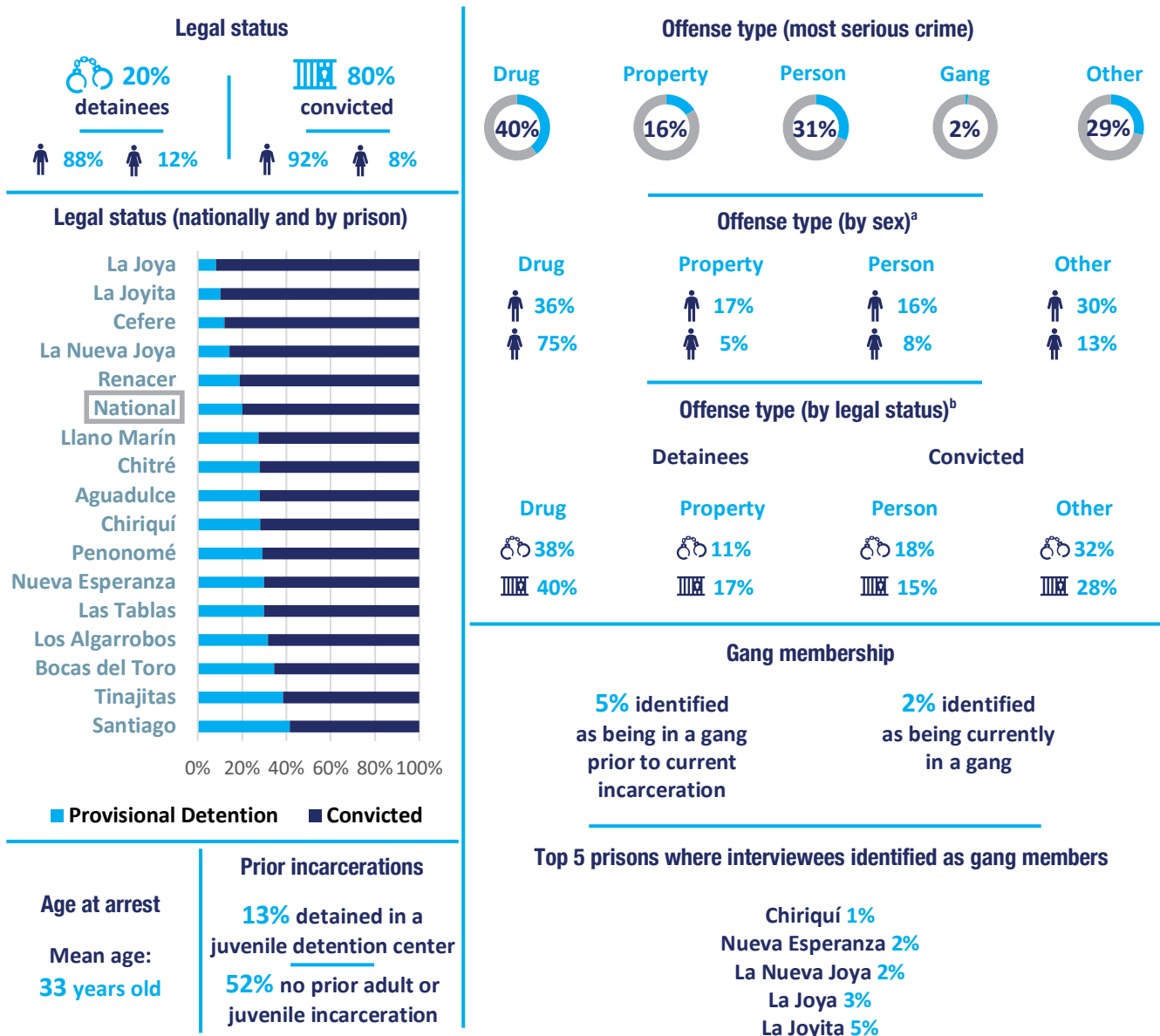
Occupation prior to incarceration, by sex*

Occupation	Total	♂	♀
Manual labor	18%	19%	9%
Employee of a private company	17%	16%	25%
Agricultural, forestry & fishery	11%	13%	1%
Managers	10%	9%	15%
Craft and related trades	9%	9%	1%
Plant and machine operators/assemblers	8%	9%	2%
Professionals	7%	7%	9%
Service and sales workers	7%	6%	17%
Unemployed	5%	5%	6%
Other	3%	3%	2%
Armed forces occupations	2%	2%	0%
Retired/Housewife	1%	0%	13%
Technicians and associate professionals	1%	1%	0%

*Note: Categorization of occupations was partially based on the United Nations’ International Standard Classification of Occupations.

Sample characteristics: Legal factors

The typical respondent was male and 33 years old at the time of the arrest. Very few reported any current or prior gang affiliation; the sample in 11 prisons did not include any self-identified gang members. Individuals held pretrial were underrepresented among the respondents, with 80% of respondents serving a sentence at the time of the interview. Women in the sample were slightly more likely to be held pretrial compared to men. Among male respondents, a third were being held on drug-related charges, with 30% in prison because of “other” charges. In contrast, female respondents were overwhelmingly charged with drug offenses; only 25% were in prison because of other types of offenses. Just over half of the respondents indicated this was their first incarceration.

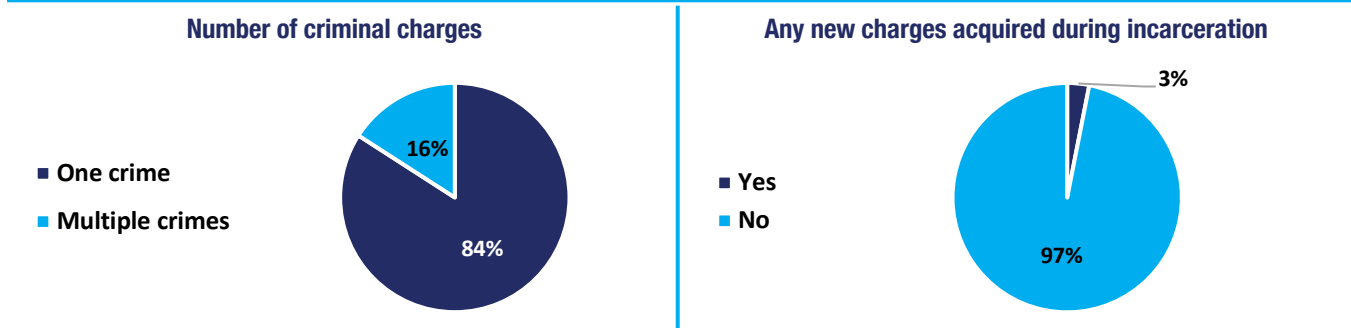
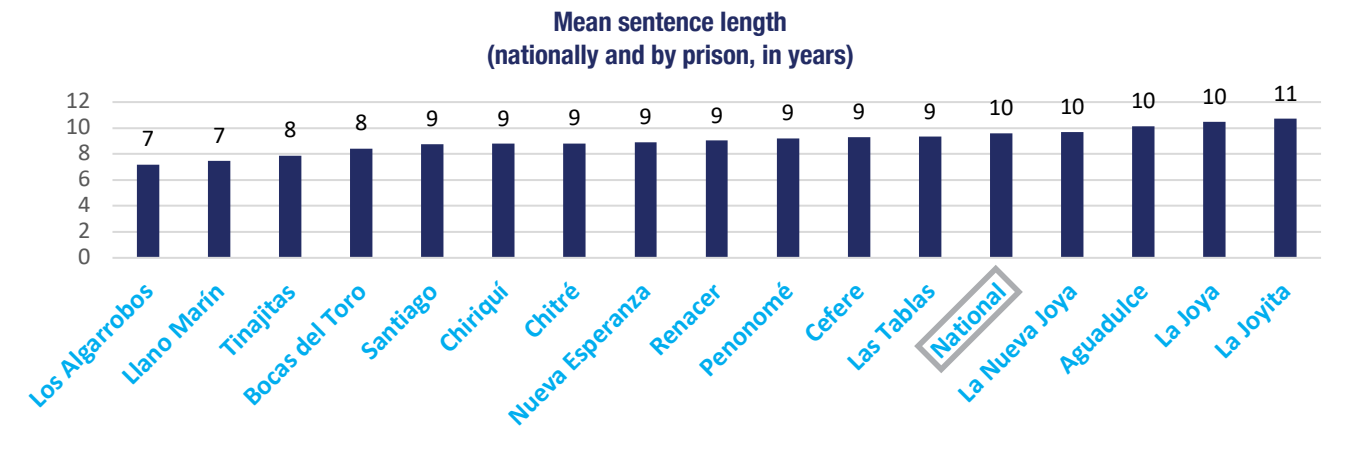
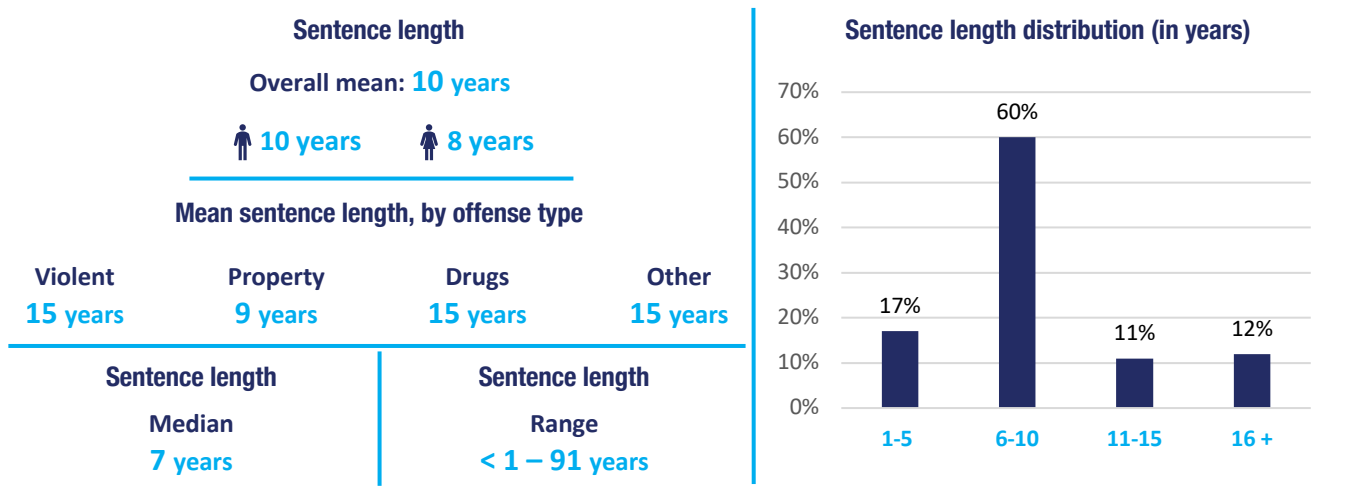


^a No women were charged with a gang-related offense.

^b 2% of detainees and 1% of convicted respondents charged with gang-related offense.

Sample characteristics: Sentenced respondents

Among those convicted of crimes, the average sentence length was 10 years with a range of less than one year to 91 years. The median length was 7 years. Interestingly, the mean sentence length did not vary much, by offense type. Those convicted of violent, drug, or “other” offenses all had an average sentence length of 15 years. The majority of respondents reported a sentence length of between 6 and 12 years, with just over 12% reporting a sentence of 16 years or longer. Male respondents were serving slightly longer sentences than female respondents. Among convicted individuals, the vast majority (84%) reported they had only been convicted of one crime. While in prison, only 3% of respondents reported acquiring new charges.










3. THE ACCUSATORIAL CRIMINAL SYSTEM: AN ASSESSMENT

This chapter is based on the Accusatorial System Assessment Framework, which gathers data on three interrelated categories:

- Performance. Indicators of performance are the cases received (input) and the resolutions produced (output) by the judicial system. These indicators provide a snapshot of the type of resolutions given to criminal cases across the various stages of the criminal process.
- Capacity. Indicators of capacity show the human and financial resources available for institutions to perform their basic duties. These indicators are workload, budget, and personnel.
- Consolidation of Accusatorial Principles. The criminal justice system must operate supporting and respecting key accusatorial principles. These are the principles of contradiction, orality, publicity, equality among parties, and due process. With this framework, we do not aim to measure indicators of all principles established in Panamanian law (Law 63 of 2008, Art. 3), but only focus on those that are characteristic of any adversarial or accusatorial model.

The findings presented here are based on official statistics, interview data, and a review of previous publications. An important observation of the data reported here is that it covers mostly judicial decisions, so we cannot make inferences on how individual criminal cases are resolved over time. We complemented statistical data with interview data, to make visible the experiences of criminal justice operators with the ACS in Panama. Because we do not have information for all indicators across time, this chapter aims to provide baseline information for what could become an evaluation tool of performance if the same data is collected and compared over time.

Accusatorial system assessment framework

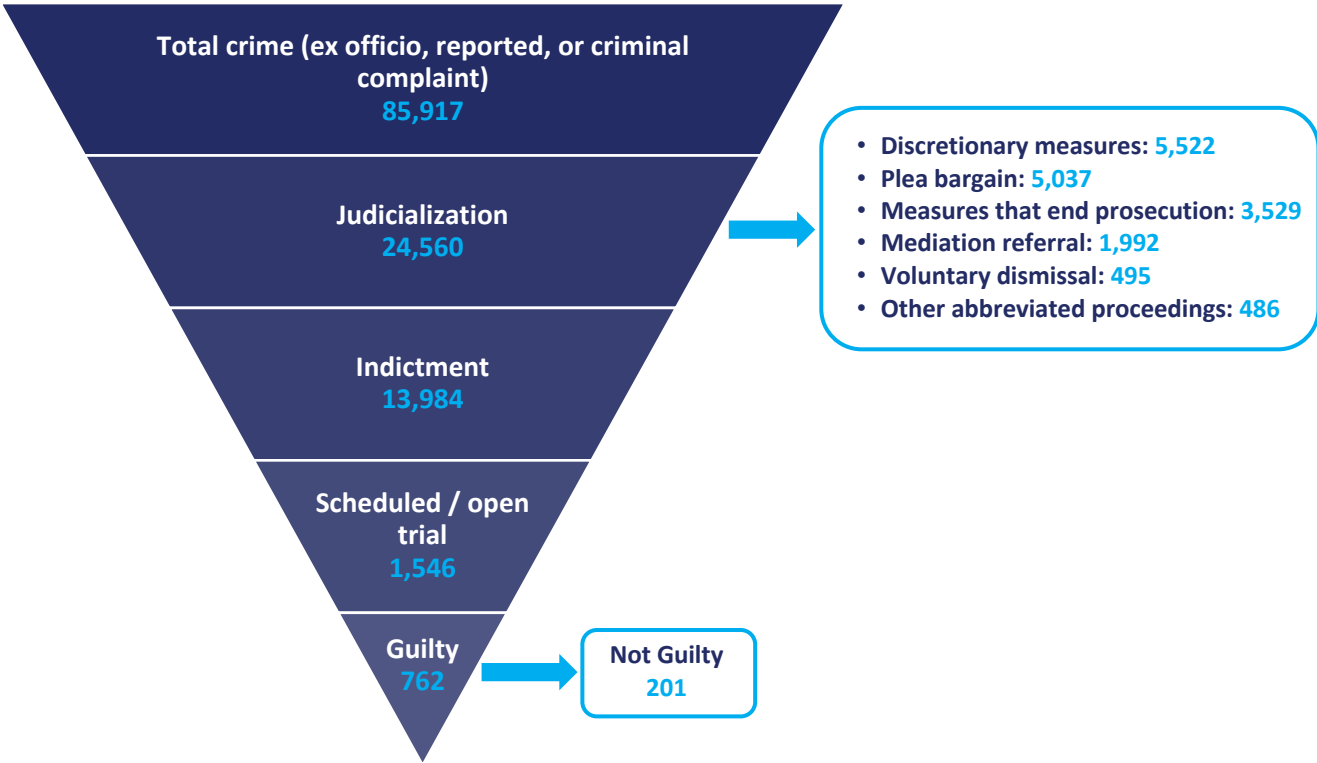
System Indicators				
Category		Definition	Indicators	Source
Performance		Input and output of cases across the system	Crime reported Cases judicialized Judicial resolutions	Official data Interviews
Capacity		Budget and personnel adequately support the demands on the system	Budget Personnel Workload	Official data Interviews
Consolidation of Accusatorial Principles				
Category		Definition	Indicators	Source
Contradiction		All parties can present evidence or contradict evidence before a judge, who decides with evidence at hand	Appeals Length of hearings	Official data Interviews
Orality		Judges decide on evidence introduced in hearings by all parties. Parties present their arguments in oral form during hearings. Use of audio/video records	Length of hearings Type of recording	Official data Interviews Survey data
Publicity		Transparency of proceedings Open hearings	Open hearings Public attendance	Interviews Survey data
Equality		Parties have equal protection under the law	Public Defense Victims Defense	Official data Interviews Survey data
Due Process		Respect for rights Reasonable time Absence of formalisms and simplification of proceedings	Control of Violations Time between stages Cancellation of hearings Alternative measures	Official data Interviews Survey data

Performance of the Criminal Justice System

In the flow chart below, we illustrate the input and output of the criminal justice system for the year 2021. On the input side, the chart provides information on the total number of crimes reported by the Public Prosecutor’s Office. A case is judicialized when a defendant is brought to a pretrial court after an arrest or when a search warrant is requested by the Public Prosecutor’s Office. As cases move through the criminal justice system, cases are resolved and are adjudicated at various stages of the criminal justice process (pretrial, trial, and sentencing stages). The figures below provide a snapshot of the input of crimes and output of decisions in Panama in 2021.

In 2021, the Public Prosecutor’s Office reported a total of 85,917 crimes in Panama. Almost 70% of all reported crime for the year 2021 occurred in the First Judicial District (Panamá, Panamá Oeste, Darién, and Colón). Next, accounting for 16% of reported crime in 2021, is the Third Judicial District (Chiriquí and Bocas del Toro), then with 9% of all crime comes the Second Judicial District (Veraguas and Coclé) and, finally, the district with the smallest number reported crimes (5%) is the Fourth Judicial District (Herrera and Los Santos).

Input (cases) and output (judicial decisions) of criminal cases in Panama for 2021 (National)



Sources: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022. Crime data comes from Centro de Estadísticas del Ministerio Público, 2022.

Trial data includes judicial decisions in pretrial courts to send a case to trial, as well as judicial decisions to open a trial in trial courts. Guilty verdicts do not include mixed sentences.

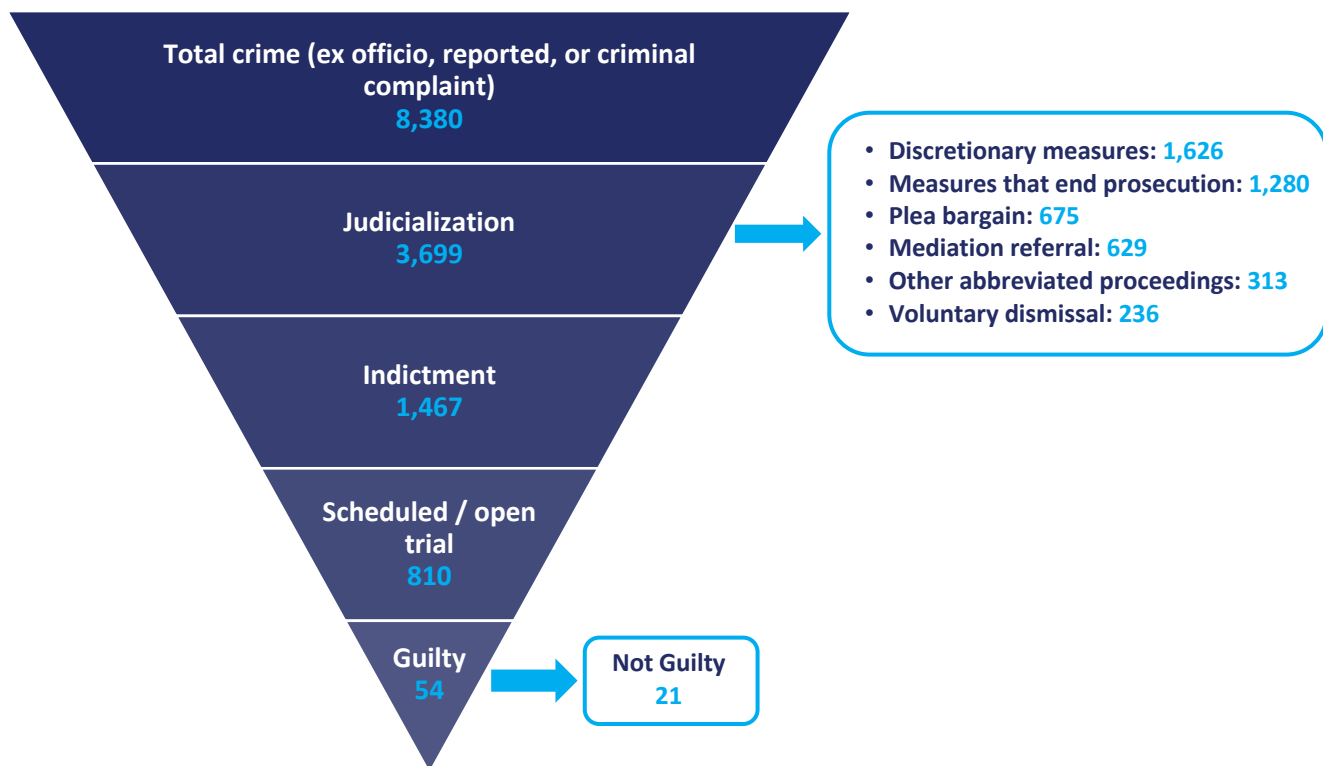
That same year, the Judiciary reported that 24,560 cases were judicialized. Among these cases, the following judicial decisions were made: 13,984 involved indictments against defendants and 1,546 involved moving a case to trial stage (624 of these decisions were made by pretrial judges to move a case to oral trial, and 922 were by trial judges to open trial).

In an accusatorial system we do not expect many cases to reach a trial court, but we do expect most cases to conclude with an investigation that provides some form of conflict resolution. In the following charts we grouped together judicial decisions based on “measures that end the prosecution,” such as dismissals with or without prejudice (*sobreseimiento*), extinction of criminal liability (*extinción de la acción penal*), and the prescription of crime (*prescripción de la pena*). Here we are reporting measures that depend on the discretion of the Public Prosecutor’s Office, such as the use of the opportunity principle, or that must be requested by the defense, such as the adjournment in contemplation of dismissal (ACD), as “discretionary measures.” Voluntary dismissals (*desistimiento*), which depend on the request of the victim are reported individually. Aside from the plea bargain, we also group together three “abbreviated proceedings” that are quite unique to Panamanian law and that allow a conviction at the pretrial stage (the simplified proceeding, the direct proceeding, and the immediate simplified proceeding).

In 2016, a study found that 91% of adjudications in the ACS had been issued before trial (UNODC, 2016). Our analysis of 2021 judicial data similarly shows that most adjudications (95%) occurred in pretrial courts. During this same time period, a considerable proportion of judicial decisions involved discretionary measures (5,522), followed by plea bargains (5,037), measures that ended a prosecution (3,529), referrals to mediation (1,992), voluntary dismissals (495), and other abbreviated proceedings (486). This also shows that most sentencing in Panama occurred at the pretrial stage with the use of some alternative conflict resolution measures (plea bargain and other abbreviated proceedings). Trial courts reported 762 convictions and 201 acquittals.

There are important variations to note across judicial districts. The Second Judicial District (Veraguas and Coclé), which was the first district to reform in 2011, reported 8,380 crimes for the year 2021. In that year the judiciary reported a total of 3,699 cases judicialized, 1,467 resolutions of indictment, and 810 involved moving a case to trial stage (349 of these were decisions by pretrial judges to move a case to oral trials and 461 resolutions were by trial judges to open trial). Trial courts reported 54 convictions and 21 acquittals for 2021. This shows that most adjudications were made in pretrial courts: 1,626 resolutions were for discretionary measures, 1,280 for measures that ended a prosecution, 675 plea bargains, 629 were referrals to mediation, 313 involved other abbreviated proceedings, and 235 were voluntary dismissals.

Input (cases) and output (judicial decisions) of criminal cases in the Second Judicial District of Panama for 2021

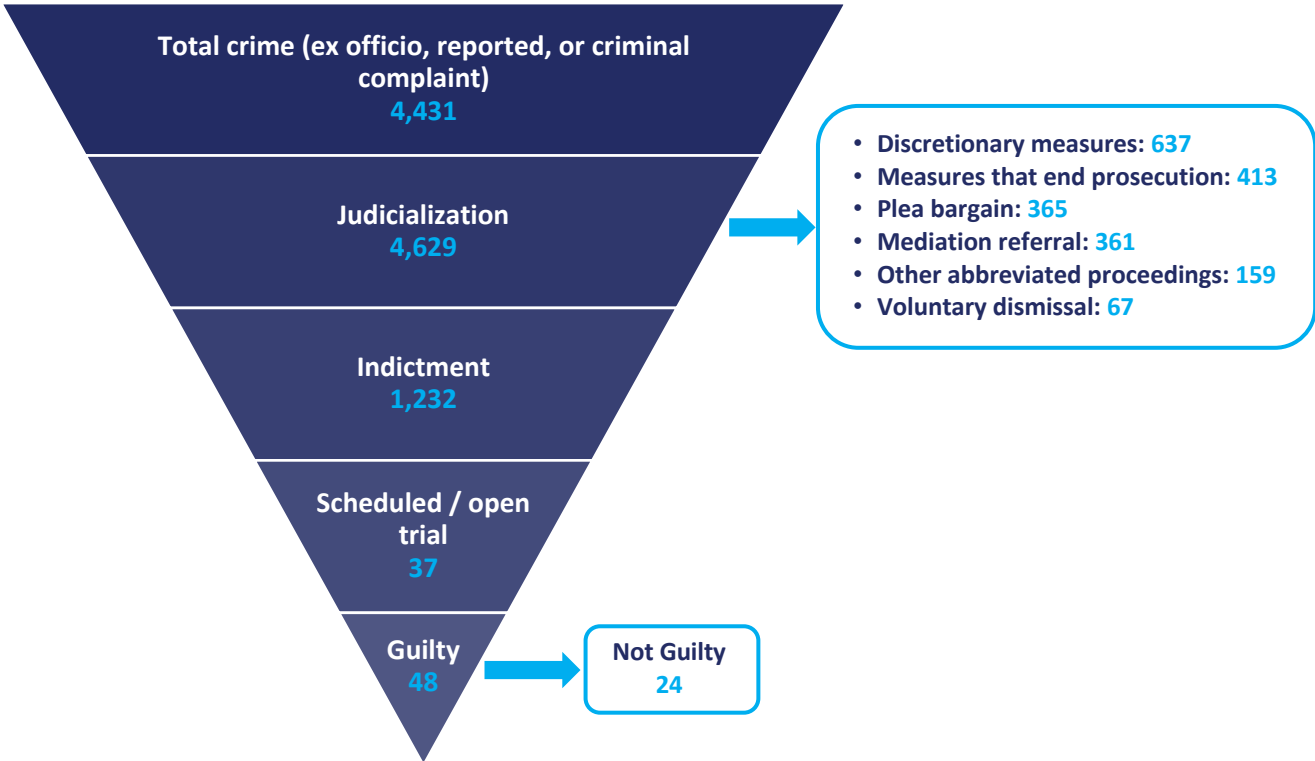


Sources: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022. Crime data comes from Centro de Estadísticas del Ministerio Público, 2022.

Trial data includes judicial decisions in pretrial courts to send a case to trial, as well as judicial decisions to open a trial in trial courts. Guilty verdicts do not include mixed sentences.

The Fourth Judicial District (Herrera and Los Santos), which introduced the ACS in 2012, reports the lowest total crime for the year 2021 (4,431 crimes) when compared to the other districts. Relative to the number of crimes, the number of cases that were judicialized in 2021 was quite high (4,629 cases). The judiciary reported 1,232 resolutions for indictment and 37 decisions that moved a case to trial stage (all of these by pretrial judges). The lack of decisions to open trial in trial courts is consistent with interview reports of delays or backlog that was accumulating in the courts. Similar to national trends, most adjudications involved discretionary measures (637), followed by measures that ended the prosecution (413), plea bargain resolutions (365), referrals to mediation (361), other abbreviated proceedings (159), and voluntary dismissals (67). The trial courts reported 48 convictions and 24 acquittals.

Input (cases) and output (judicial decisions) of criminal cases in the Fourth Judicial District of Panama for 2021

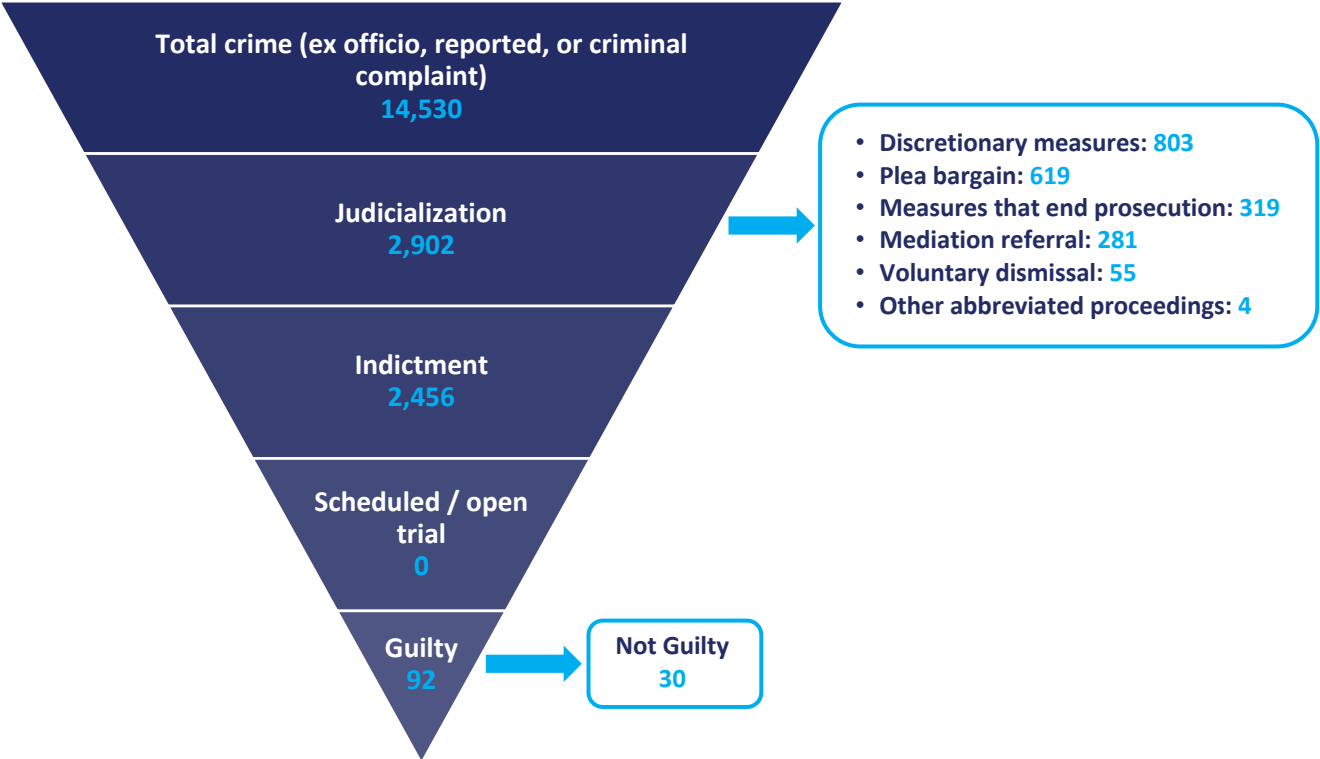


Sources: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022. Crime data comes from Centro de Estadísticas del Ministerio Público, 2022.

Trial data includes judicial decisions in pretrial courts to send a case to trial, as well as judicial decisions to open a trial in trial courts. Guilty verdicts do not include mixed sentences.

The Third Judicial District (Chiriquí and Bocas del Toro) introduced the ACS in 2015, and in this district, we found a higher number of total reported crimes (14,530 crimes) and, relative to its volume of crime, a lower number of judicialized cases for 2021 (2,902). The judiciary also reported there were 2,456 judicial decisions approving an indictment, and zero decisions involving approvals to move a case to trial stage or to open trial for the year 2021. The lack of new trials is consistent with interview reports of delays or backlog that was accumulating in the courts. In contrast to the other two districts, adjudications in pretrial courts involved discretionary measures (803), plea bargains (619), measures that end a prosecution (319), mediation referrals (281), voluntary dismissals (55), and in this district very few abbreviated proceedings (4). Trial courts reported 92 convictions and 30 acquittals.

Input (cases) and output (judicial decisions) of criminal cases in the Third Judicial District of Panama for 2021

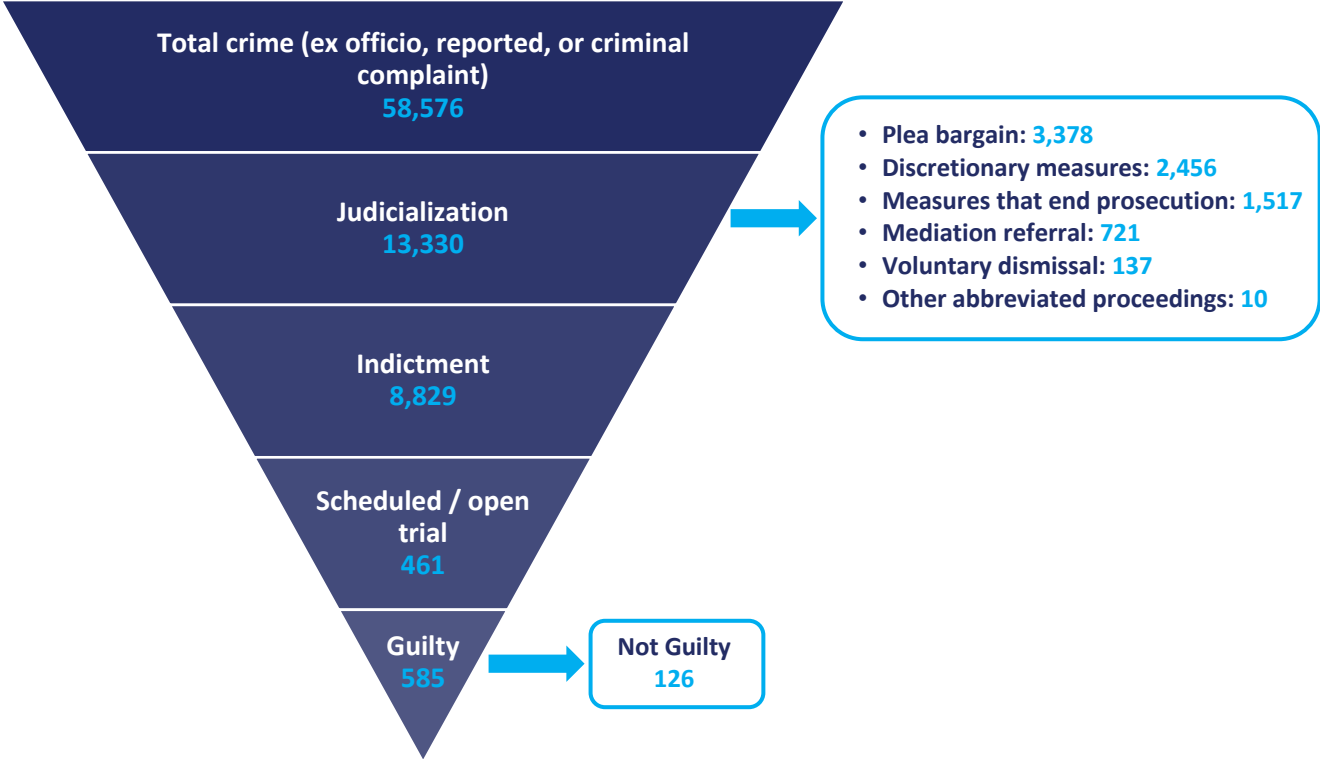


Sources: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.. Crime data comes from Centro de Estadísticas del Ministerio Público, 2022.

Trial data includes judicial decisions in pretrial courts to send a case to trial, as well as judicial decisions to open a trial in trial courts. Guilty verdicts do not include mixed sentences.

Finally, the First Judicial District (Panamá, Panamá Oeste, Darién and Colón) was the last district to implement the reform in 2016. It is the most populated district in the country and has the highest number of reported crimes. In 2021, 58,575 crimes were reported. That same year the judiciary reported a total of 13,330 judicializations, 8,829 resolutions of indictment, and 461 judicial decisions in pretrial courts to move a case to trial. Like the other three districts, the lack of decisions to open trial in trial courts is consistent with interview reports of delays or backlog that was accumulating in the courts. Although most adjudications were made in pretrial courts, in contrast to the other three districts most of these involved a plea bargain (3,378), followed by discretionary measures (2,456), measures that ended a prosecution (1,517), referrals to mediation (721), voluntary dismissals (137), and very few other abbreviated proceedings (10). This suggests that in the First Judicial District, aside from the plea bargain, abbreviated proceedings are rarely requested by prosecutors, and instead prefer using other alternative conflict resolution measures such as mediation. Trial courts reported 585 convictions and 126 acquittals for 2021.

Input (cases) and output (judicial decisions) of criminal cases in the First Judicial District of Panama for 2021



Sources: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022. Crime data comes from Centro de Estadísticas del Ministerio Público, 2022.

Trial data includes judicial decisions in pretrial courts to send a case to trial, as well as judicial decisions to open a trial in trial courts. Guilty verdicts do not include mixed sentences.

Input/output by type of crime

In 2021, the Public Prosecutor’s Office reported that the top-five crimes among all reported crimes were property-related crimes (30%), followed by crimes against the family (23%), then against public safety (15%), against the person (13%), and finally sex crimes (7%).

Percent of crimes in Panama, 2021, by type of crime, national

Distribution of Crimes in Panama, 2021 ⁵	
Property	30%
Family	23%
Public Safety	15%
Person	13%
Sex	7%
Other	12%

Most cases that reach Courts fall within these offense types. For instance, 25% of all sessions⁶ that occurred in pretrial courts in the 2011-2021 period were crimes against property (such as theft, robbery). Then, 22% of sessions were related to cases of crimes against the family (for instance domestic violence, crimes against minors), followed by 18% of sessions were related to crimes against public safety (such as drugs, terrorism). Then, 13% of the sessions were related to crimes against the person (such as homicides, femicides, assaults), and 9% of all sessions concerned sex-related crimes (such as rape, pornography).

Activity in pretrial and trial courts, 2011-2021, by type of crime

	Percentage of Sessions in Pretrial Stage by Type of Crime 2011-2021 ⁷	Percentage of Sessions in trial courts by Type of Crime 2011-2021 ⁸	Percentage of Convictions by Type of Crime 2011-2021 ⁹
Property	25%	27%	26%
Family	22%	4%	6%
Public Safety	18%	20%	18%
Person	13%	17%	17%
Sex	9%	21%	20%
Other	12 %	10%	13%

Although we did not receive data related to adjudication at the pretrial stage by type of crime, the table above shows an interesting trend once cases move to trial courts. Generally speaking, the distribution of sessions and convictions was consistent across offense types. For instance, property crime cases represented 27% of all sessions in trial courts and 26% of all convictions issued in the same time period.

⁵ Source: Centro de Estadísticas del Ministerio Público, 2022.

⁶ Note: Multiple hearings can take place in one session.

⁷ Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

⁸ Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022 (only covers data for Bocas del Toro, Chiriqui, Colón, Darien, Panama, and San Miguelito)

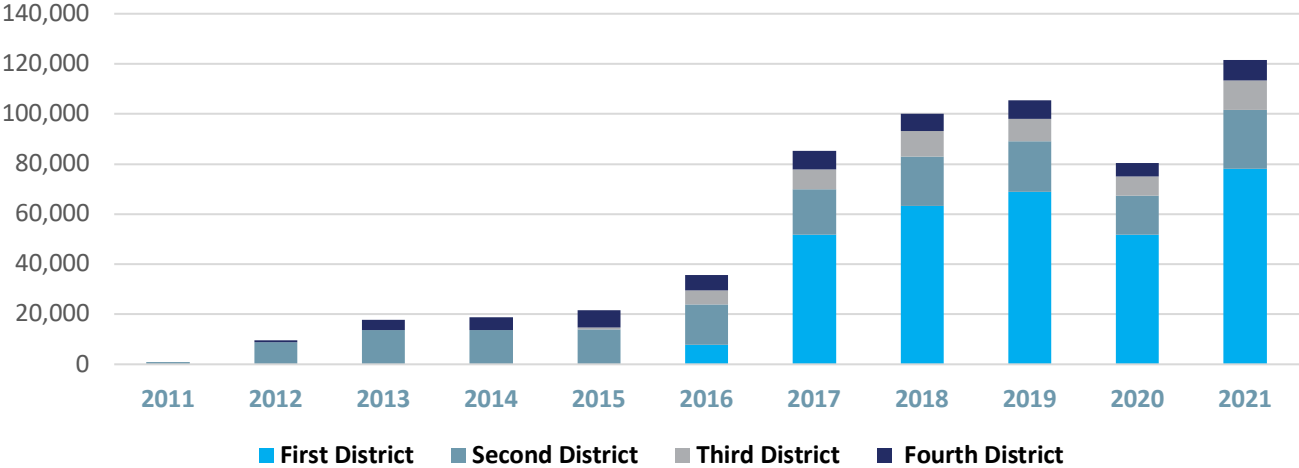
⁹ Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022 (only covers data for Bocas del Toro, Chiriqui, Colón, Darien, Herrera, and San Miguelito)

This pattern, however, did not hold true for family-related cases and sex crimes. Although family-related cases were the second most common offense type in the number of sessions at the pretrial stage, the number of sessions related to family offenses dropped considerably to 4% at the oral stage. Similarly, only 6% of convictions were related to family crimes. In contrast, sex crimes, which initially occupied 9% of the sessions in pretrial courts, occupied 21% of all sessions at the oral stage and constituted 20% of all convictions.

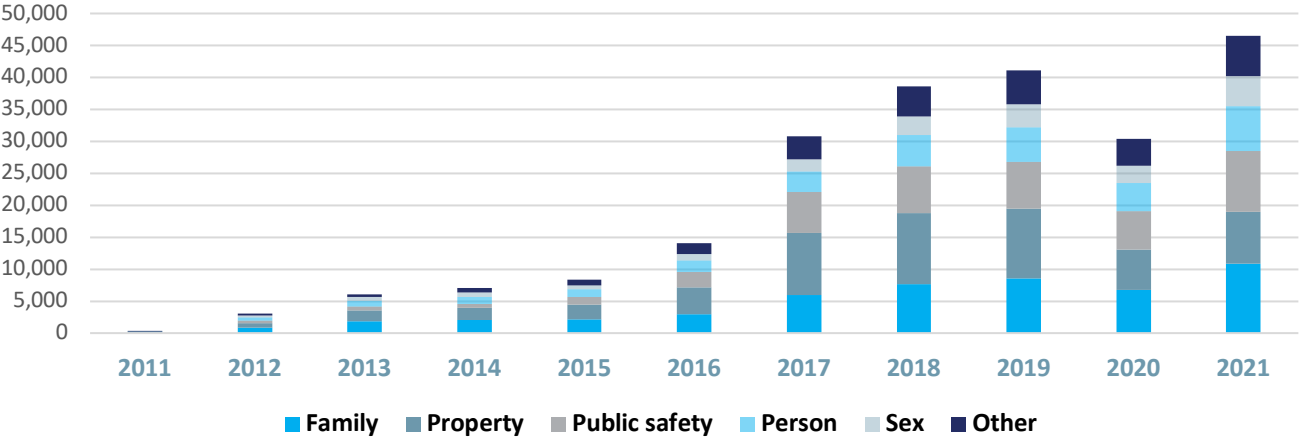
Pretrial courts

The Second District was the first district to have pretrial hearings in the ACS in 2011. As other districts reformed, pretrial hearings began to take place in all judicial districts: the Fourth District in 2012, the Third District in 2015, and the Fourth District in 2016. At the pretrial stage, we can observe that the First Judicial District is the busiest of all judicial districts, being the most populated district with the highest rate of reported crime.

Total sum of hearings in pretrial courts, 2011-2021



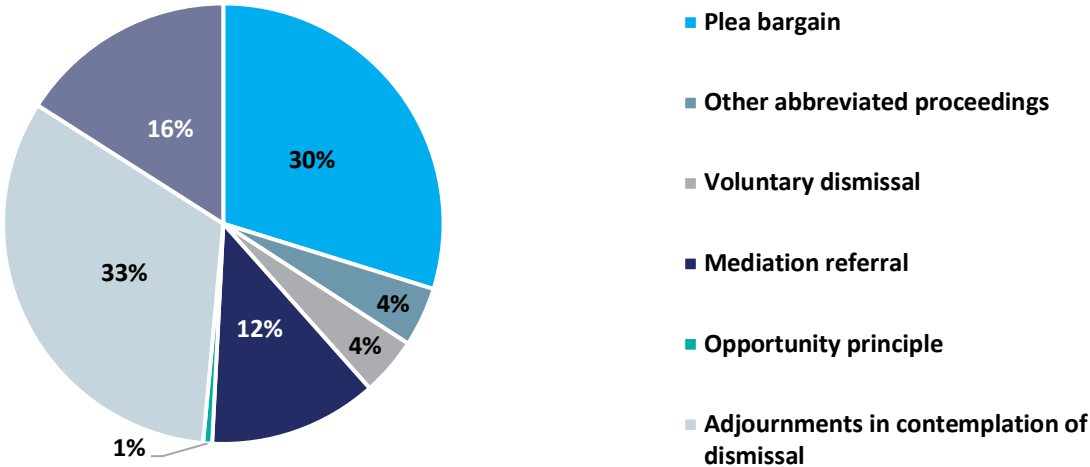
Total sessions in pretrial courts (by type of crime)



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

As noted earlier, most adjudication in Panama is occurring at the pretrial stage. Since the implementation of the ACS in 2011, most judicial decisions have involved alternative conflict resolution measures (Law 63 of 2008, Title IV). In the period 2011-2021, 33% of all judicial decisions in pretrial courts involved adjournments in contemplation of dismissal (ACD), 30% were plea bargains and 4% were other abbreviated procedures (direct proceeding, simplified proceeding and immediate simplified proceeding), 16% involved various measures that ended the prosecution (dismissals, extinction of criminal liability, and prescription of criminal action), 12% were referrals to mediation, and 4% were voluntary dismissals. Only 1% of all adjudications in pretrial courts were related to the prosecutorial use of the opportunity principle. In the next section, we review in more detail the different judicial decisions made at the pretrial stage, comparing decisions by judicial district.

**Percent distribution of all adjudication in pretrial courts in Panama, 2011-2021
(by type of judicial decision)**

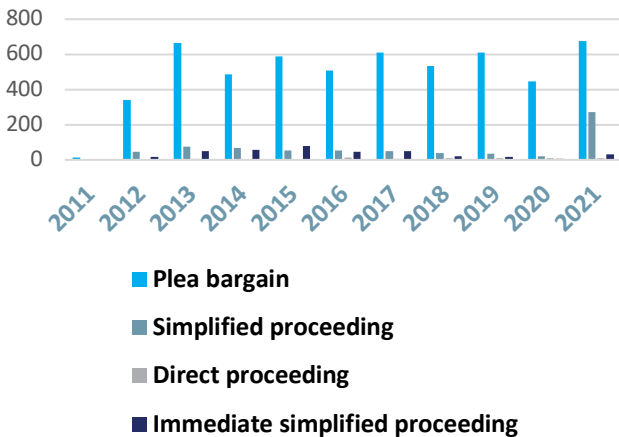


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022

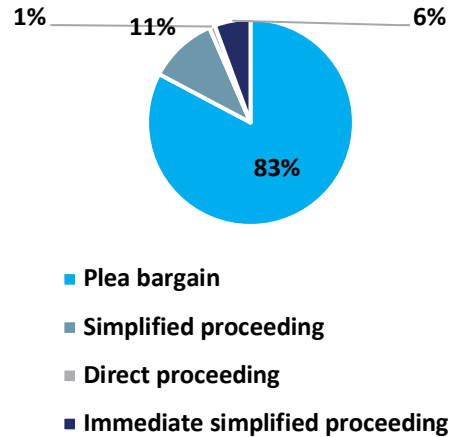
Abbreviated proceedings

Since the implementation of the ACS in 2011 in the Second Judicial District, 80% of all adjudications related to abbreviated proceedings consisted of a plea bargain, 11% were simplified proceedings, 7% were immediate simplified proceedings, and only 1% direct proceedings. Over time, simplified proceedings were rarely used, however, in 2021 its use increased considerably.

Number of adjudications in abbreviated proceedings in the Second Judicial District of Panama, 2011-2021 (by type of proceeding)



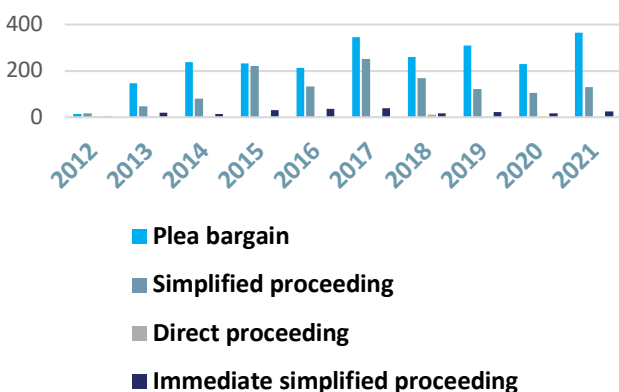
Distribution of adjudications in abbreviated proceedings in the Second Judicial District of Panama, 2011-2021 (by type of proceeding)



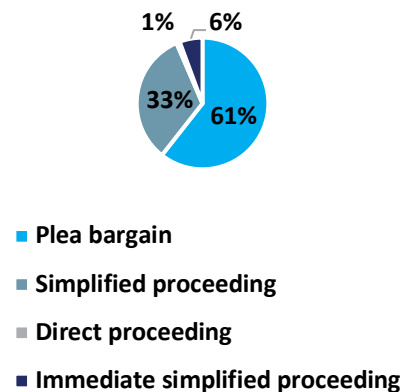
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

The Fourth Judicial District shows a more diverse use of the different abbreviated procedures over time. The plea bargain (61%) and simplified proceedings (33%) were the most widely used type of abbreviated proceeding since their implementation of the ACS in 2012. Only 6% of adjudications involved immediate simplified proceedings, and 1% direct proceedings. Over time we can also appreciate a decline in the use of simplified proceedings and immediate simplified proceedings, and an increase in the use of the plea bargain.

Number of adjudications in abbreviated proceedings in the Fourth Judicial District of Panama, 2012-2021 (by type of proceeding)



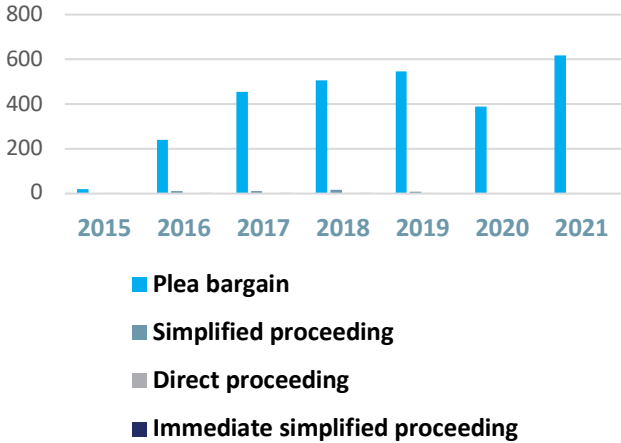
Distribution of adjudications in abbreviated proceedings in the Fourth Judicial District of Panama, 2012-2021 (by type of proceeding)



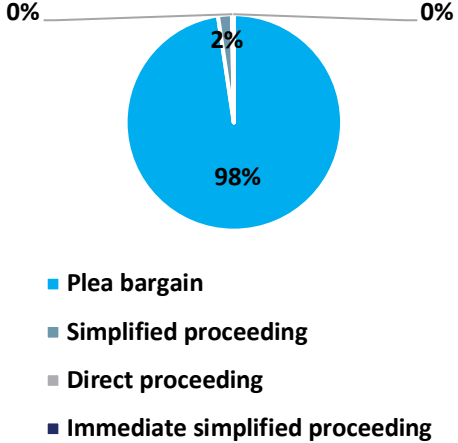
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

In the Third Judicial District we find that, since 2015, 98% of all adjudications related to abbreviated procedures were plea bargains, and 2% were simplified proceedings. There were no judicial decisions reported that involved direct proceedings or immediate simplified proceedings.

Number of adjudications in abbreviated proceedings in the Third Judicial District of Panama, 2015-2021 (by type of proceeding)



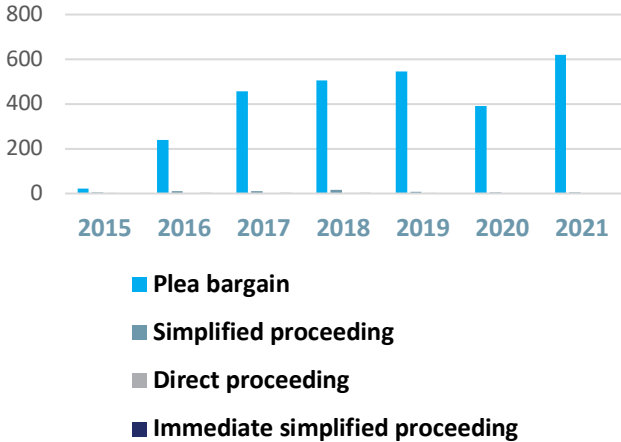
Distribution of adjudications in abbreviated proceedings in the Third Judicial District of Panama, 2015-2021 (by type of proceeding)



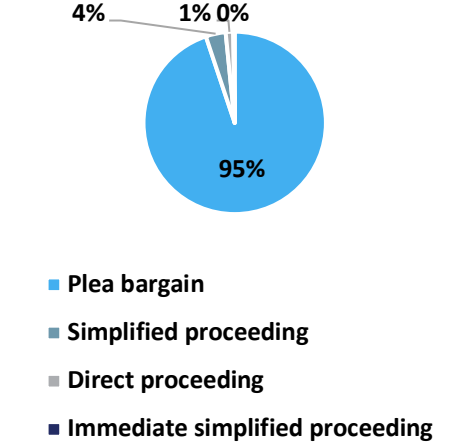
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

In the First Judicial District, we also see that the plea bargain is the most preferred type of abbreviated procedure. Since the implementation of the ACS in 2016, 95% of all adjudications related to abbreviated procedures were plea bargains, 4% were simplified proceedings, and 1% were direct proceedings.

Number of adjudications in abbreviated proceedings in the First Judicial District of Panama, 2016-2021 (by type of proceeding)



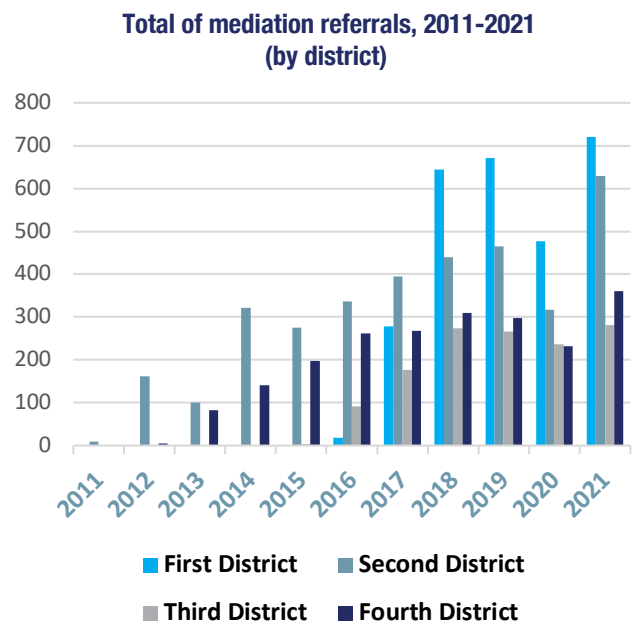
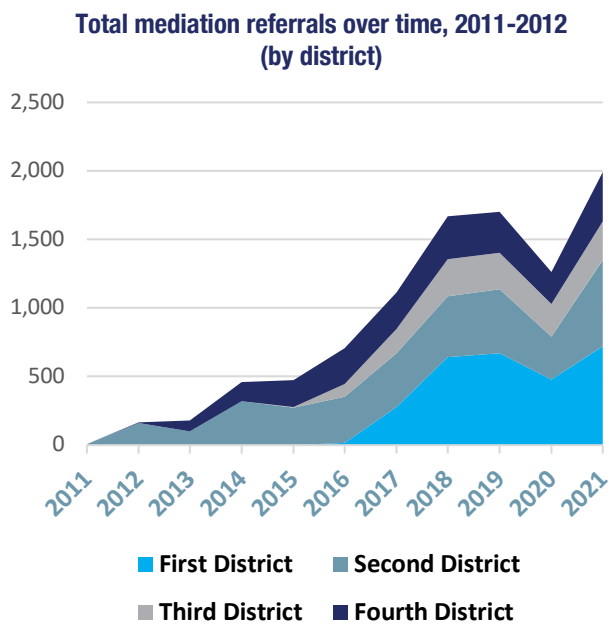
Distribution of adjudications in abbreviated proceedings in the First Judicial District of Panama, 2016-2021 (by type of proceeding)



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Mediation

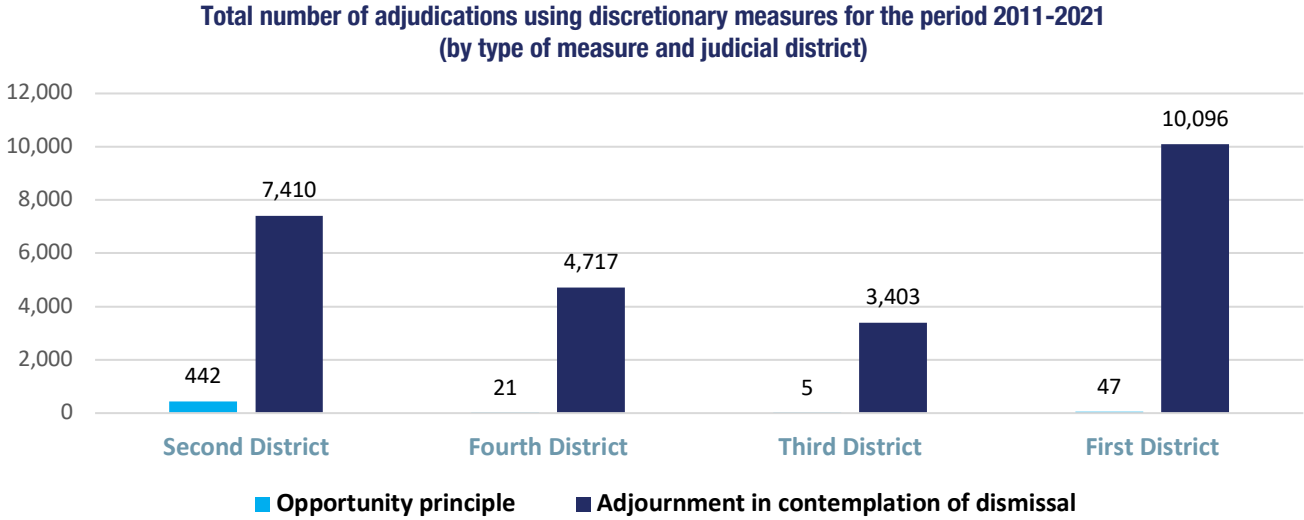
Since 2011, 12% of all judicial decisions (a total of 9,743 decisions) in pretrial courts in Panama have been referrals to mediation. Over time, most judicial districts have slowly channeled more cases over to mediation, however, we do not have data on how these mediations were resolved. During 2020 there was a sharp decline in mediation referrals, likely a consequence of the COVID-19 pandemic. The Second District has issued 35% of all mediation referrals since 2011, followed by the First District (29%), the Fourth District (22%), and the Third District (14%). Compared to other districts, larger in size and criminality, the Second Judicial District stands out for its share in all mediation referrals.



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

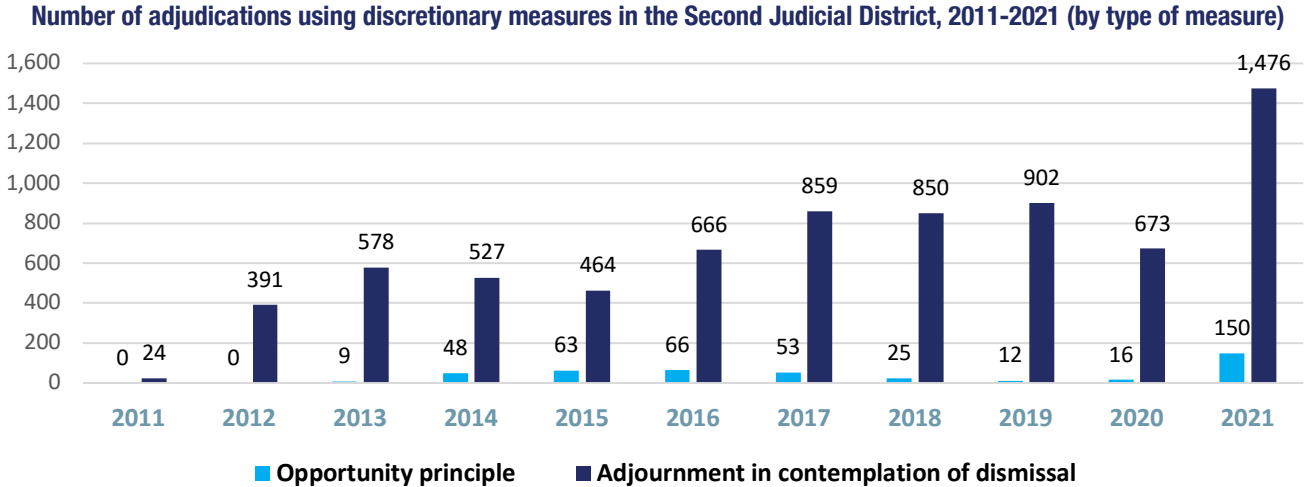
Discretionary measures

There are two measures that reflect the principle of the autonomy of will of the parties. The opportunity principle, used at the discretion of the prosecutor, allows to dismiss minor offenses that do not compromise public safety (Law 63 of 2008, Art. 212). And the adjournment in contemplation of dismissal (ACD), requested by the defense, allows to pause a prosecution with the consent of the pretrial judge. In Panama, since the implementation of the ACS, only 4% of all judicial decisions involved the use of ACDs and 1% the use of the opportunity principle.



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

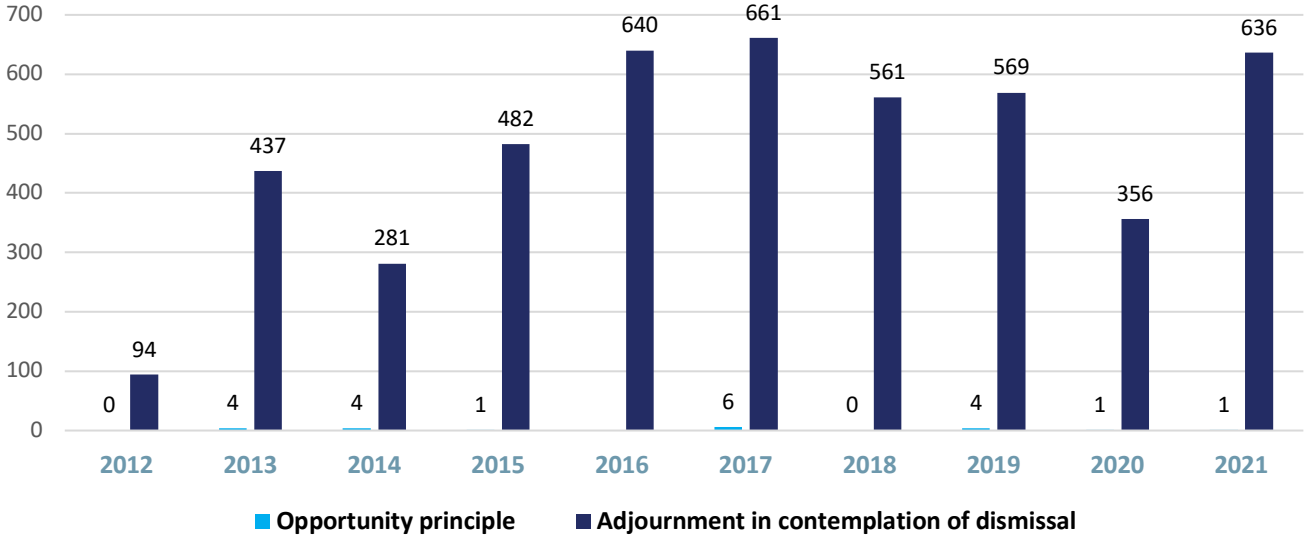
Comparing the use of these measures across districts, we found that the Second Judicial District has been responsible for most of the judicial decisions based on the opportunity principle (442 judicial decisions out of a national total of 541). Also interesting to note is that, among those, 150 decisions were made in the year 2021.



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

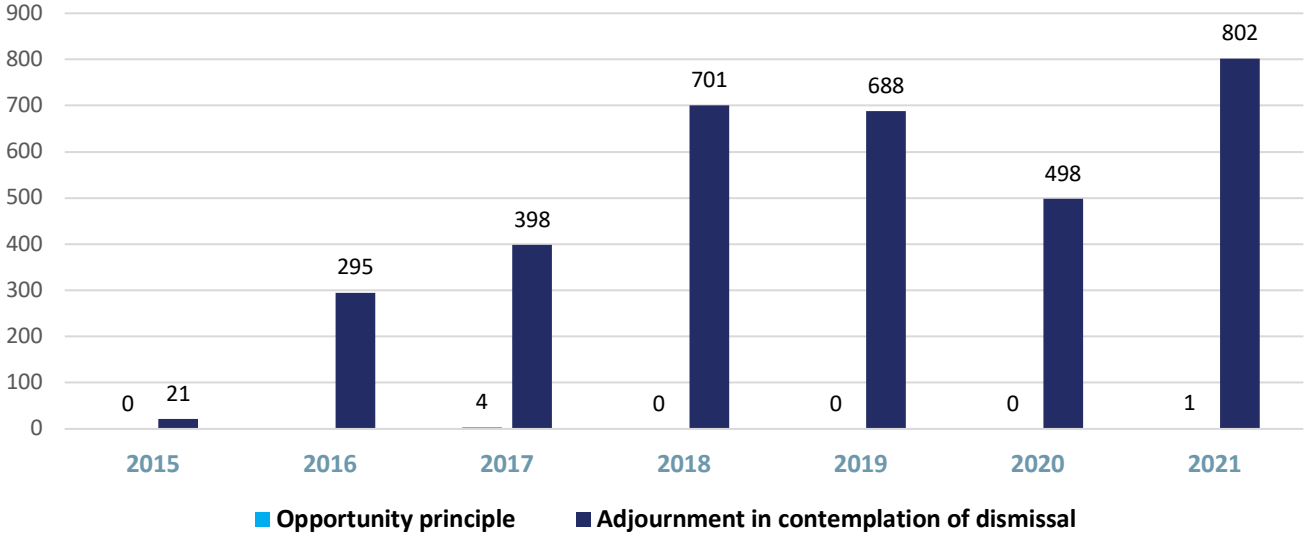
In the Fourth Judicial District very few judicial decisions have involved the use of the opportunity principle (21 total since 2012), and the majority of all adjudication involving discretionary measures used ACDs (4,717 in total). The Third Judicial District also had very few judicial decisions that involved the use of the opportunity principle (a total of 5 since 2015), and the majority of all adjudication involving discretionary measures has consisted of ACDs (3,403 in total).

Number of adjudications using discretionary measures in the Fourth Judicial District, 2012-2021 (by type of measure)



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

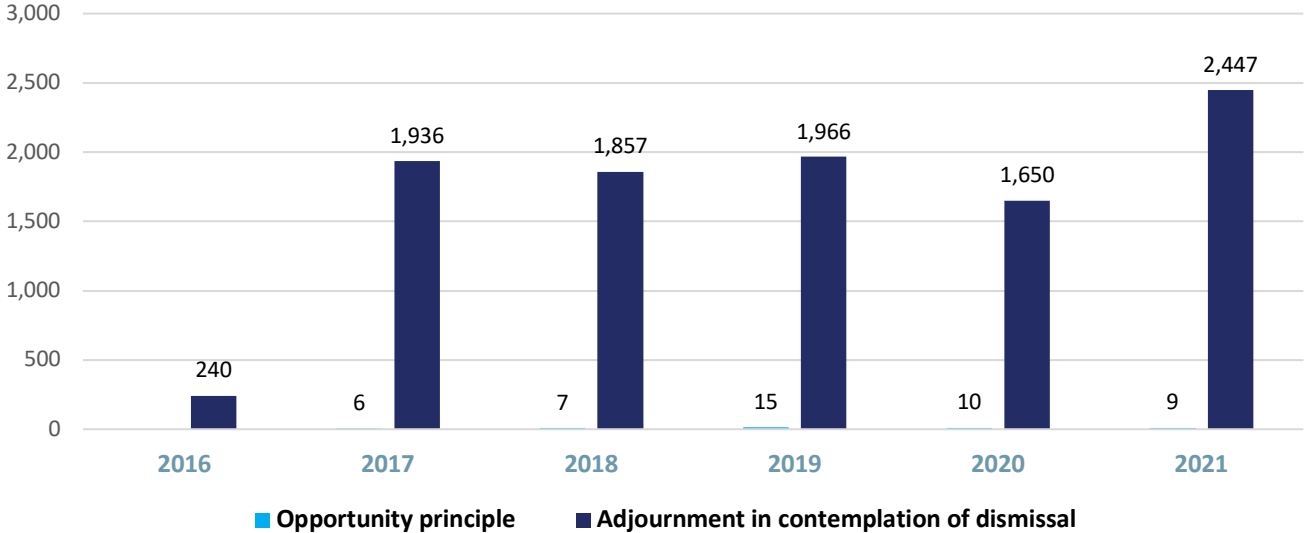
Number of adjudications using discretionary measures in the Third Judicial District, 2015-2021 (by type of measure)



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Since the implementation of the ACS in 2016, First Judicial District also had very few judicial decisions based on the opportunity principle (a total of 47 since 2016). The majority of all adjudication involving discretionary measures consisted of ACDs (10,096 in total).

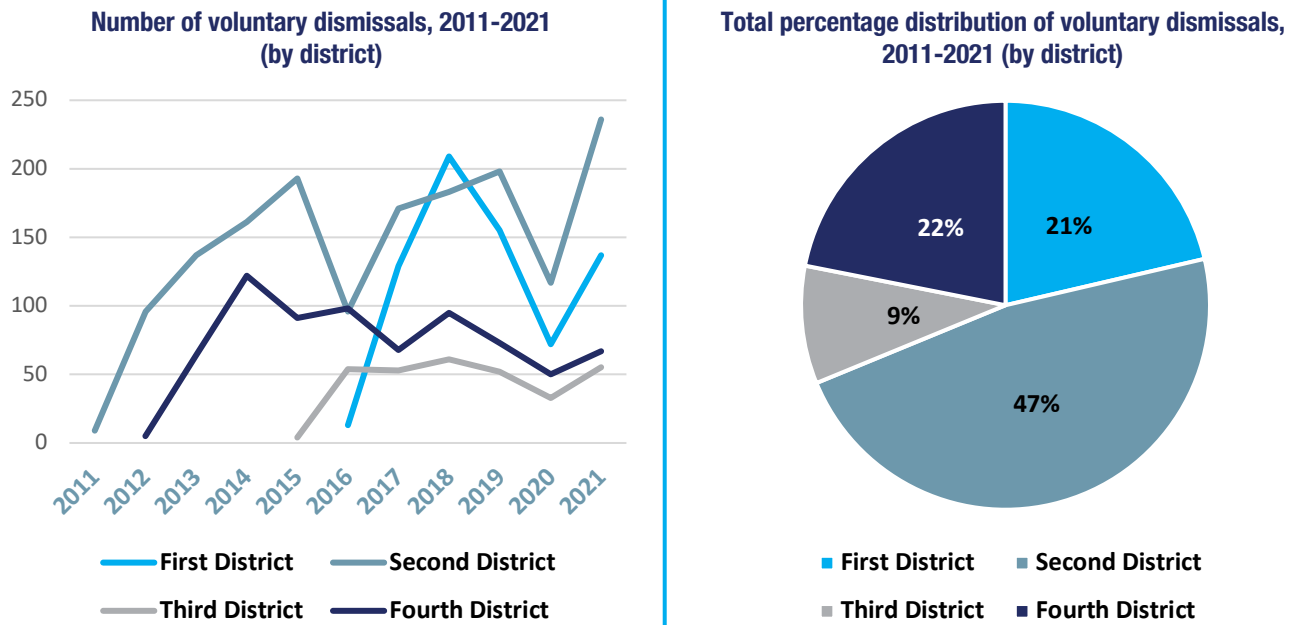
**Number of adjudications using discretionary measures in the First Judicial District, 2016-2021
(by type of measure)**



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Voluntary dismissal

Among all judicial decisions in pretrial courts, about 4% have involved voluntary dismissals since 2011. When we compare rulings in pretrial courts by judicial district, we find that most of these happened in the Second Judicial District. Over time, we can see that the number of voluntary dismissals ruled each year tends to be lowest in the Third Judicial District, and highest in the Second Judicial District.

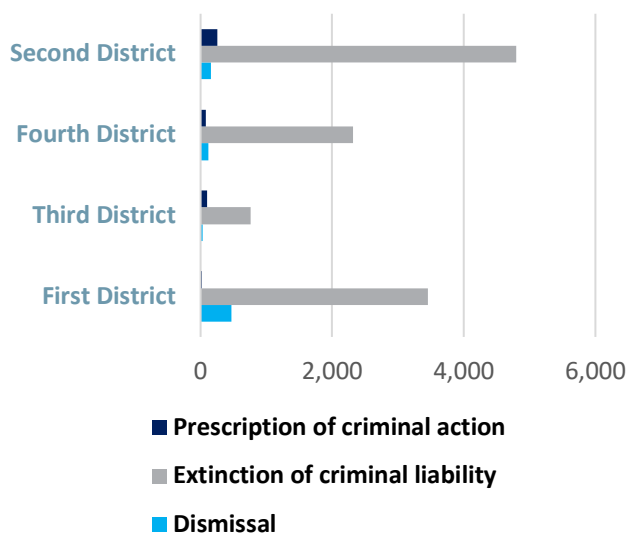


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

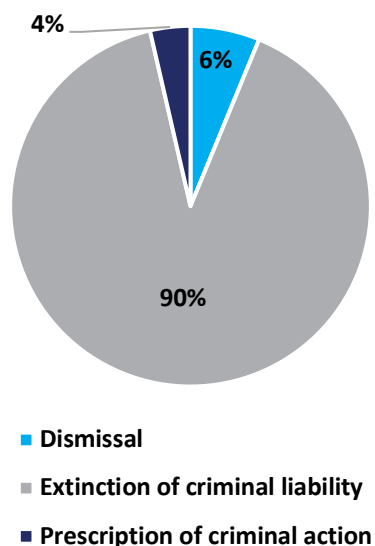
Other endings to a prosecution

Since 2016, 16% of all judicial decisions made in pretrial courts have involved various measures that ended a prosecution. Among these, 90% were decisions based on an extinction of criminal liability, 6% were dismissals, and 4% were prescriptions of criminal action. When we compare judicial decisions made across judicial districts, we find that most decisions made based on the extinction of criminal liability and most prescriptions of criminal action also were ruled in the Second Judicial District, whereas most dismissals were ruled in the First Judicial District.

**Number of judicial decisions based on other measures to end prosecutions, 2011-2021
(by type of judicial decision and judicial district)**



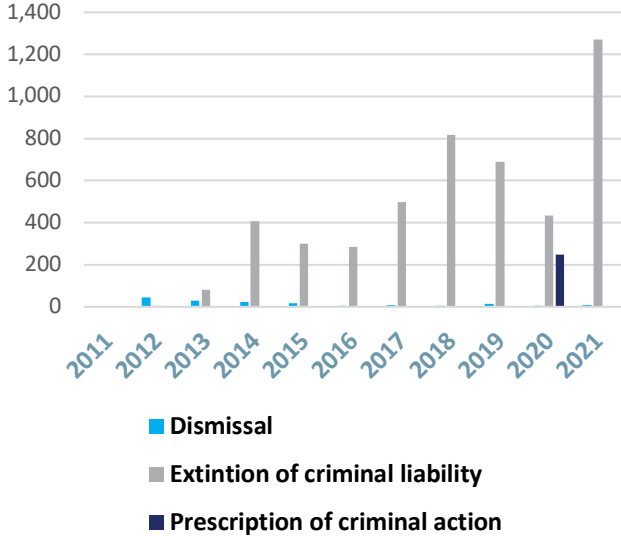
Percentage distribution of other endings to a prosecution, 2011-2021 (by type of judicial decision)



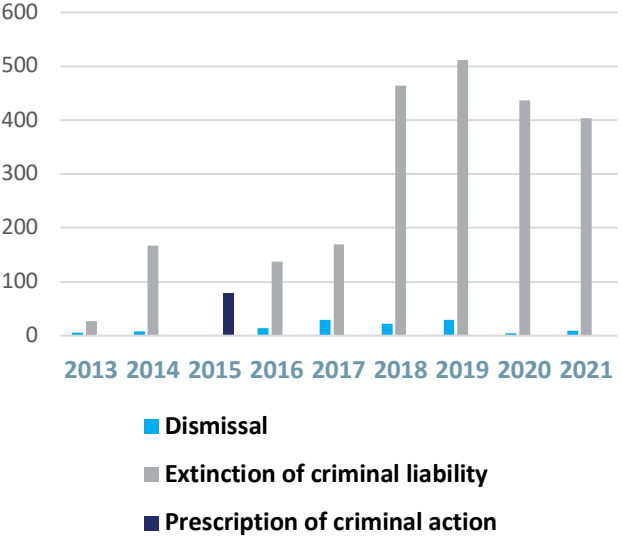
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

When analyzing the data for each judicial district across time, we found that dismissals are rarely ruled in all four districts. In the Second Judicial District most prescriptions of criminal action were ruled in 2020, and of 18 such rulings made in the First Judicial District, the majority (11) were made in 2021. All rulings based on a prescription of criminal action in the Fourth Judicial District were made in 2015 and in 2021 in the Third Judicial District.

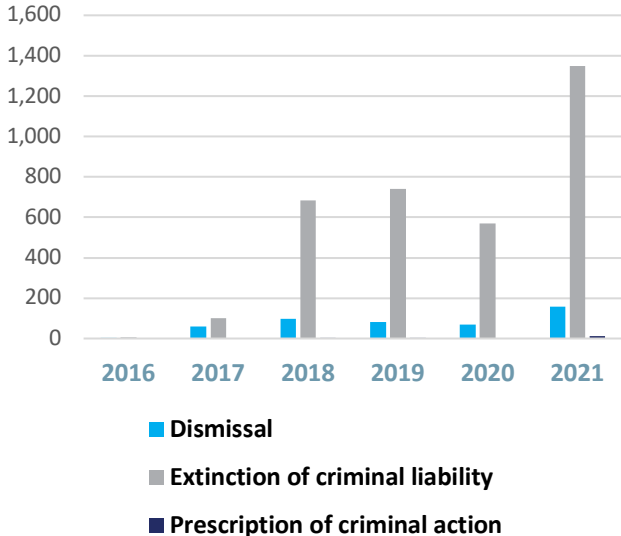
Number of judicial decisions based on other measures to end prosecutions in the Second Judicial District, 2011-2021 (by type of judicial decision)



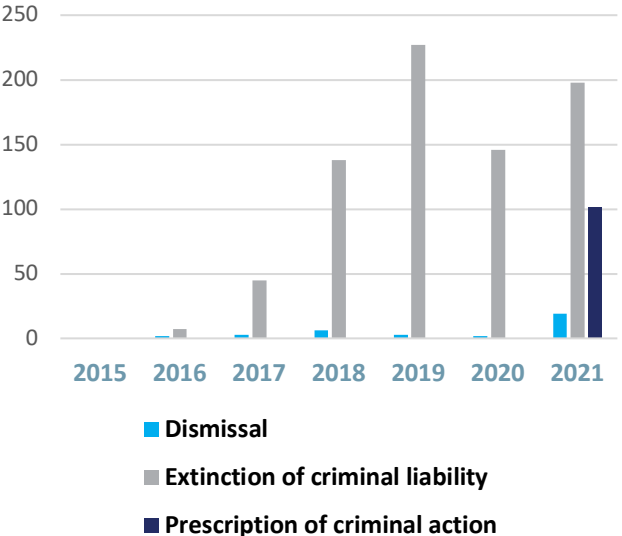
Number of judicial decisions based on other measures to end prosecutions in the Fourth Judicial District, 2013-2021 (by type of judicial decision)



Number of judicial decisions based on other measures to end prosecutions in the Third Judicial District, 2015-2021 (by type of judicial decision)



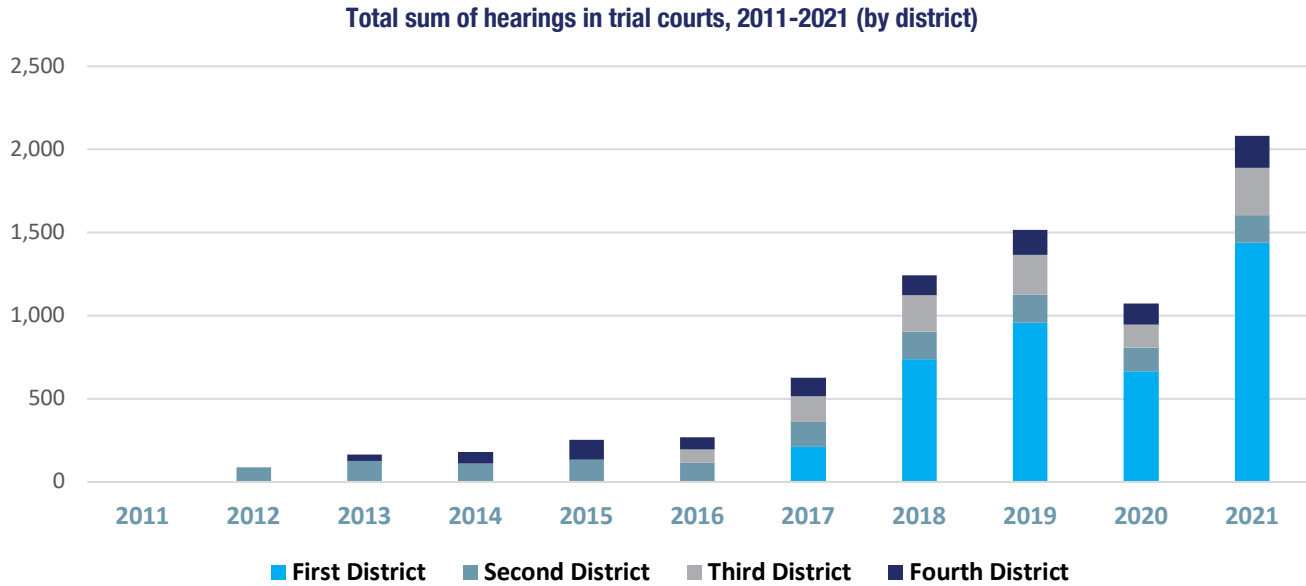
Number of judicial decisions based on other measures to end prosecutions in the First Judicial District, 2016-2021 (by type of judicial decision)



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Trial courts

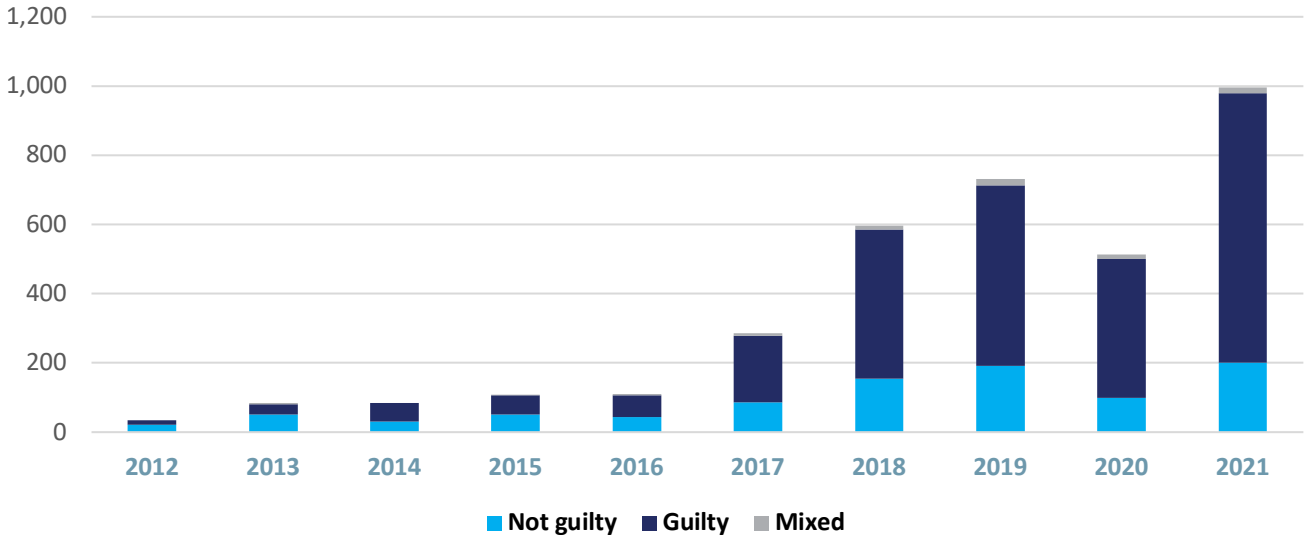
The use of trial courts after the implementation of the ACS was not immediate. The first district to have a hearing in a trial court was the Second Judicial District in 2012. Across judicial districts, it took about a year, following the introduction of the reform, for a case to reach its first hearing in a trial court. Most trial hearings have been held in the First Judicial District, the largest district in Panama.



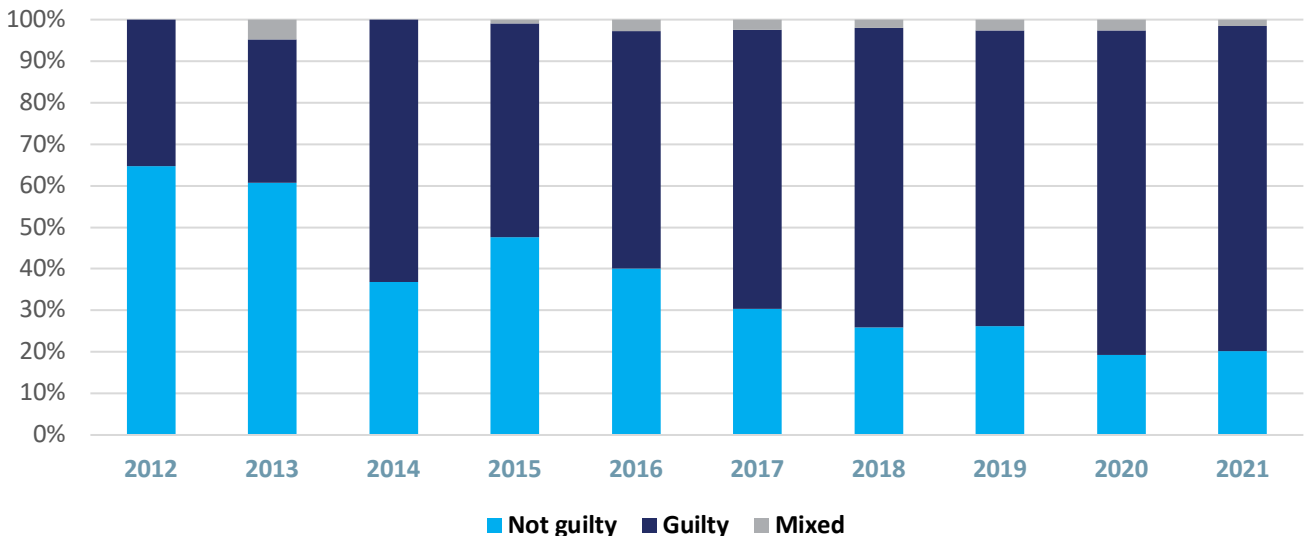
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Over time, trial courts have observed an increase of hearings and an increase in sentencing. It is worth noting that in 2020, the year of the global COVID-19 pandemic, trial courts experienced a decrease in sentencing. However, by the year 2021, the courts seemed to catch up in issuing sentences. The percentage of acquittals has decreased over the years. In 2012, more than 60% of all trial verdicts were acquittals, whereas in 2021, 80% were convictions. A small number of sentences have included mixed judgments, which happens when an individual may be found guilty for one charge but not guilty for another charge, or when the case involves different defendants who get different sentences.

Verdicts in oral trials



Percent of guilty convictions among all verdicts in oral trials

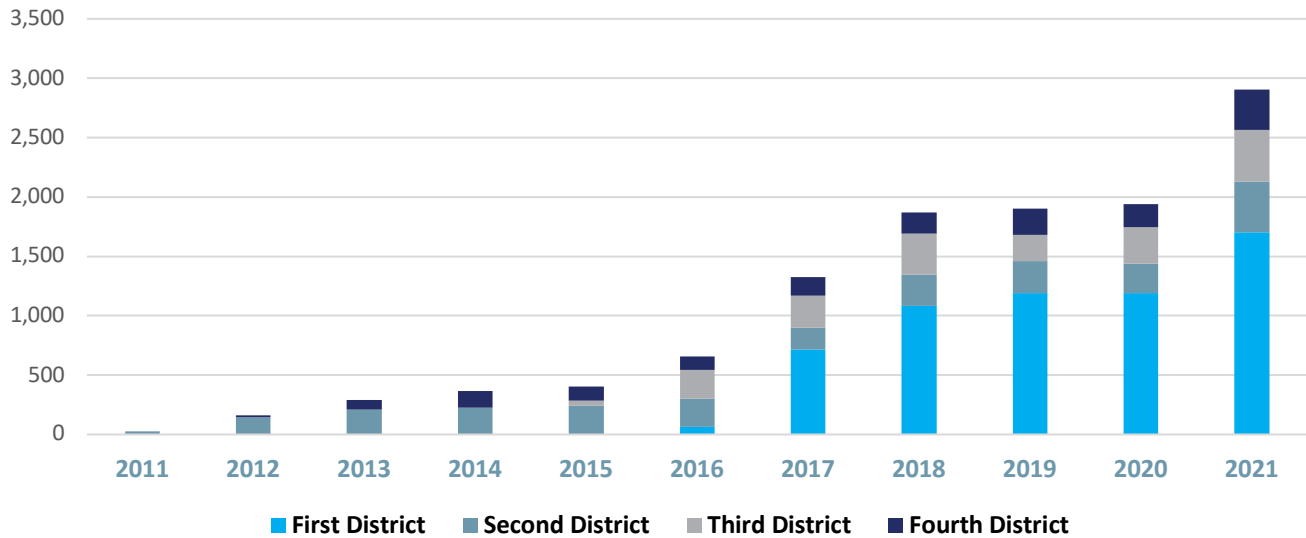


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Appellate courts

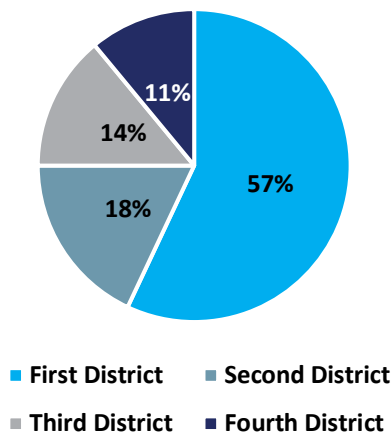
Appellate courts in the ACS have held hearings since the first year the accusatorial system was introduced. Most hearings and most judicial decisions at the appellate level since 2011 have occurred in the First Judicial District. Rulings at the appellate level have involved five type of recourses: 85% have been decisions on appeals (a recourse against judicial decisions, *recurso de apelación*), 7% have involved annulments (a recourse against sentences, *recurso de nulidad*), 3% habeas corpus (a recourse against detention), 2% reconsiderations (a recourse to request a court to reconsider its decision, *recurso de reconsideración*), 1% have been recourses to an appeal decision (*recurso de hecho*). We have no information of even one post-conviction appeal being approved (*recurso de revision*).

Total sum of hearings in appellate courts, 2011-2021 (by district)

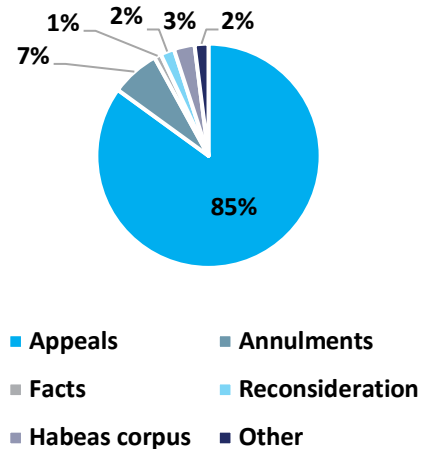


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Percent distribution of all decisions in appellate courts, 2011-2021 (by district)



Percent distribution of all rulings in appellate courts, 2011-2021 (by type of recourse)

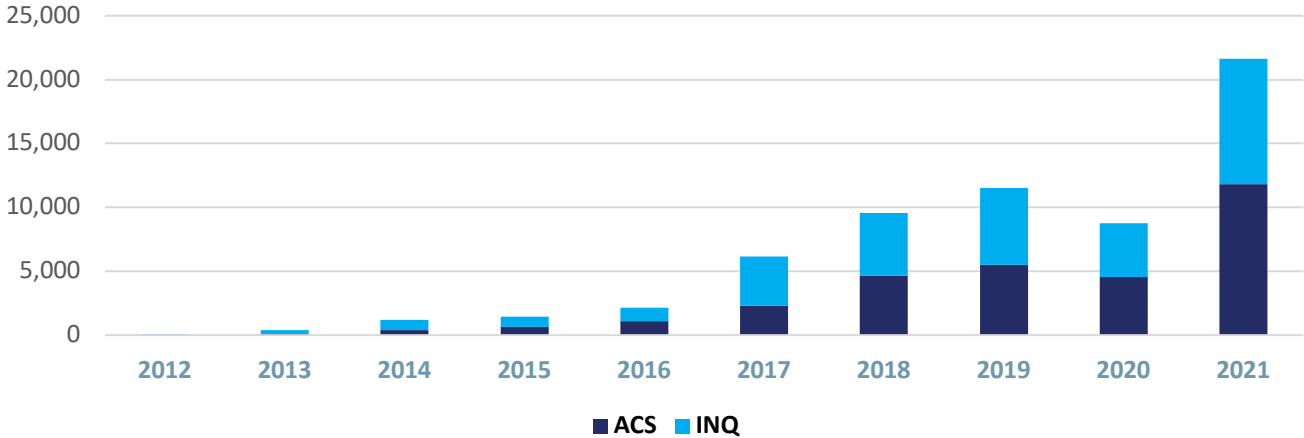


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

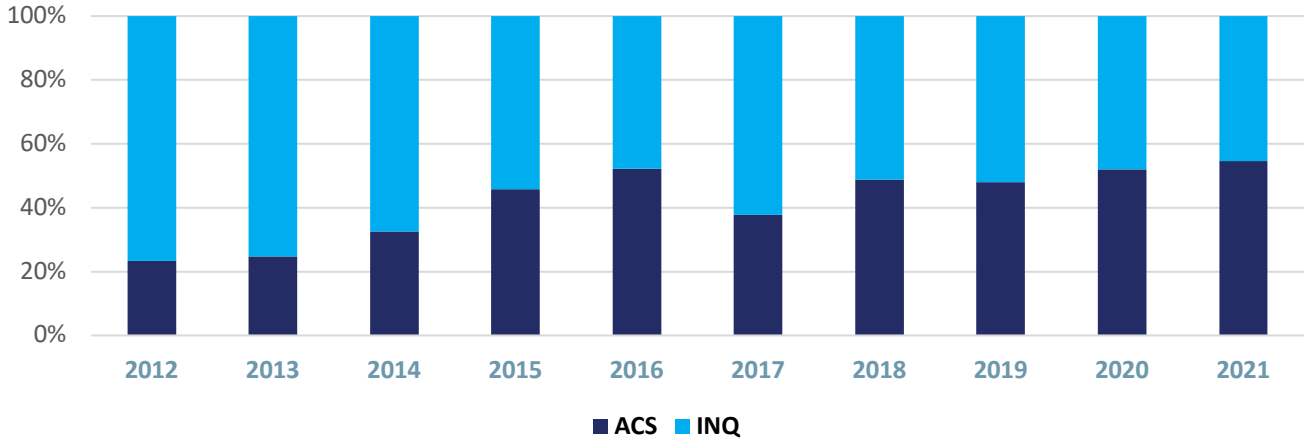
Sentencing courts

The progress in the implementation of the ACS is evident by the type of hearings at the sentencing stage. Since the implementation of the ACS in 2011 in the Second Judicial District, the number of hearings in sentencing courts in the ACS has grown. In 2012, about 20% of all hearings related to cases being processed in the accusatorial system, and by 2021 about 55% of hearings in sentencing courts were being processed in the ACS. As with trial courts, Sentencing courts experienced a decline in hearings in 2020 and increased in 2021.

Number of hearings in sentencing courts, 2012 – 2021 (by system)



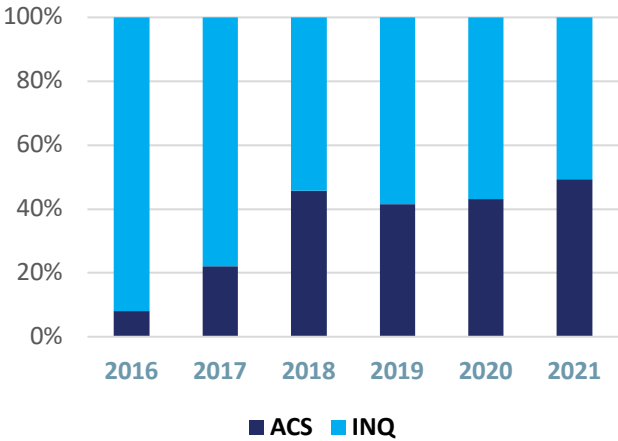
Percent of hearings in sentencing courts, 2012 – 2021 (by system)



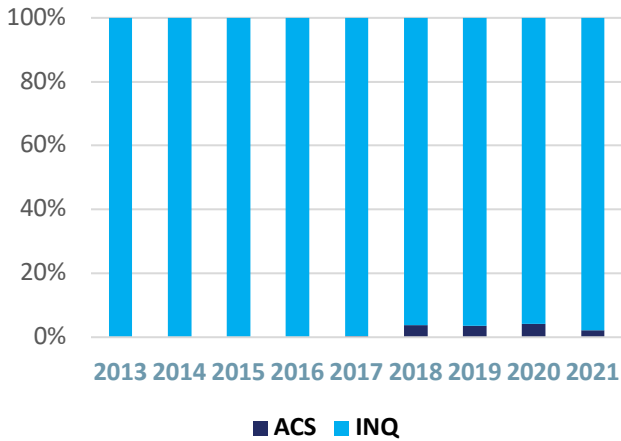
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022. Missing data for the offices of Panamá and Coclé.

Over the years we should be able to see a steady decline in the percentage of cases that sentencing judges have to oversee that come from the inquisitorial system. This is clearly the case of the Fourth Judicial District. In 2012 most of its workload consisted of cases in inquisitorial proceedings and by 2021 less than 5% of the cases were in the inquisitorial system. A similar trend is found in the Third Judicial District. In contrast, the First Judicial District, has had a less sharp decline in inquisitorial proceedings, though the trend is towards increasing cases in the ACS. We do not have complete information for the Second Judicial District. But at least for the province of Veraguas we can see that the sentencing judges there are mostly overseeing cases processed under the inquisitorial system. These differences seem to suggest a backlog in some districts, which was reported by criminal justice operators during interviews. Some explained these backlogs as “repeating biases inherited from the inquisitorial system”.

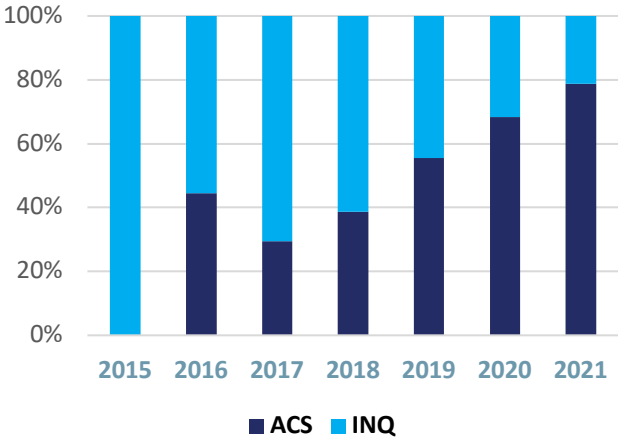
Percent of hearings in sentencing courts in the First Judicial District of Panama (by system)^a



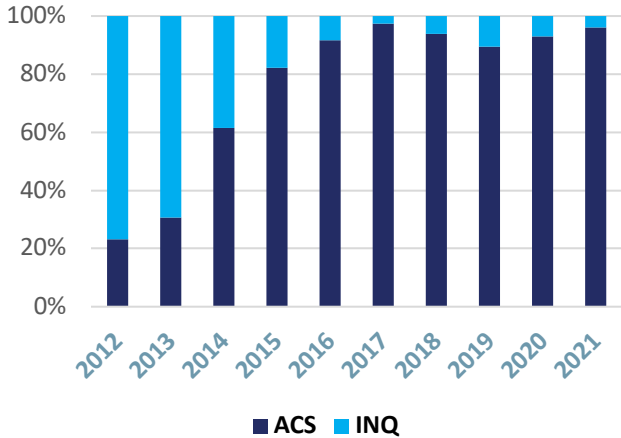
Percent of hearings in sentencing courts in Veraguas (Second Judicial District of Panama) (by system)^b



Percent of hearings in sentencing courts in the Third Judicial District of Panama (by system)



Percent of hearings in sentencing courts in the Fourth Judicial District of Panama (by system)



Source: Dirección Administrativa de Estadísticas Judiciales. Órgano Judicial.

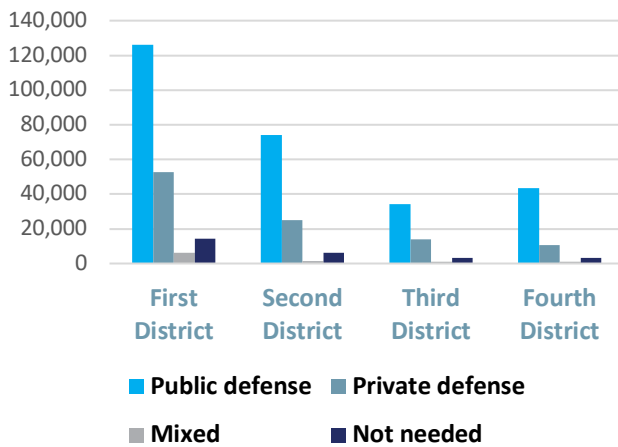
^a Missing data for the office of Panamá.

^b Missing data for the office of Cooclé.

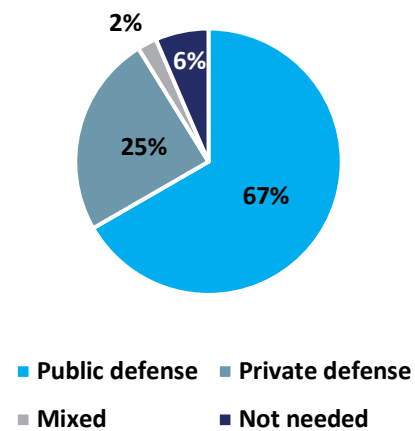
Defense

A study conducted in 2016 found that the Public Defense was responsible for representing defendants in 74% of cases (UNODC, 2016). In 2021 we find that the presence of public defenders varies across stages. Defendants were represented by public defenders in 67% of hearings at the pretrial stage with 25% of represented by private attorneys. In two percent of hearings, defendants were represented by a mix of public and private representation. By the time a case moves to the trial stage, the participation of public defenders decreases to 55% of all trial hearings while the participation of private attorneys increases to 41%. This trend persists for appellate hearings, suggesting that defendants prefer to hire a private attorney for appeals. In 59% of hearings at the appellate level defendants were represented by private defenders, and in 39% of hearings by public defenders.

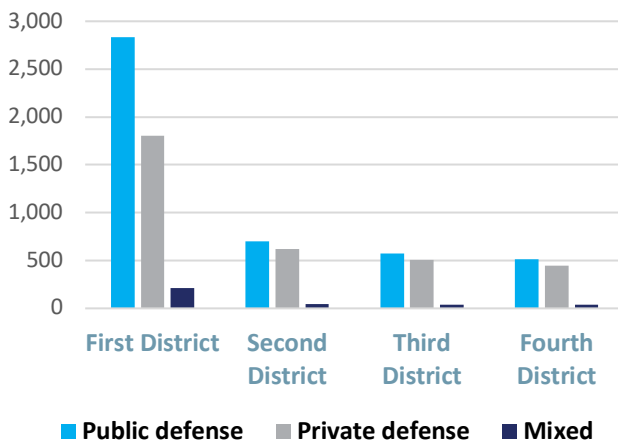
**Number of pretrial hearings, 2011-2021
(by type of defense and district)**



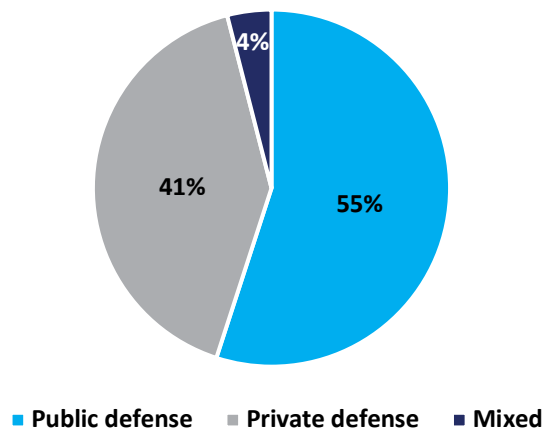
Percent distribution of type of defense in pretrial hearings, 2011-2021



**Number of trial hearings, 2011-2021
(by type of defense and district)**

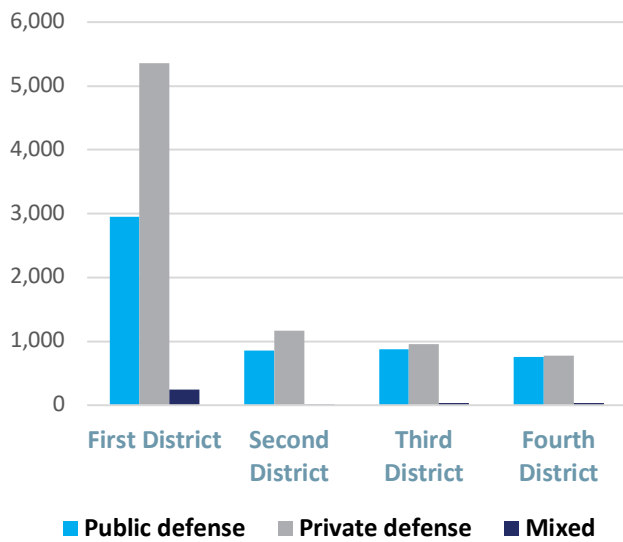


Percent distribution of type of defense in trial hearings, 2011-2021

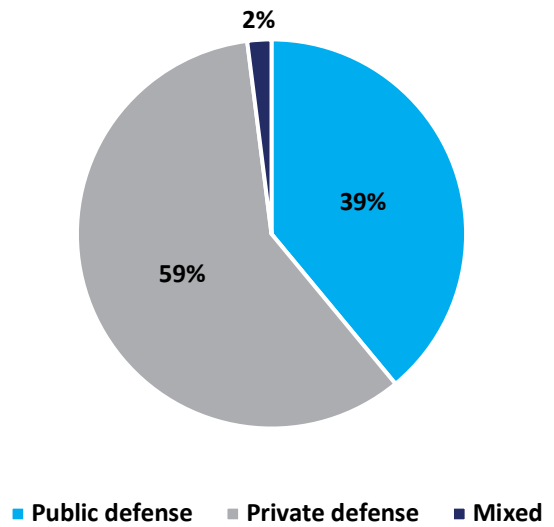


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Percent distribution of type of defense in appellate hearings, 2011-2021



Percent distribution of type of defense in appellate hearings, 2011-2021

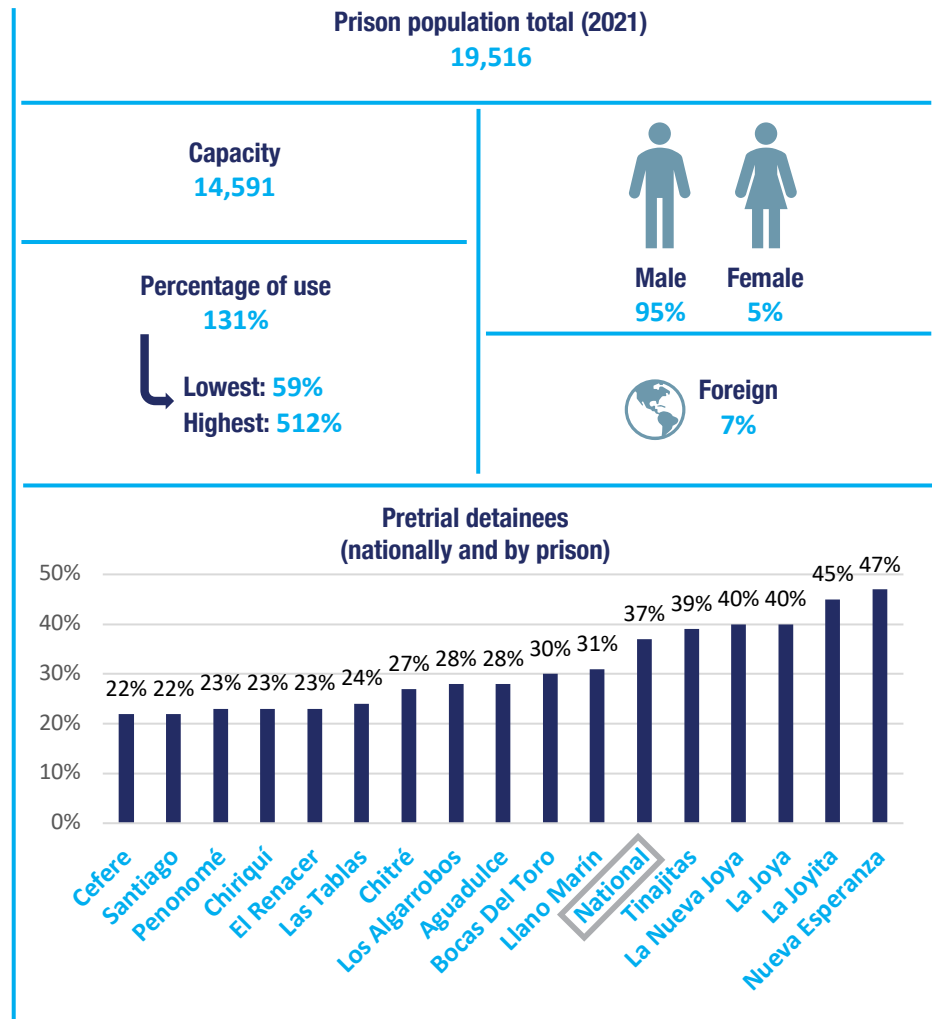


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

The penitentiary system

By the numbers

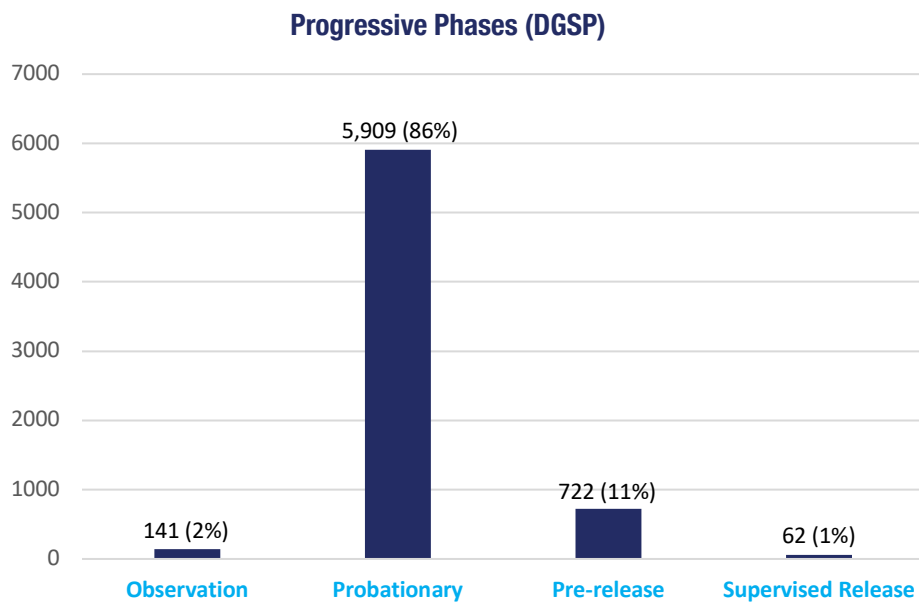
As mentioned earlier, Panama has 16 facilities with a total prison population of 19,516 in 2021. The security levels and regimens vary across the different prisons. The majority of prisons have been designated as minimum and medium level security and operate with a semi-open regime. As in many Central American countries, the prison population exceeds capacity, with over 19,516 people living in prisons that are designed to hold 14,591 prisoners. The majority of prisoners are male and a third of individuals are being held in pretrial detention.



Source: Dirección General del Sistema Penitenciario, 2021.

Classification

The DGSP classifies sentenced prisoners using progressive phases. The classification system includes four phases with the benefits available to prisoners varying by level. The four phases include Observation (*Observación*), Probationary (*Probatorio*), Pre-Release (*Pre-Libertad*), and Supervised Release (*Libertad Vigilada*). Moving from one phase to the next is largely dependent on prisoner behaviors and length of time served, relative to the sentence length. As indicated below, among those who had been classified, 86% were in the probationary phase. During this phase, prisoners are eligible to work within the facility but are not able to leave the facility. Only 11% were classified as pre-release, which allows individuals to work and sleep outside of the prison. Even fewer prisoners (1%) were on supervised release, which allows individuals to fully live in the community. Increasing the number of prisoners on pre-release and supervised release could help to reduce the prison population.



Source: Dirección General del Sistema Penitenciario, 2021.

Capacity of the Criminal Justice System

In this section, we review the capacity of the various institutions that constitute the criminal justice system in Panama, with the exception of the police force. We include a summary of capacity indicators for the Public Prosecutor’s Office, the Judiciary, the Department for Victims of Crime, the Public Defense, and the Penitentiary System. The baseline information highlighted in this section is pivotal to our understanding of the medium and long-term performance of the ACS, as any differences found in funding and personnel may have an impact on the services provided to victims and defendants alike.

Budget and Personnel in the Criminal Judicial System Institutions, 2021

	Prosecutors	Judges	Public defenders	Victim defenders	Prison system
Budget	192 million USD	171 million USD	6 million USD	n/a	58 million USD
Personnel	1,224 prosecutors	270 judges and magistrates	240 public defenders	72 victim defenders	1,599 prison staff
	70 cases per prosecutor	385 hearings per judge	102 judicialized cases per public defender	n/a	20 prisoners per prison staff

Sources: Dirección de Selección de Recursos Humanos, 2021; Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022; Ministerio de Gobierno, 2021; Dirección de Recursos Humanos, 2022.

Among the institutions reviewed, the Public Prosecutor’s Office had the largest budget for 2021. The budget for the Public Defense and the Department for Victims of Crime comes from the Judiciary’s operating budget. We were not able to find information on the operating budget for the Department of Victims of Crime, but the budget provided to the Public Defense was about 3.5% of the operating budget of the Judiciary. The total operating budget for the prison system in Panama in 2021 was roughly 19% of the total operating budget for the Ministry of Government (Ministerio de Gobierno, 2021).

A widespread concern that criminal justice operators expressed in interviews was the lack of human and material resources for the ACS to operate properly. The judicial infrastructure was reported as dated and insufficient, even in Panama City where most resources are concentrated.

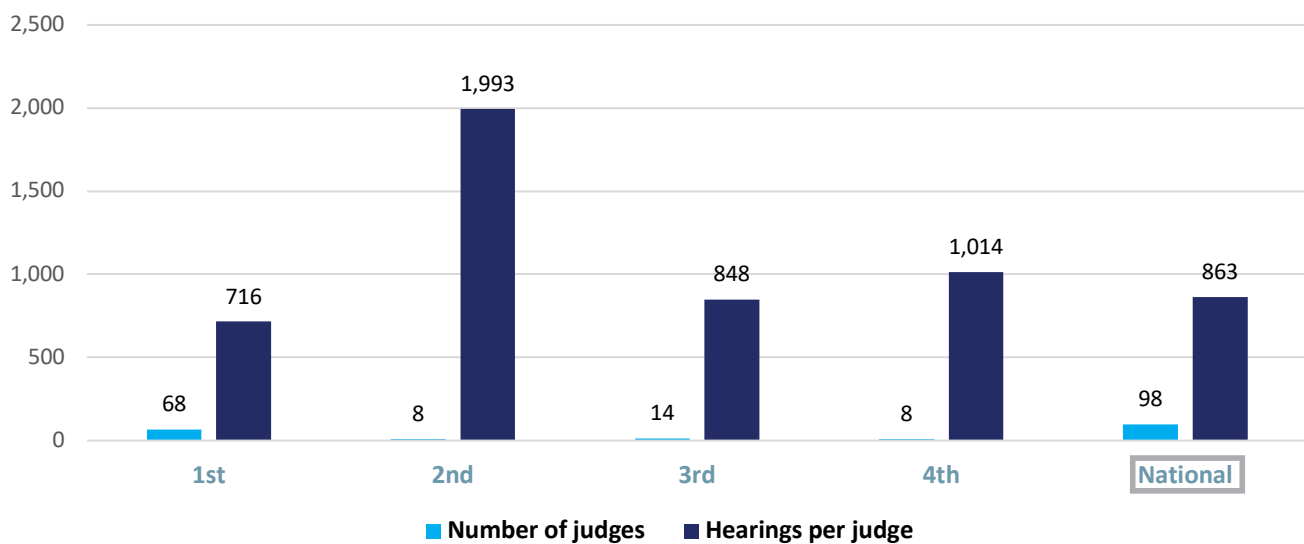
We could not obtain official workload data, thus instead we use other measures that show the annual work demand that criminal justice operators face, in average. For prosecutors we divided the number of cases that were reported in 2021 by the total number of prosecutors. For judges, we divided the number of hearings conducted in 2021 by the total number of judges. For public defenders, we divided the number of judicialized cases by the total number of public defenders. For prison staff, we divided the number of prisoners by the total number of staff. For instance, on average, the system may require a prosecutor to solve 70 crimes. In contrast, public defenders must attend, on average, about 102 cases.

Workload in the justice system

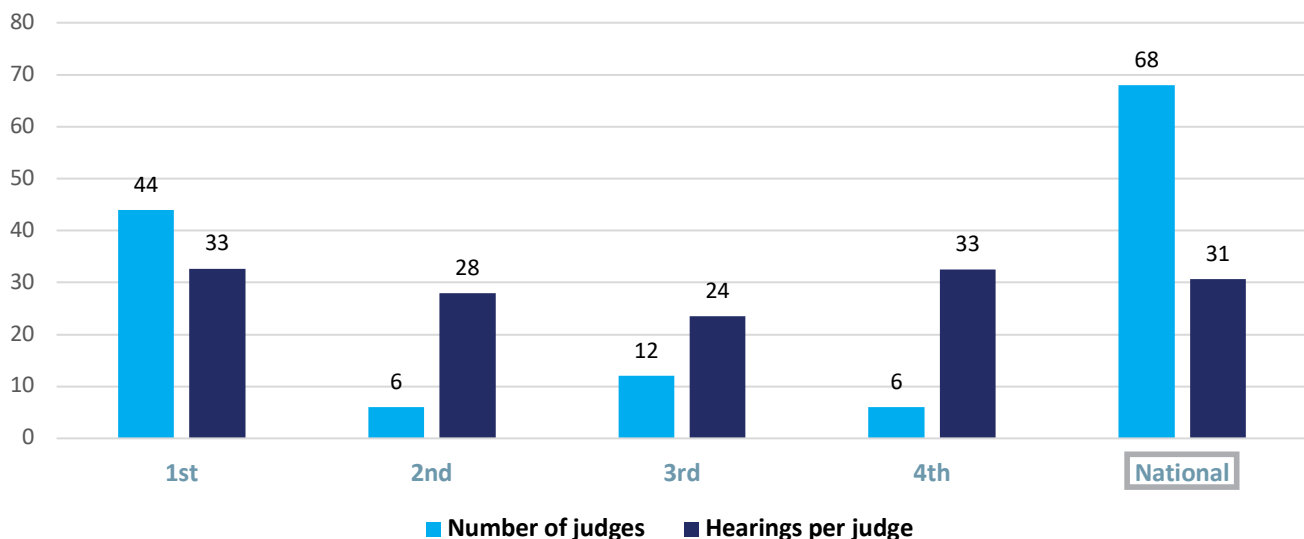
Judges

With the reform to the accusatorial system, a judicial office was created to independently manage the administrative tasks of the courts. This has freed judges from administrative duties to be able to focus exclusively on jurisdictional work and has professionalized the administrative management of the courts. However, in interviews judges mentioned that some courts face more demand than others. Pretrial courts are the gateway to the justice system. In 2021, pretrial courts had the highest number of judges (98), but also the highest average number of hearings per judge (863). The district with the highest average of hearings per judge was the Second Judicial District (1,993), and the First Judicial District had the lowest average of hearings per judge (716).

Pretrial courts: Average hearings per judge in 2021 (nationally and by district)



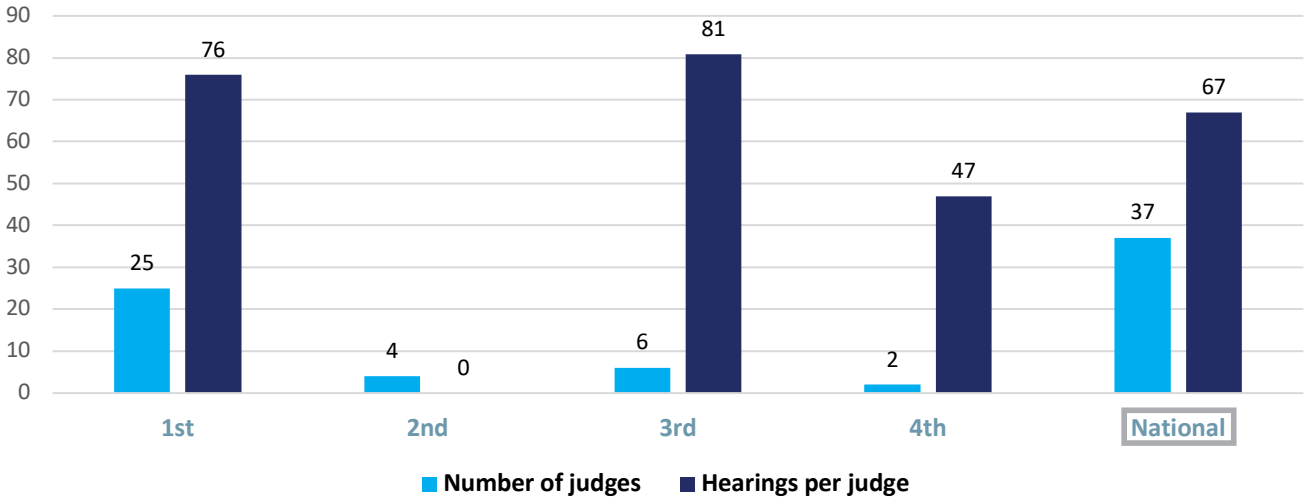
Trial courts: Average hearings per judge in 2021 (nationally and by district)



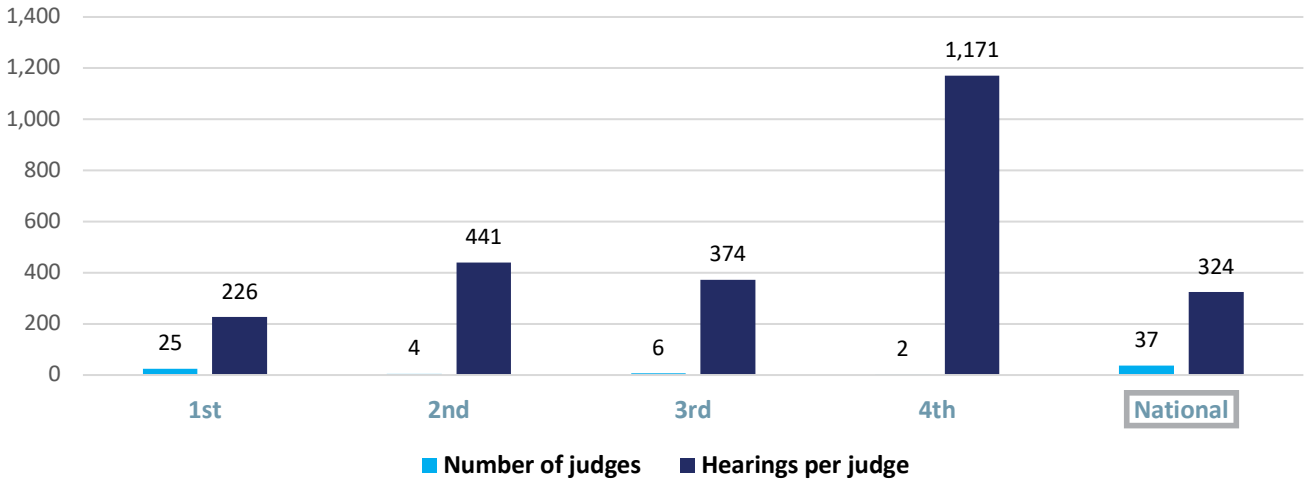
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

In Panama there are 68 trial judges and in 2021, on average, there were 31 trial hearings per judge (see previous page). At the district level, however, there are important variations. The First Judicial District (the busiest district) had 33 hearings per trial judge in 2021. The Third Judicial District had about 24 hearings per trial judge. There are only 37 judges in sentencing courts. Most interviewees agreed this number was low considering their responsibilities (pretrial detention and sentencing phase). Interviewees noted that sentencing judges should oversee all responsibility of the sentence, at this time the DGSP is still included in the process. In 2021 there were an average of 67 hearings in the inquisitorial system per sentencing judge. There were no hearings for inquisitorial cases in 2021 in sentencing courts in the Second Judicial District. In the Third Judicial District there were about 81 hearings per sentencing judge. Most hearings in sentencing courts were from cases in the ACS. In 2021 there were 324 hearings per sentencing judge. In the Fourth Judicial District there were about 1,171 hearings per sentencing judge. The First Judicial District, in contrast, had 226 hearings per sentencing judge.

Sentencing courts: Average number of hearings by (inquisitorial) judge in 2021 (nationally and by district)



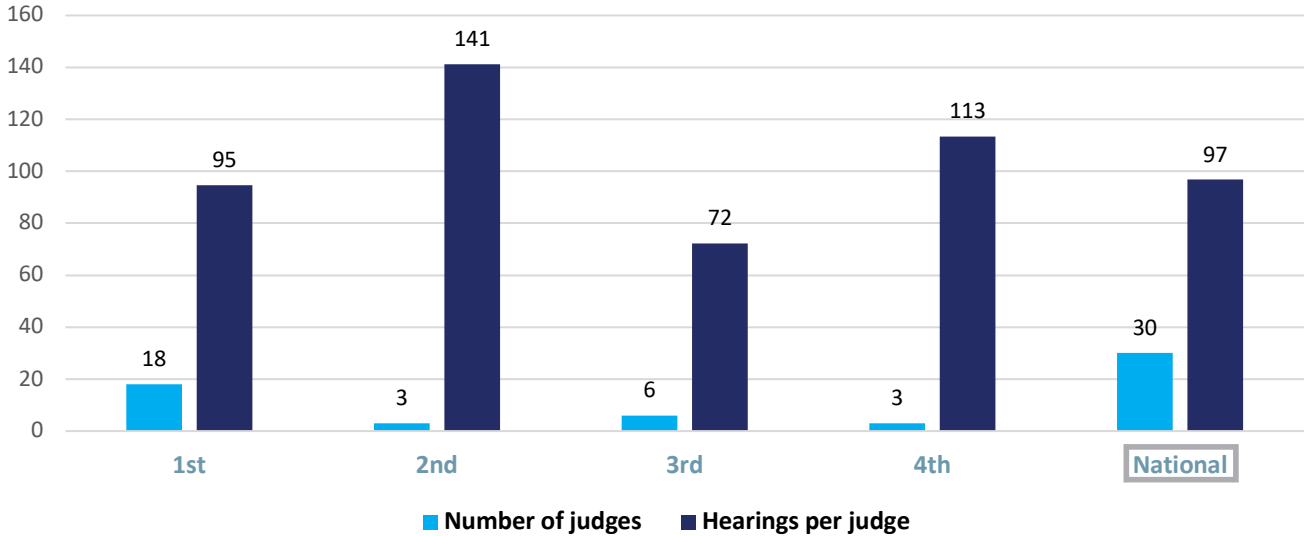
Sentencing courts: Average number of hearings by judge in 2021 (nationally and by district)



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

In Panama there are 30 judges at the appellate level, the majority of them (18) concentrated in the First Judicial District. In 2021, there were, on average, 97 hearings per appellate judge. In the Second Judicial District, there were an average of 141 hearings per appellate judge. The Third Judicial District, in contrast, had an average of 72 hearings per appellate judge.

Appellate courts: Judge workload in 2021 (nationally and by district)

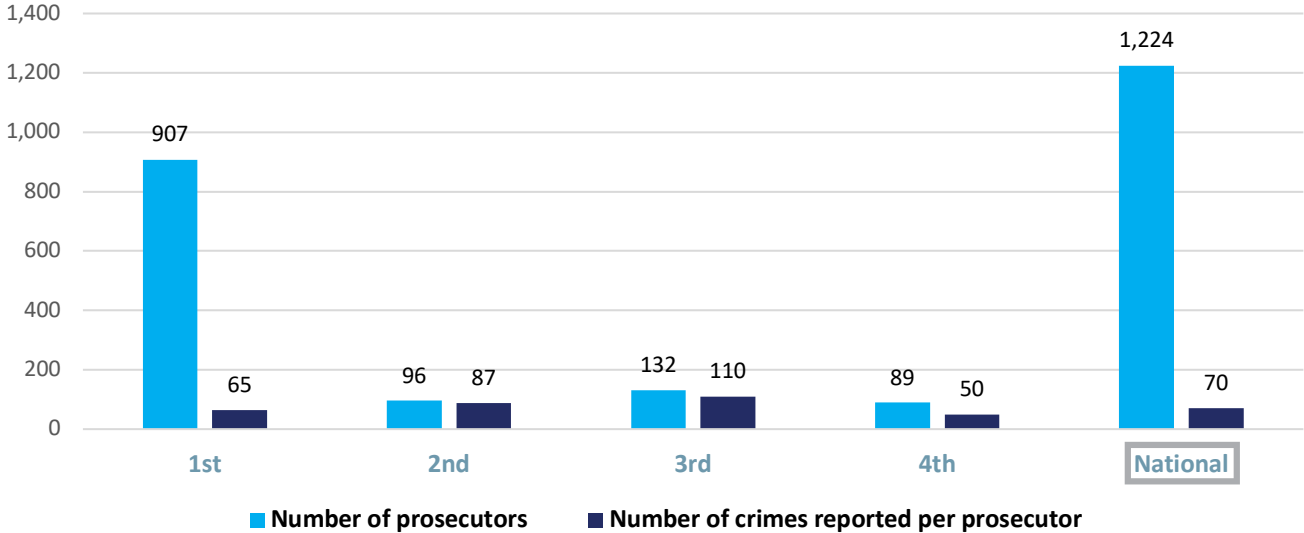


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Prosecutors

Most interviewees agreed that the institution with the most human and financial resources was the Public Prosecutor’s Office. There are 1,224 prosecutors nationwide, most of them (907) appointed in the First Judicial District. In 2021, the average number of reported crimes per prosecutor was 70. Notice this is not a measure of prosecutorial workload, but it helps assess the human resources available in relation to local crime trends. The Third Judicial District had 110 crimes reported per prosecutor, whereas the Fourth Judicial District had 50 crimes reported per prosecutor.

Prosecutor workload (nationally and by district)

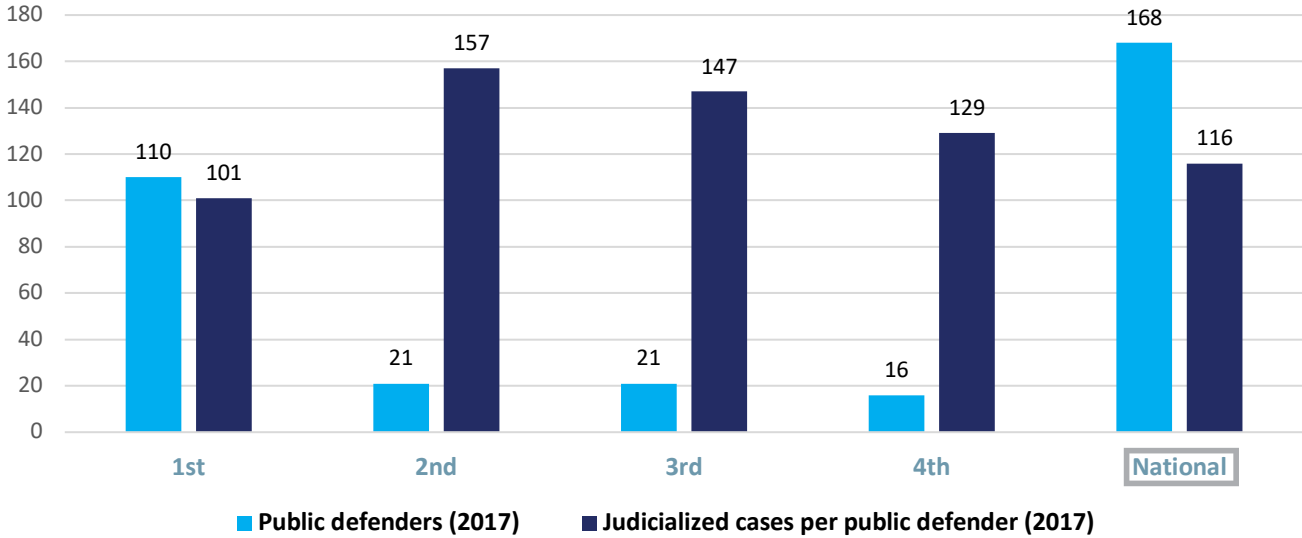


Sources: Ministerio Público de Panamá, 2022.

Public defenders

In interviews the Public Defense was consistently perceived as the institution with the most need for financial and human resources. Nationwide there are only 168 public defenders, most of them (110) concentrated in the First Judicial District. This is less than 15% of total number of public prosecutors available in Panama. In 2021, there were, on average, 116 cases judicialized per public defender. The Second Judicial District had the highest average of judicialized cases per public defender (157), and the First Judicial District had the lowest average of judicialized cases per public defender (101).

Public defender workload (nationally and by district)

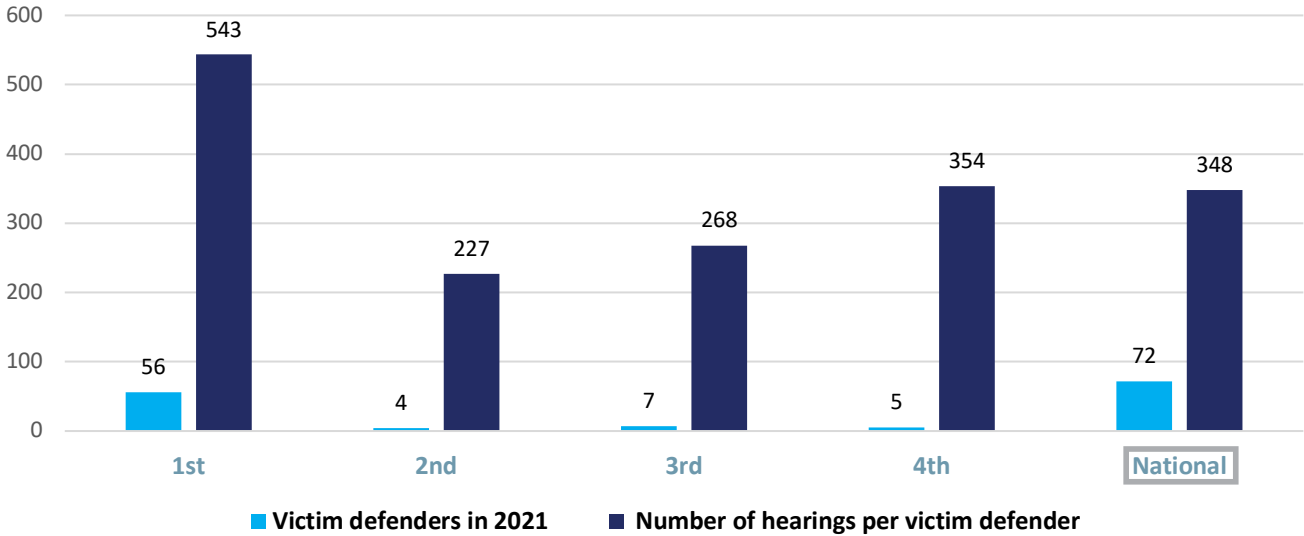


Source: Dirección Administrativa de Estadísticas Judiciales. Órgano Judicial.

Victim defenders

Official workload data for victim defenders was not available. Thus, to measure the work demand that victim defenders face, we divided the number of victim defenders by the number of hearings that reported having a victim defender. Like public defenders, victim defenders work 6 days a week and, currently, there are only 72 victim defenders in the whole country, most of them concentrated in the First Judicial District (56). As judges are now appointing victim defenders to cases (rather than the victim soliciting the service), in interviews victim defenders reported that they are increasingly being required to participate in hearings. In 2021, there were an average of 348 hearings per victim defender. The First Judicial District had the highest average of hearings per victim defender (543), and the Second Judicial District had the lowest average of hearings per victim defender (227).

Victim defender workload (nationally and by district)

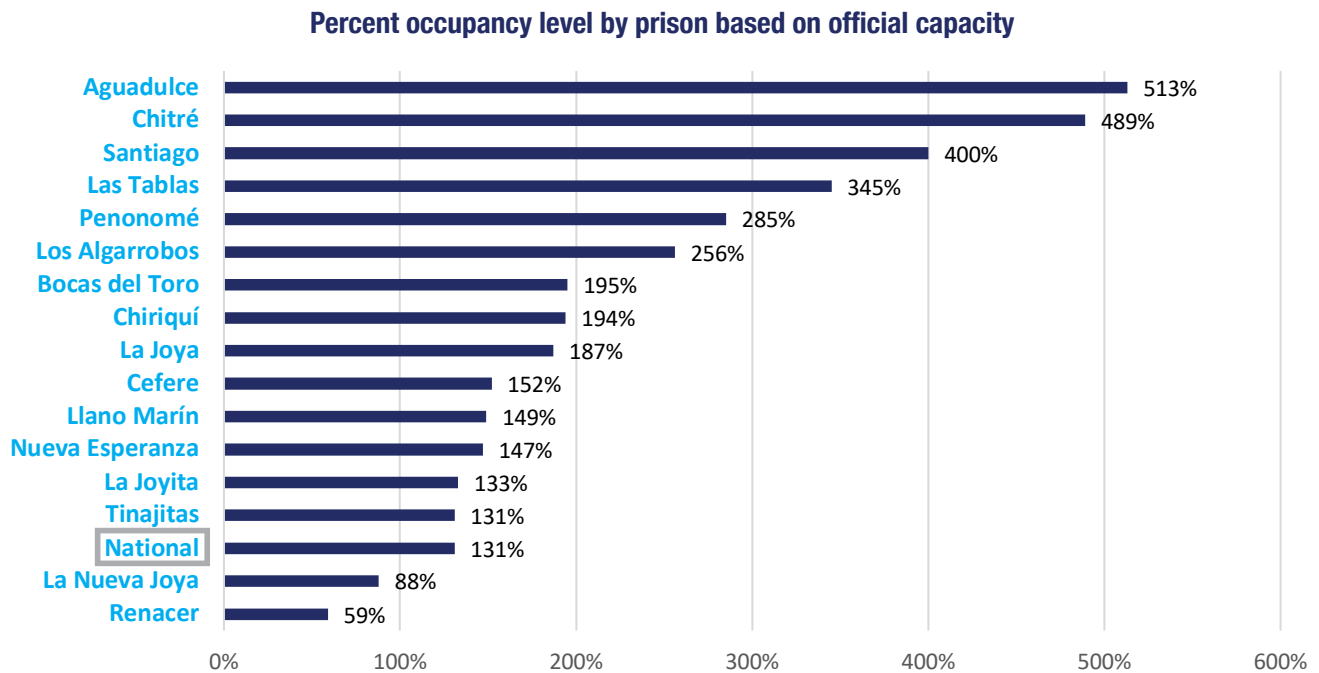


Source: Dirección Administrativa de Estadísticas Judiciales. Órgano Judicial.

The prison system

Structural capacity

As noted, the Panamanian Prison system is operating over-capacity. As indicated in the figure below, the average occupancy level is 131% nationally, with only two institutions operating below capacity at the time data were provided. Operating over-capacity poses challenges for the safe management and treatment of prisoners. For example, prison overcrowding is associated with increased health issues and, in some instances, higher rates of violence among prisoners. At the same time, overcrowding can lead to higher levels of stress and turnover among correctional officers.



Source: Dirección General del Sistema Penitenciario, 2021.

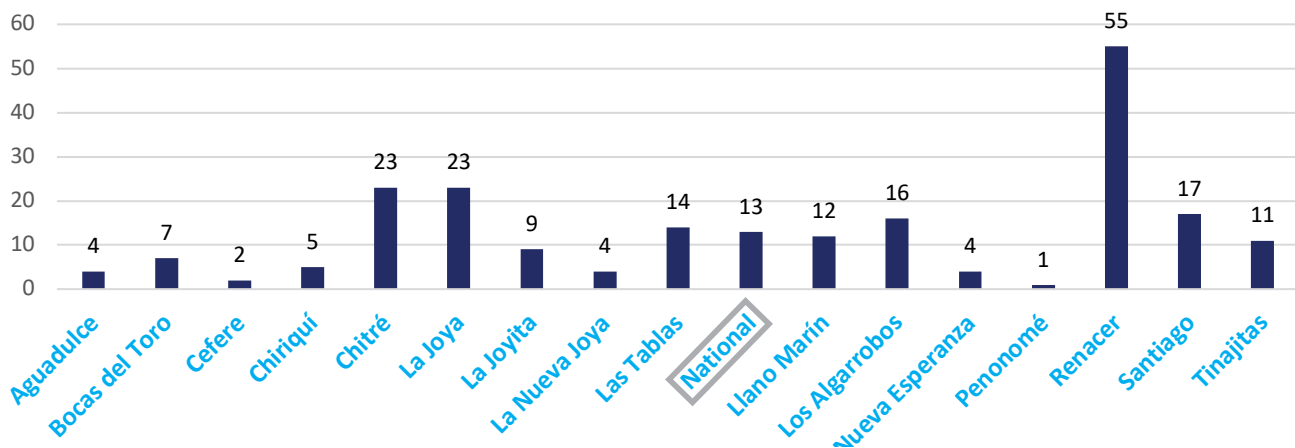
The prison system: Staffing

The ratio of prisoner to staff varies across the prisons with the ratio of prisoners to correctional officers ranging to 3:1 to 74:1. Though there is not an “ideal” ratio, it is important that there are sufficient corrections officers to manage the number of prisoners in a safe and secure manner. Similarly, there should be sufficient treatment and medical staff to provide the necessary services. Nationally, there are 164 prisoners per treatments staff and 465 prisoners per doctor. Finally, the tenure of the majority of prison directors is quite short, with an average of only 13 months. At times, high rates of turnover among directors can undermine operational continuity and institutional knowledge, which can impact the prison’s mission or its policies and practices.

Number of prisoners per staff

Prison	Prisoner-total staff	Prisoner-correction officers	Prisoner-administrative staff	Prisoner-treatment staff	Prisoner-Doctor
Aguadulce	7	15	23	41	205
Bocas del Toro	14	18	142	142	569
Cefere	5	7	44	51	164
Chiriquí	11	13	108	230	1841
Chitré	11	18	49	78	391
La Joya	7	74	490	326	294
La Joyita	45	61	472	199	378
La Nueva Joya	38	17	439	322	483
Las Tablas	15	11	32	86	259
Llano Marín	7	3	12	26	104
Los Algarrobos	2	4	16	103	205
National	15	21	153	135	479
Nueva Esperanza	3	33	389	243	974
Penonomé	15	21	63	114	569
Renacer	26	10	65	43	259
Santiago	14	23	67	86	600
Tinajitas	14	11	33	61	367

Prison director’s tenure (nationally and by prison, in months)



Source: Dirección General del Sistema Penitenciario, 2021.

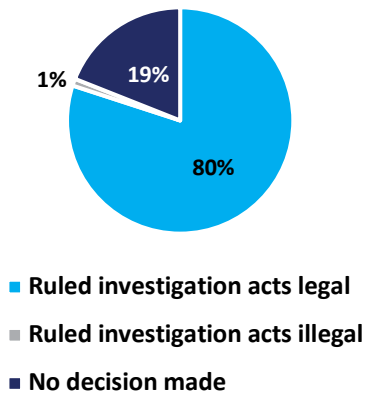
Compliance with accusatorial principles

A key component of the Accusatorial System Assessment Framework is to assess how the system respects and protects key principles that constitute the pillars of an accusatorial model of conflict resolution. Next, we share findings in various indicators of key accusatorial principles: contraction, orality, publicity, equality, and due process.

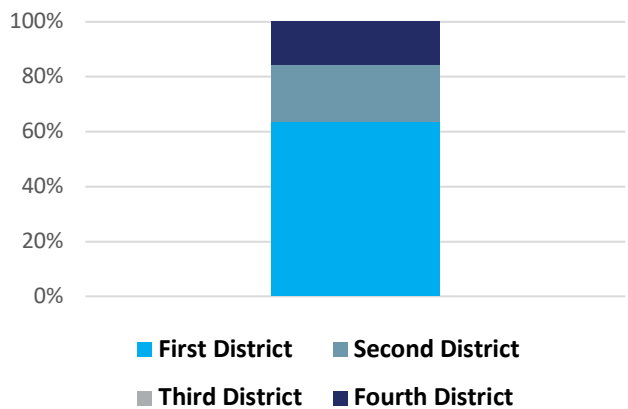
Contradiction

The principle of contradiction enables parties to present evidence, challenge decisions, and file appeals. Evidence of contradiction is thus seen in the use of appeals. For the period 2011-2022, in about 80% of hearings on judicial control of the investigation pretrial judges ruled investigation acts as legal. Only in 1% of those hearings were investigation acts ruled illegal, and most of these rulings were made in the First Judicial District (none in the Third Judicial District). In 98% of hearings on judicial control of arrests, judges ruled arrests as legal. Only in 1% of these hearings were arrests considered illegal, with most of these in the First Judicial District (none in the Third Judicial District).

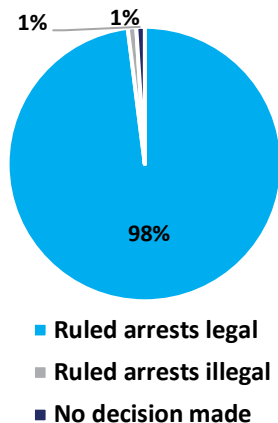
Hearings in pretrial courts on judicial control of investigations, 2011-2022 (by type of decision)



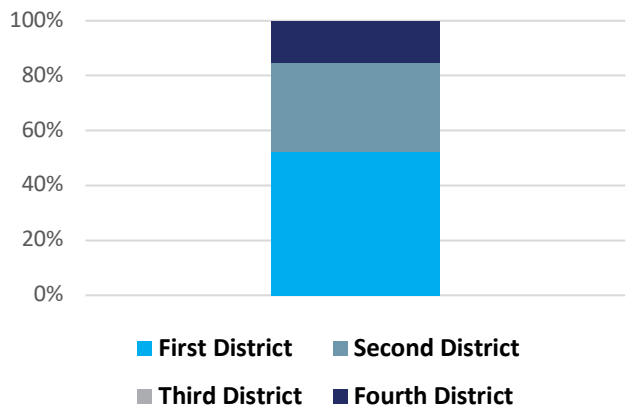
Percent distribution of rulings declaring investigative acts illegal, 2011-2021 (by district)



Hearings in pretrial courts on judicial control of arrests, 2011-2022 (by type of decision)



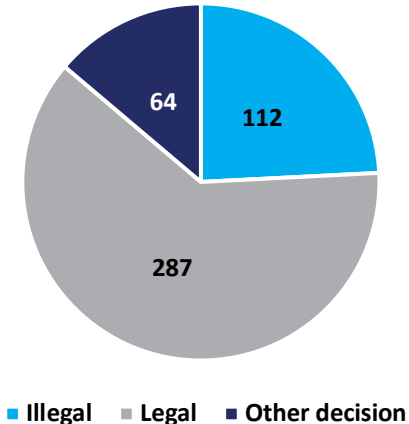
Percent distribution of rulings declaring arrests illegal, 2011-2021 (by district)



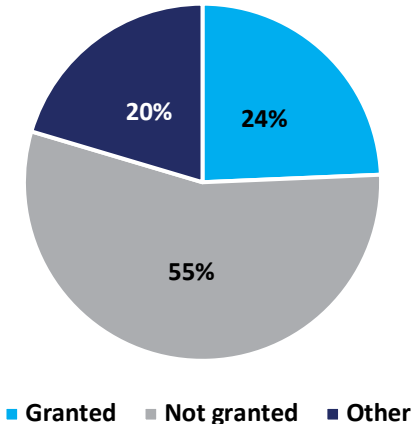
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

At the appellate level, the principle of contradiction is also evident in the introduction of habeas corpus. Evidence of contradiction is present when not only different parties make use of the various recourses, but also when there is variation in outcomes. In the period 2011-2021 only 463 hearings were conducted related to habeas corpus. Of these, about one-fourth of state actions were considered illegal. Similarly, 24% of all annulment rulings granted the annulment.

**Habeas corpus rulings by appellate courts, 2011-2021
(by decision)**



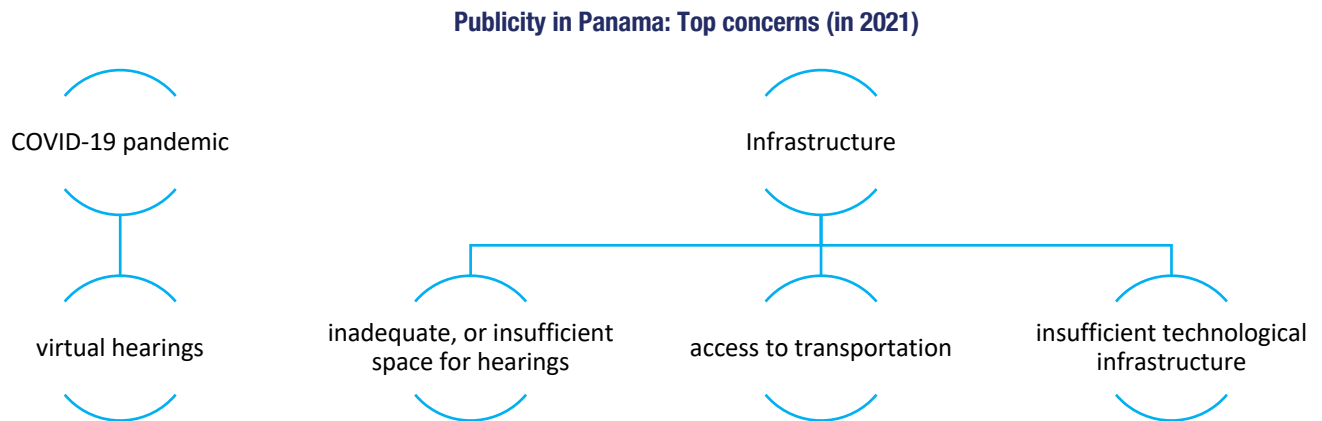
**Annulment rulings by appellate courts, 2011-2021
(by decision)**



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá on 2022.

Publicity

The principle of publicity is fundamental to support the transparency and impartiality of proceedings. It requires that courts allow open hearings in which public attendance is allowed. Only when impartiality cannot be guaranteed with public hearings (like in high profile cases), closed hearings are advised. Our research found that the two most important factors impacting the principle of publicity was the global COVID-19 pandemic and infrastructural concerns.

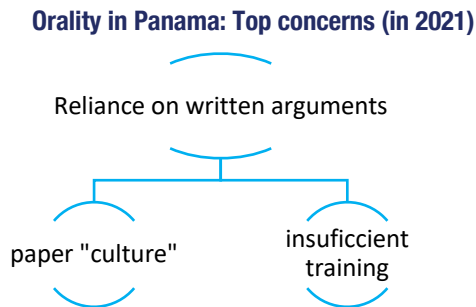


The judiciary in Panama responded to this unprecedented challenge by introducing virtual hearings and keeping courts open. This response, however, was not absent of problems. Virtual hearings introduced challenges to publicity and due process rights when, due to technological problems, defendants were not always able to attend, hear, or understand hearings. Interviewees reported that even in 2022 there were still a few hearings being conducted in virtual format.

In terms of infrastructure, interviewees reported that publicity has been negatively impacted by the lack of proper or sufficient infrastructure to conduct public hearings. Most buildings in which courts are housed were not designed for the accusatorial model. Architecturally, the dark and sometimes small rooms where hearings are conducted do not reflect transparency or publicity. Many interviewees also noted that relatives or friends often found themselves unable to attend hearings due to a lack of access to transportation (sometimes even resources) to attend hearings. And finally, interviewees also mentioned that the criminal justice system lacks a proper technological infrastructure or “platform” to support the exchange of case files across institutions. The lack of a “Judicial Platform” where operators can quickly access and share case file severely impacts transparency, immediacy, publicity, efficiency, and equality.

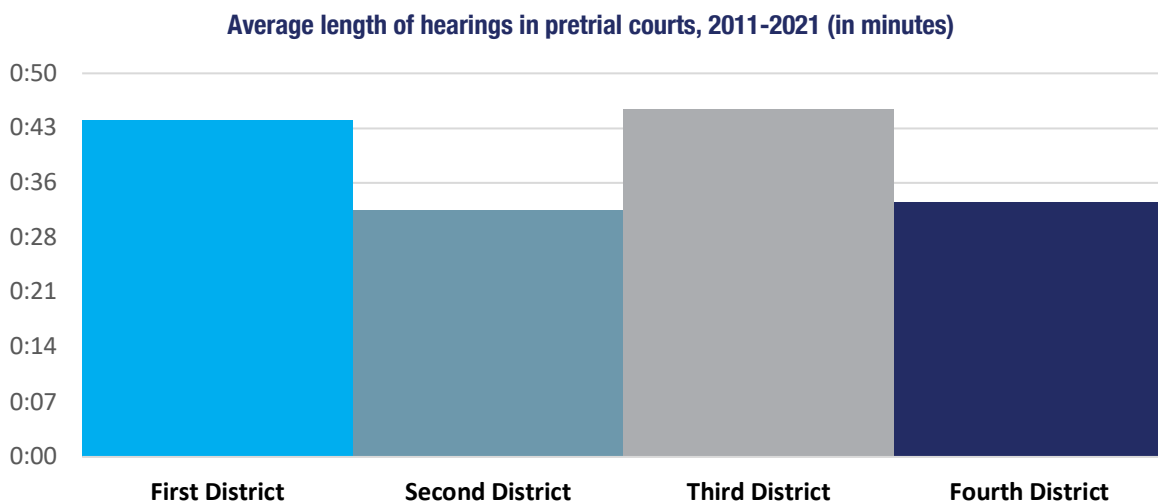
Orality

In an accusatorial system, the principle of orality plays a crucial role in guaranteeing transparency, efficiency, and immediacy. All parties must present their arguments orally, and the debate should take place within a hearing, which ensures that the process is fair and just. Pretrial hearings should be concise, while hearings during an oral trial may last for days or even months, depending on the severity of the case.



In interviews, criminal justice operators expressed a main challenge to the principle of orality: the reliance on “written” arguments. Many attributed this to a “paper culture.” The habit of having everything written in paper was inherited from inquisitorial times. This has had the consequence that parties are reading their arguments, rather than litigating following the principles of contradiction and immediacy. Other interviewees mentioned insufficient training which leaves some attorneys without confidence in their litigation skills. Similarly, some mentioned that judges could also benefit from more training to increase their confidence to serve as arbiters in a speedy and efficient manner.

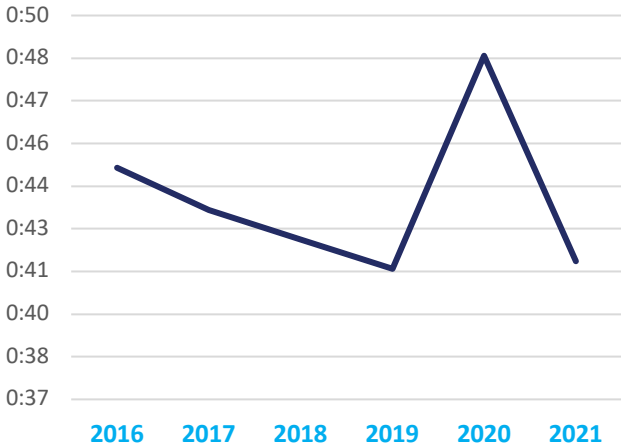
We could not gather data to compare the duration of hearings across different stages, but we did get data at the pretrial stage. In pretrial courts, on average, in the 2011-2021 period, hearings had an average duration of 38 minutes and 55 seconds. The Second Judicial District (the first district to introduce the ACS) has the lowest average length of hearings (32 minutes), and the Third Judicial District has the longest average for the 2011-2021 period (45 minutes).



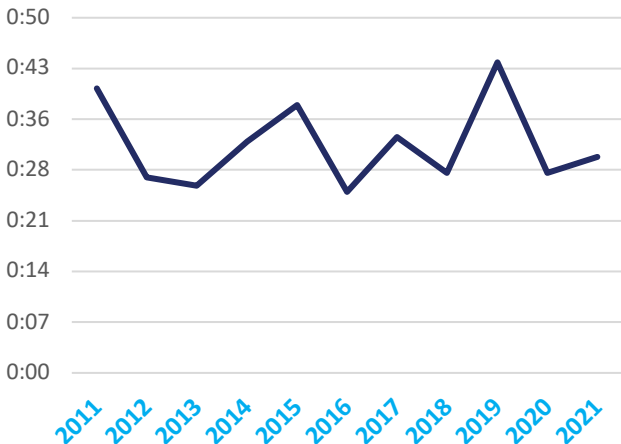
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

There has been variation across time in the average annual duration of hearings. The tendency across districts has been for the length of pretrial hearings to decrease over time. The COVID-19 pandemic did increase the average length of hearings (particularly in the First Judicial District), but the average length of hearings went down again in 2021.

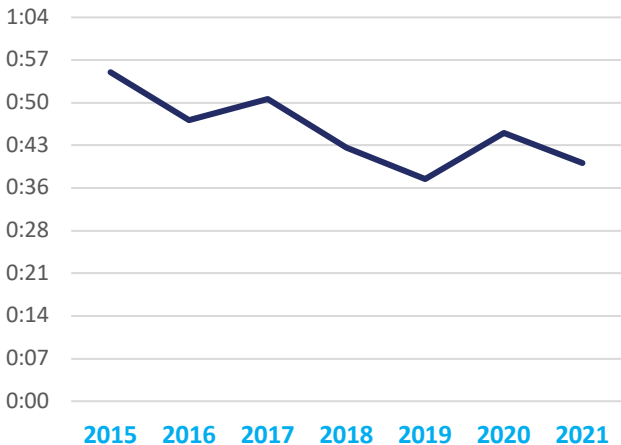
Average length of hearings in pretrial courts in the First Judicial District



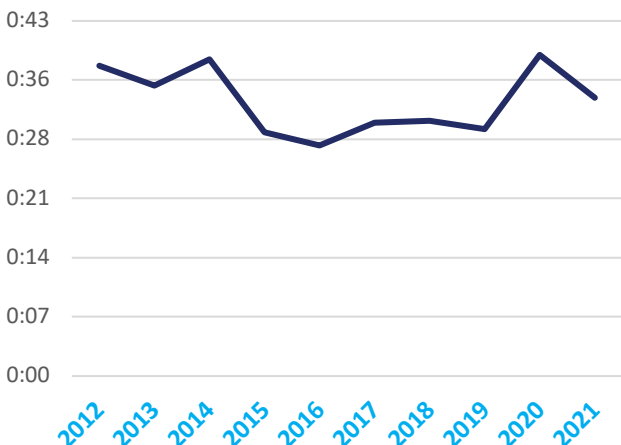
Average length of hearings in pretrial courts in the Second Judicial District



Average length of hearings in pretrial courts in the Third Judicial District



Average length of hearings in pretrial courts in the Fourth Judicial District

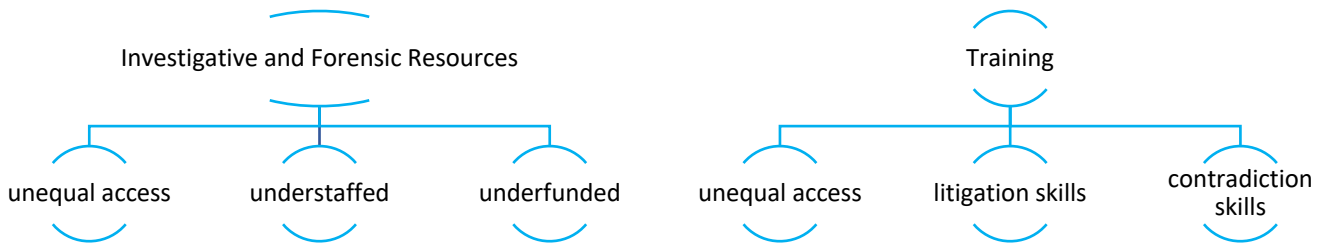


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Equality

An accusatorial model should give all parties involved in a conflict a seat at the table. This means creating the conditions for an equal opportunity to participate and have access to resources. In terms of equality, our research found important challenges and also important advancements.

Equality in Panama: Top concerns (in 2021)

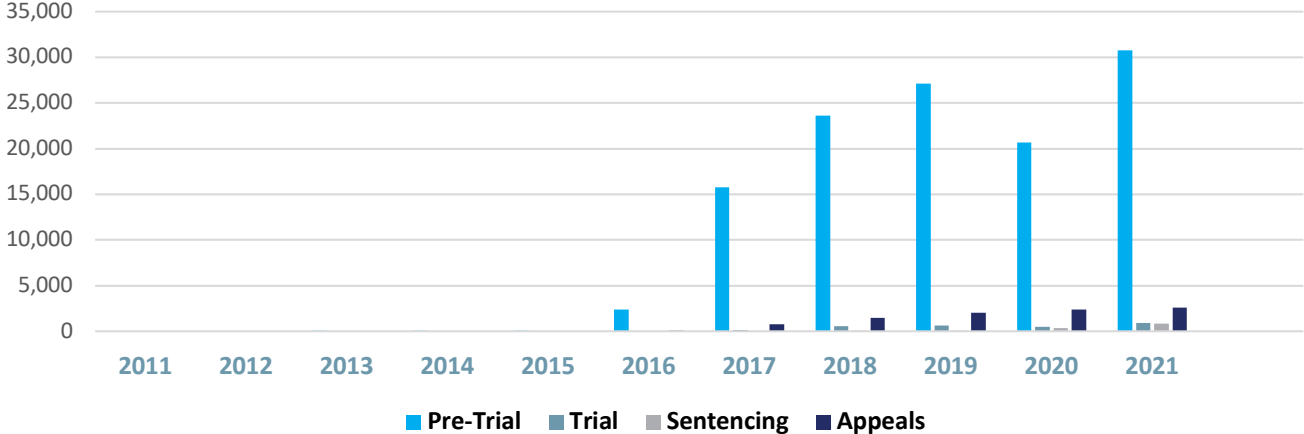


In interviews, many operators stressed the lack of equal access to investigative and forensic resources to properly support a criminal defense. The forensics institute was identified as severely understaffed and underfunded. The lack of funding in the forensics institute negatively impacts the capacity of prosecutors, public defenders, and victim defenders to properly support their cases.

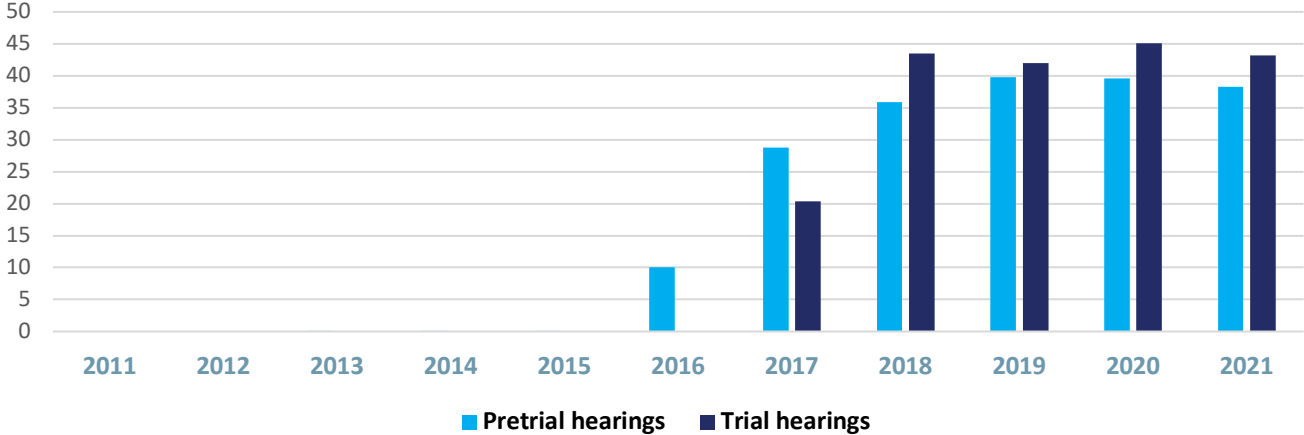
A second concern expressed by interviewees was the need of training. Most interviewees noted that judges and prosecutors obtained most of the training to operate in the ACS, leaving out defenders and private attorneys. According to some observers, this lack of training has led to unequal skills across parties, including adequate training in litigation and contradiction. This inequality in training can adversely impact defendants' and victims' rights.

Although the ACS faces some challenges in terms of equality, we also found important advancements. One of the best practices identified in the region is the institutionalization of victims’ access to legal aid with the creation of the Department for Victims of Crime in Panama. Since the creation of this office in 1998, its participation has increased exponentially over the years.

Total number of hearings with victim defender participation, 2011-2021 (by stage)



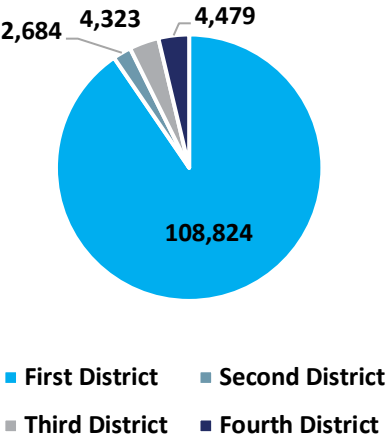
Percent hearings in which victim defenders participated in pretrial and trial courts, 2011-2021



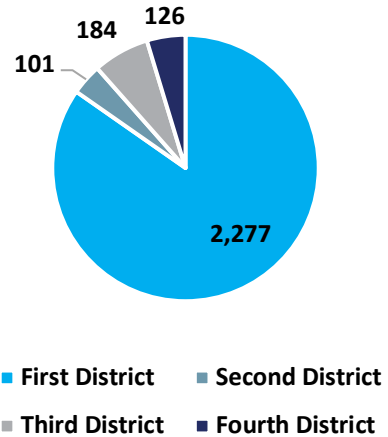
Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Victim defenders have expanded their role over time, now assisting beyond the pretrial stage and being involved in trial, appellate, and sentencing procedures. Most victim defenders have been appointed in the First Judicial District, thus it is not surprising that the majority of victim defender participation has focused on this district during the 2011-2021 period.

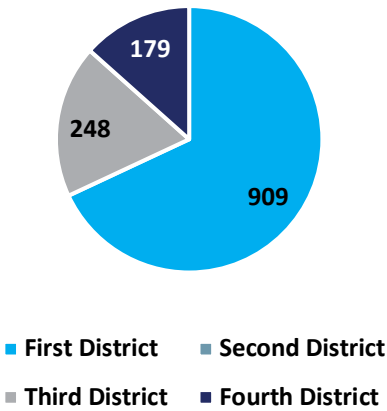
Hearings with victim defenders in pretrial courts, 2011-2021 (by district)



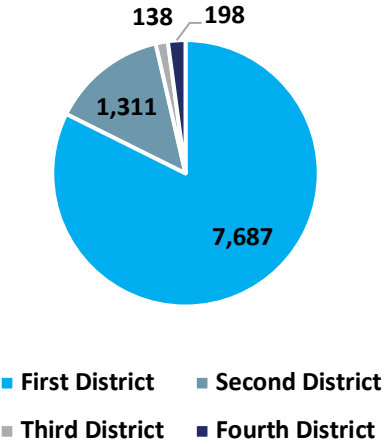
Hearings with victim defenders in trial courts, 2011-2021 (by district)



Hearings with victim defenders in sentencing courts, 2011-2021 (by district)



Hearings with victim defenders in appellate courts, 2011-2021 (by district)

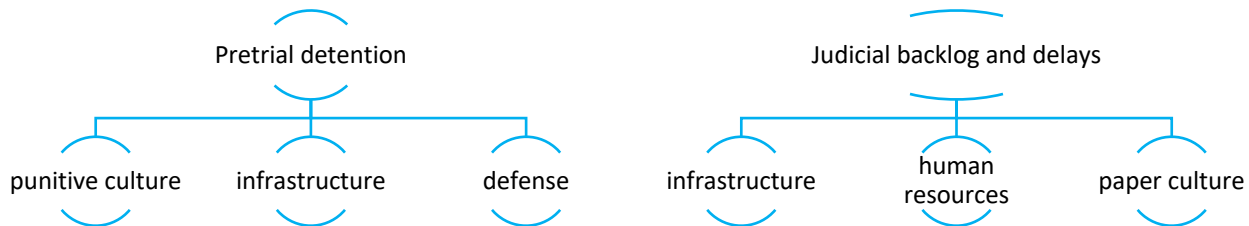


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Due process

The fundamental concept behind the principle of due process is that the entire legal process should be just and free from any unnecessary delays. In interviews, criminal justice operators expressed concerns in two areas.

Due process in Panama: Top concerns (in 2021)

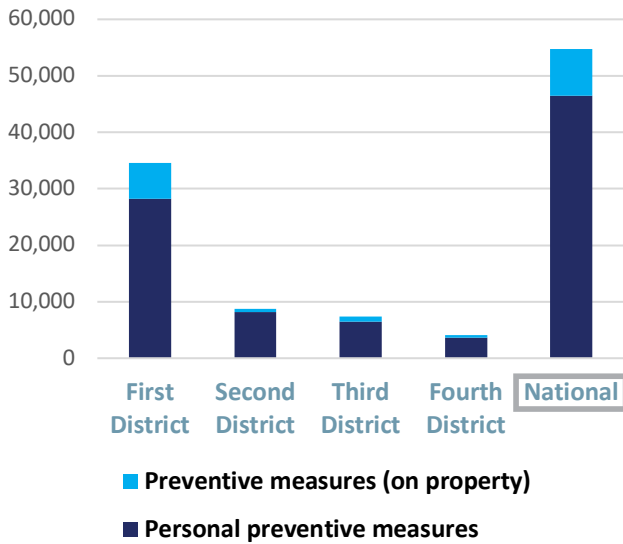


First, many interviewees agreed that pretrial detention in the ACS should be used as an exception and, yet, it continues to be the main preventive measure used in Panama. Observers mentioned that one explanation for the widespread use of pretrial detention is what they called a “punitive culture,” which leaves prosecutors and judges biased toward this measure. Others mentioned that there was also insufficient infrastructure to safely implement other preventive measures (like domiciliary arrest), or that defenders are not properly appealing such measures.

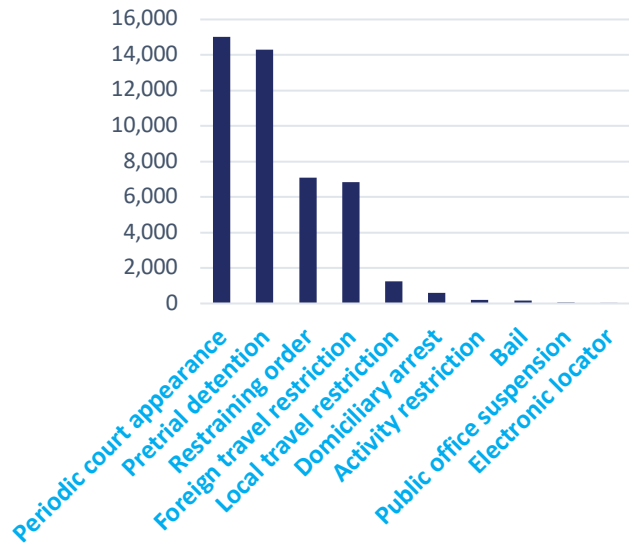
Second, interviewees expressed alarm with an exponential increase in judicial backlog. Most interviewees reported that judicial backlog was most evident in the trial courts; as of November 2021, trials were being scheduled as far out as 2025, representing a four to five-year delay. Many attributed this delay to a lack of infrastructure (space to conduct trials) or human resources. Others mentioned that delays can also be attributed to paper culture. Most prominently many mentioned the lack of a proper notification system, that reliably sends notifications to all parties about decisions and scheduling of hearings. They also mentioned a lack of access to updated case information. The lack of a technological tool to send decisions and notifications, for parties to access information, negatively impacts due process and equality. Some interviewees mentioned that accessing the platform used by the Judiciary to schedule a meeting or upload a document can take over 20 minutes. Such a slow and inefficient platform also prevents the capacity of all parties to access case information, further delaying proceedings, and further preventing parties from using the platform.

Official data confirms that pretrial detention, next to periodic court appearances, has been the most widely preventive measure adjudicated by the courts. Rarely other personal preventive measures such as domiciliary arrest or an electronic locator were issued. Bail, a common preventive measure in the US, is rarely granted in Panama.

Sum of preventive measures in pretrial courts, 2011-2012 (by type, nationally and by district)



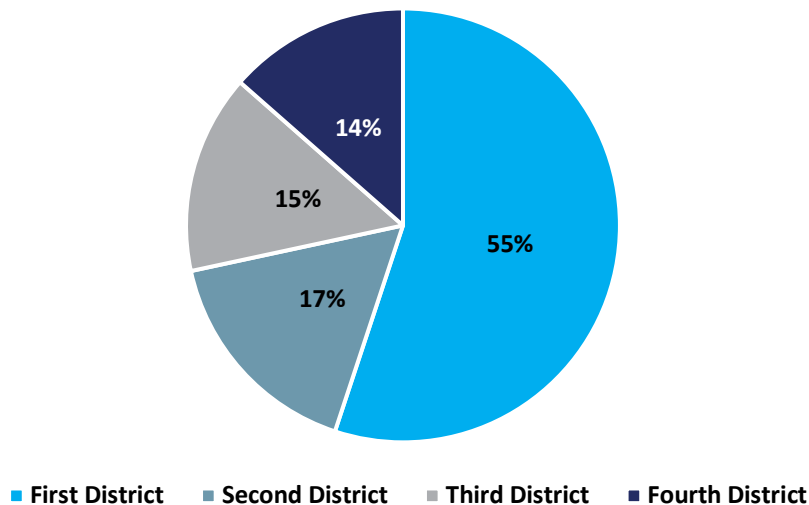
Sum of personal preventive measures, 2011-2021, (by type)



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

Most of the pretrial detention orders given in the 2011-2021 period came from the First Judicial District (55%). The Fourth Judicial District issued 14% of all pretrial detention orders during that same time period.

Total of judicial orders for pretrial detention, 2011-2021 (by district)

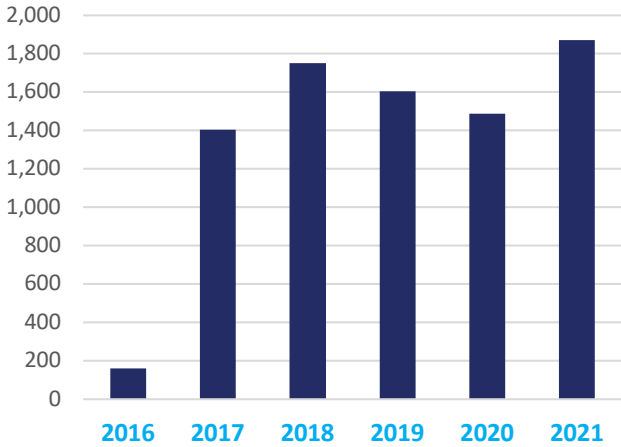


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

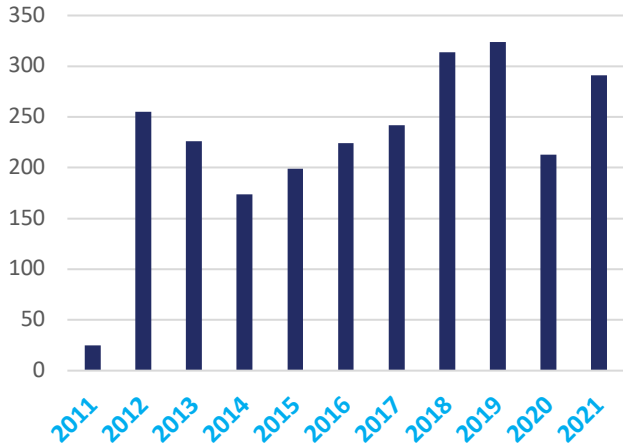
Data for the Fourth District is missing information for the province of Herrera, for which we only report data from 2018-2020.

Across districts, there has been a tendency to increase the use of pretrial detention as a preventive measure. However, in the year of the COVID-19 pandemic, there was a decline in pretrial detention orders a reflection of the overall decrease in judicialized cases. Note that we do not have complete information for the Fourth Judicial District so we cannot speak to the trends that have occurred in that district.

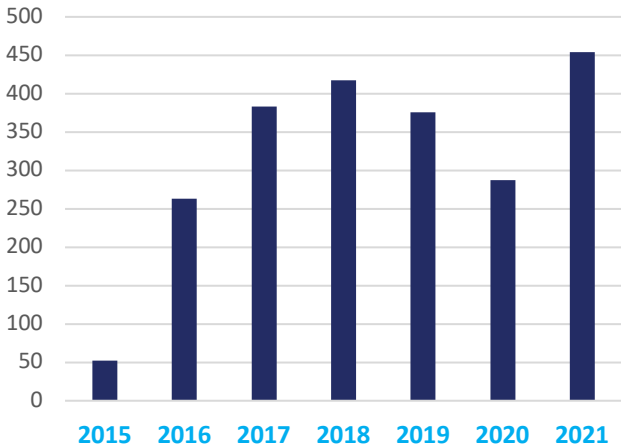
Total of judicial orders for pretrial detention in the First Judicial District, 2016-2021



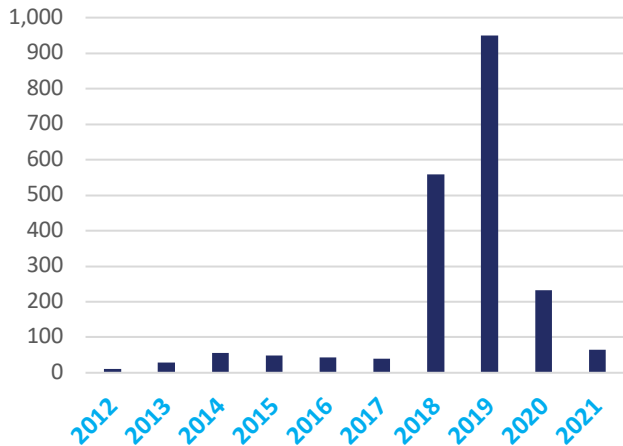
Total of judicial orders for pretrial detention in the Second Judicial District, 2011-2021



Total of judicial orders for pretrial detention in the Third Judicial District, 2015-2021

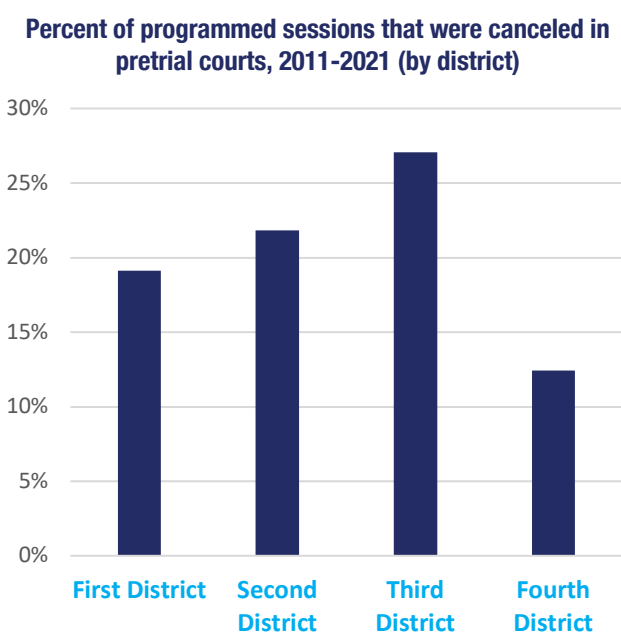
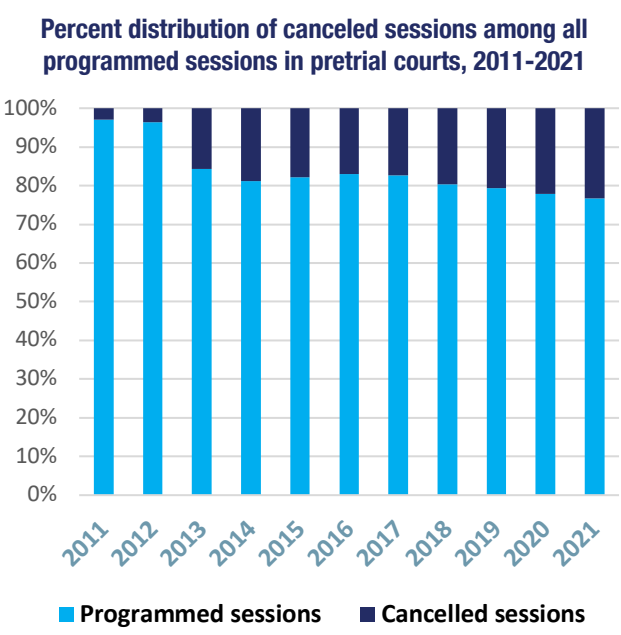


Total of judicial orders for pretrial detention in the Fourth Judicial District, 2012-2018 (partial)

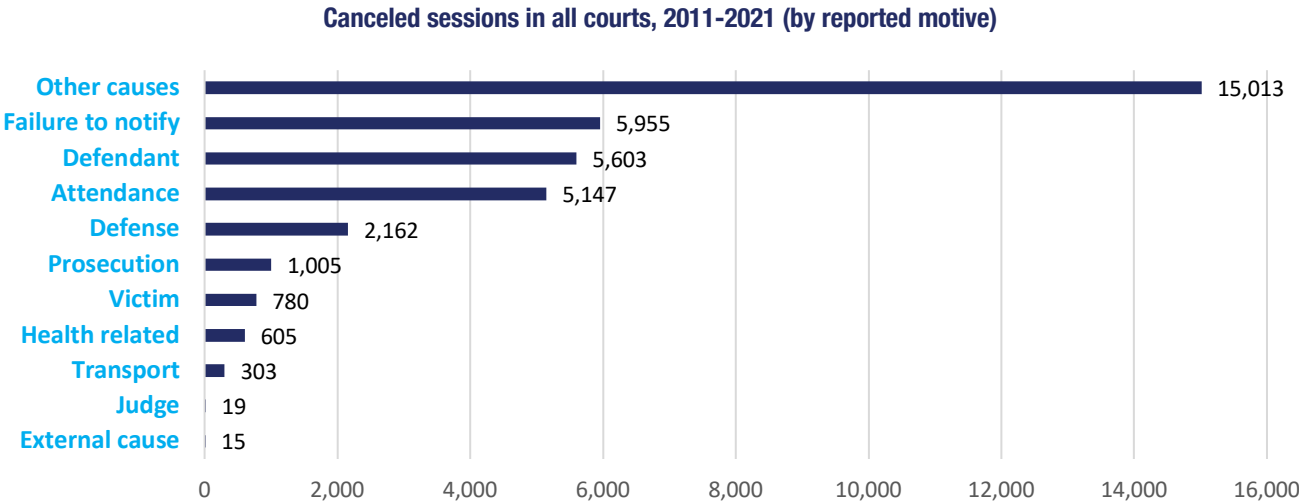


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022. Data for the Fourth District is missing information for the province of Herrera, for which we only report data from 2018-2020.

We do not have official statistics on delays but we do have data on canceled sessions,¹⁰ which can result in delays in adjudication. This data seems to provide some evidence that the accusatorial system needs more infrastructure to deal with its demand. The percentage of canceled sessions in the pretrial courts is continuously increasing. In 2021, the provinces of Bocas del Toro (40%) and Chiriqui (30%) in the Third Judicial District had the highest percentage of sessions canceled. In contrast, the pretrial courts in the provinces of Darien (7%) and Herrera (11%) reported the lowest percentage of sessions canceled.



Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.

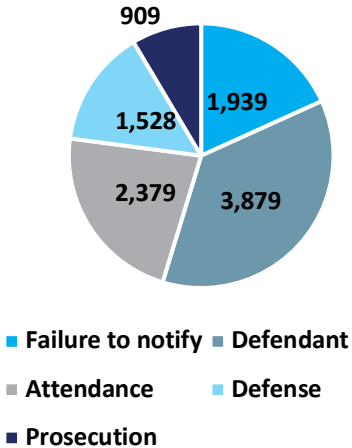


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.
 Data for the Second Judicial District only covers Veraguas for the year 2021.
 Data for the First Judicial District has partial information for Panama Oeste.

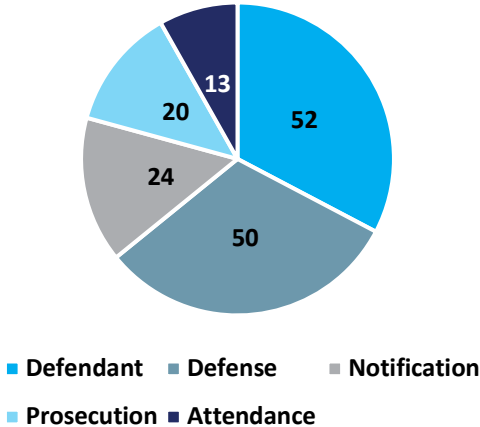
¹⁰ Note: Multiple hearings can take place in one session.

We gathered partial information on the motives for cancellation. One of the top reasons for canceled sessions reported by districts has been the failure of the Judiciary to notify all parties. When all parties were notified, another major reason for cancellation was the failure of the defense to attend the hearing. As the graphs show below, across districts similar motives for the cancellation of sessions were reported.

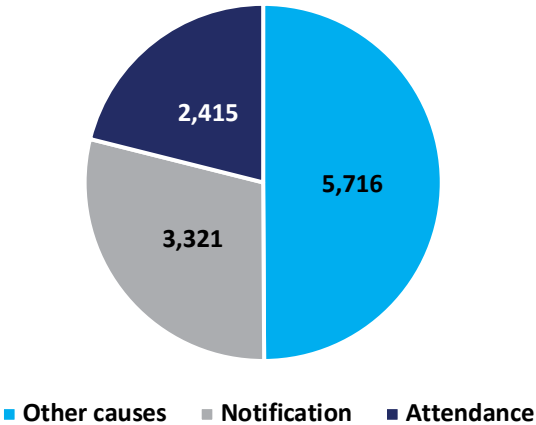
Top five motives for canceled sessions in the First Judicial District, 2016-2021



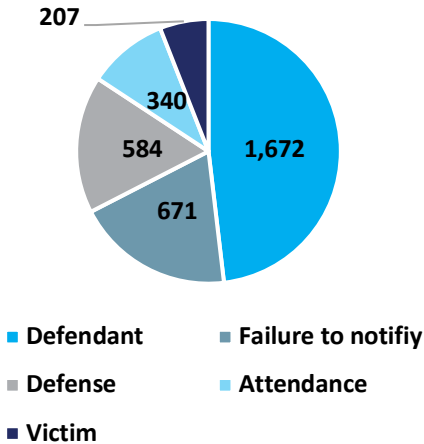
Top five motives for canceled sessions in Veraguas (Second Judicial District), 2021



Top three motives for canceled sessions in the Third Judicial District, 2015-2021



Top five motives for canceled sessions in the Fourth Judicial District, 2015-2021

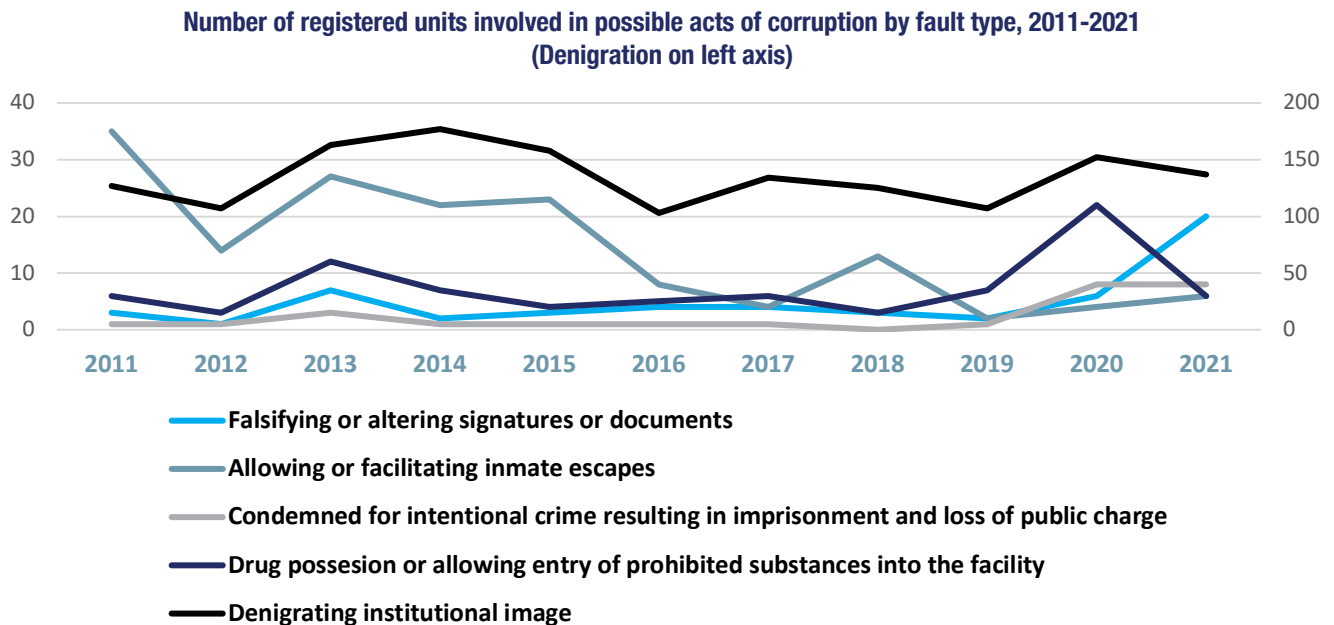


Source: Dirección Administrativa de Estadísticas Judiciales, Órgano Judicial de Panamá, 2022.
 Data for the Second Judicial District only covers Veraguas for the year 2021.
 Data for the First Judicial District has partial information for Panama Oeste.

Other challenges observed

Our project did not include the police as part of its scope. However, the police were often mentioned in interviews and we did visit the police headquarters in Panama City. For this reason, we wanted to add in this last section of this chapter a note related to the police as they are usually the first point of encounter of a defendant with the criminal justice system.

As the next chapter shows, defendants experience various forms of abuse from police officers in Panama. A key element in the rule of law is that misconduct by state agents should be investigated and punished. From 2011-2021, the DRP reported an annual average of 168 cases investigated related to police misconduct. The most common form of fault or police misconduct that is investigated within the police department is the denigration of the institutional image. Another fault that has been most investigated involves the falsification or alteration of signatures or documents. Over time, investigations related to allowing or facilitating the escape of prisoners has decreased considerably. We found it interesting that in 2020, the year of the COVID-19 pandemic, there was an increase in the number of investigations related to introducing alcohol to prisons.



Source: Dirección de Responsabilidad Profesional de la Policía Nacional, 2021.

Although we do not have historical data for types of punishments or disciplinary action, at least for the year 2021 we found a disconnect between types of faults that get investigated (most relate to the following faults: denigrating the image of the institution, allowing or facilitate the escape of prisoners, to falsify or alter signatures or documents, and to be convicted for a crime with prison time and inability to hold public office). We found that rarely those that are investigating for helping prisoners escape get punished (from 8 investigated, only 1 received some form of punishment).



Source: Dirección de Responsabilidad Profesional de la Policía Nacional, 2021.

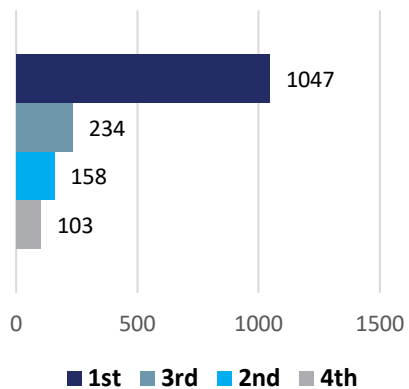
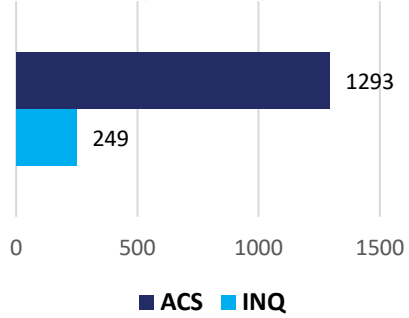
4. PRISONER EXPERIENCES WITH THE JUSTICE SYSTEM AND PERCEPTIONS OF PROCEDURAL JUSTICE

This and the following chapter review our findings from the *Inmate Perceptions of Procedural Justice and Correctional Standards of Care Survey* in Panama. This chapter focuses on the experiences with the criminal justice system, from the moment of arrest to detention, and conviction. Survey responses reflect the memory of the lived experience of detainees and convicts. The chapter begins with a description of the survey sample by type of system, to identify how many respondents in our sample experienced proceedings in the inquisitorial system (INQ), and how many experienced proceedings in the accusatorial criminal system (ACS).

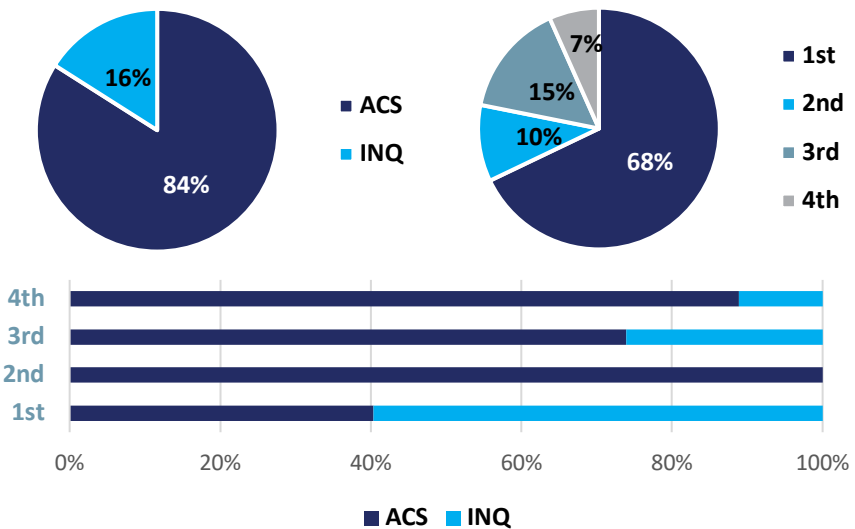
Distribution of Sample by Type of System

Our sample consisted of 1,578 individuals in prison. Most of the individuals interviewed (84%) experienced proceedings in the ACS and 16% of individuals experienced proceedings based in the inquisitorial system. There is variation across judicial districts, given the timing in which the ACS was implemented in each district. For this reason, our sample does not have individuals that experienced the inquisitorial system in the Second Judicial District (which was the first to implement the reform) and most of our inquisitorial sample comes from the First Judicial District (which was the last district to implement the reform in 2016).

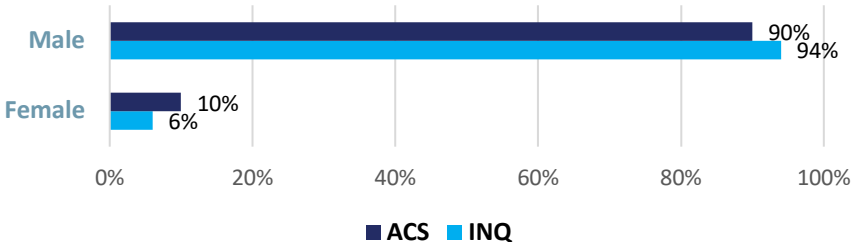
System and district in which prisoner was processed (total count)



System and district in which prisoner was processed



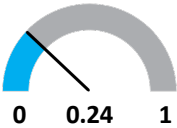
System in which prisoner was processed (by sex)



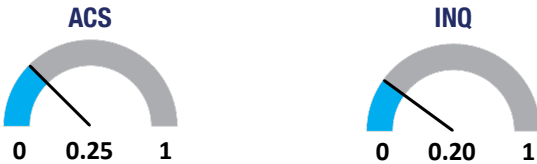
Perceptions of Procedural Justice

Perceptions of access to justice and trust in the rule of law are shaped by individual experiences with the justice system. The Procedural Justice Index below reports the overall extent defendants perceived the criminal proceedings as fair and just. When individuals perceive that the process is fair, neutral, based on facts, and that they have a voice in the process, this can lead to an increase in overall trust in the justice system and, regardless of outcome, more satisfaction with the process. However, individuals must also have positive experiences with the various actors they interact with, in particular they must feel respected. Mistreatment can negatively impact satisfaction with judicial outcomes, and at the same time it erodes overall trust in the criminal justice institutions and in the rule of law. Our Procedural Justice Index ranges from 0 to 1, with numbers closer to one meaning better perceptions of procedural justice. Overall, we found that perceptions of procedural justice are low in Panama (0.24), but respondents reported slightly better experiences with the justice system in the ACS (0.25) when compared to the inquisitorial system (0.20). There is some variation on perceptions of procedural justice across judicial districts, with the First District scoring lowest (0.22), and the Third and Second Judicial District scoring the highest in our index (0.28).

Procedural Justice Index (nationally)



Procedural Justice Index (by system)



Procedural Justice Index (by judicial district)



Perceptions of fair decision-making and fair treatment

In Panama, the perception of fair decision-making is overall low, but higher among respondents in the ACS (0.34), when compared to those in INQ (0.26). The perception of fair treatment is generally low, but also slightly higher among respondents in the ACS (0.16) when compared to respondents in the inquisitorial system (0.13). Detainees were more likely to report the proceeding as unfair (65% ACS, 100% INQ) compared to those who had been convicted (46% ACS, 64% INQ). A higher percentage of respondents in the ACS reported that they were able to express their point of view during legal proceedings. This holds for both respondents in pretrial detention (18% in the ACS vs 0% in the inquisitorial system), and those convicted (31% in the ACS vs 24% in the inquisitorial system).

Perception of fair decision-making
(by system)



Perception of fair treatment
(by system)



Criminal proceedings are fair
(by legal status and system)

	Agree	Neither agree nor disagree	Disagree
Detained	5%	30%	65%
INQ	0%	0%	100%
Convicted	14%	40%	46%
INQ	8%	28%	64%

Percent respondents that were able to
express their point of view (by legal status)

	ACS	INQ
Detained	18%	0%
Convicted	31%	24%




Detained Convicted

Agree Neither agree nor disagree Disagree

Understanding

Overall perceptions of procedural justice can be negatively impacted by an individual’s understanding of proceedings. Nearly 30% of respondents, regardless of system, indicated they did not understand the proceedings. Some of this understanding can be attributed to the defendant’s educational background, as individuals with higher education are more likely to report understanding proceedings.




Understanding of proceedings (by system)

			
ACS	26%	47%	27%
INQ	27%	45%	28%

Understanding of proceedings (by level of education)

	8th grade or less, N = 840	Some high school, N = 377	High school degree, N = 131	Some college, N = 137	College / graduate degree N = 85
Understood criminal proceedings					
Not at all	30%	26%	18%	18%	19%
A little	32%	23%	28%	22%	15%
Somewhat	16%	23%	21%	24%	19%
A lot	22%	27%	33%	36%	46%

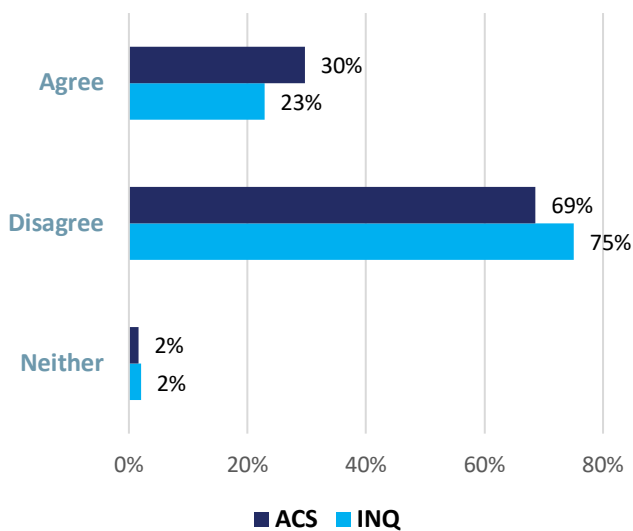
* p < .001

 Agree  Neither agree nor disagree  Disagree

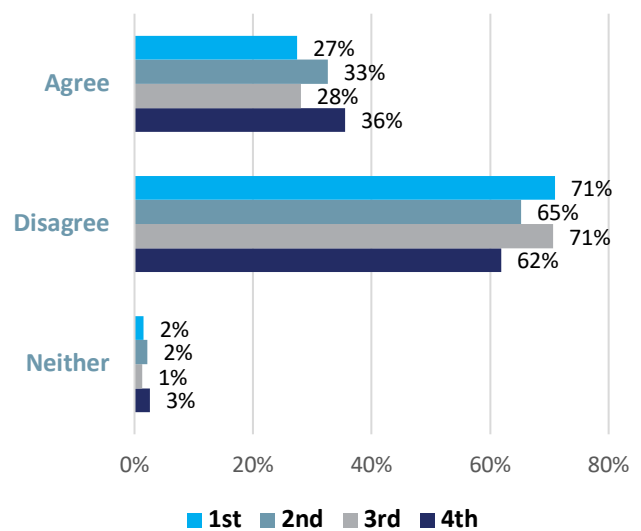
Opinion of police

Perceptions of fair treatment are partially shaped by opinions about how criminal justice actors treat citizens in general. Respondents in both systems disagreed with the notion that police officers provide equal treatment to all citizens, although respondents processed in ACS were slightly more favorable in their responses. Only 23% of respondents in the inquisitorial system agreed that the police give equal treatment to citizens, whereas 30% of those in the ACS feel the same way. Negative perceptions extended across all judicial districts, with the majority of respondents disagreeing that police treat everyone equally. However, respondents in the Second and Fourth Judicial Districts were more favorable than those processed in the First and Third Judicial Districts.

Percent respondents who agree with the statement “police officers treat everyone equally” (by system)



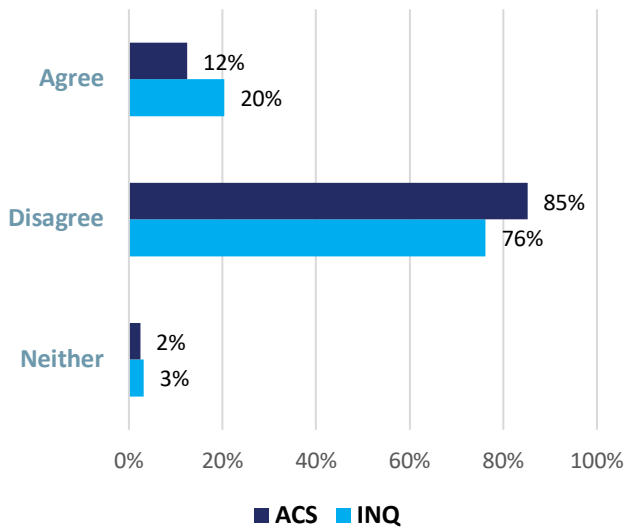
Percent respondents who agree with the statement “police officers treat everyone equally” (by district)



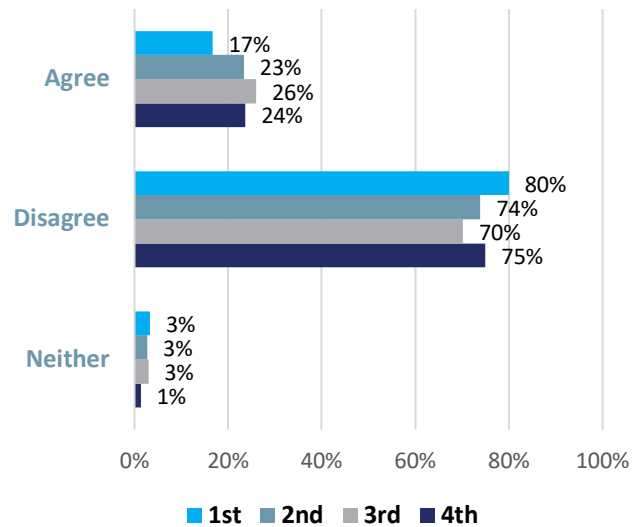
Opinion of prosecutors

The vast majority of respondents also disagreed with the notion that prosecutors treat everyone equally. Interestingly, slightly more respondents in the inquisitorial system (20%) agreed with this statement, when compared to those in the ACS (12%). There is also variation across judicial districts. For example, only 17% of respondents in the First Judicial District agreed, compared to 26% of respondents in the Third Judicial District.

Percent respondents who agree with the statement “prosecutors treat everyone equally” (by system)

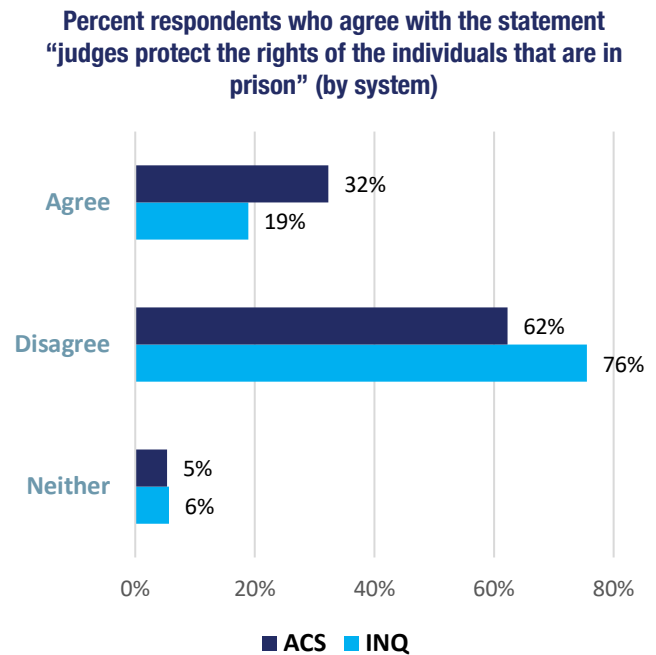
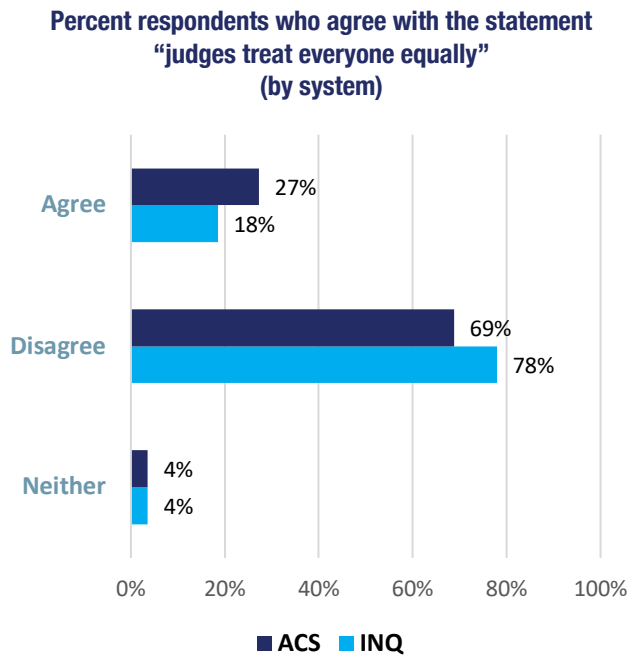


Percent respondents who agree with the statement “prosecutors treat everyone equally” (by judicial district)



Opinion of judges

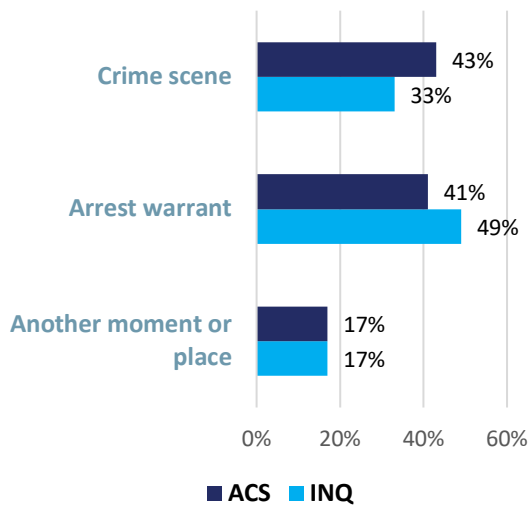
The perception of neutrality is a key component in an individual's perception of procedural justice. Because of this, the judge is key in an accusatorial system. Neutrality in the judicial function is also necessary for the rule of law. Overall, the majority of respondents did not agree that judges treat everyone equally in Panama. However, the transition to the ACS did appear to improve perceptions. Specifically, 27% of respondents in the ACS agreed that judges treat everyone equally, compared to 18% of those in the inquisitorial system. Also, 32% of ACS respondents agreed the judges protect the rights of individuals in prison compared to 19% of respondents in the inquisitorial system.



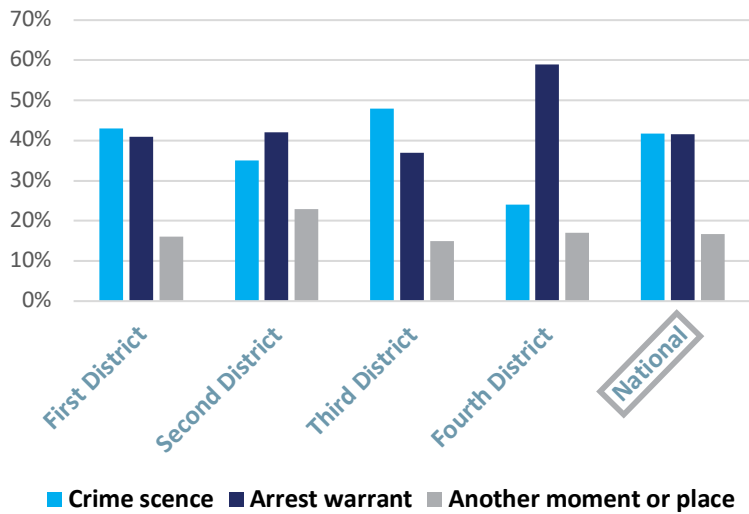
Experiences During Arrest

Procedural justice, and in particular, perception of fairness in treatment, is also shaped by the various experiences individuals have throughout the criminal proceedings. Individuals in the accusatorial system reported in similar proportions to have been arrested either in flagrante (during the commission of the alleged crime) or with an arrest warrant. In contrast, more individuals processed through the inquisitorial system reported to have been arrested as the result of a warrant. Most respondents were immediately sent to jail after their arrest. These trends hold across judicial districts.

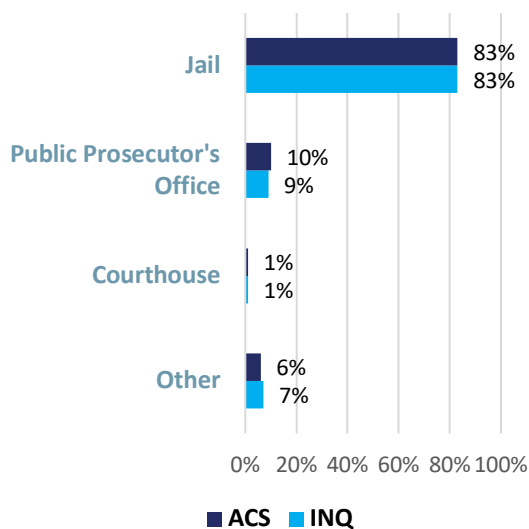
How was the respondent arrested (by system)



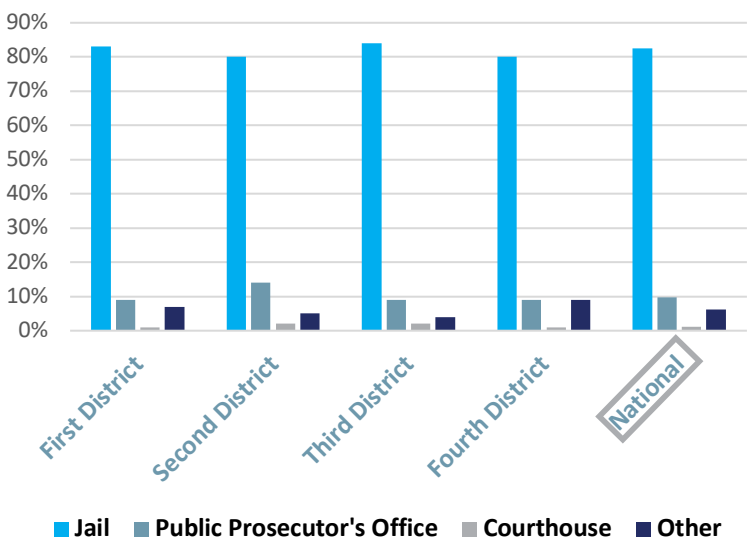
How was the respondent arrested (by district)



Location where respondent was held in custody after arrest (by system)



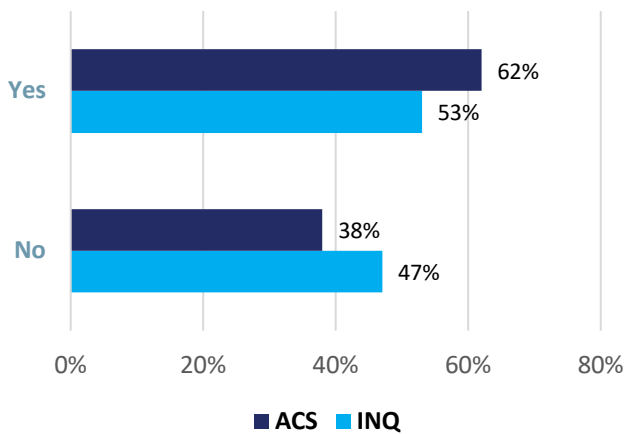
Location where respondent was held in custody after arrest (by district)



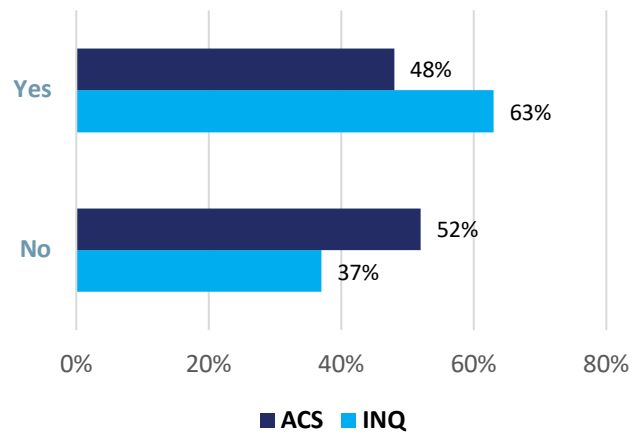
Due process rights

In Panama, the accused has the right to be informed about the act of which they are being accused, the right to know the identity of who is arresting them, to have legal counsel, to withhold from speaking or declaring without this being held against them, and to be taken to the corresponding legal authority as soon as possible (Órgano Judicial, 2018, 25). The majority of respondents were informed of their right to remain silent (62% in ACS and 53% in INQ). Only 48% in the ACS were informed of their right to an attorney, compared to 65% in the INQ. Most respondents, regardless of system, gave their initial testimony in the Public Prosecutor’s Office. About 30% gave their initial testimony at the police station. The majority of respondents did not feel listened to by the police, although those in the ACS were slightly more favorable in their responses.

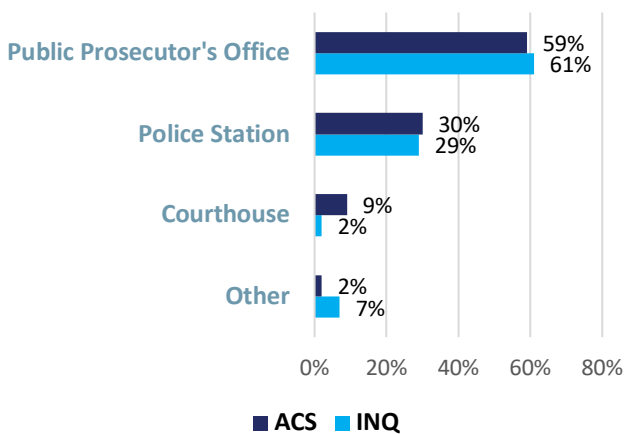
Percent reporting being informed of right to remain silent (by system)



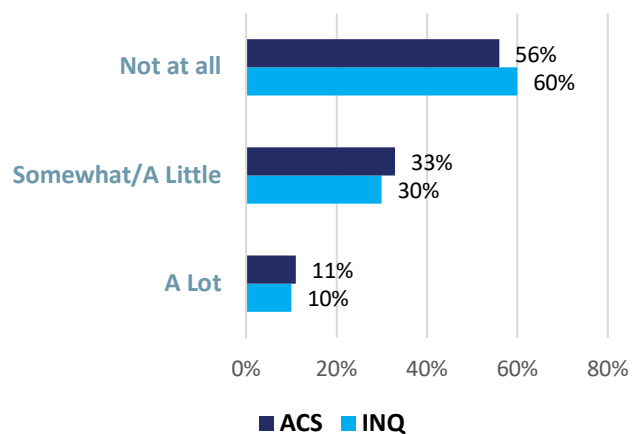
Percent reporting being informed of right to an attorney (by system)



Location of initial testimony (by system)



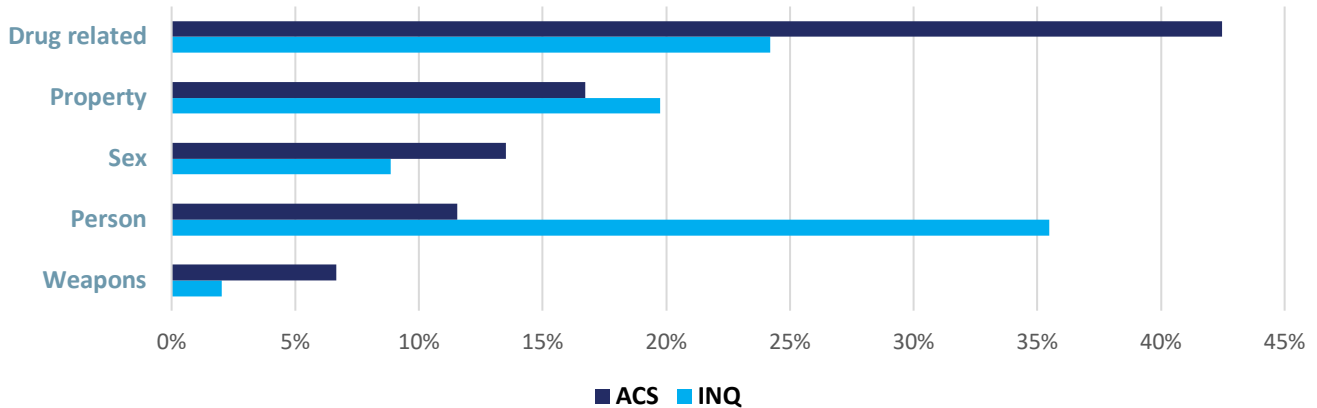
“At the time of arrest, how much did the police listen to you?” (by system)



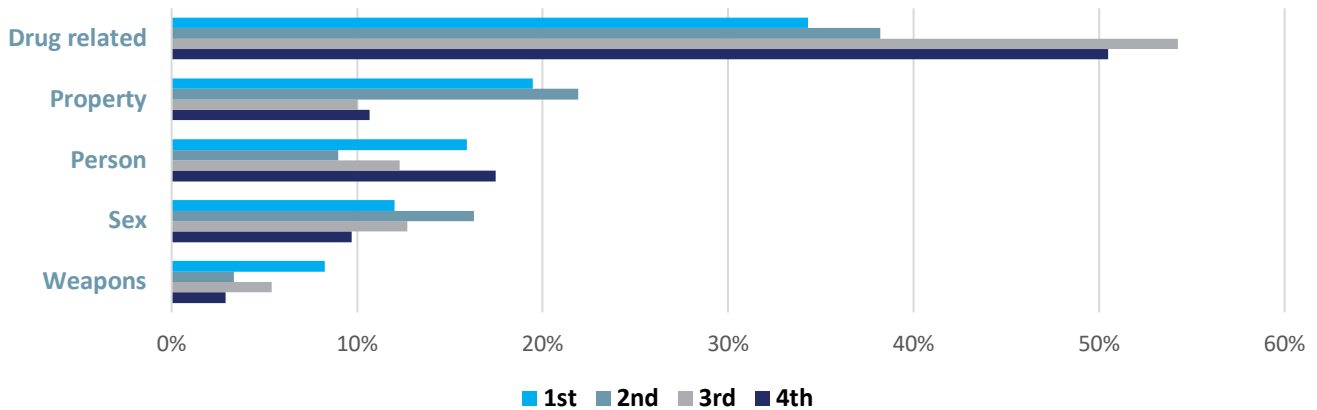
We found interesting differences across systems on the type of crimes that individuals were charged with. In the inquisitorial system, 50% of individuals responded that they were accused of committing homicide

after their arrest, the rest were accused of robbery (17%) or aggravated robbery (13%), selling illicit drugs (13%), and rape (7%). In the ACS, 42% of those arrested were accused of selling illicit drugs, followed by rape (17%), aggravated robbery (17%), homicide (12%), and robbery (11%).

Top 5 crimes accused of at the time of arrest (by system)

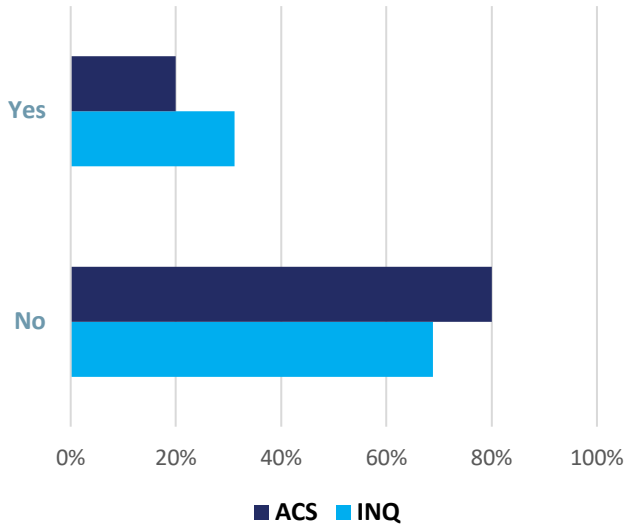


Top 5 crimes accused of at the time of arrest (by Judicial District)

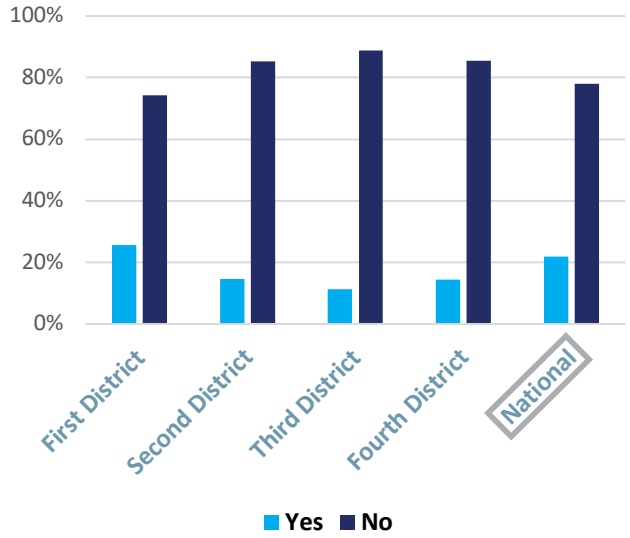


The typical respondent was not accused of possessing or using a firearm. However, there are slight differences across the systems and the judicial districts. About 31% of respondents in the inquisitorial system and 20% in the ACS reported that they were accused of possessing a firearm. Similarly, more individuals in the inquisitorial system (30%) reported being accused of using a firearm during the commission of a crime compared to those in the ACS (15%).

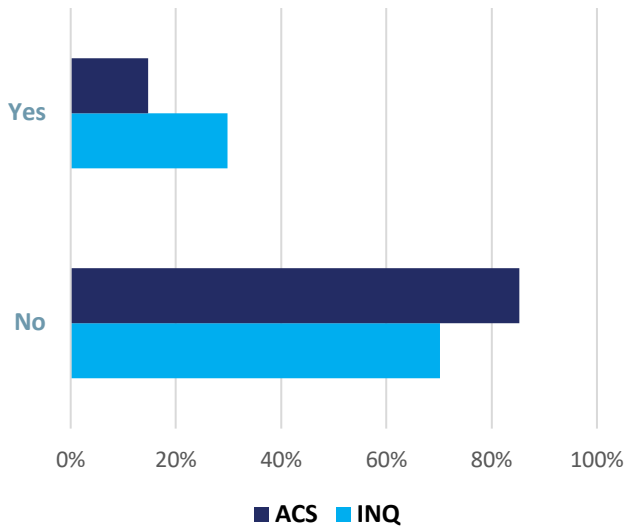
Percent reporting being accused of possessing a firearm during crime (by system)



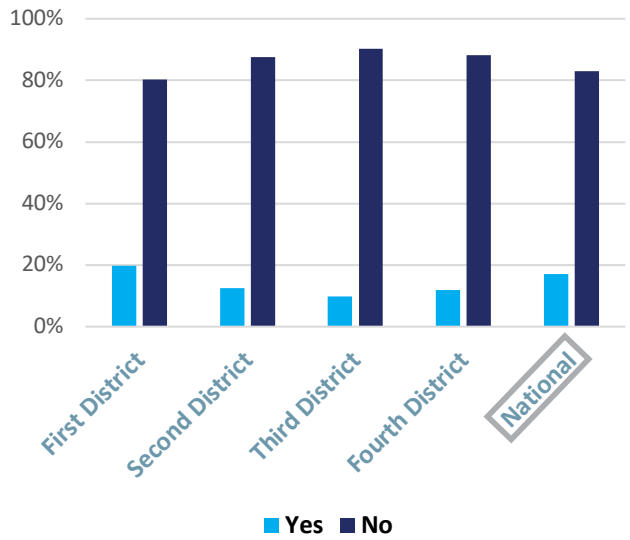
Percent reporting being accused of possessing a firearm during crime (by district)



Percent reporting being accused of using a firearm during crime (by system)



Percent reporting being accused of using a firearm during crime (by district)



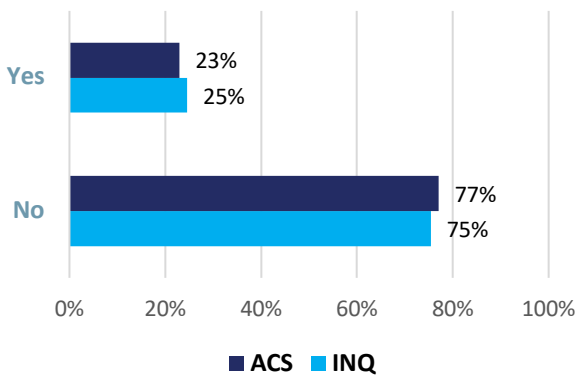
Experiences of Mistreatment After Arrest

Treating individuals who are in custody after an arrest with dignity and respect can shape their perceptions of access to justice and procedural justice. A significant number of individuals reported important abuses or mistreatment while in the custody of Panamanian authorities after their arrest. The abuses that were most widely reported by respondents relate to due process rights (lack of communication and threats with false charges), physical integrity rights (being forced to undress or suffering physical abuse), and health rights (access to food and water). Respondents most often identified the police and the Public Prosecutor’s Office as the responsible parties. The vast majority of these experiences were not reported to authorities, and in many instances, individuals reported they were discouraged or not allowed to report abuses.

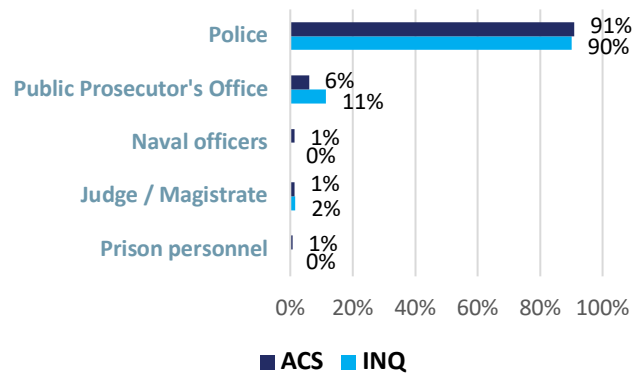
Access to food

Twenty-three percent of respondents from the accusatorial system and 25% of those under the inquisitorial system stated they were denied food while in custody following their arrest. In both systems, the police were the primary party responsible for denying access to food. Only 10% reported this denial. Those who did not report generally indicated they were not allowed or felt it pointless to report. Notably, 26% of those in ACS felt they had not been allowed to report this issue to the authorities.

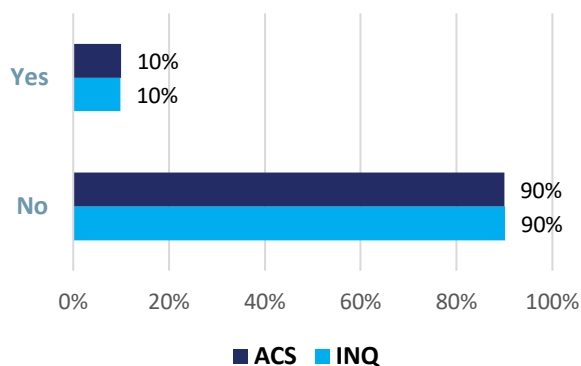
Percent respondents who were denied access to food



Percent respondents identifying the following actors as



Among respondents who were denied food, percent who reported it (by system)



Top 5 reasons for not reporting having been denied access to food (by system)*

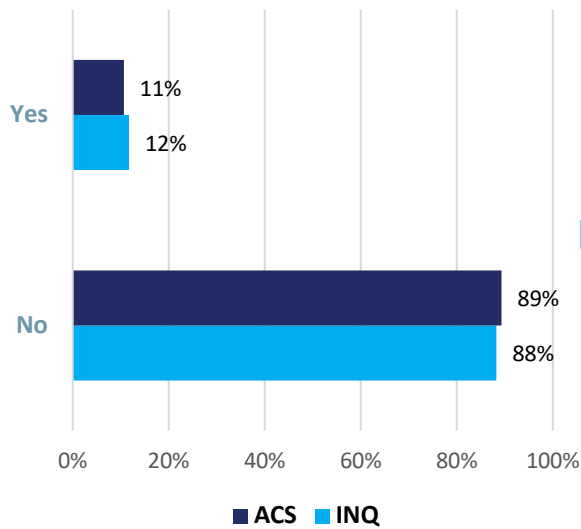


* Respondents could answer more than one item.

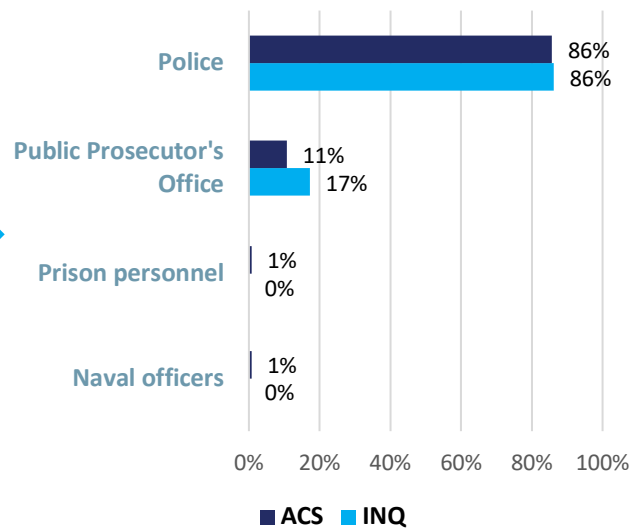
Access to water

A small percentage of respondents were denied access to drinking water (slightly more in the inquisitorial system, 12%, than in the accusatorial, 11%). Although most reported it was the police who denied the water, some also identified the Public Prosecutor’s Office as responsible for denying water. More people in the inquisitorial system reported to an authority that they had been denied water (17%) when compared to those in the ACS (12%). Nearly half of those that were denied water in the inquisitorial system indicated that they did not report this because they feared retaliation or were not allowed to make a report. Roughly 46% of those in the ACS indicated they were not allowed to report or believed reporting was pointless.

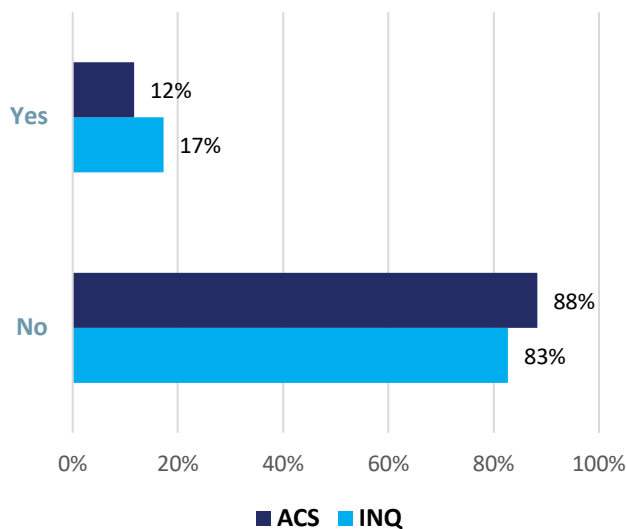
Percent respondents who were denied access to water after arrest (by system)



Percent respondents identifying the following actors as responsible (by system)*



Among respondents who were denied water, percent who reported it (by system)



Top 5 reasons for not reporting having been denied access to water (by system)*

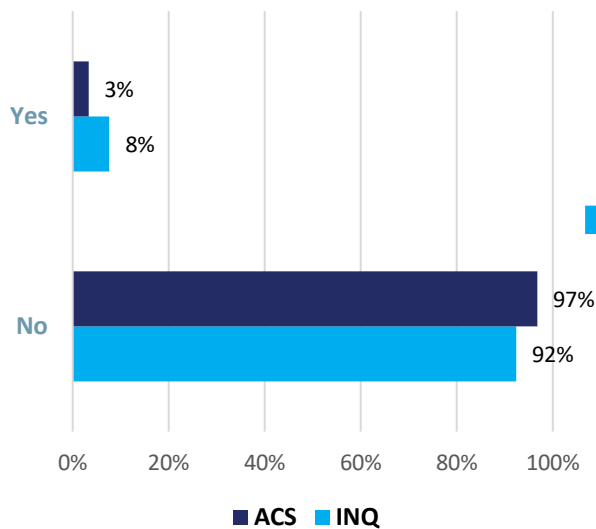


* Respondents could answer more than one item.

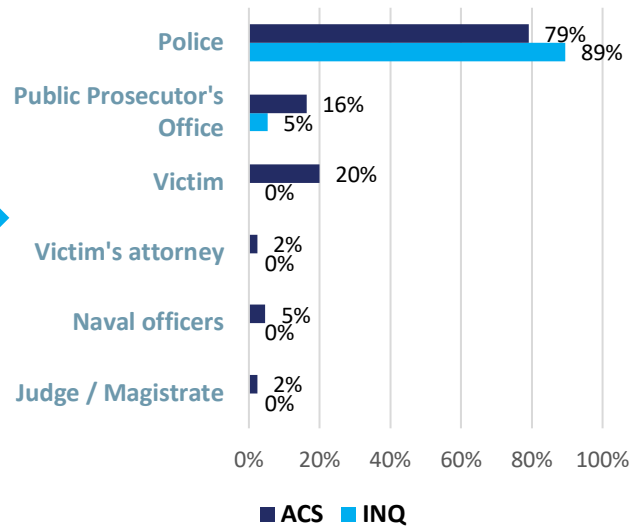
Bribes

A very small percentage of respondents reported that they were asked for money or a bribe by a state authority after their arrest. Incidence of bribes was slightly higher in the inquisitorial system (8%), compared to the accusatorial system (where only 3% reported such behavior from state agents). Among those who indicated they had been asked for a bribe, only 12% of ACS respondents reported it to the authorities compared to 16% of inquisitorial system respondents. The police, in both systems, was identified by the majority as the institution responsible for such behavior, followed by the Public Prosecutor's Office. The victim and/or their attorney was also identified as a party requesting bribes.

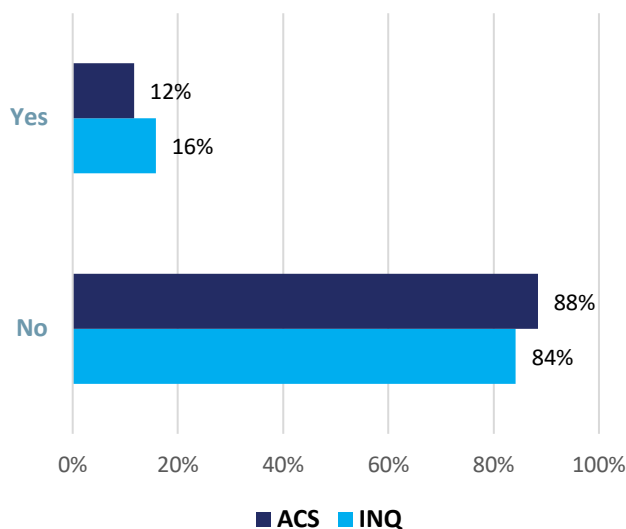
Percent respondents who were asked for a bribe after arrest (by system)



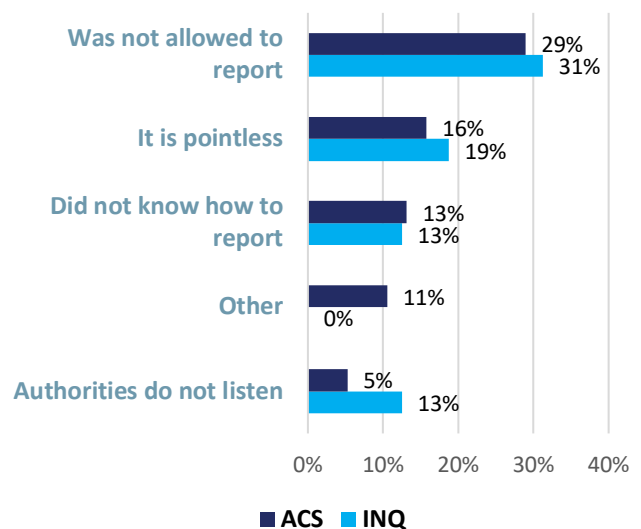
Percent respondents identifying the following actors as responsible (by system)*



Among respondents asked for a bribe, percent who reported it (by system)



Top 5 reasons for not reporting having been asked for a bribe (by system)*

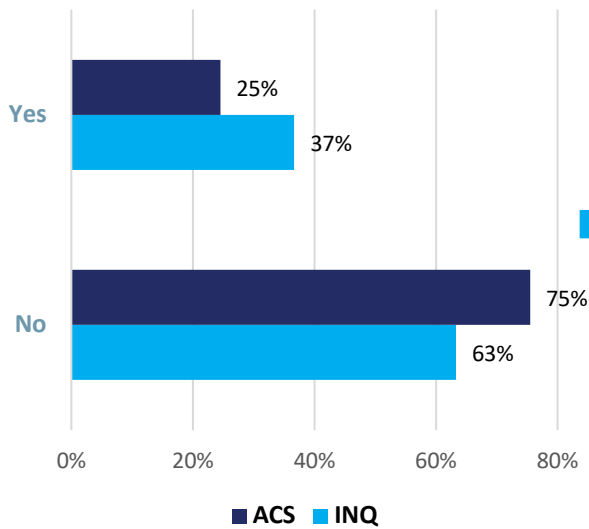


* Respondents could answer more than one item.

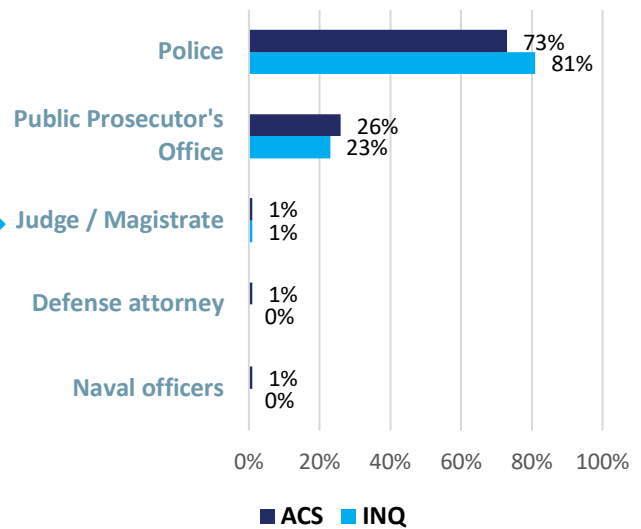
False charges

The second most likely type of abuse or mistreatment experienced by respondents involved being threatened with false charges following an arrest. Thirty-seven percent of respondents in the inquisitorial system and 25% of those in the ACS experienced such threats. The police and the Public Prosecutor’s Office were identified as the primary source of these threats. Less than a quarter (22% INQ, 18% ACS) of those threatened reported the behavior to authorities. As with other types of abuse, reasons for not reporting the threats included not being allowed to report it and feeling that it was pointless to do so.

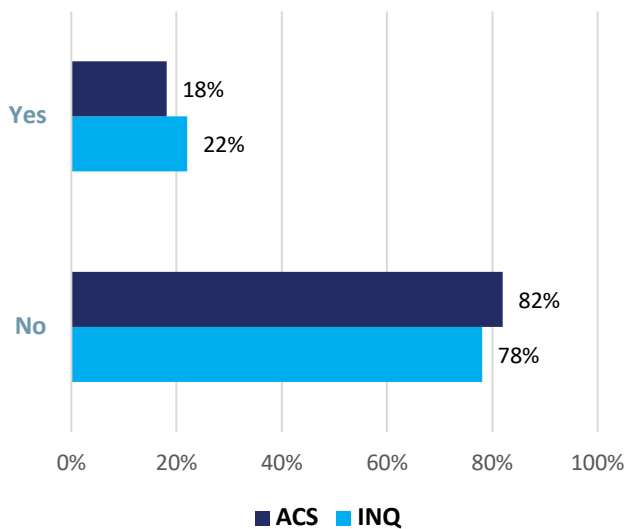
Percent respondents who were threatened with false charges after arrest (by system)



Percent respondents identifying the following actors as responsible (by system)*



Among respondents threatened with false charges, percent who reported it (by system)



Top 5 reasons for not reporting having been threatened with false charges (by system)*

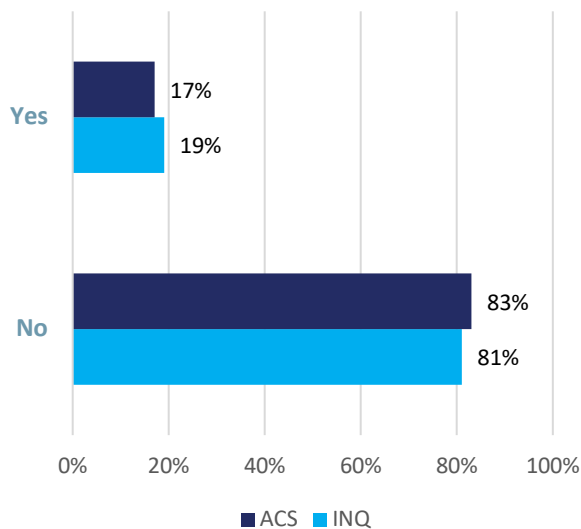


* Respondents could answer more than one item.

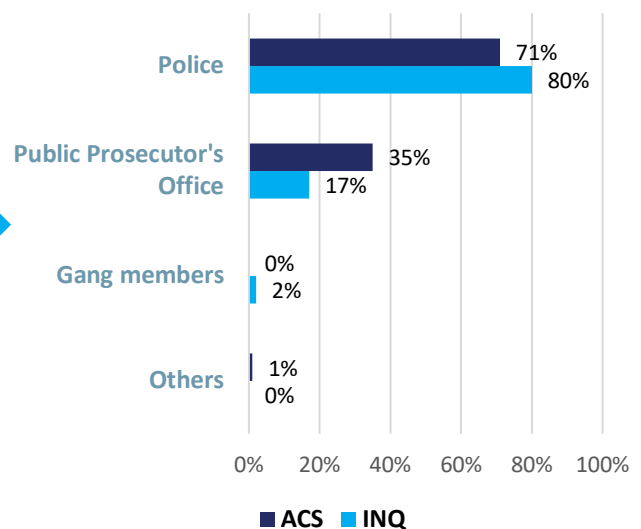
Coercion to implicate others

Nearly 20% of respondents indicated they had felt pressured or coerced to implicate others in the crime. This experience was similar across the two systems (19% INQ, 17% ACS). As with other types of mistreatment, the police and the Public Prosecutor’s Office were identified as the main source of these threats. Among those who experienced this type of coercion, only 17% in the inquisitorial system and 14% in the ACS reported this form of abuse. Reasons for not reporting included not being allowed to, fear of retaliation, not feeling they would be heard, and the feeling that it would be pointless.

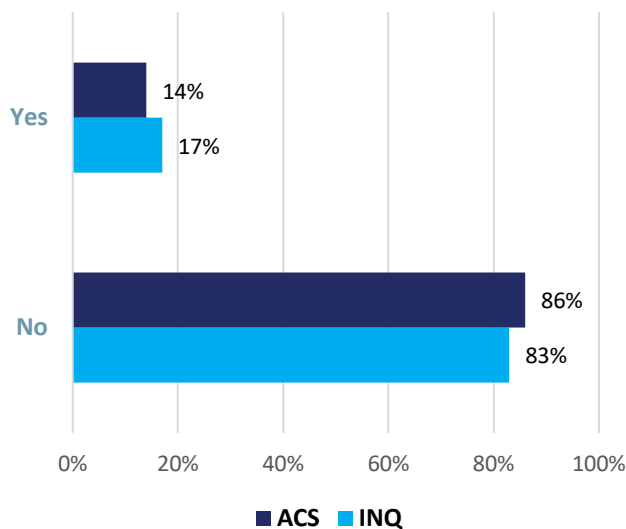
Percent respondents who were coerced to implicate others after arrest (by system)



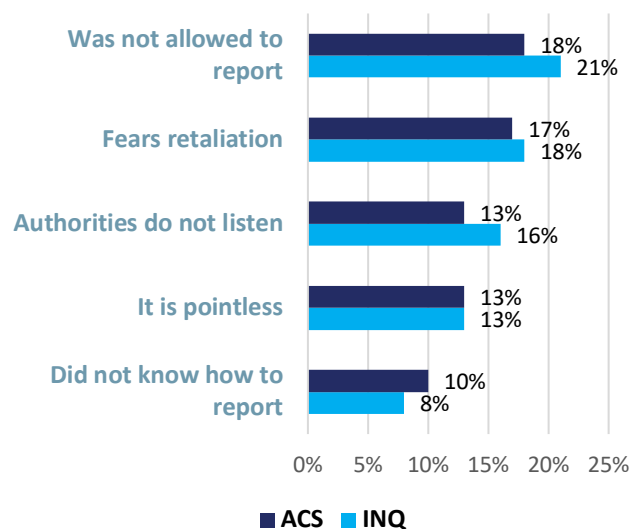
Percent respondents identifying the following actors as responsible (by system)*



Among respondents coerced to implicate others, percent who reported it (by system)



Top 5 reasons for not reporting having been coerced to implicate others (by system)*

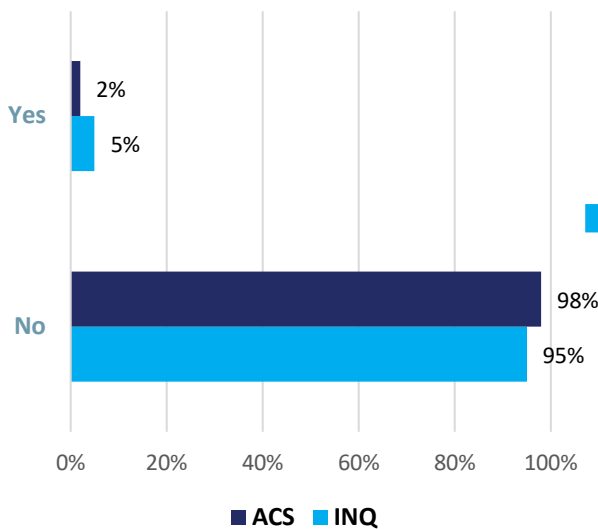


* Respondents could answer more than one item.

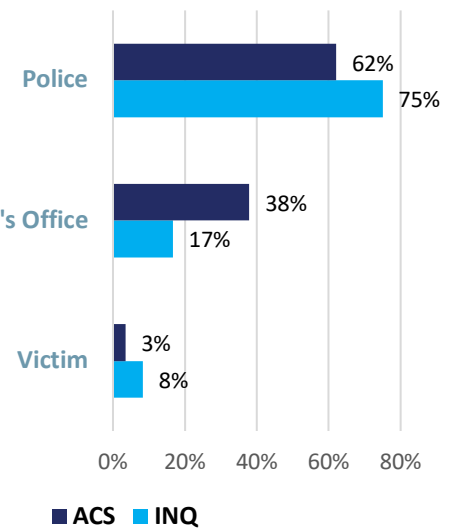
Threats against family

A very small percentage of those interviewed reported that they received threats against their family while in custody after their arrest. Among those who were threatened, the police were identified as responsible for making these threats by 75% of respondents in the inquisitorial system and by 62% of those in the ACS. The Public Prosecutor's Office was identified as responsible by 38% of respondents in the accusatorial system, compared to only 17% in the inquisitorial system. It is important to note that among the various types of abuse or mistreatment experienced while in custody, threats against the family were the most reported to authorities: 25% of those in the inquisitorial system reported it, and 38% of those in the ACS reported this type of threat.

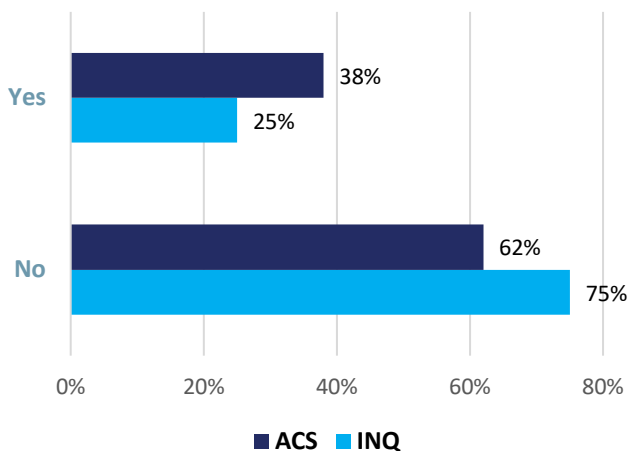
Percent respondents who suffered threats against family after arrest (by system)



Percent respondents identifying the following actors as responsible (by system)*



Among respondents whose family was threatened, percent who reported it (by system)



Top 5 reasons for not reporting having had family threatened (by system)*

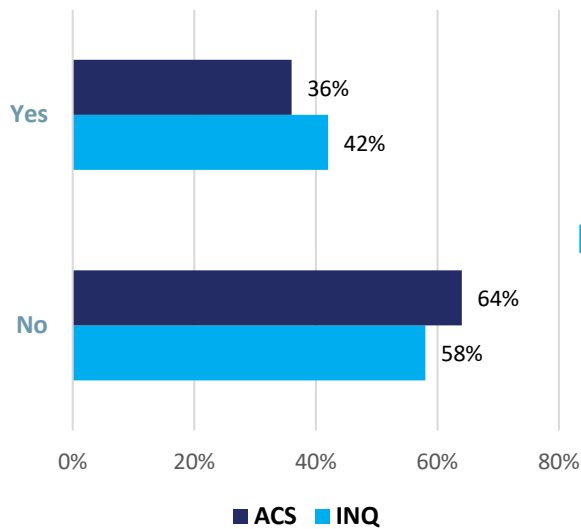


* Respondents could answer more than one item.

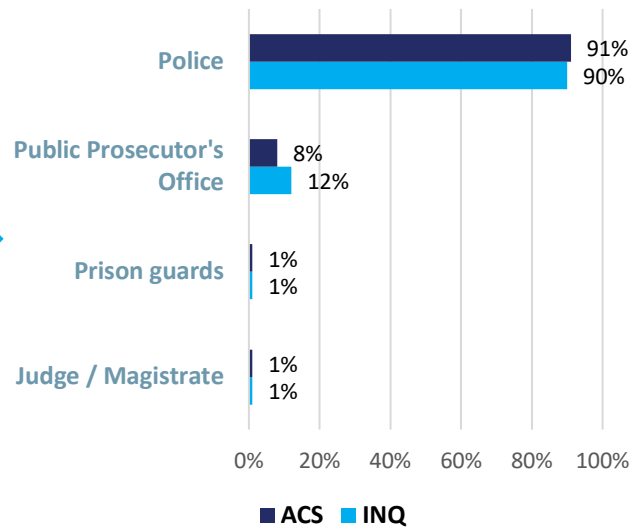
Denial of communication

Over a third of respondents reported that they were denied communication with their relatives while in custody. These instances were reported slightly more among those individuals in the inquisitorial system (42%) when compared to those in the ACS (36%). Most respondents who had been denied communication identified the police as the institution most responsible for this behavior. Among those that were denied communication, only 13% in the inquisitorial system and 10% in the ACS reported it. The primary reason for not reporting this to authorities was being prohibited from doing so.

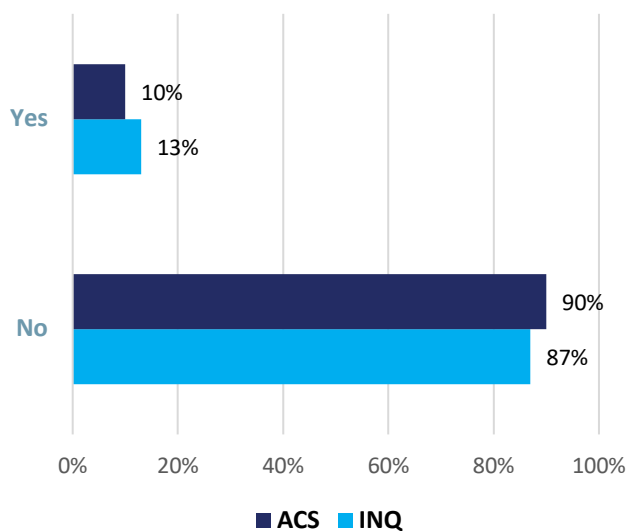
Percent respondents who were denied communication with family after arrest (by system)



Percent respondents identifying the following actors as responsible (by system)*



Among respondents who were denied communication, percent who reported it (by system)



Top 5 reasons for not reporting having been denied communication with family (by system)*

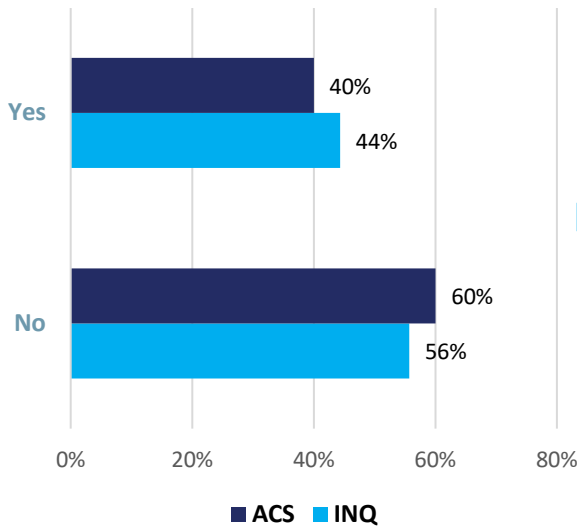


* Respondents could answer more than one item.

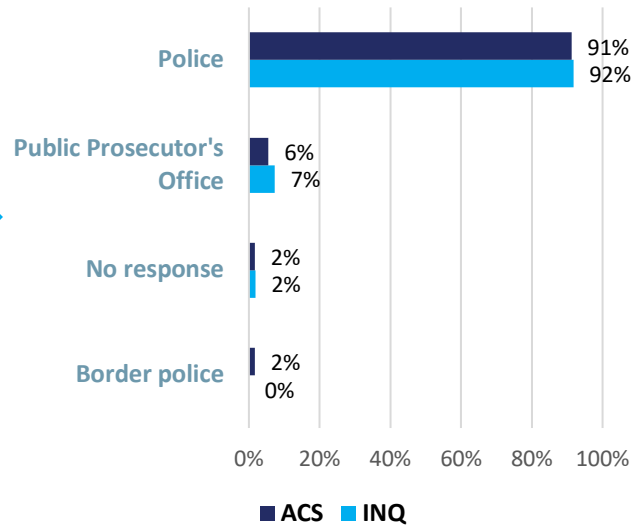
Forced to undress

A total of 40% of respondents in the ACS reported that they were forced to undress while in custody, compared to 44% in the inquisitorial system. Most identified the police as the institution responsible for this behavior. Among those who experienced being forced to undress, 6% in the inquisitorial system and 7% in the ACS reported it. The vast majority (93%) did not report this experience. The primary reason identified for not reporting this abuse was that the prisoners considered undressing as normal or expected behavior from authorities, or that they were not allowed to report it.

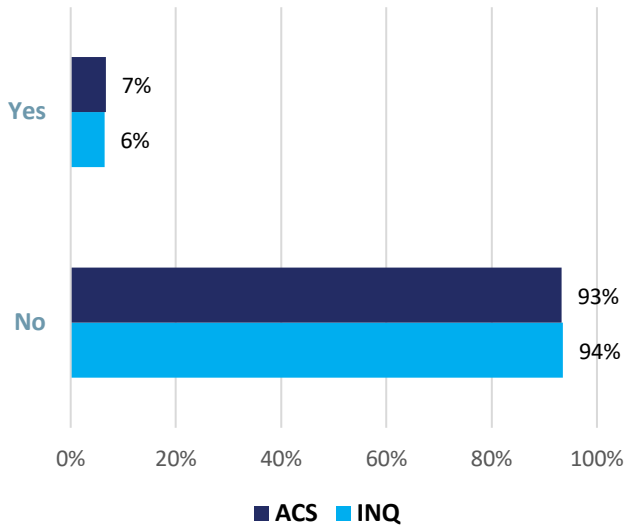
Percent respondents forced to undress after arrest (by system)



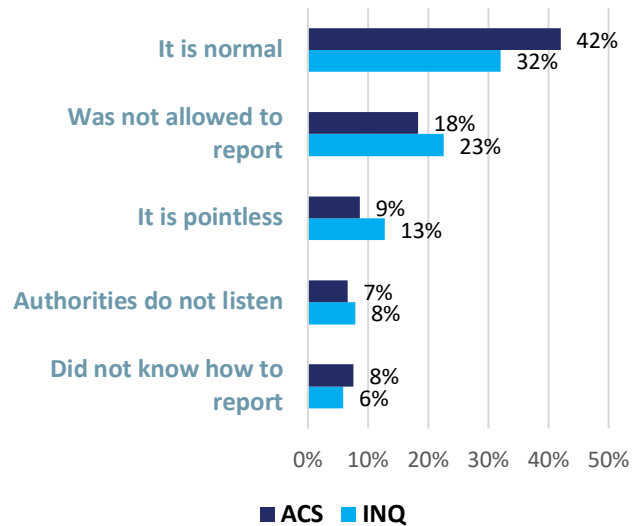
Percent respondents identifying the following actors as responsible (by system)*



Among respondents forced to undress, percent who reported it (by system)



Top 5 reasons for not reporting having been forced to undress (by system)*

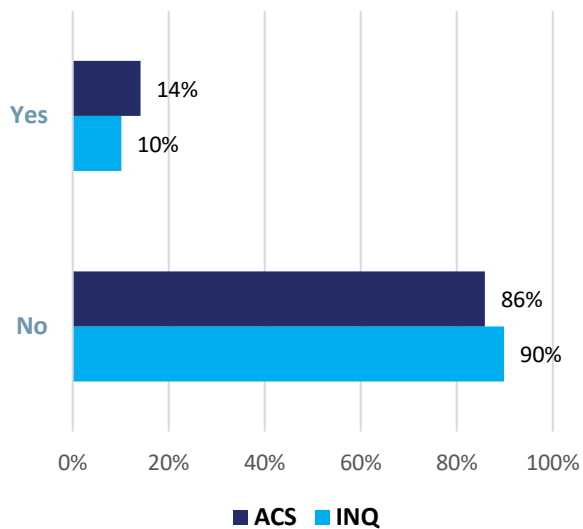


* Respondents could answer more than one item.

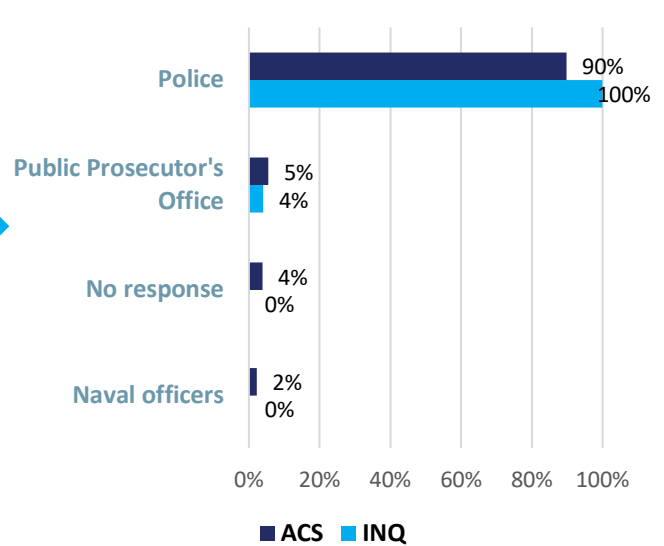
Bound or tied

About 14% of respondents in the ACS and 10% in the inquisitorial system reported that their hands and/or feet were tied with a string or wire (not handcuffs) after their arrest. Among those that reported this experience, the majority identified the police as the actor responsible for this mistreatment. Only 8% reported this experience to the authorities; the vast majority did not report the abuse. Reasons for not reporting include viewing this behavior as “normal” or expected behavior from authorities, and not being allowed to report it.

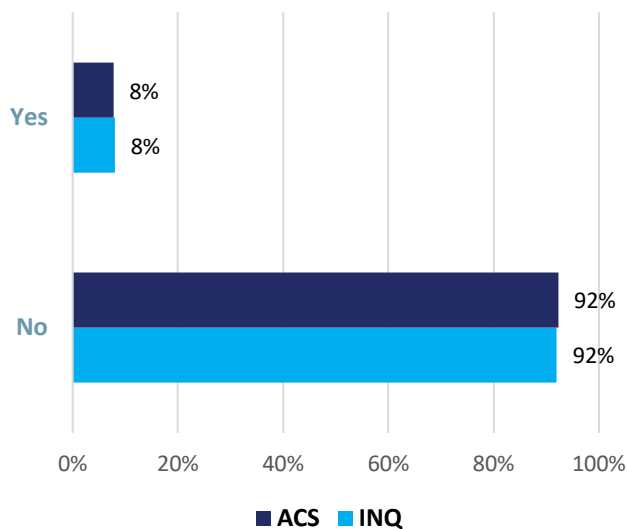
Percent respondents who were bound after arrest (by system)



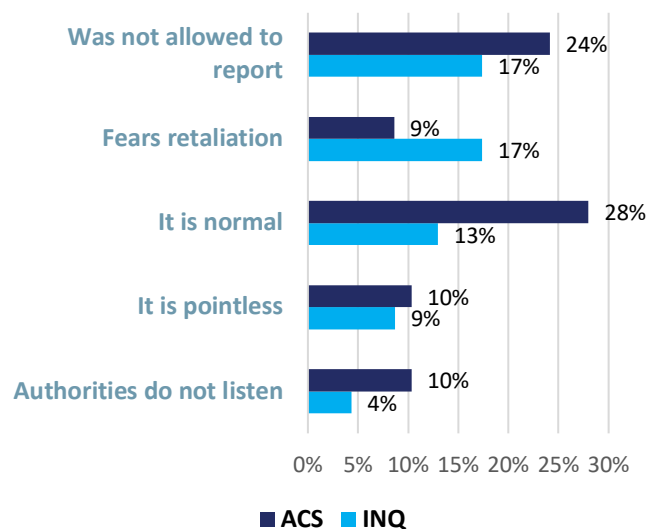
Percent respondents identifying the following actors as responsible (by system)*



Among respondents who were bound, percent who reported it (by system)



Top 5 reasons for not reporting being bound (by system)*

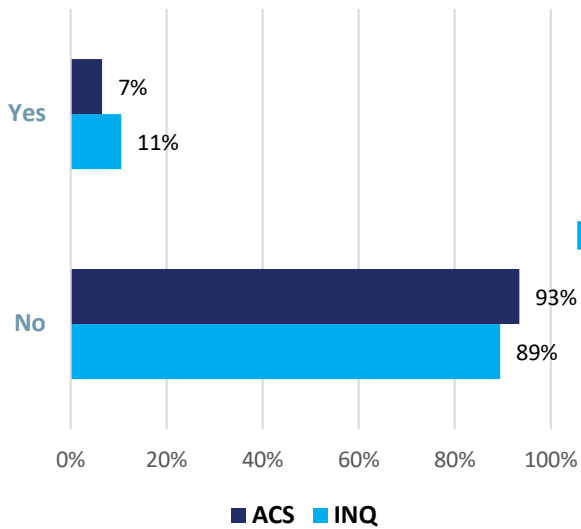


* Respondents could answer more than one item.

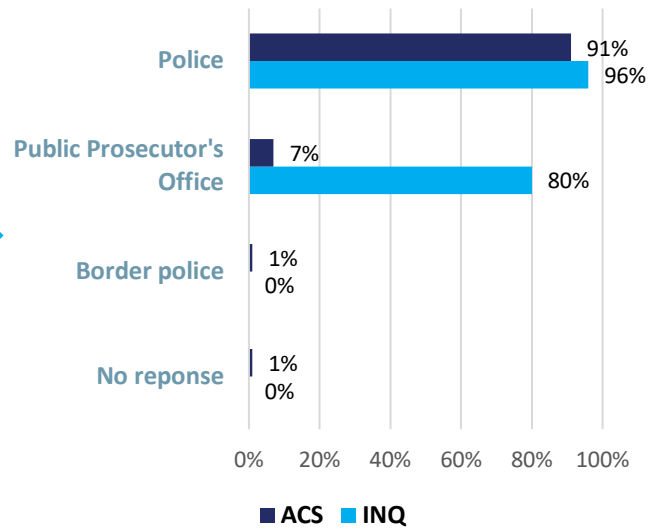
Blindfolding

A small percentage of respondents said that they were blindfolded or that their head was covered with a piece of cloth while in custody after their arrest. The incidence of these reports was slightly higher in the inquisitorial system (11%) compared to the accusatorial system (7%). As seen throughout, the police were identified as the primary state actor responsible for this behavior. The majority did not report this mistreatment to authorities because they did not feel they were allowed to report it, they thought it was pointless, or they felt the authorities would not listen.

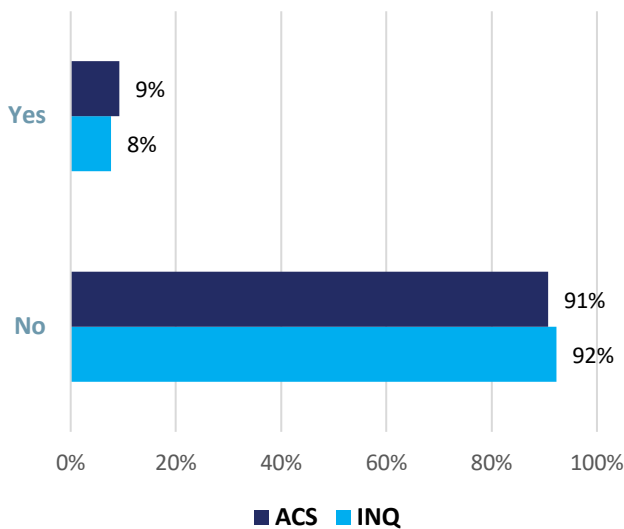
Percent respondents who were blindfolded or had their head covered with a cloth after arrest (by system)



Percent respondents identifying the following actors as responsible (by system)*



Among respondents blindfolded, percent who reported it (by system)



Top 5 reasons for not reporting blindfolding (by system)*

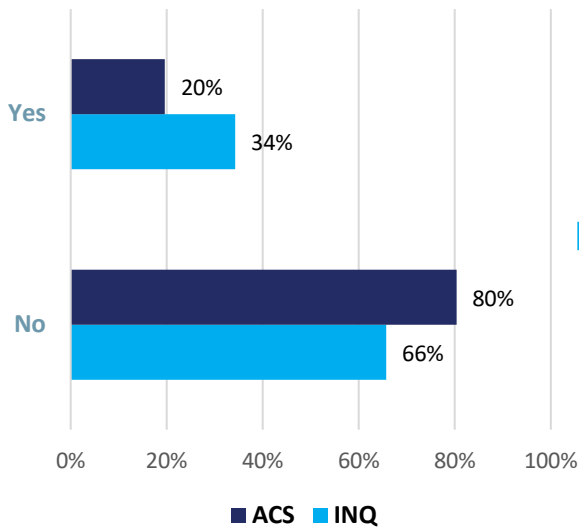


* Respondents could answer more than one item.

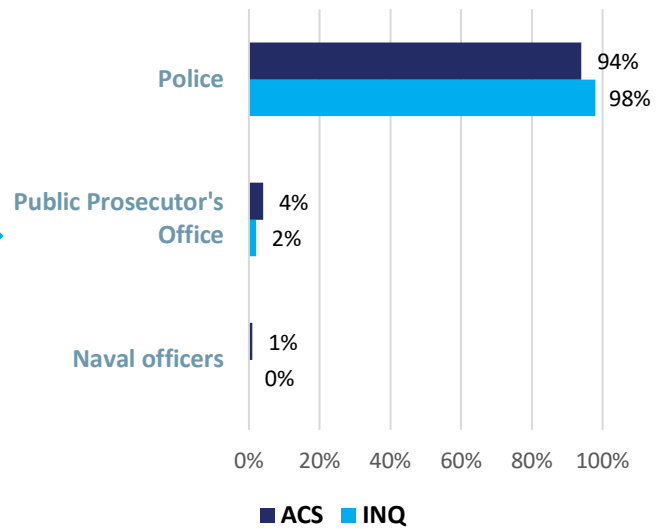
Beatings

Three hundred and fifty respondents reported that they were beaten (punched, kicked or pushed) while in custody after their arrest, 20% of those in the ACS and 34% of those in the inquisitorial system. The police were almost universally identified as the actor responsible for this type of abuse. The majority of respondents who had been beaten did not report the mistreatment, regardless of system. As with other types of mistreatment, reasons for not reporting it to the authorities included believe it would be “pointless” or that they were not allowed to report it.

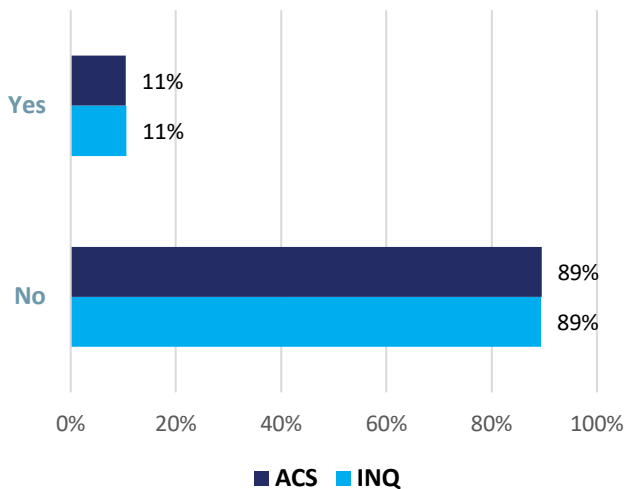
Percent respondents who were beaten after arrest (by system)



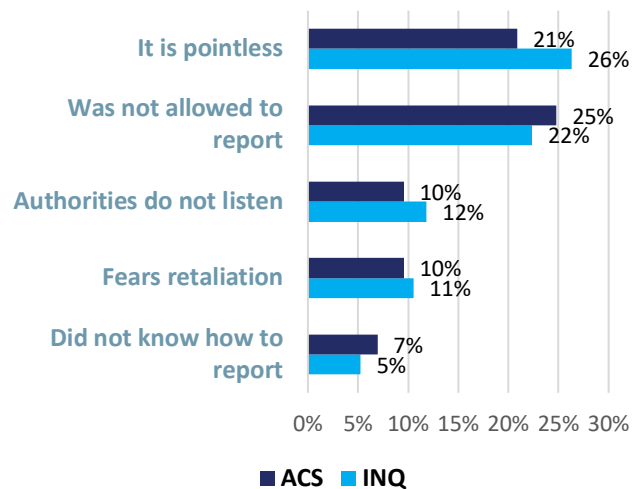
Percent respondents identifying the following actors as responsible (by system)*



Among respondents who were beaten, percent who reported it (by system)



Top 5 reasons for not reporting beatings (by system)*

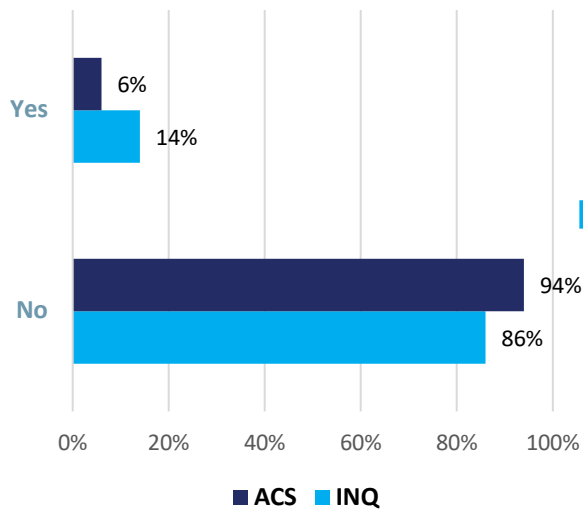


* Respondents could answer more than one item.

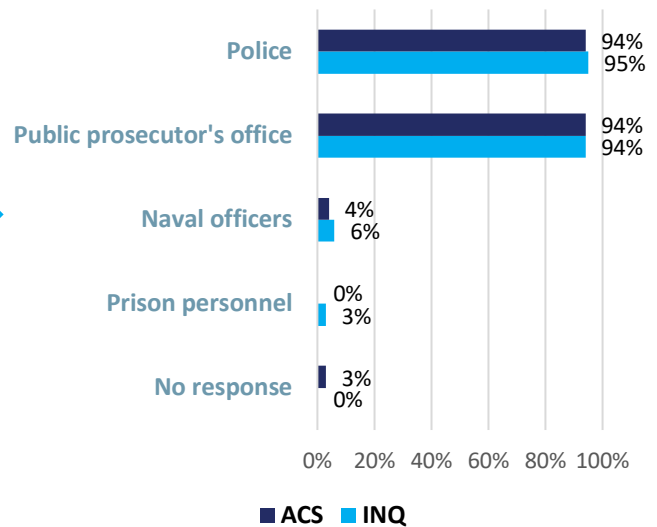
Asphyxiation

Among those in the inquisitorial system, 14% of respondents reported that some authority tried to asphyxiate them after their arrest. In contrast, only 6% in the ACS reported having experienced this form of physical abuse. Compared to many of the other types of abuse or mistreatment, respondents were more likely to report asphyxiation to the authorities. About 12% in the inquisitorial system and 16% from the accusatorial system reported it. Reasons for not reporting included being prohibited from reporting it and feeling that it would be pointless. Sixteen percent of those in the ACS indicated there were fearful of retaliation.

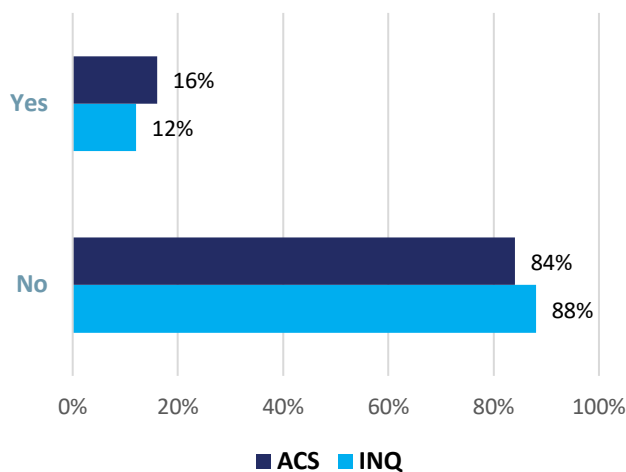
Percent respondents who suffered an asphyxiation attempt after arrest (by system)



Percent respondents identifying the following actors as responsible (by system)*



Among respondents who suffered an asphyxiation attempt, percent who reported it (by system)



Top 5 reasons for not reporting an asphyxiation attempt (by system)*



* Respondents could answer more than one item.

Experiences with Plea Bargain

Defendants in the inquisitorial system could have been offered a reduced conviction in exchange for a confession to a lesser crime, but it was not a negotiated agreement between the prosecution and defense.¹¹ The new criminal procedure code of Panama allows plea bargains and other type of abbreviated procedures (see Chapter 1). A requirement in these abbreviated procedures is that the defendant understands and concedes the charges against her or him. As a result of this concession a judge can reduce the sentence length up to a third, in most of these cases. Our survey asked respondents if they were offered a lower sentence in exchange for accepting guilt. Among those in the ACS, 54% responded that they were informed that they could get a reduced sentence if they accepted guilt. The higher rate should be a reflection of the use of the plea bargain and other abbreviated procedures. Among those in the inquisitorial system, 46% of respondents said the authorities informed them that they could get a reduced sentence in exchange for a confession.

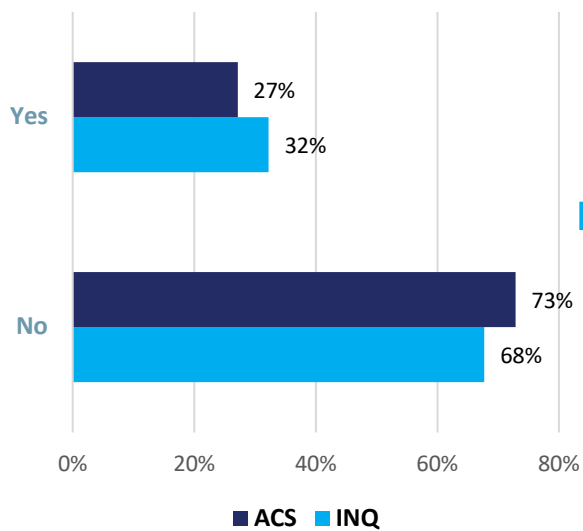
Percent respondents who agree with the statement “after arrest, an authority explained that I could get a reduced sentence for accepting guilt” (by system)



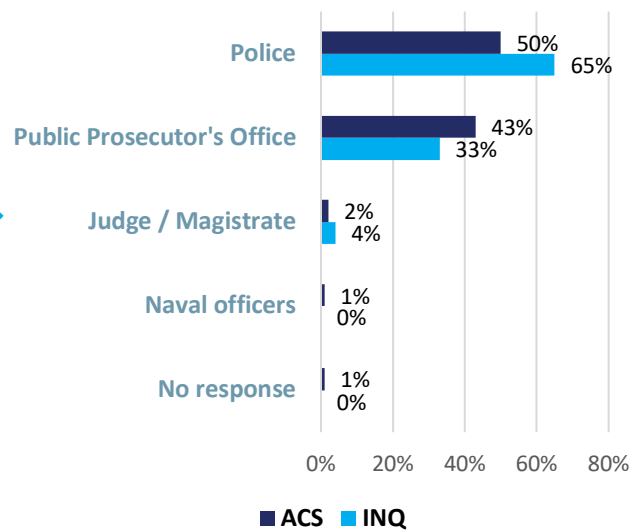
¹¹ For instance, Article 2,157 in the criminal procedure code established that a confession of guilt was enough proof for conviction (Law 2 of 1916).

Respondents were also asked if they felt pressured or coerced into accepting guilt. Just over a quarter (27%) of those in ACS and 32% of those in INQ experienced feeling pressured to accept the charges against them. Most of the pressure to accept guilt was reported to come from public prosecutors and the police. About 15% in the inquisitorial system and 14% in the ACS reported this experience to the authorities. Reasons for not reporting this type of coercion included the belief that they were not able to report such behavior or felt it was pointless. Some also reported that they did not know how to report it.

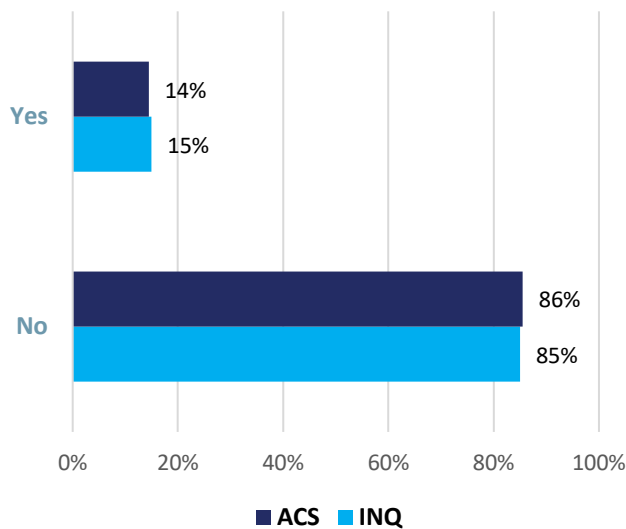
Percent responding being coerced into accepting guilt (by system)



Percent respondents identifying the following actors as responsible (by system)



Among respondents coerced into accepting guilt, percent who reported it (by system)



Top 5 reasons for not reporting coercion to plead guilty (by system)



* Respondents could answer more than one item.

Experiences with Judges

Across both systems, relatively few respondents reported that the judge adequately explained proceedings. However, ratings among ACS respondents were consistently more favorable than those in the INQ. Thirty-one percent of ACS respondents disagreed that the judge explained what was happening during proceedings, compared to 50% of those in the INQ. Similarly, 31% of respondents in the ACS disagreed that the judge created conditions for both the defense and prosecution to explain their case, compared to 44% of respondents in the INQ. There is also an important improvement in experiences in terms of how much respondents felt “listened” to by the judge, 22% of those in the ACS did not feel that the judge listened to them, compared to 39% in the INQ.

To what extent do you agree with the statement “the judge explained what was happening during proceedings” (by system)



To what extent do you agree with the statement “the judge created conditions for defense and prosecutor to have same chance to explain case” (by system)



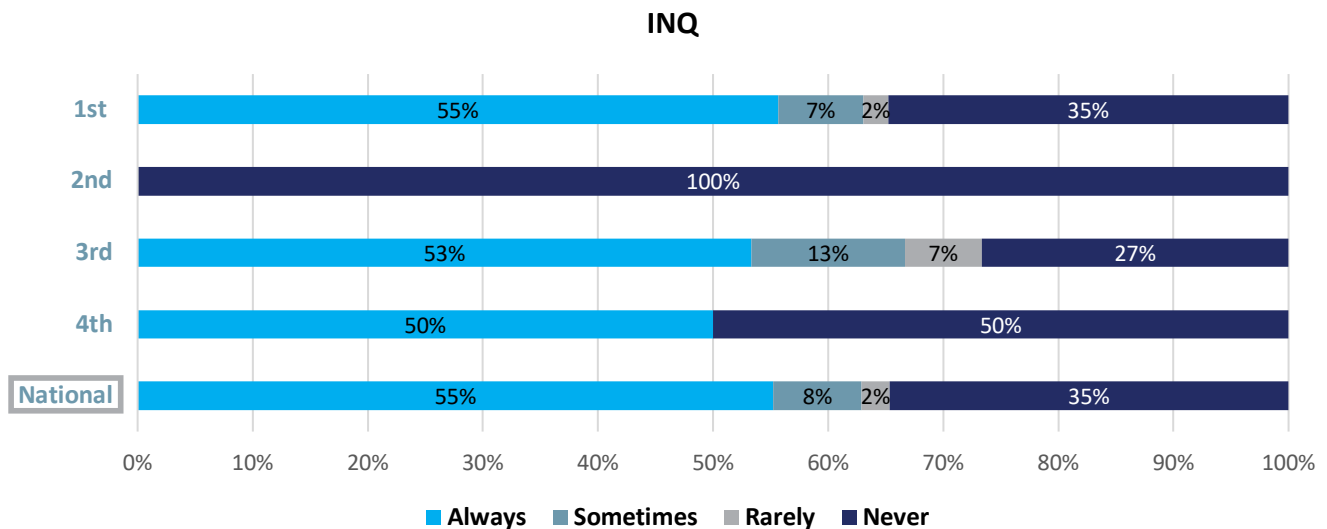
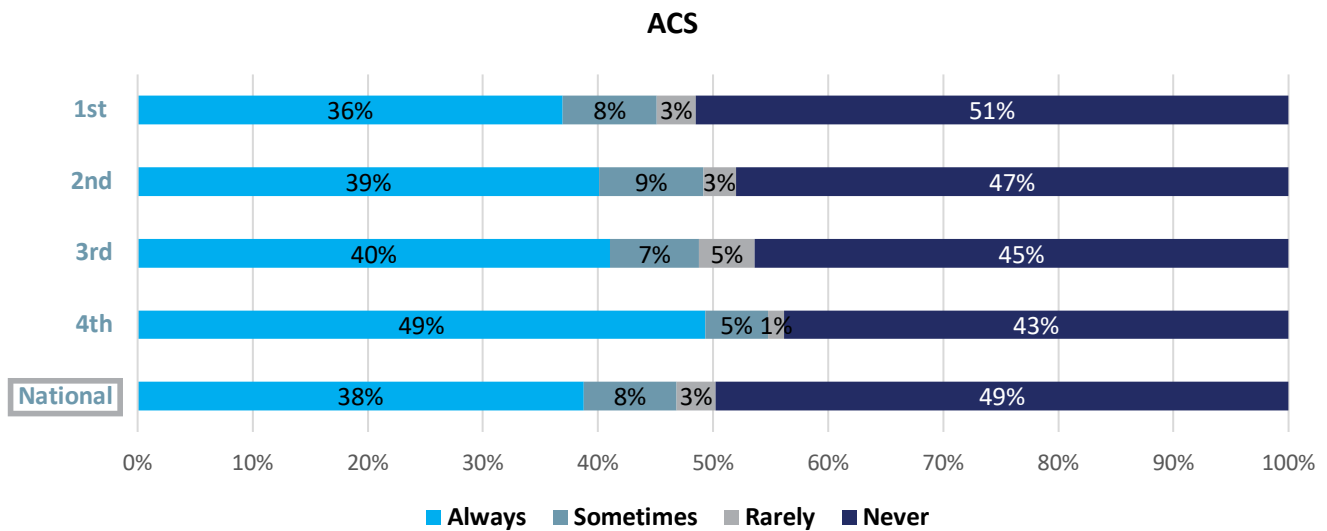
To what extent do you agree with the statement “the judge listened to me” (by system)



Experiences with Orality and Transparency

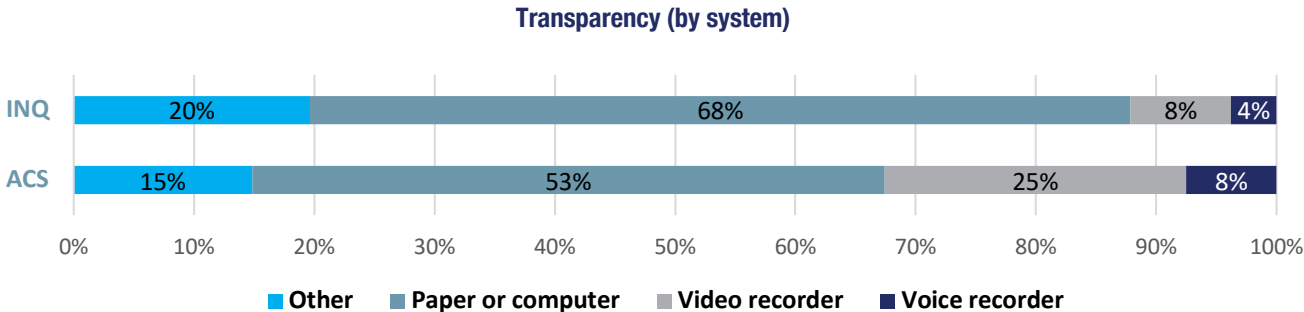
In the ACS, proceedings are designed to increase transparency and, for this reason, hearings are public.¹² Often, it is the family and friends of the victim and defendant who attend such hearings. Only a third (38%) of respondents in the ACS reported having family or friends in the hearings, compared to 55% of respondents in the inquisitorial system. This finding is unexpected given that the ACS is designed to be more “open.” In part, these findings reflect the impact of the COVID-19 pandemic on the overall functioning of the courts.

Family / friends present during hearings (nationally and by district)



¹² In rare instances, like high profile cases, judges may close proceedings to the public.

Public proceedings and oral (not written) arguments are additional indicators of transparency in an accusatorial system. Recording key hearings is crucial to ensure transparency and to preserve the record of testimonies. In the US, a stenographer is usually used to record proceedings whereas in Latin America, recordings can include stenography, computer/typewriter, video, or audio. Respondents in both systems indicated that paper recording was the most common method of recording. However, ACS respondents were more likely to report the use of video or audio recording compared to respondents in the inquisitorial system. Specifically, 25% of respondents in the ACS recall hearings being recorded using video and 8% reported the use of a voice recorder. In comparison, only 8% of respondents in the INQ reported video recordings, and 4% audio recordings. Furthermore, about 20% of respondents in the ACS and 15% in the inquisitorial system recalled the use of other mixed methods of recording which included the use of cell phones for audio and/or video in addition to paper and/or computer recording.



It is important to note the impact that the COVID-19 pandemic had on experiences with transparency by defendants. Before the pandemic, about 35% of respondents reported that they never had friends or family attend their hearings, compared to 66% of respondents after the pandemic.

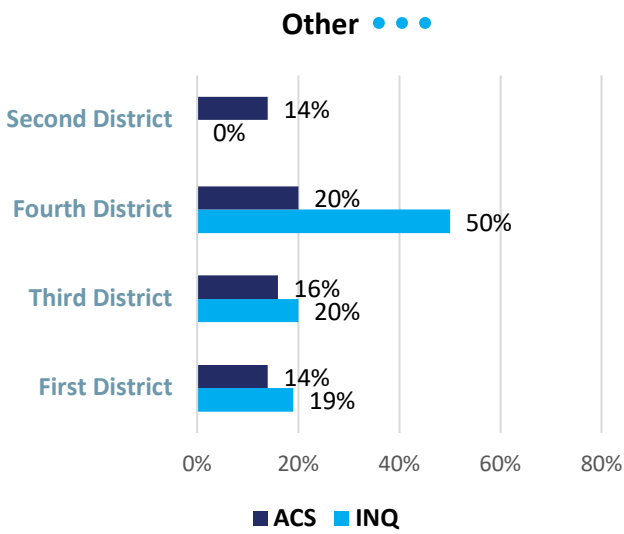
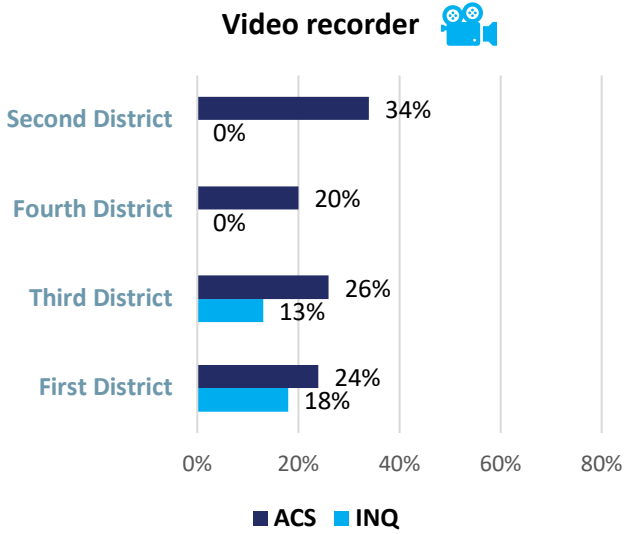
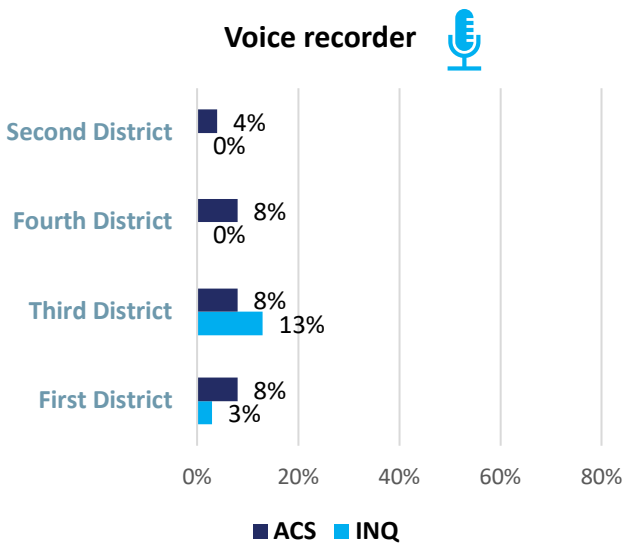
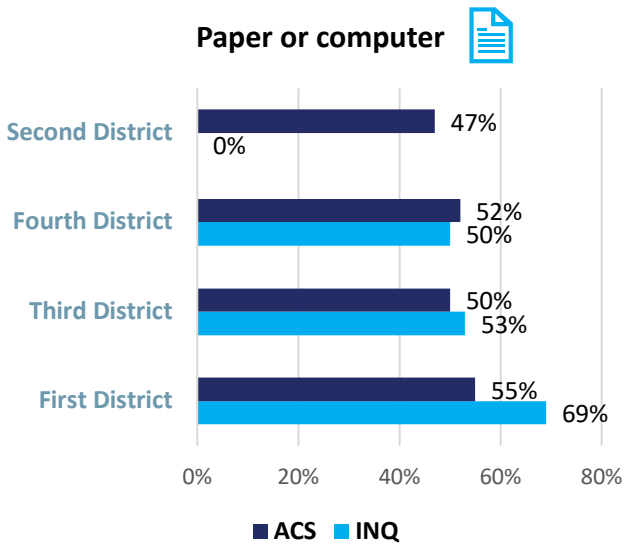
Transparency before and after the COVID-19 pandemic*

Characteristic	Pre-March 2020, N = 926	Post-March 2020, N = 652
Family/friends present during hearings		
Never	35%	66%
Rarely	3%	4%
Sometimes	9%	7%
Always	53%	24%

* p < .001.

The method for recording hearings can have important consequences for efficiency and transparency, like reducing the opportunity for corruption. In addition, voice and video recording may support the consolidation of verbal litigation, reducing the reliance on paper/written recordings. Meaningful differences regarding recordings were identified across judicial districts and by type of system. At least half of the respondents from the First, Third, and Fourth Judicial Districts identified paper or computer as the method for recording their court hearings. This was true even among respondents in the ACS. Slightly less than half of the respondents in the Second Judicial District reported paper or computer records and 34% reported the use of video recording. This difference is notable and may reflect the fact that the Second Judicial District was the first district to implement ACS and, as a result, our sample only included individuals processed under the new system. And finally, other mixed methods of recording were reported by respondents from the Fourth Judicial District, particularly among those in the inquisitorial system.

Transparency (by district and by system, in order of reform)

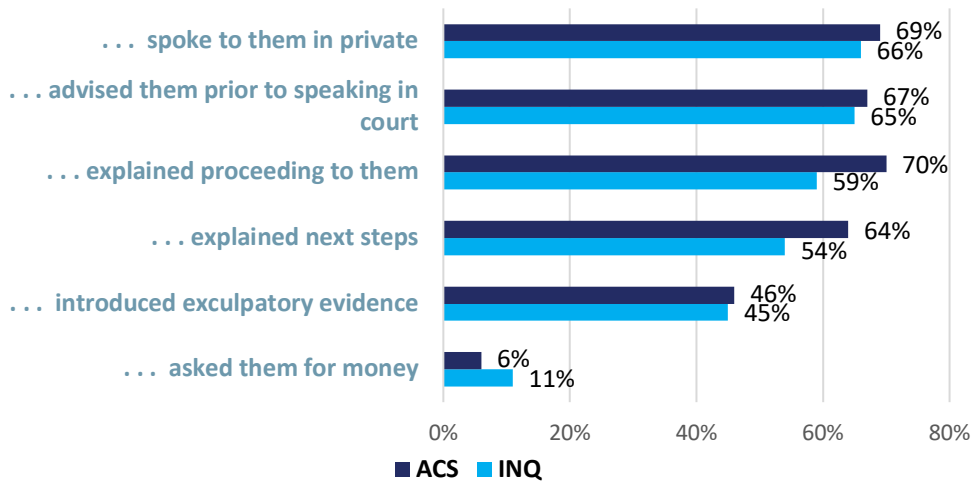


Experiences with Defense Attorneys

Respondents were also asked about their experiences with defense attorneys. Our findings suggest similar experiences with defenders across the inquisitorial and ACS systems, with exceptions in four areas. More respondents in the ACS agreed that their attorneys explained the proceedings to them (70%) and explained the next steps (64%) compared to those in the inquisitorial system. Also, a smaller share of respondents in the ACS (6%) reported that their attorneys requested money or bribes compared to those in the inquisitorial system (11%). Finally, ACS respondents (38%) were more likely to agree with the statement that their attorneys listened to them “a lot” compared to INQ respondents (30%).

Overall experiences with defenders (by system)

Percent respondents who agree with statement that their defense attorney...



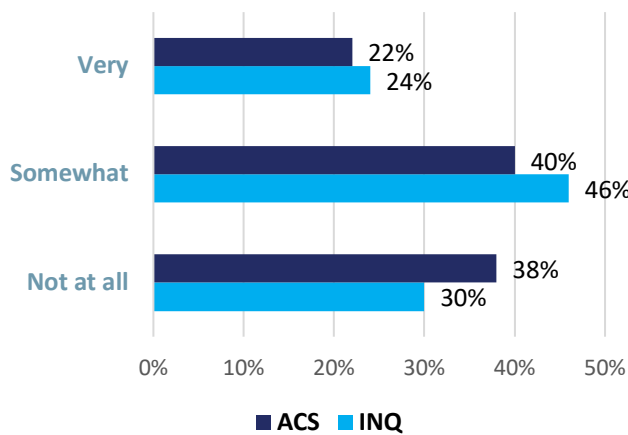
Listening (by system)

Percent respondents who agreed with the statement “My defense attorney listened to me...”

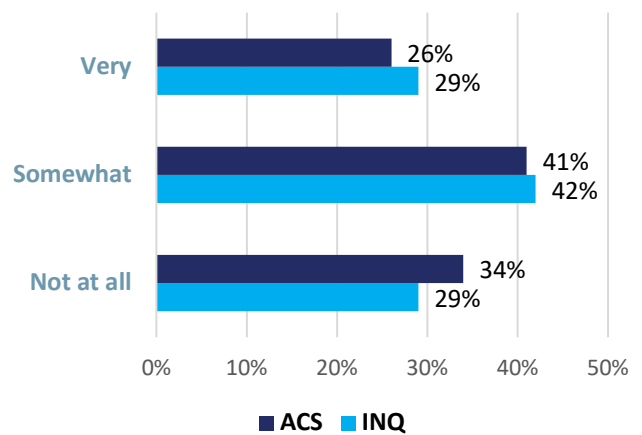


In general, relatively few respondents reported feeling very well-defended at various points in the proceedings. Only 22% in the ACS and 24% in the inquisitorial system felt very well-defended during their testimony to the police or the Public Prosecutor’s Office. Similarly, only 26% of respondents in the ACS and 29% of those in the inquisitorial system felt very well-defended during their first hearing. Among those who had a police lineup, only 17% of respondents in the ACS and 14% of those in the inquisitorial system felt that their attorney defended them very well at that moment. And when the evidence against them was introduced, only 22% of respondents in the ACS and 19% of those in the inquisitorial system felt they were very well-defended by their attorneys.

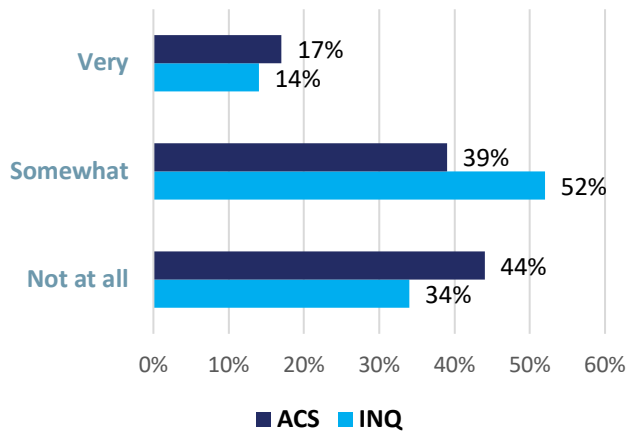
“How well defended did you feel when you gave your testimony to the police or the public prosecutor?” (by system)



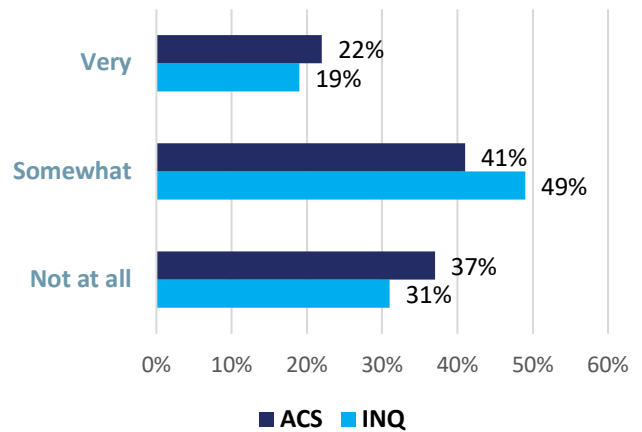
“How well defended did you feel during your first hearing?” (by system)



“How well defended did you feel during the police lineup?” (by system)

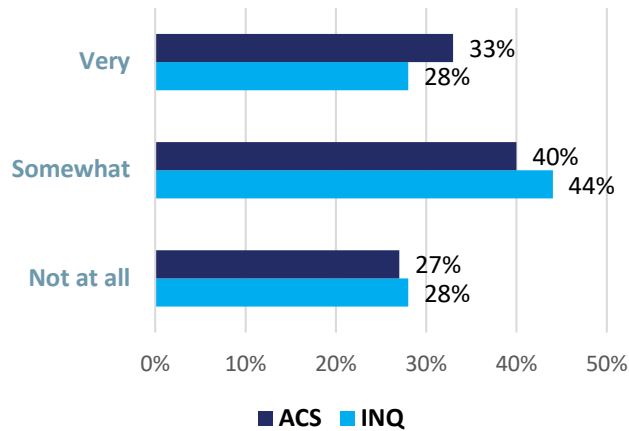


“How well defended did you feel at the moment that evidence against you was presented?” (by system)

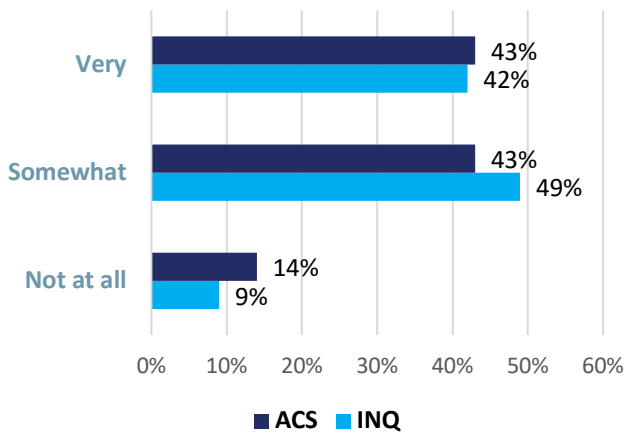


Ratings were more favorable in terms of the trial and post-conviction. Nearly a third of ACS respondents and 28% of INQ respondents reported feeling they were very well-defended during the trial. And, more than 40% of convicted individuals in both systems reported feeling very well-defended during post-conviction visits. The best experiences with the quality of defense came when respondents had an appeal. Among those processed in the ACS, 51% felt very well-defended during the appeal process, compared to 39% in the inquisitorial system.

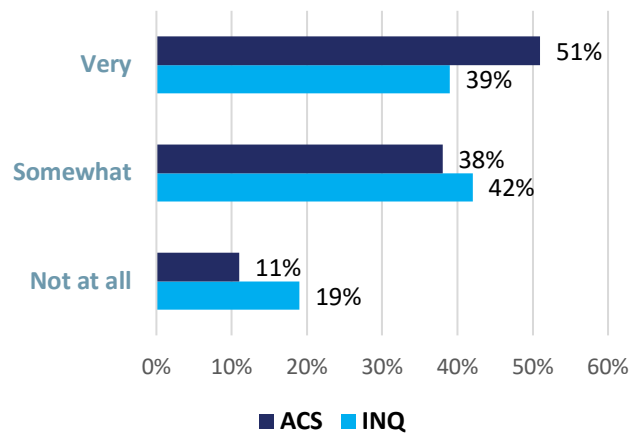
“How well defended did you feel during the trial?” (by system)



“How well defended did you feel during post conviction visits?” (by system)

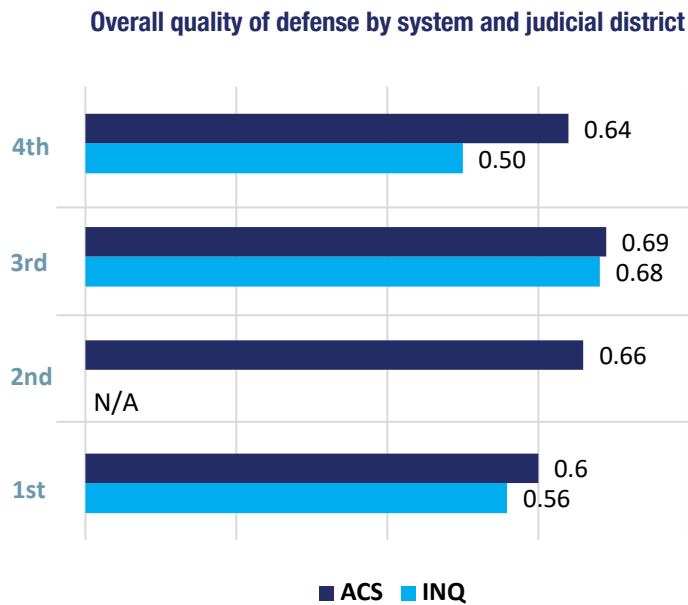


“How well defended did you feel during sentence appeal?” (by system)



Quality of Defense

We constructed a Quality of Defense Index to compare experiences with defense attorneys across systems and across judicial districts. The Quality of Defense Index ranges from 0-1, with higher values reflecting better experiences with defense attorneys. Across all judicial districts, experiences with defense attorneys improved under the ACS. The Third Judicial District obtained the highest score from all judicial districts, and respondents in this district that were from the ACS also experienced better overall quality of defense when compared to those who were from the inquisitorial system. The Second Judicial District had the second highest score when comparing the ACS across judicial districts, but given that we did not have respondents from the inquisitorial system in this district we cannot compare experiences with quality of defense among those who experienced proceedings in that system. The Fourth Judicial District had the worst quality of defense score in the inquisitorial system, but its ACS was in third place. The ACS in the First Judicial District had the lowest score in our Quality of Defense Index, and the inquisitorial system scored the second worst.



Experiences with the quality of defense also varied by type of defense. Respondents who were mostly defended by a public defender reported worse experiences with the quality of their defense (0.55) when compared with respondents that had a private attorney (0.70).

Quality of defense by type of defense*

Characteristic	Public Defender N = 865	Private Defender N = 703
Quality of defense normalized	0.55	0.70

* p < .001.

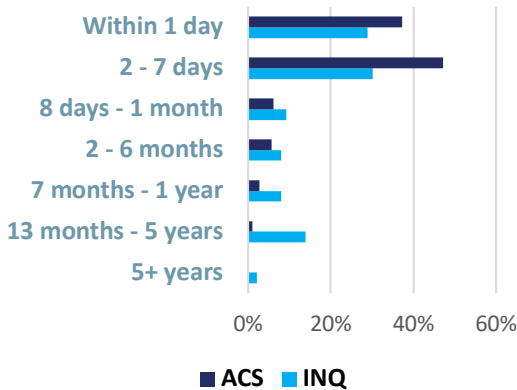
Experiences with the Right to a Speedy Trial

Under the accusatorial system in Panama, trials must be open to the public and completed in less than 18 months, protecting due process rights. After an arrest, the defendant must be brought to a judge within 24 hours. Our findings show that the average amount of time between an arrest to the first hearing and the average amount of time between arrest and conviction improved with the move to the ACS. Among ACS respondents, 37% reported seeing a judge within 24 hours of arrest, compared to 29% in the Inquisitorial system. The average time from arrest to first hearing was 21 months in the inquisitorial system, compared to one month in the ACS. Respondents that were accused of crimes against persons in the inquisitorial system had the longest mean time to first hearing (34 months). Respondents in the First Judicial District had the longest wait (8 months) to be taken to a first hearing.

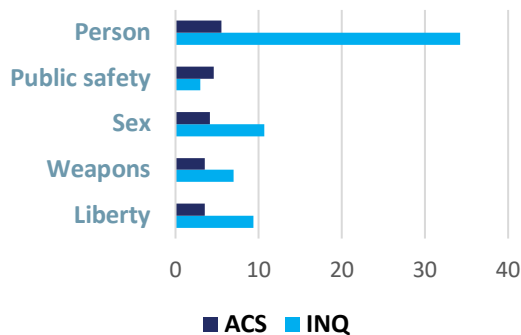
Time from arrest to first hearing in months (by system)

	ACS	INQ
Mean	3	21
Mode	1	1

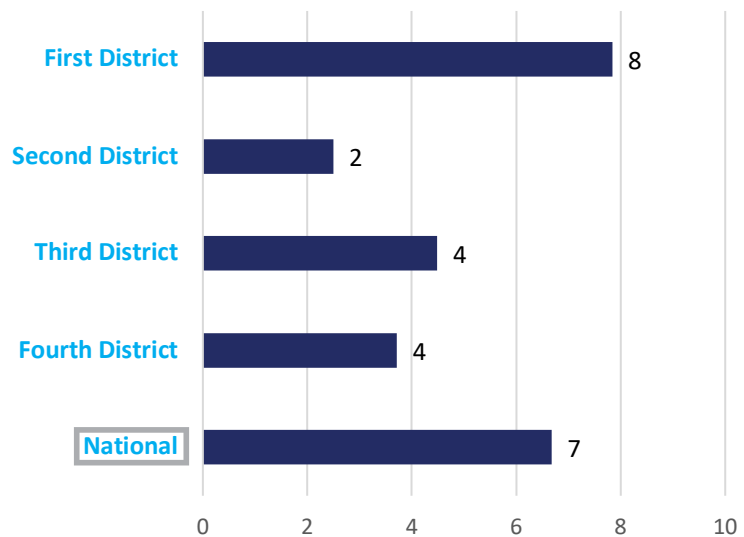
Percent of cases by time from arrest to first hearing (by system)



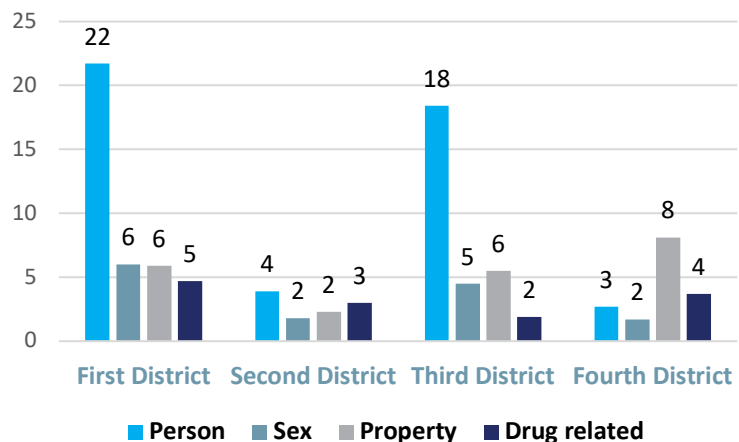
Mean number of months from arrest to first hearing among top crimes (by system)



Average time from arrest to first hearing (by district, in months)



Average time from arrest to first hearing among top crimes (by district, in months)



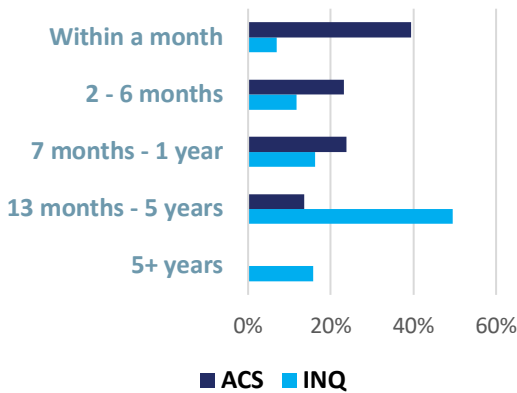
We also calculated the length of time respondents waited from the moment of arrest to the day they were convicted, using self-reported dates of arrest and conviction. As with time to the first hearing, the results

are indicative of an improvement with the implementation of ACS. In the ACS, the mean time from arrest to conviction was 6 months, compared to 12 months in the inquisitorial system. Respondents that were accused of crimes against persons in the inquisitorial system had the longest mean time to conviction (45 months). Respondents in the First Judicial District waited an average of 12 months to conviction, which was the longest mean length of time across all districts. Individuals convicted of crimes against persons in the First Judicial District waited the longest, an average of 31 months, for their case to reach a verdict.

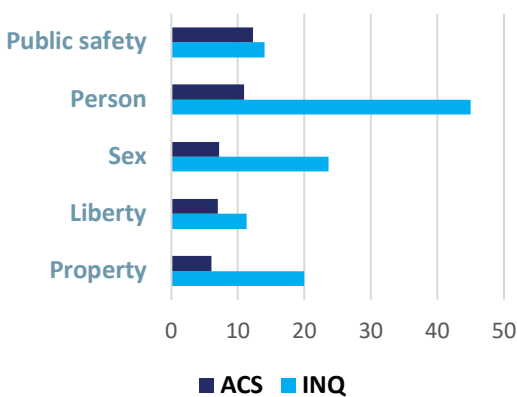
Time from arrest to conviction in months (by system)

	ACS	INQ
Mean	6	20
Mode	< 1	12

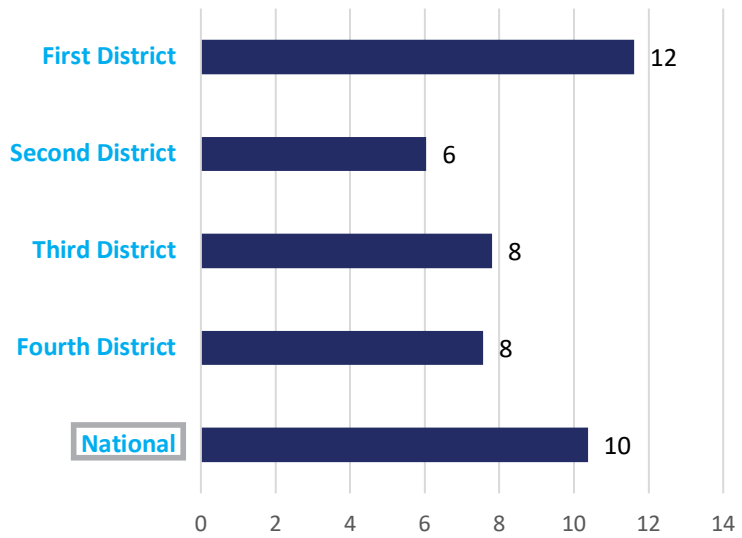
Percent of cases by time from arrest to conviction (by system)



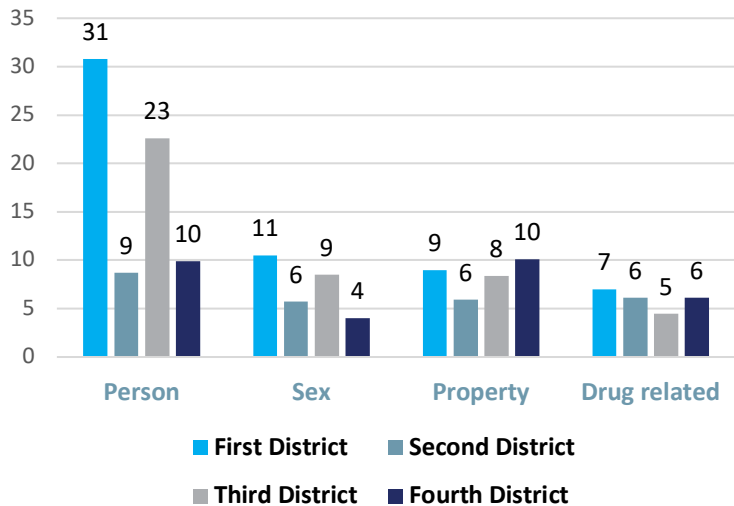
Mean number of months from arrest to conviction among top crimes (by system)



Average time from arrest to conviction (by district, in months)

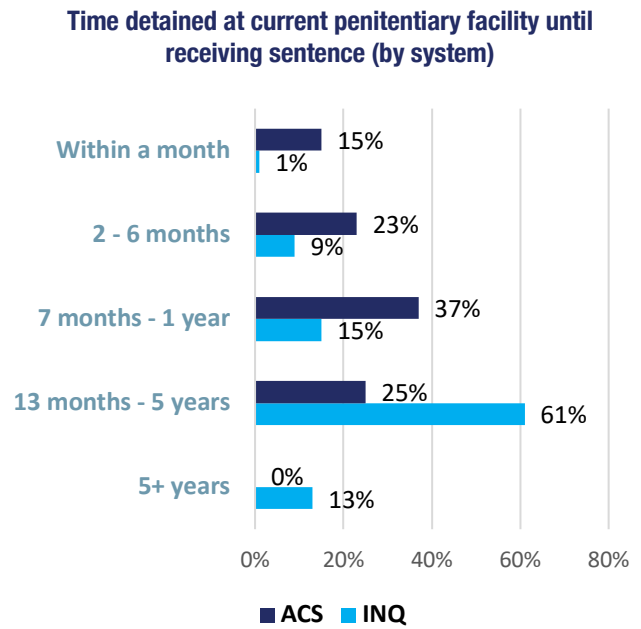
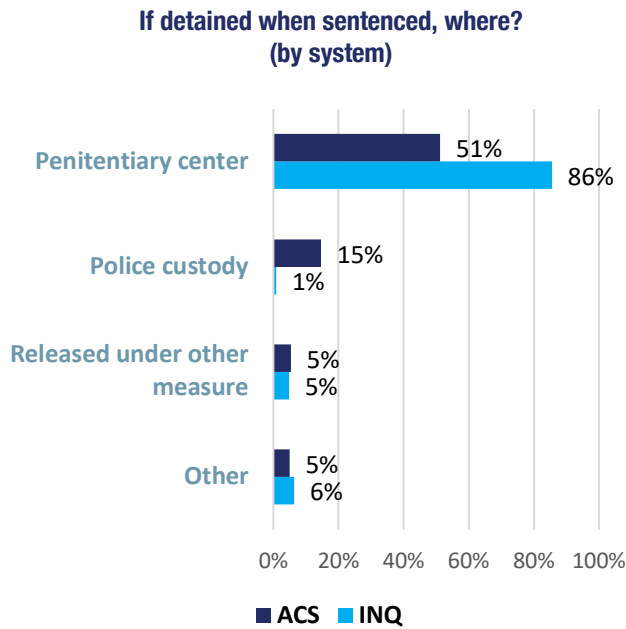


Average time from arrest to conviction among top crimes (by district, in months)



Experiences with Pretrial Detention

The majority of respondents had been detained in prison prior to sentencing and were in prison at the moment of conviction. This was particularly true for individuals detained under the inquisitorial system; 86% of processed respondents in the inquisitorial system were in prison pretrial compared to 51% of ACS respondents. The length of pretrial detention ranged from less than a month to more than 5 years. The majority (61%) of respondents processed in the inquisitorial system were detained for 13 to 60 months while awaiting a case resolution. In contrast, 75% of those processed in ACS were detained for 12 months or less.



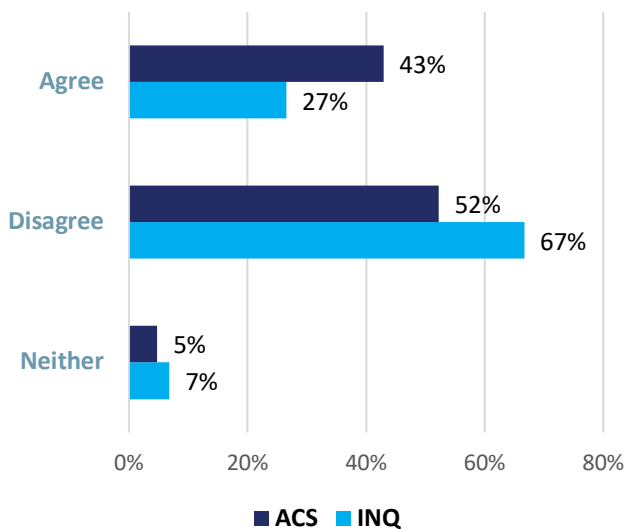
Experiences with Prison Staff by System

In both systems, the vast majority of respondents reported that they were not informed of their rights and obligations when being held in prison. Slightly more (74%) of respondents in the inquisitorial system reported being informed of their rights compared to 67% of those in the ACS. In contrast, more respondents in ACS agreed that staff protect the rights of defendants (43% vs 27% in the inquisitorial system). Similarly, more ACS respondents agreed that the prison staff treats everyone equally (36% vs 26% in the inquisitorial system). In the next chapter we will review the respondents' experiences of life in prison.

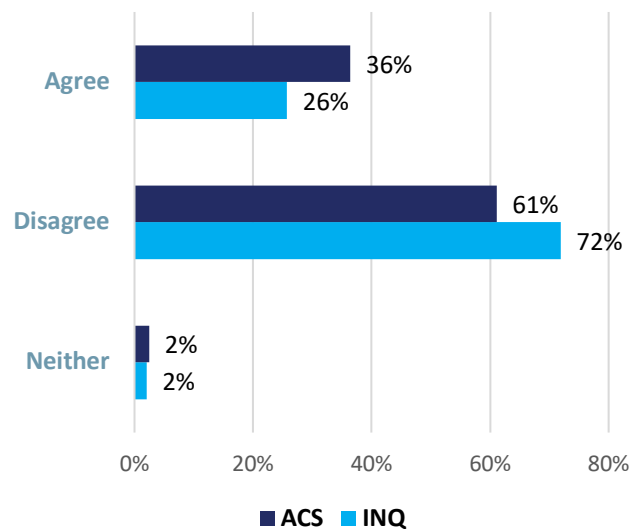
Percent respondents who agree with the statement "prison staff informed me of my rights and obligations" (by system)



Percent respondents who agree with the statement "prison staff protects rights of the incarcerated" (by system)



Percent respondents who agree with the statement "prison staff treats everyone equally" (by system)

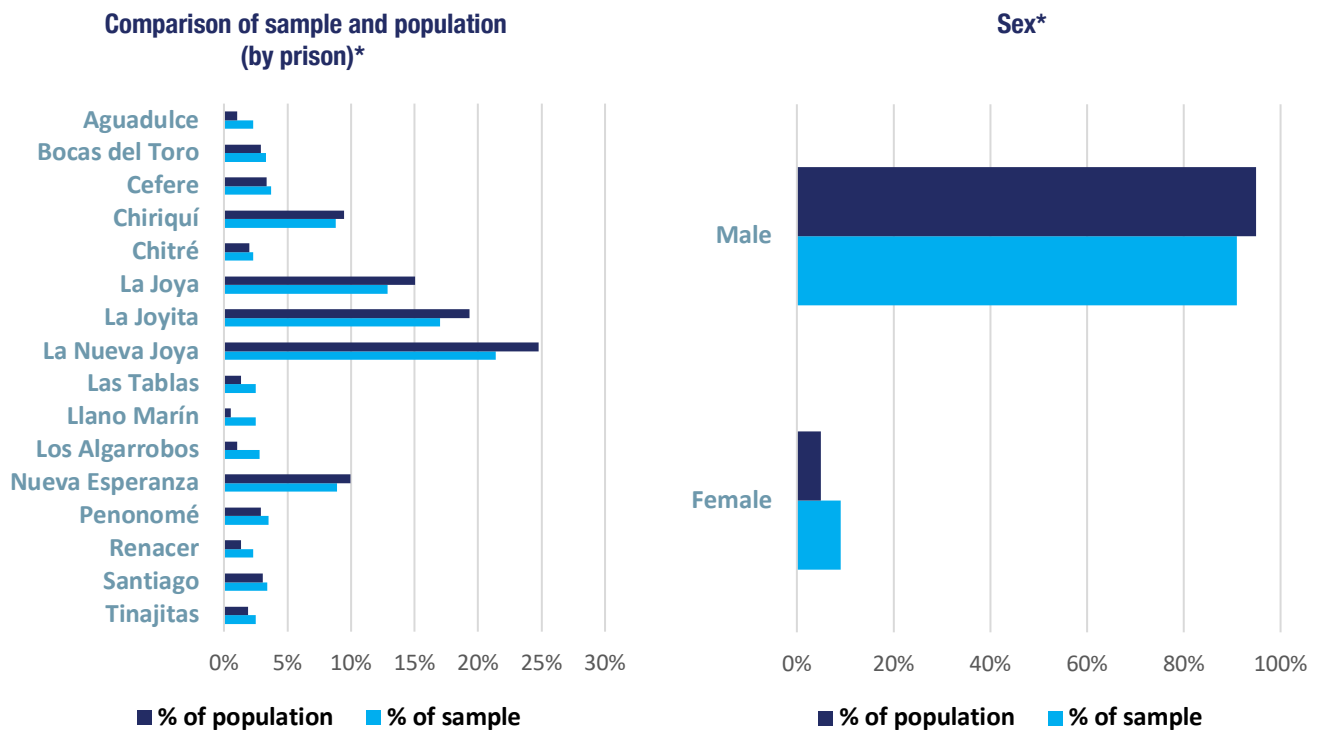


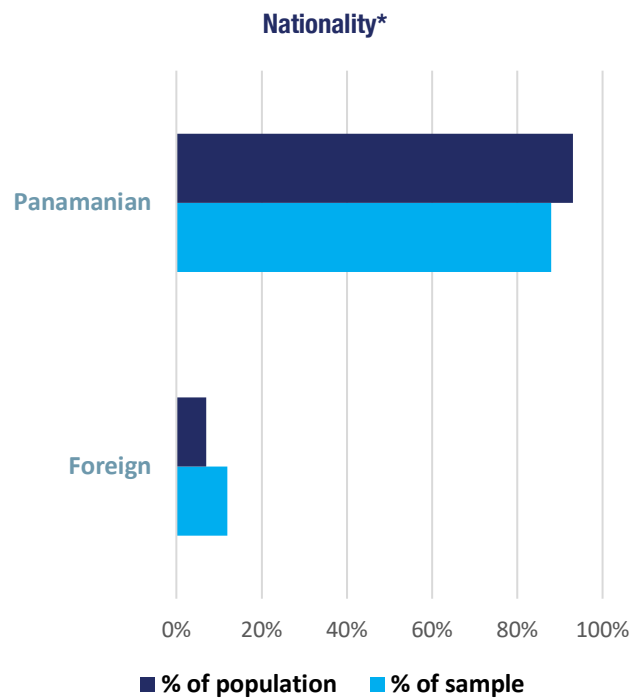
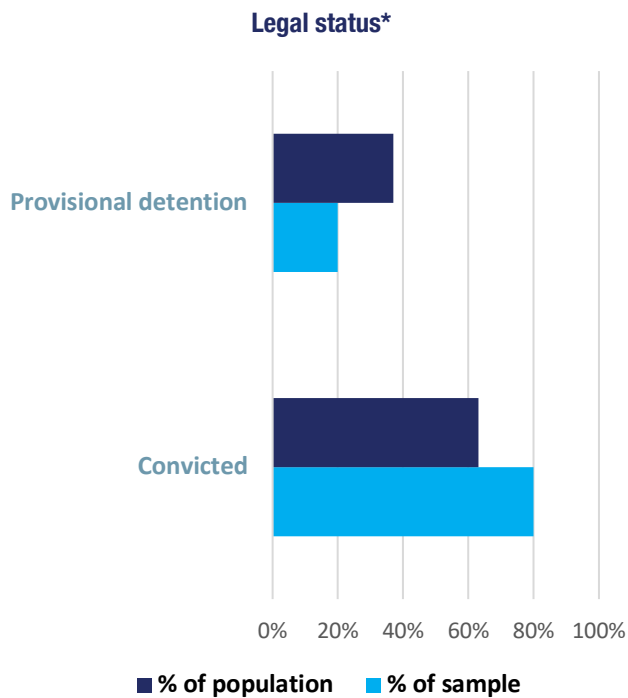
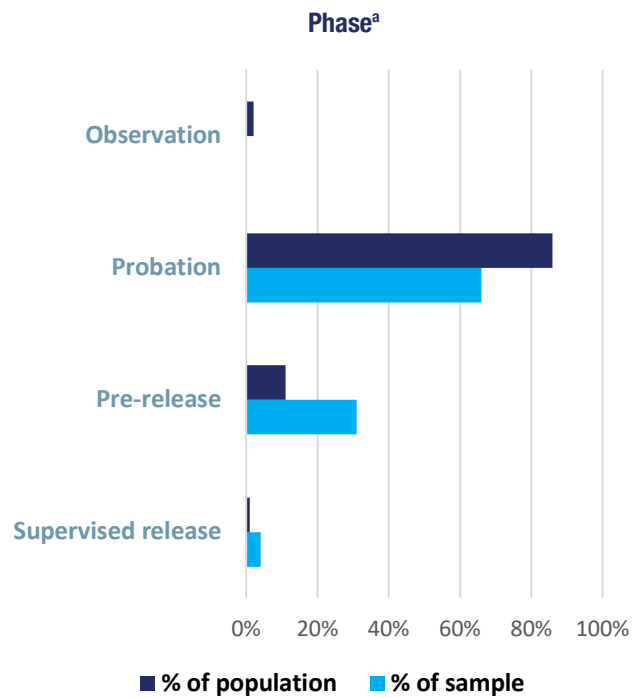
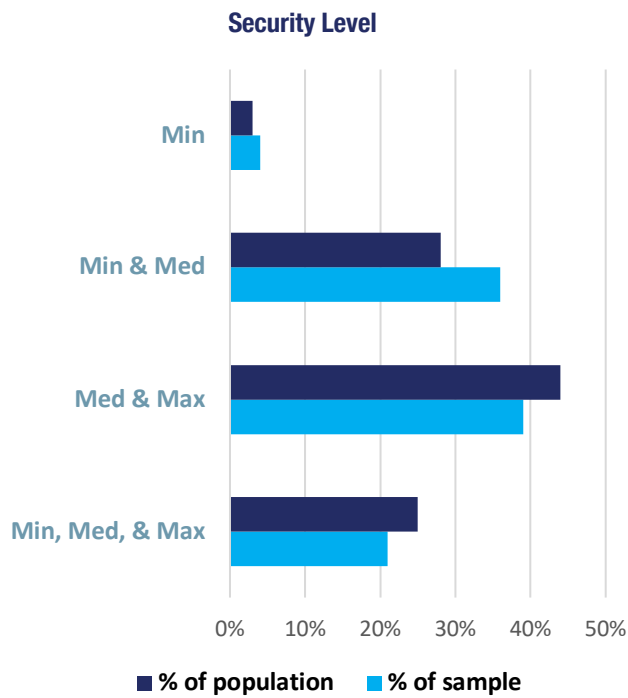
5. RULE OF LAW IN PRISON

As noted in the introduction, the experiences of individuals in prisons are of pivotal importance to the overall health of the rule of law in a country. For this reason, correctional systems should seek to develop policies, procedures and programs aimed at enhancing the rule of law in their facilities. Doing so is important for several reasons including: (1) Prisoners’ carceral experiences impact their belief in the criminal justice system and that of their families; (2) Order maintenance in prison is often dependent on how prisoners perceive the legitimacy of the staff and administration (Sparks, Bottoms, & Hay, 1996); (3) Depriving prisoners of their basic needs and fundamental rights can promote violence; and (4) Safe, secure, and accountable staff are necessary to provide an environment conducive to rehabilitation and successful reintegration. In this chapter, we provide the survey results related to the treatment and experiences of people in prison. We begin with a comparison of the sample and prison population characteristics, followed by our findings on the Rule of Law indicators for the Panama prison system. We conclude with a comprehensive overview of the survey results to provide a detailed description of prisoners’ perceptions and experiences of the correctional standards of care.

Comparison of Sample and Population Characteristics

As previously noted, the survey was implemented in all 16 prisons in Panama with a total of 1,578 prisoners interviewed. Efforts were made to match the sample to the population on characteristics including legal status and prison; however, limitations to the sampling methods precluded this from happening. As illustrated below, though the sample generally resembles the population, significant differences exist, and caution should be taken about making inferences to the larger prison population. This is especially important in regard to sensitive issues, which may be more prone to bias.





^a Excluding “Not Classified” (DGSP data) and individuals in provisional detention (survey sample).

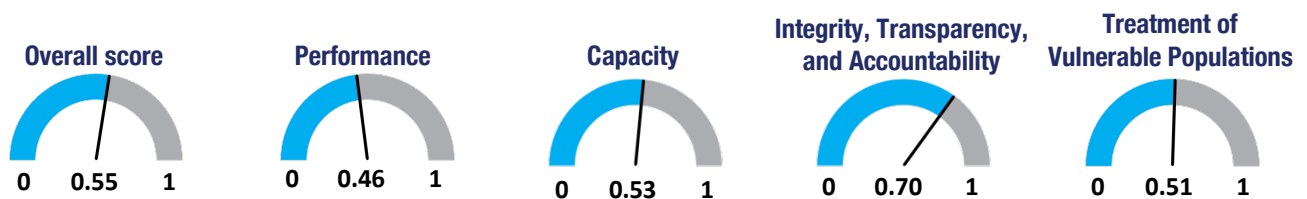
* $p < .001$.

Source for national-level data: Dirección General del Sistema Penitenciario, 2021.

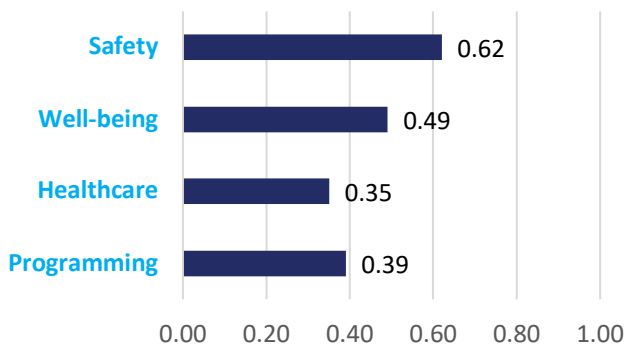
Rule of Law Indicators in Prisons

Adherence to the Rule of Law requires that prisons operate or perform in meaningful ways, have sufficient capacity, have integrity, transparency, and accountability, and are sensitive to the treatment of vulnerable groups. The index below reports the overall extent to which the survey results meet each of these metrics (See Appendix C for the survey questions that make up the Rule of Law Index). Scores closer to 1 indicate greater adherence to Rule of Law. Overall, prisoners reported that staff respect specific rights and do not threaten or bribe them. However, prison conditions are in need of improvement. The index suggests the need for improving access to healthcare and programming, structural conditions, great transparency and accountability, and additional efforts to ensure equal and fair treatment of vulnerable groups. Below we report the overall results, and the dimensions within each domain.

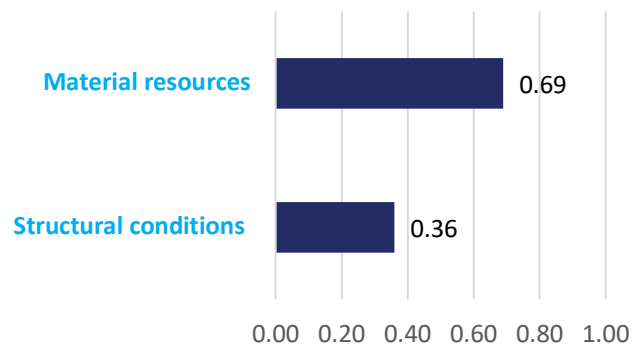
Overall Index



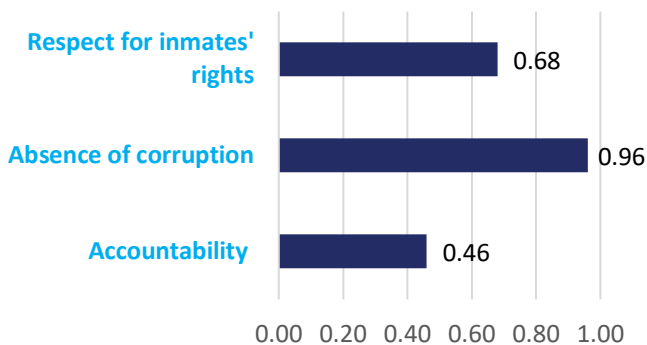
Performance



Capacity



Integrity, Transparency, and Accountability

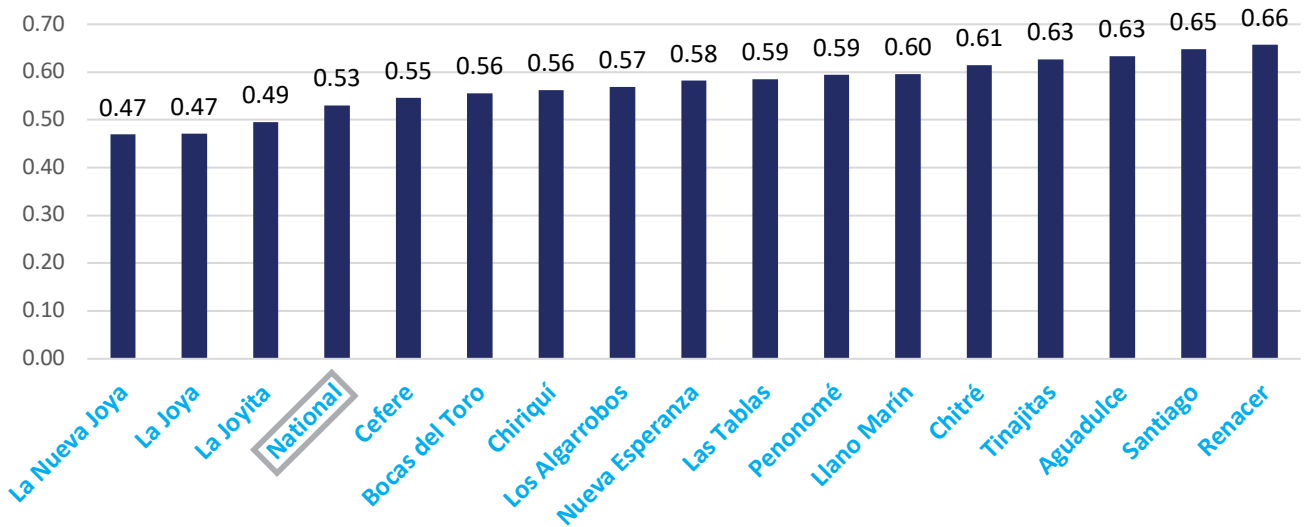


Treatment of Vulnerable Groups

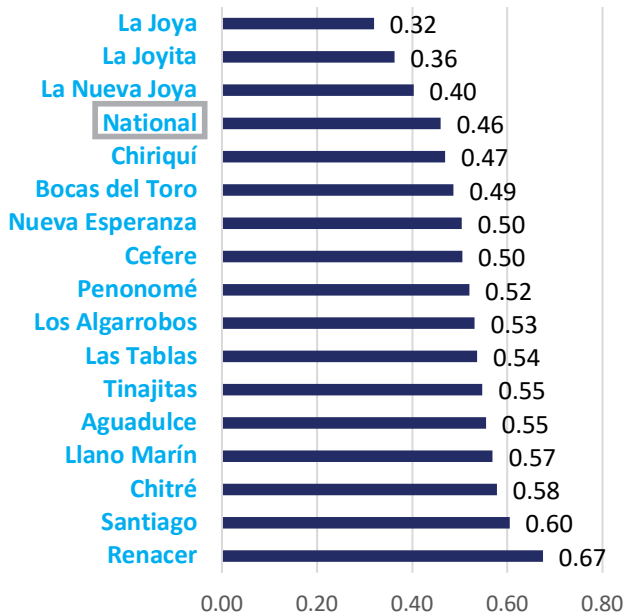


Index scores were calculated for each individual prison based on survey responses. It is important to take care in interpreting differences between the prisons as these may be reflective of bias in the sample. However, some clear trends emerge, namely that the La Joya facilities consistently were rated below the national average while Renacer and Santiago were generally rated more favorably than other prisons. To better understand these trends, we report more detailed survey findings for each of the factors and subfactors beginning on the following page.

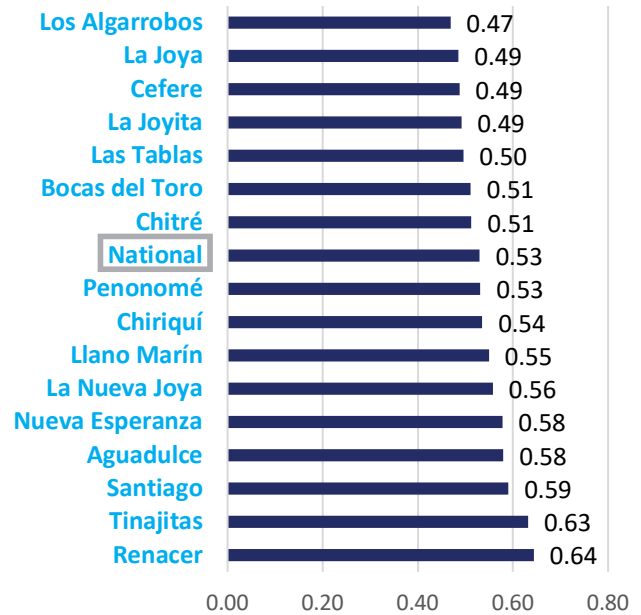
Overall index score (nationally and by prison)



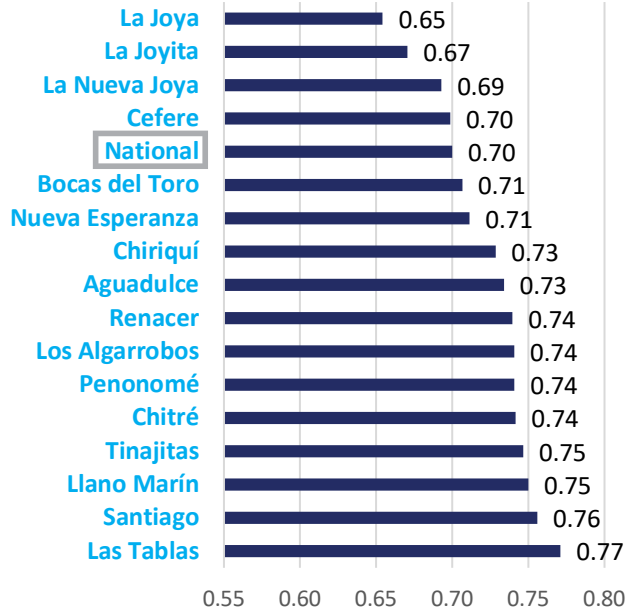
Performance score (nationally and by prison)



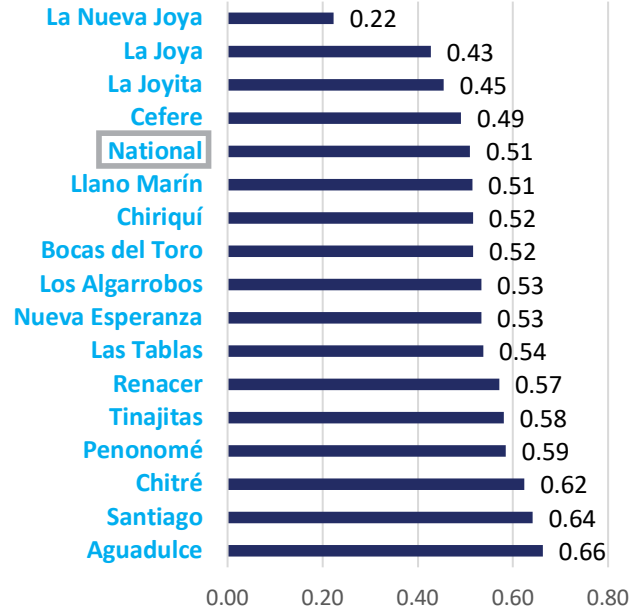
Capacity score (nationally and by prison)



**Integrity, transparency, and accountability score
(nationally and by prison)**



**Treatment of vulnerable populations score
(nationally and by prison)**



Performance

Perceptions of safety

Keeping people safe should be a core goal for any prison system and questions were asked about perceptions of safety. Nationally, just over half of all respondents reported feeling “safe in this prison”. However, this rate varied considerably; only 24% of respondents at the women’s prison, Cefere, reported feeling safe, compared to 95% at Tinajitas, a male detention center. Nationally, over half of the respondents did not believe that prison staff protect the rights of prisoners and a third indicated it is common to see prisoners beat other prisoners.

Perceptions of safety

54% do not believe that prison staff protect the rights of the prisoners



37% say it is common to see prisoners beating other prisoners



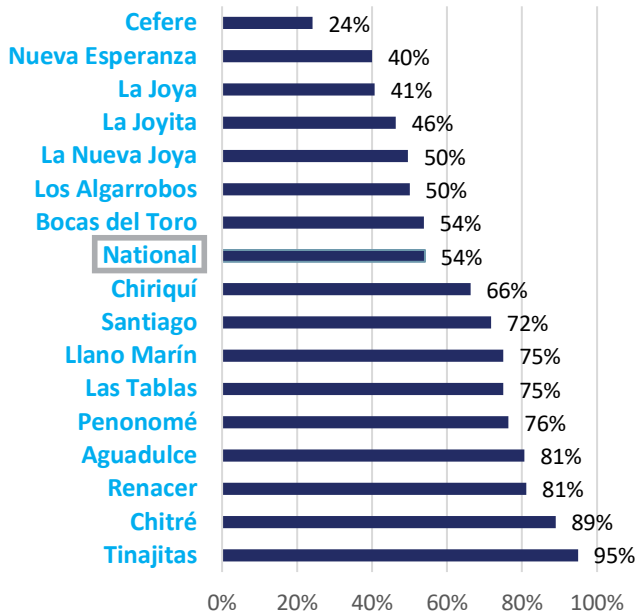
44% do not feel safe in their current prison



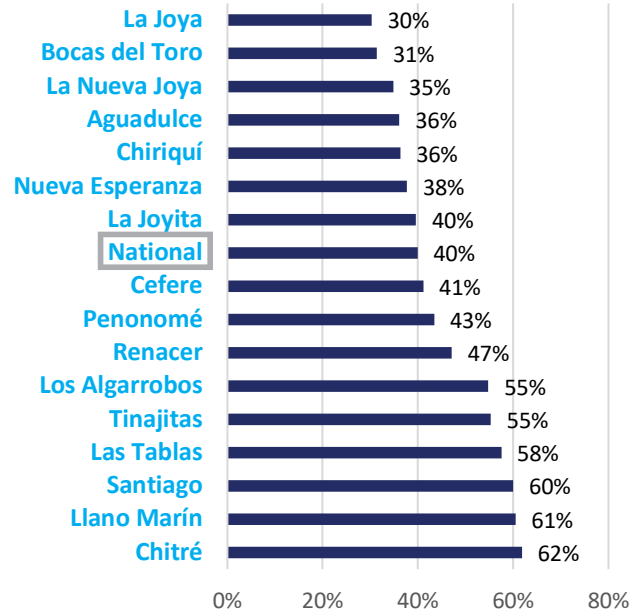
20% believe it is easy to escape from their current prison



Percent respondents who agree with the statement “I feel safe in this prison” (nationally and by prison)



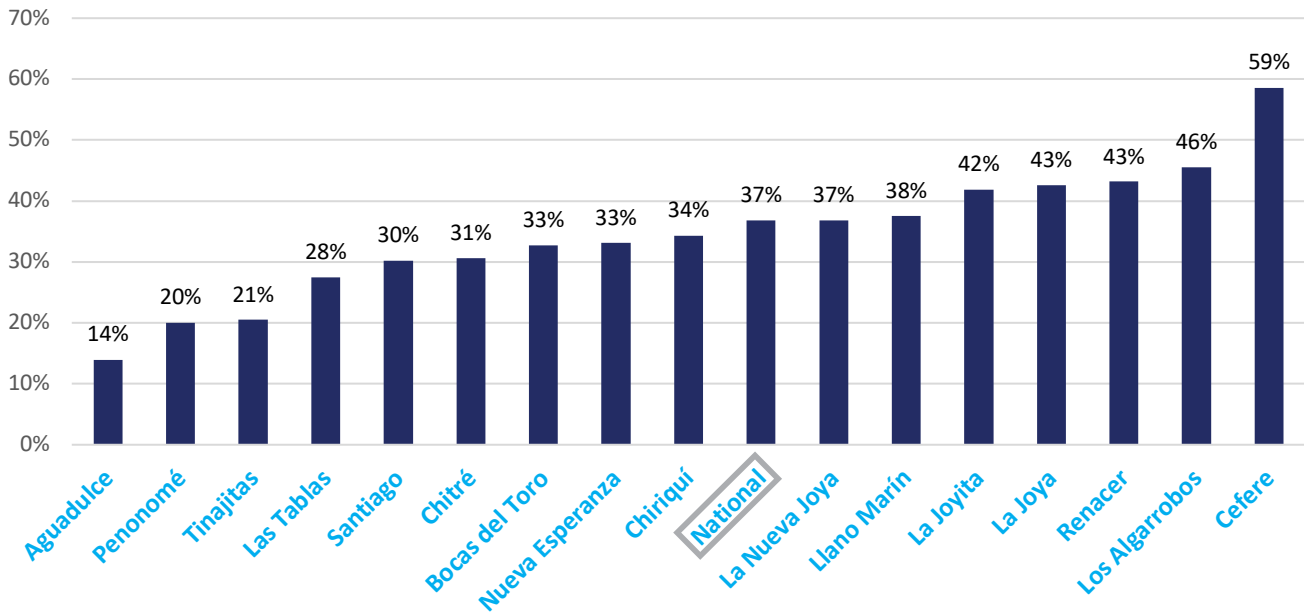
Percent respondents who agree with the statement “Staff are accountable for mistreatment” (nationally and by prison)



Potential for victimization

The potential for victimization can vary across different types of activities and reports of victimization are generally assumed to be under-reported. Whether through witnessing or experiencing trauma, it is important to note that victimization is often associated with increased substance use, mental health disorders, and suicide attempts, along with poorer reentry outcome. Just over a third of the respondents indicated they had observed physical fights between prisoners.

Percent respondents who agree with the statement “I have witnessed fights among prisoners” (nationally and by prison)



Perceptions of safety

Violence can occur in various areas within a prison setting. Respondents were asked about their feeling of safety during a number of routine daily activities including eating meals, showering, using the bathroom, and at night while in a cell. As illustrated on the next two pages a minimum of two-thirds of respondents reported feeling safe or very safe during these types of routine daily activities. One exception to this was at nighttime; only 55% of those who did not sleep in a cell reported feeling safe at night.

Considering the possibility of being attacked by another prisoner, how safe do you feel...

When food is distributed?



Prison			
Renacer	87%	0%	14%
Chitré	86%	0%	14%
Santiago	83%	2%	15%
Penonomé	82%	0%	18%
Chiriquí	81%	0%	19%
Bocas del Toro	79%	0%	21%
Aguadulce	78%	0%	22%
Las Tablas	78%	0%	23%
Tinajitas	77%	3%	21%
Llano Marín	75%	0%	25%
Cefere	71%	4%	25%
National	67%	2%	31%
Los Algarrobos	66%	7%	27%
La Nueva Joya	65%	3%	32%
Nueva Esperanza	63%	4%	34%
La Joya	55%	2%	43%
La Joyita	55%	2%	44%

While bathing?



Prison			
Aguadulce	94%	0%	6%
Chitré	89%	0%	11%
Santiago	87%	0%	13%
Renacer	87%	3%	11%
La Nueva Joya	84%	2%	15%
Tinajitas	82%	0%	18%
Penonomé	82%	4%	15%
Nueva Esperanza	81%	2%	17%
Bocas del Toro	79%	0%	21%
National	77%	2%	22%
Cefere	76%	5%	19%
Chiriquí	75%	2%	23%
Llano Marín	73%	0%	28%
Las Tablas	70%	3%	28%
La Joya	68%	3%	29%
La Joyita	67%	1%	32%
Los Algarrobos	66%	2%	32%

Very Safe / Safe

Neither Safe or Unsafe

Unsafe / Very Unsafe

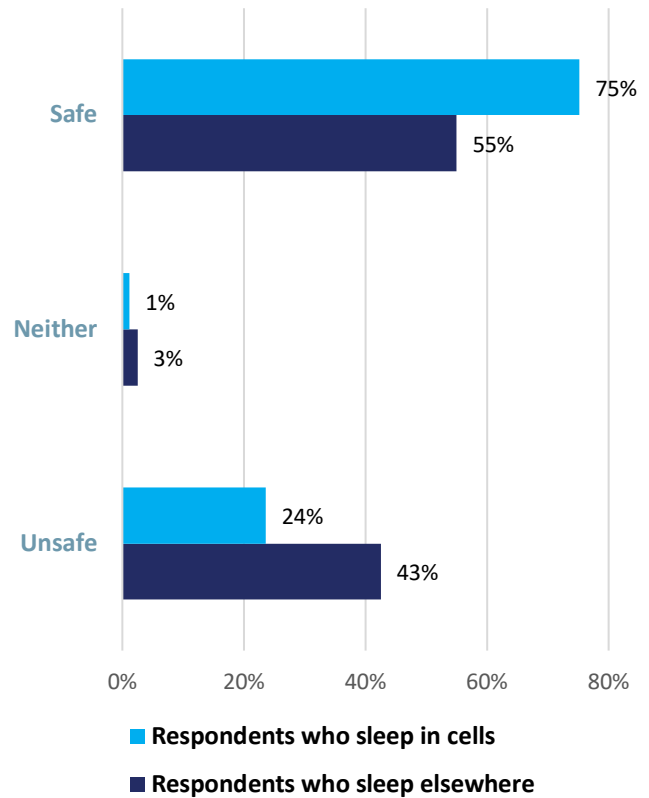
Considering the possibility of being attacked by another prisoner, how safe do you feel...

In the lavatory?



Prison	😊	😐	😞
Renacer	95%	0%	5%
Aguadulce	92%	0%	8%
Santiago	81%	0%	19%
Chitré	81%	0%	19%
La Nueva Joya	79%	1%	20%
Tinajitas	77%	0%	23%
Penonomé	76%	0%	24%
Nueva Esperanza	74%	2%	24%
Las Tablas	70%	3%	28%
National	70%	2%	29%
Cefere	69%	3%	28%
Chiriquí	68%	2%	30%
Llano Marín	68%	0%	33%
La Joya	62%	2%	36%
Bocas del Toro	61%	2%	37%
La Joyita	55%	2%	43%
Los Algarrobos	52%	2%	46%

In cell at night?



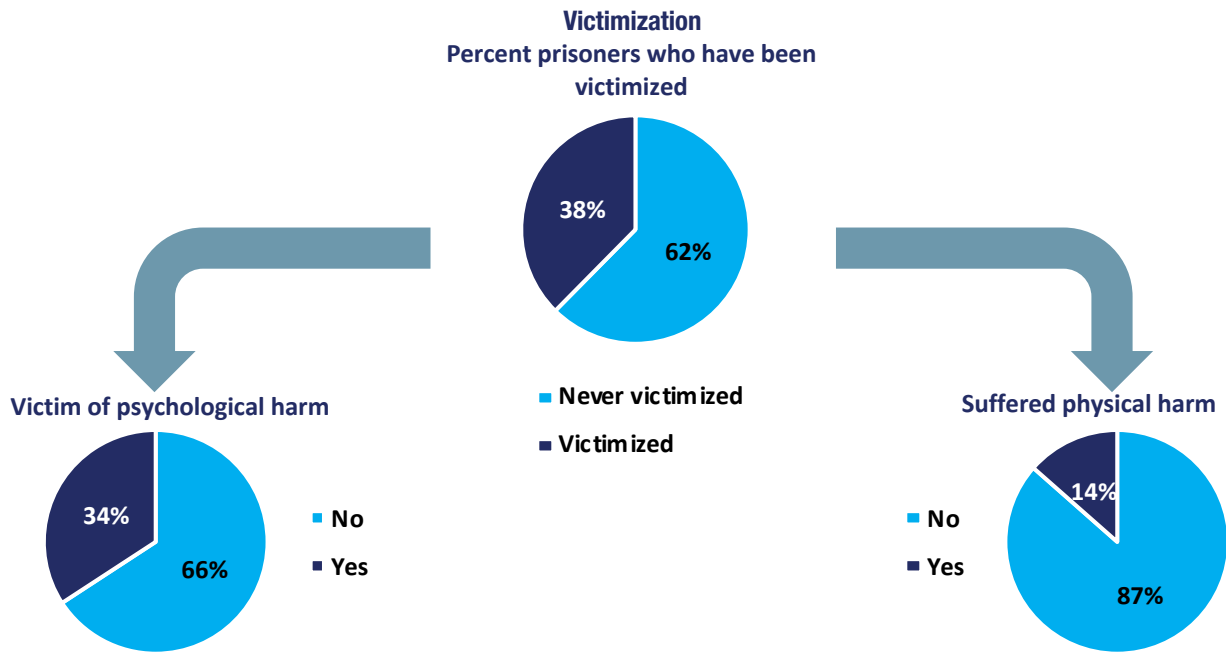
😊 Very Safe / Safe

😐 Neither Safe or Unsafe

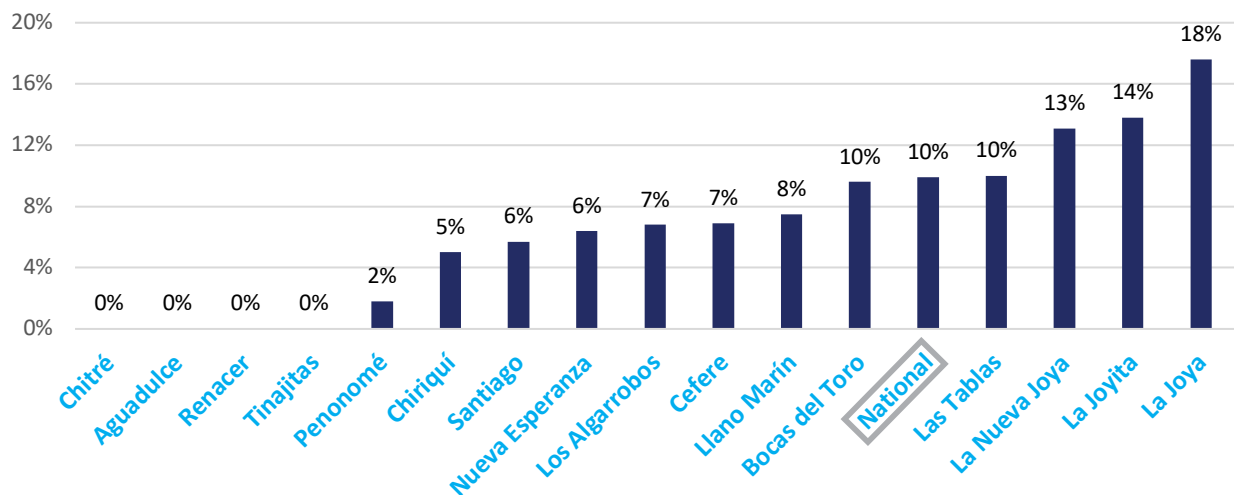
😞 Unsafe / Very Unsafe

Experience of victimization

Though respondents generally reported feeling safe, just over a third reported being victimized while in prison. Among these individuals, 14% reported physical harm¹³ and 34% reported psychological harm.¹⁴ However, no respondents from Chitré, Aguadulce, Renacer, or Tinajitas reported being physically assaulted. Prisons with more than 10% of respondents indicating physical assault were limited to those in the La Joya complex of prisons. Victimization is generally underreported in prison-based surveys and the actual rates of victimization may be greater than reported by the respondents; therefore, caution should be taken when interpreting these results.



Percent physically assaulted in current facility (nationally and by prison)



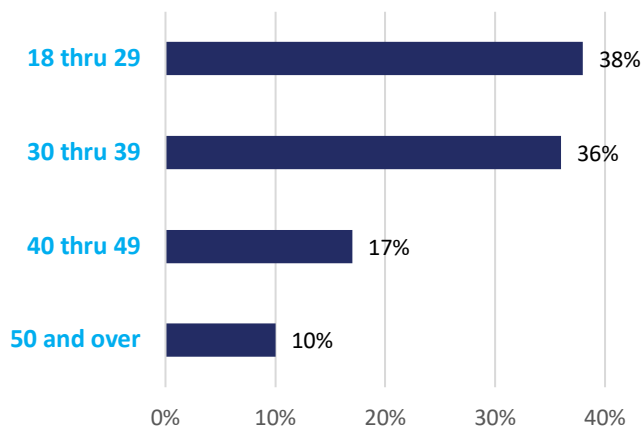
¹³ Physical harm includes assault, bounded, blindfolded, asphyxiated, and sexual assault.

¹⁴ Psychological harm includes -with false charges, food deprivation, violence against families, bribes, denied communication, denied visitors, and forced to undress.

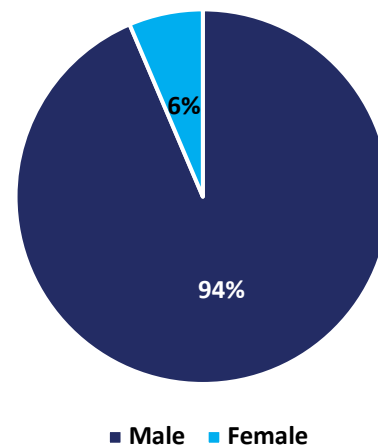
Physical victimization

As noted on the prior page, 10% of respondents indicated being physically assaulted during their current term of incarceration. To more fully explore this, we examined characteristics of those who reported being assaulted. The majority of those who indicated they had been victims of assault were under the age of 40 and male. Among those who were assaulted only 6% were women, which accounts for about 7% of the total sample of women. Roughly 10% of all men reported an assault, accounting for 94% of all those who reported an assault. No assaults, for men or women, were reported in Aguadulce, Chitra, Tinajitas, or Renacer.

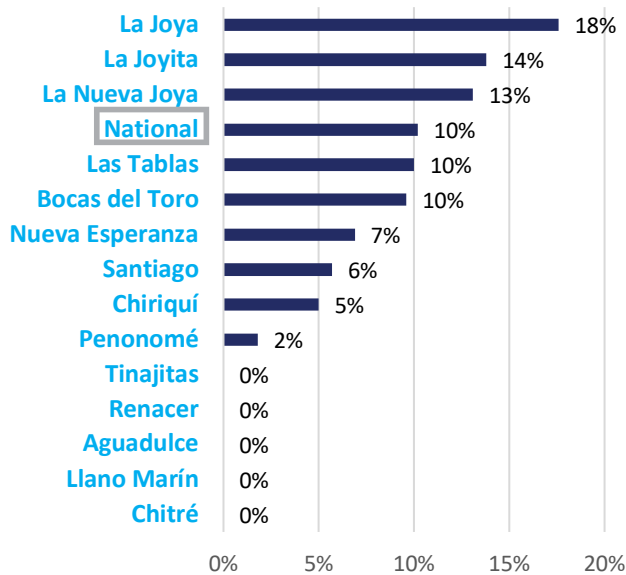
If physically assaulted, current age of respondent



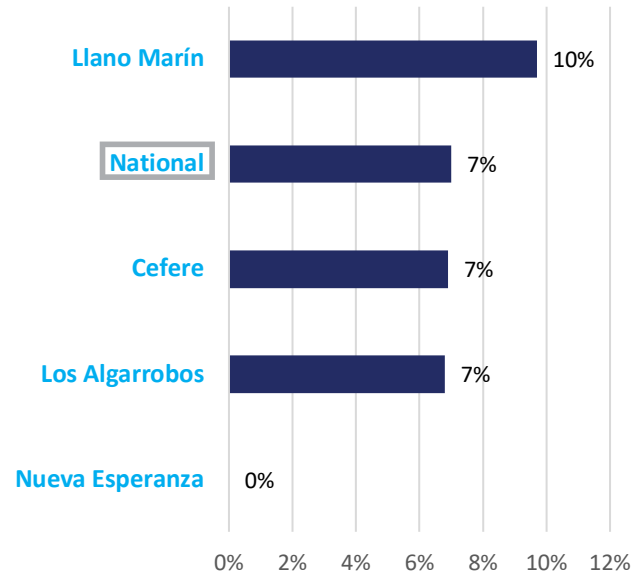
If physically assaulted, sex of respondent



Percent male prisoners physically assaulted in current facility (nationally and by prison)



Percent female prisoners physically assaulted in current facility (nationally and by prison)

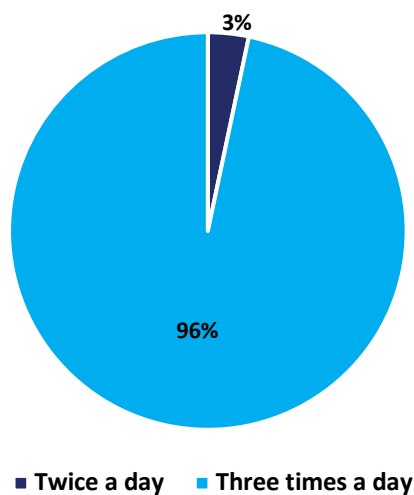


Prisoner Health, Welfare and Rehabilitation

Food

Access to adequate food is a basic right for those living in prison. Almost all the respondents reported receiving food three times a day and only 2% reported having been denied access to food by prison staff. Although respondents regularly receive food, the quality of food was consistently rated poorly. Across the country, 64% of respondents rated the food as bad or very bad. Roughly a third of respondents at El Renacer and Santiago rated the food as good or very good. However, more than two-thirds of respondents rated the food as bad or very bad at the La Joya complex, Cefere, and Llano Marín.

How many times a day do you receive food?



Where do you eat?

94% respondents say they eat in their cell



How would you rate the quality of the food served in this prison? (nationally and by prison)

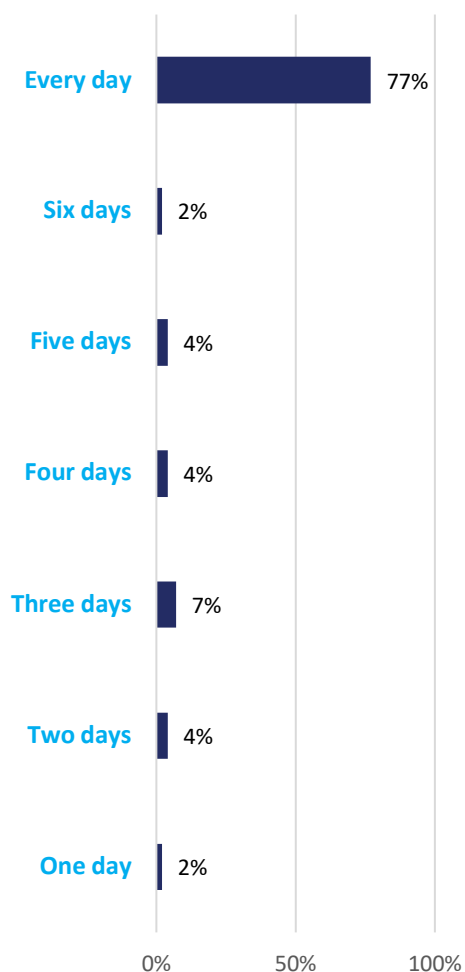
😊 Very good / Good 😐 Regular ☹️ Bad / Very bad

Prison	😊 Very good / Good	😐 Regular	☹️ Bad / Very bad
La Joya	5%	15%	80%
La Joyita	7%	15%	78%
Cefere	12%	16%	72%
Llano Marín	15%	13%	72%
La Nueva Joya	12%	18%	70%
National	15%	21%	64%
Las Tablas	18%	20%	63%
Nueva Esperanza	16%	25%	59%
Penonomé	25%	18%	56%
Chiriquí	22%	23%	55%
Chitré	14%	33%	53%
Aguadulce	28%	25%	47%
Bocas del Toro	31%	27%	42%
Los Algarrobos	25%	34%	41%
Tinajitas	23%	38%	38%
Santiago	36%	34%	30%
El Renacer	39%	33%	28%

Water

In addition to food, prisoners should have access to drinkable water and be provided with the water necessary for hygiene. Just over 75% of respondents indicated having sufficient water to meet their daily needs. Over 20%, however, indicated they had adequate water less than 6 days a week and a total of 70 respondents reported being threatened with water deprivation. Overall, the quality of water was rated poorly. Across the country, a third of respondents rated the water as good or very good while 50% reported it as bad or very bad. The quality of water was generally rated favorably at Reanacer, Cefere, and Santiago and unfavorably at Los Algarrobos, La Joya, La Joyita, Chiriquí, and Chitré.

How often do you have water to cover your daily needs and to drink in this prison? (per week)



How would you rate the quality of the drinking water in this prison? (nationally and by prison)

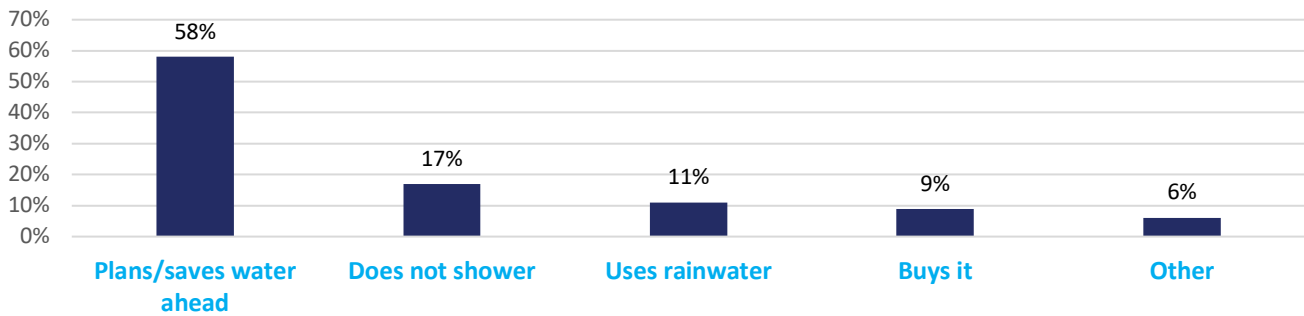
😊 Very good / Good 😐 Regular ☹️ Bad / Very bad

Prison	😊	😐	☹️
Los Algarrobos	7%	2%	91%
La Joya	4%	11%	85%
La Joyita	6%	12%	82%
Chiriquí	9%	14%	77%
Chitré	28%	11%	61%
National	33%	17%	50%
Llano Marín	33%	20%	48%
Bocas del Toro	42%	14%	44%
Tinajitas	46%	18%	36%
Penonomé	42%	22%	36%
Las Tablas	40%	28%	33%
Aguadulce	45%	25%	31%
La Nueva Joya	55%	22%	23%
Nueva Esperanza	54%	26%	20%
Santiago	74%	9%	17%
Cefere	67%	16%	17%
Reanacer	81%	11%	8%

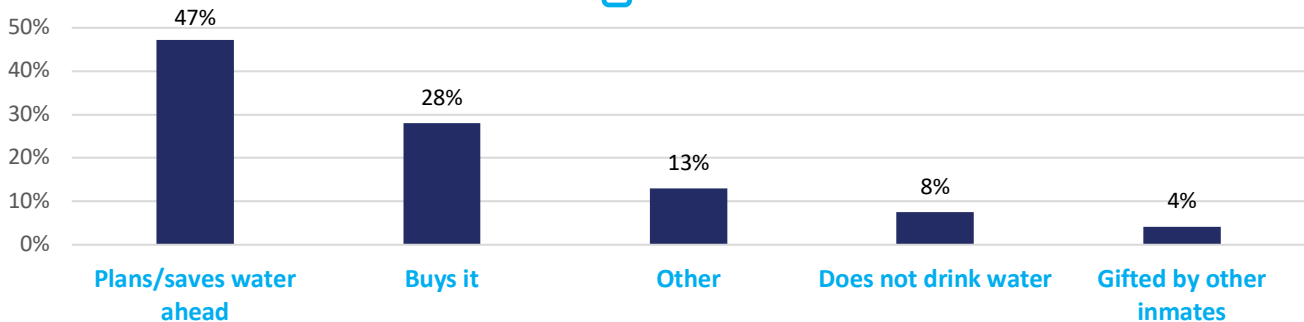
Water

Individuals who reported less than daily access to water were asked about strategies used to manage the limited access. At least half of the respondents reported planning ahead by saving water for bathing and drinking. However, 43% reported simply not using the bathroom on days they did not have water. Beyond planning ahead or not engaging in an activity, other strategies for accessing water included using rainwater, buying water, or relying on other prisoners to provide it.

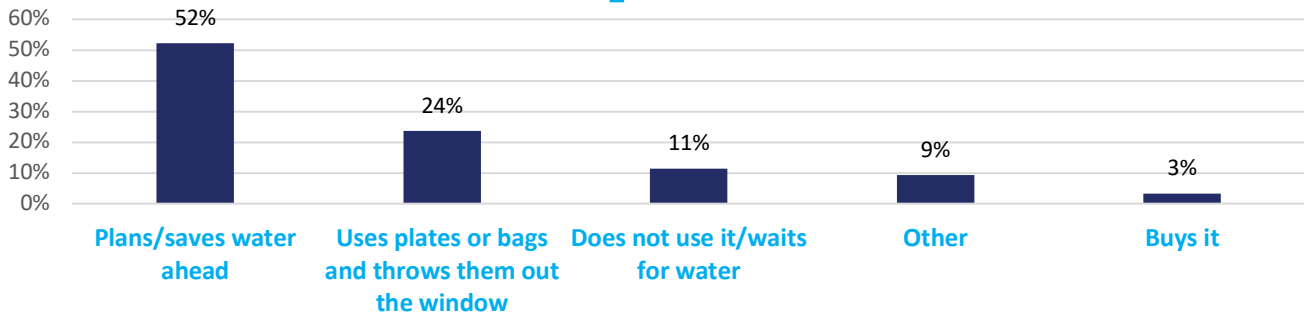
For respondents who have less than daily access to water, how do you bathe when there's no water?



For respondents who have less than daily access to water, how do you drink water when there's no water?



For respondents who have less than daily access to water, how do you use the restroom when there's no water?



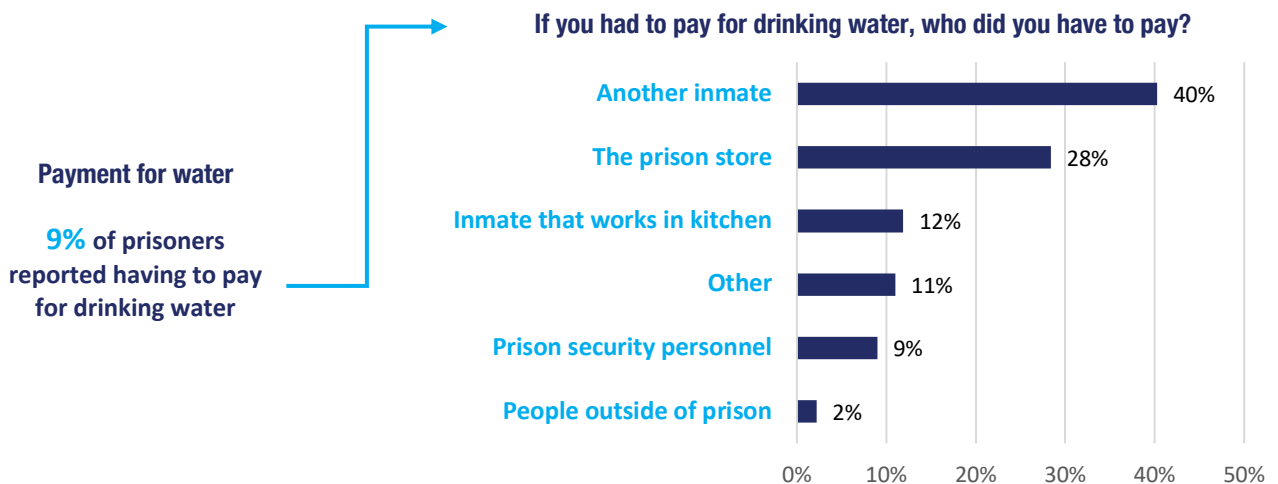
Payment for food

Although the vast majority of respondents reported receiving food three times a day, 6% indicated they had to pay someone to receive food. Among these, the majority had to pay another prisoner, including prisoners that work in the kitchen. Eleven percent reported paying prison security or police for food. Nearly 10% reported purchasing food from people who sell it inside the prison or the prison store.



Payment for water

As with food, relatively few individuals reported having to pay for water. Less than 10% indicated they had to pay for water, and, as with food, it was most common to report paying another prisoner or an prisoner that works in the kitchen. Nearly 30% indicated purchasing water from the prison store while a small number indicated paying prison security personnel or people outside the prison.




Accommodation: Ventilation and temperature

The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) indicate that living conditions and accommodations should be suitable for good health (United Nations, 2016). This means, in part, having adequate ventilation and temperature in cells. Respondents were asked to rate the quality of their accommodations. Nearly two-thirds of respondents report having poor ventilation and poor temperatures. More than 75% of respondents rated both ventilation and temperature poorly at Cefere, Los Algarrobos, Las Tablas, and La Joya. Renacer was among the top-rated institutions; 54% of respondents rated ventilation favorably and 43% rated temperature favorably.

How would you rate the ventilation you have in your cell?
(nationally and by prison)




Prison			
Cefere	9%	9%	83%
Los Algarrobos	14%	5%	82%
Las Tablas	13%	10%	78%
La Joya	13%	10%	77%
La Joyita	19%	8%	73%
Llano Marín	23%	5%	73%
Chiriquí	20%	11%	69%
Penonomé	18%	16%	66%
National	26%	11%	63%
Chitré	31%	11%	58%
Nueva Esperanza	34%	9%	56%
Bocas del Toro	37%	8%	56%
Tinajitas	36%	13%	51%
La Nueva Joya	34%	16%	50%
Santiago	47%	8%	45%
Renacer	54%	5%	41%
Aguadulce	50%	22%	28%


How would you rate the temperature that your cell usually has?
(nationally and by prison)



Prison			
Los Algarrobos	7%	7%	86%
Cefere	5%	10%	85%
Las Tablas	15%	5%	80%
La Joya	9%	11%	80%
La Joyita	10%	13%	77%
Chiriquí	15%	10%	75%
Llano Marín	23%	5%	73%
Penonomé	15%	15%	71%
National	19%	14%	67%
Chitré	22%	14%	64%
Aguadulce	17%	22%	61%
Nueva Esperanza	29%	16%	56%
Bocas del Toro	35%	12%	54%
La Nueva Joya	24%	22%	53%
Santiago	36%	11%	53%
Tinajitas	41%	10%	49%
Renacer	43%	11%	46%

 Very good / Good

 Regular

 Bad / Very bad

Accommodation: Lighting and floor space

In addition to reporting on ventilation and temperature, respondents were also asked to report on the lighting and overall space in their cell. Both were rated more favorably than ventilation and temperature. Nationally, 50% of the respondents rated lighting favorably (very good/good or regular) and 50% reported it as bad or very bad. Respondents in Los Algarrobos, La Joya, and La Nueva Joya were most likely to report negative perceptions whereas 70% of respondents from Renacer reported lighting as very good or good. Nationally, almost half of the respondents rated space as good or very good while only a third rated it poorly. Although respondents from Renacer rated their cell ventilation, temperature, and lighting relatively favorably, over half rated the space itself poorly. Similarly, 73% of respondents reported the cell space at Los Algarrobos as good or very good despite rating the cell conditions poorly.

How would you rate the light or lighting you have in your cell? (nationally and by prison)




Prison			
Los Algarrobos	21%	2%	77%
La Joya	28%	13%	60%
La Nueva Joya	30%	10%	60%
Las Tablas	28%	18%	55%
La Joyita	31%	14%	55%
National	38%	12%	50%
Cefere	36%	14%	50%
Chitré	33%	19%	47%
Chiriquí	46%	7%	47%
Bocas del Toro	52%	4%	44%
Santiago	49%	13%	38%
Llano Marín	40%	23%	38%
Nueva Esperanza	54%	11%	35%
Tinajitas	59%	8%	33%
Penonomé	47%	20%	33%
Aguadulce	61%	11%	28%
Renacer	70%	11%	19%


How would you rate the space that you have in your cell? (nationally and by prison)



Prison			
Renacer	38%	8%	54%
Nueva Esperanza	39%	10%	51%
Tinajitas	31%	23%	46%
La Nueva Joya	33%	24%	43%
Bocas del Toro	55%	10%	35%
National	48%	19%	34%
La Joya	50%	19%	31%
Chiriquí	52%	18%	30%
Santiago	55%	17%	28%
Aguadulce	47%	25%	28%
La Joyita	53%	19%	28%
Penonomé	55%	20%	26%
Llano Marín	58%	20%	23%
Cefere	55%	22%	22%
Los Algarrobos	73%	7%	21%
Chitré	64%	17%	19%
Las Tablas	73%	15%	13%

 Very good / Good

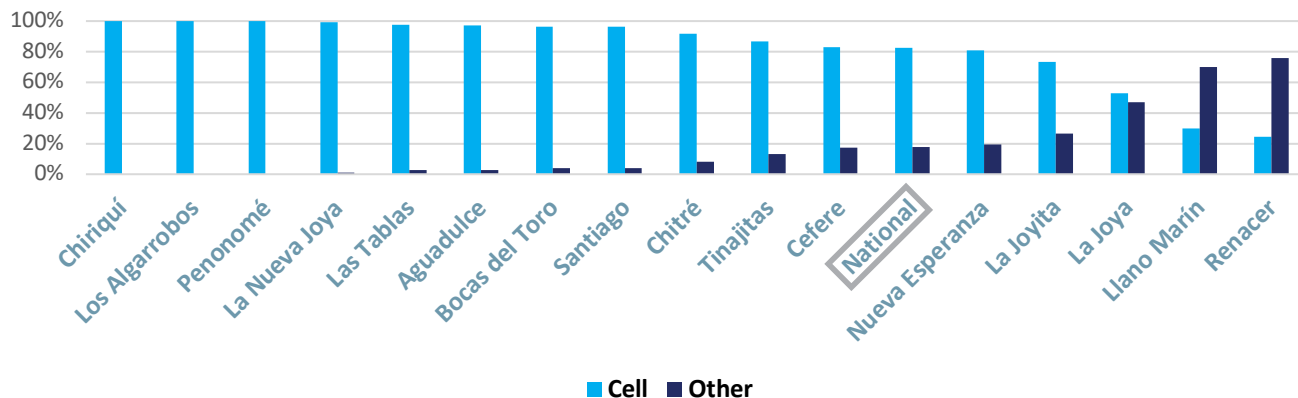
 Regular

 Bad / Very bad

Hygiene

The Nelson Mandela Rules recognize hygiene as important. This includes the ability to bathe regularly and have clean living areas. Individuals generally reported being able to bathe regularly, although less than half rated the area for bathing as very clean. Except for respondents in Renacer and Llano Marín, the majority of prisoners reported bathing in their cells. The majority of respondents in Llano Marín also reported the cleanliness of the bathing area poorly. Nationally, only 45% of respondents reported the bathing area as very clean. La Nueva Joya, Cefere, and Esperanza had the highest ratings in terms of cleanliness.

Where do you bathe? (nationally and by prison)



How many times a week can you bathe? (nationally and by prison)

Prison	1x – 20x a Week	21x a Week	> 21x a Week
Chiriquí	92%	6%	2%
La Nueva Joya	64%	31%	5%
La Joya	68%	25%	7%
Tinajitas	63%	29%	8%
La Joyita	69%	23%	8%
Renacer	62%	24%	14%
Bocas del Toro	71%	15%	14%
National	61%	25%	14%
Llano Marín	48%	38%	15%
Cefere	38%	40%	22%
Santiago	60%	17%	23%
Nueva Esperanza	42%	35%	23%
Las Tablas	53%	15%	33%
Aguadulce	44%	19%	36%
Chitré	29%	34%	37%
Los Algarrobos	40%	19%	42%
Penonomé	29%	26%	46%

How would you rate the cleanliness of the bathing area? (nationally and by prison)

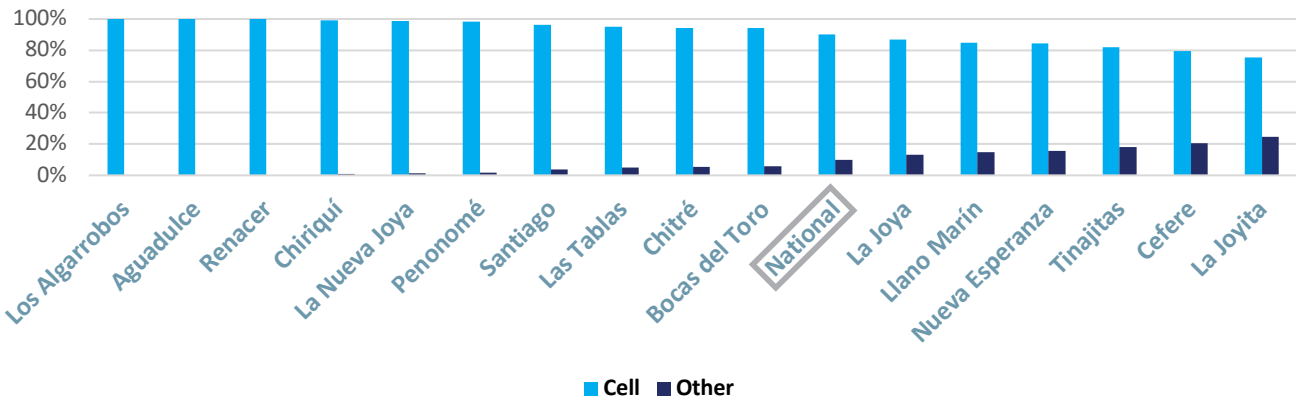
Prison	😊 Very clean	😐 Hardly / Somewhat clean	😞 Not at all clean
Llano Marín	18%	53%	30%
Las Tablas	28%	48%	25%
Los Algarrobos	21%	57%	23%
La Joya	30%	48%	22%
La Joyita	27%	54%	19%
Bocas del Toro	31%	56%	14%
National	45%	44%	11%
Chitré	36%	53%	11%
Penonomé	35%	55%	11%
Cefere	62%	28%	10%
Santiago	40%	51%	9%
Nueva Esperanza	58%	35%	7%
Tinajitas	49%	46%	5%
Chiriquí	45%	50%	5%
Aguadulce	39%	58%	3%
Renacer	43%	54%	3%
La Nueva Joya	72%	27%	1%

😊 Very clean 😐 Hardly / Somewhat clean 😞 Not at all clean

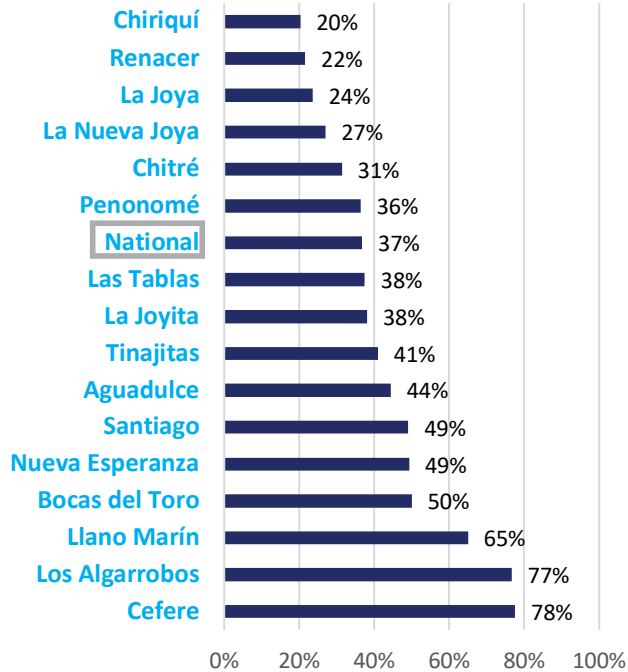
Hygiene

Respondents were also asked about access to toilets. As with bathing, the majority reported using the toilet in their cell. This was consistent across all prisons, though roughly a quarter of respondents at La Joyita reported using toilets elsewhere. However, access to toilets was somewhat limited. Only a third reported having regular access, defined as at least 3 times a day. Limited access was an issue across almost all the prisons. Bocas del Toro (50%) Llano Marín (65%), Los Algarrobos (77%), and Cefere (78%) had the highest ratings with the majority of respondents in all other prisons reporting less than regular access. As with bathing, cleanliness varied across the institutions. Nationally, 47% reported the toilet area as very clean.

Where do you use the toilet? (nationally and by prison)



Percent respondents who have regular access* to the toilet (nationally and by prison)



How would you rate the cleanliness of the toilet area? (nationally and by prison)

Prison	Very clean (😊)	Hardly / Somewhat clean (😐)	Not at all clean (😞)
Las Tablas	31%	44%	26%
Los Algarrobos	18%	57%	25%
La Joyita	30%	51%	20%
Llano Marín	18%	65%	18%
La Joya	40%	46%	14%
Chitré	28%	58%	14%
Bocas del Toro	29%	60%	12%
Penonomé	31%	58%	11%
National	47%	43%	10%
Cefere	60%	31%	9%
Nueva Esperanza	62%	32%	6%
Santiago	42%	53%	6%
Tinajitas	51%	44%	5%
Chiriquí	50%	46%	4%
Aguadulce	42%	56%	3%
La Nueva Joya	70%	28%	2%
Renacer	76%	24%	0%

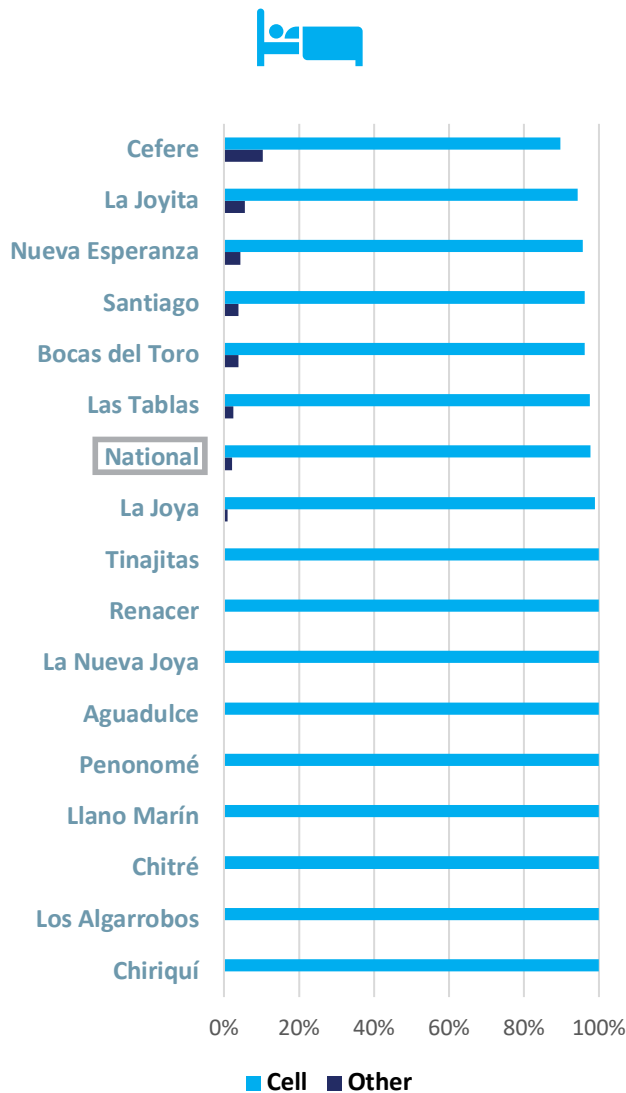
😊 Very clean 😐 Hardly / Somewhat clean 😞 Not at all clean

* "Regular" includes respondents who reported access to the toilet 3 or more times per day or "whenever I want."

Sleep

Individuals in prison should have safe and secure sleeping areas. Almost all the respondents reported sharing their living space with other prisoners. Nationally, the mean number of cellmates was 22, with a range of 0 – 300. These high occupancy levels are often associated with cramped living space, reduced privacy, poor hygiene, and less staff control. In some prisons, respondents reported sleeping in other locations including hallways, classrooms, and pavilions.

Where do you sleep?
(nationally and by prison)



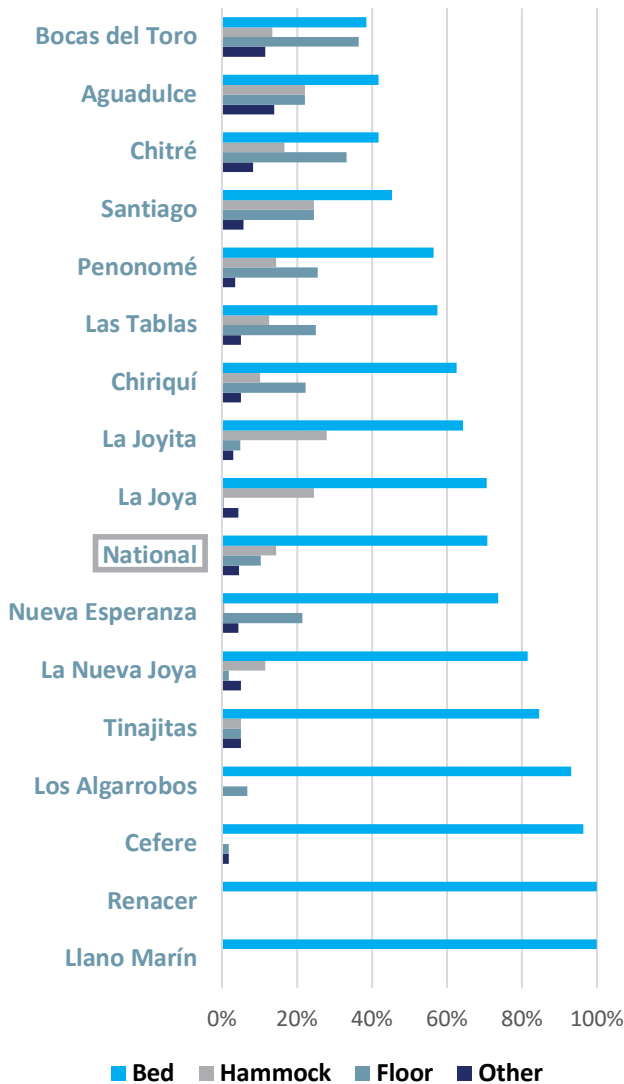
Number of people with whom you share the sleeping area
(mean and median, nationally and by prison)

Prison	Mean	Median
Penonomé	58	41
Santiago	55	41
Cefere	47	53
Chitré	46	35
La Joyita	36	10
Aguadulce	32	16
Los Algarrobos	32	34
Tinajitas	28	22
Las Tablas	28	20
Nueva Esperanza	25	8
National	22	10
Llano Marín	18	15
Chiriquí	10	10
Bocas del Toro	9	10
La Nueva Joya	9	8
La Joya	5	4
Renacer	3	2

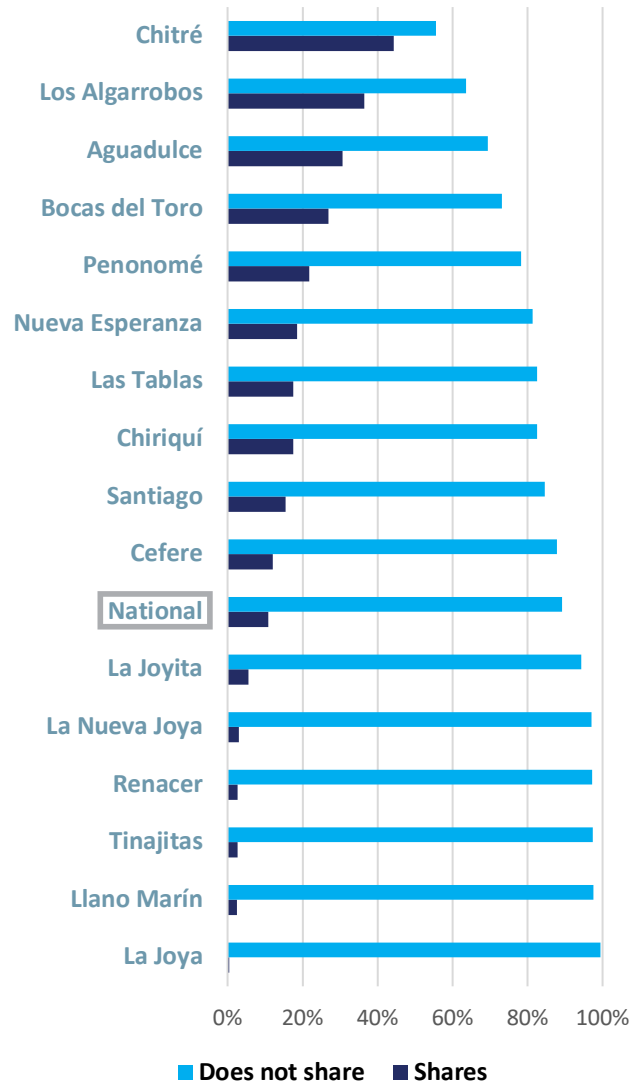
Sleep

Nationally, 71% of respondents reported sleeping in a bed or bunk, 15% reported sleeping in hammocks, and 10% reported sleeping on the floor. Over a third of respondents in Bocas del Toro and Chitré reported sleeping on the floor. Nationally, 11% of respondents reported sharing bedding with others. While the national average was low, more than 20% of respondents reported sharing bedding at five of the prisons, including 44% of respondents at Chitré. Despite the crowded conditions, 56% reported the sleeping area as very clean.

Type of bedding (nationally and by prison)



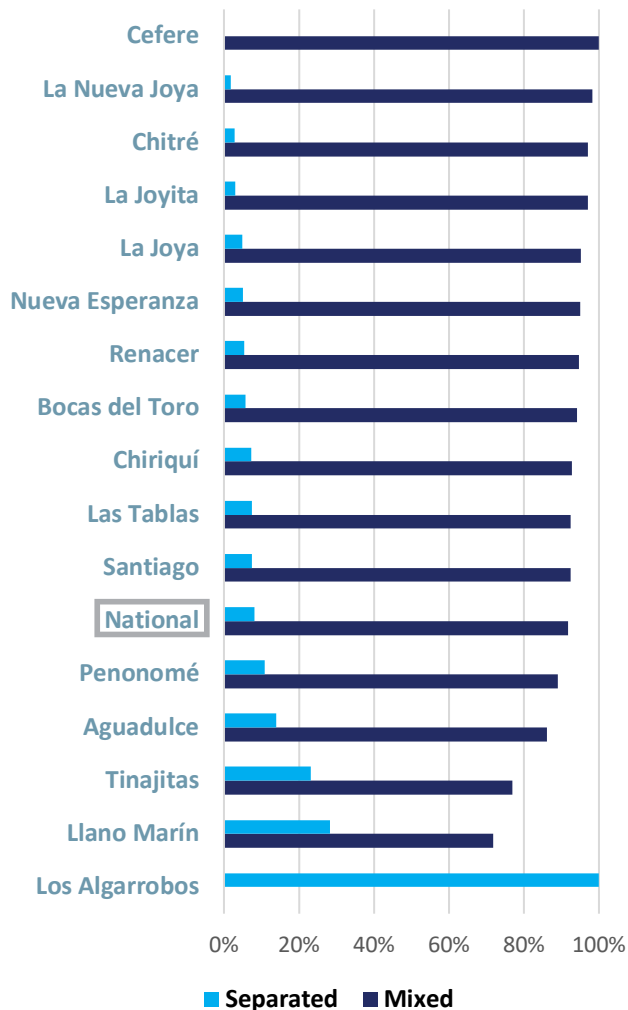
Percent respondents who share their bedding (nationally and by prison)



Sleep

The Nelson Mandela Rules indicate that pretrial detainees should be held separate from convicted individuals. Nationally, 92% of respondents indicated prisoners were mixed regardless of legal status. All of the respondents from Cefere reported mixing of prisoners. In contrast, all of the respondents from Los Algarrobos indicated pretrial detainees were kept separate from convicted individuals.

Are detainees and convicted individuals mixed in cells/dorms? (nationally and by prison)



How would you rate the cleanliness of the sleeping area? (nationally and by prison)

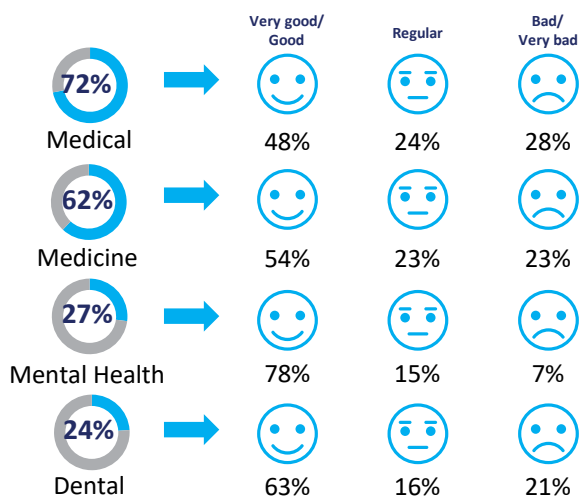
Prison	Very clean (😊)	Hardly / Somewhat clean (😐)	Not at all clean (😞)
Los Algarrobos	27%	59%	14%
Santiago	40%	49%	11%
La Joyita	46%	45%	9%
Bocas del Toro	35%	58%	8%
La Joya	55%	39%	6%
Chitré	39%	56%	6%
Penonomé	44%	50%	6%
Las Tablas	36%	59%	5%
Tinajitas	56%	39%	5%
Nueva Esperanza	69%	26%	5%
National	56%	39%	5%
Cefere	78%	19%	3%
Chiriquí	55%	44%	1%
La Nueva Joya	72%	28%	1%
Llano Marín	45%	55%	0%
Aguadulce	58%	42%	0%
Renacer	76%	24%	0%

😊 Very clean 😐 Hardly / Somewhat clean 😞 Not at all clean

Medical care

Access to healthcare is a central goal of the Panamanian prison system, with all prisoners guaranteed the right to medical care. The majority of respondents reported receiving medical care and had received medicine, but only about quarter received mental health or dental care. Less than 50% of those who received medical care rated it as good or very good; yet 78% of those receiving mental health care and 63% of those receiving dental care rated those services favorably. Respondents were somewhat pessimistic when it came to the availability of care; 59% did not think they would receive medical care upon requesting it and 54% doubted they would receive emergency medical care if needed. This is consistent with interviews indicating the Panamanian ombudsman office (*Defensoría del Pueblo*) mostly receives complaints related to healthcare in their regular visits to prisons.

Percent of prisoners who received medical care at current prison and perceived quality of service*



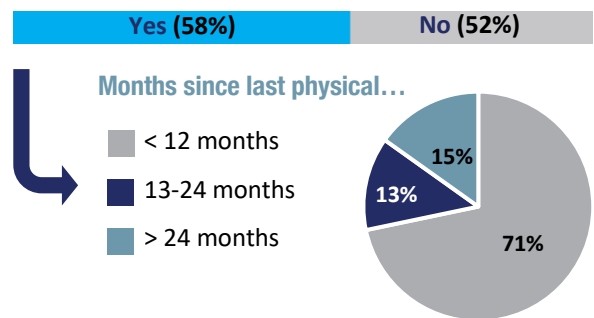
If you needed medical care, do you think it would be provided when you ask for it?



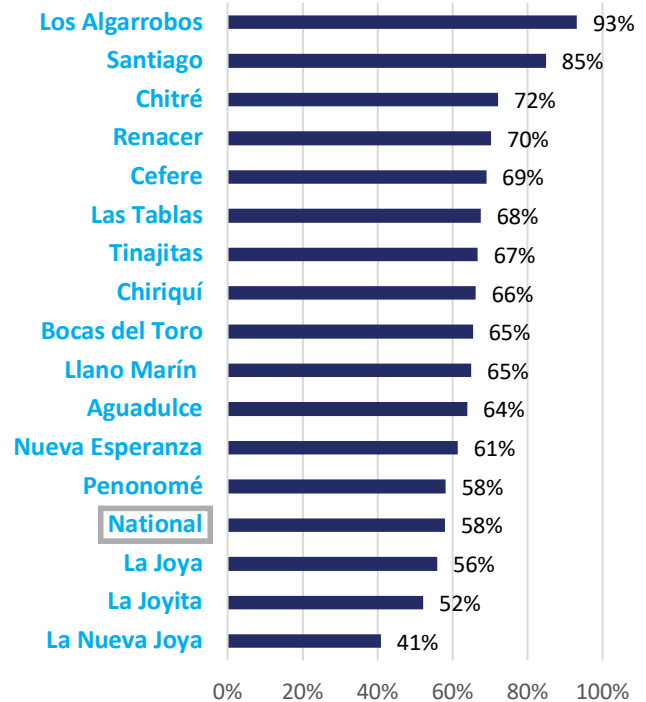
How likely is it that you will receive emergency medical care?



Have you ever had a physical in prison? (nationally)



Percent respondents who have ever had a physical in prison (nationally and by prison)

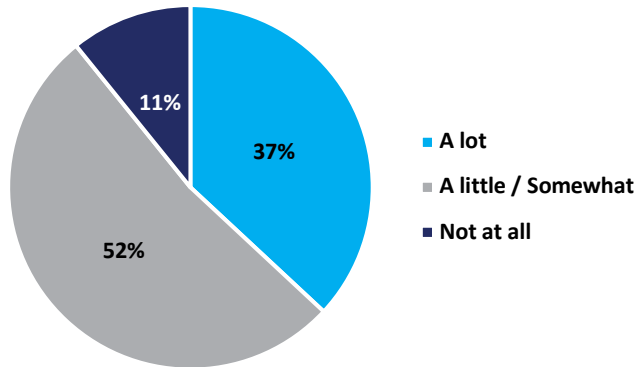


* See Appendix D for additional facility-level survey data

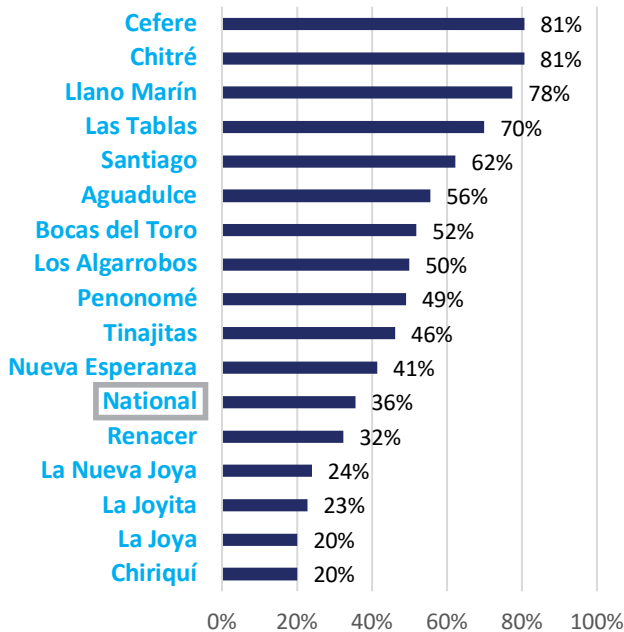
Medical care and COVID-19

Respondents were also asked about COVID-19. Over half reported having some knowledge of COVID-19, but only a third indicated they had a lot of knowledge about it. Access to masks varied across prisons. Nationally, only a third of respondents indicated prison staff provided them with masks. However, this number ranged from 20% (Chiriquí, La Joya) to over 80% (Cefere, Chitré). Generally, masks were provided for free, with fewer than 35 respondents indicating they had to pay for masks.

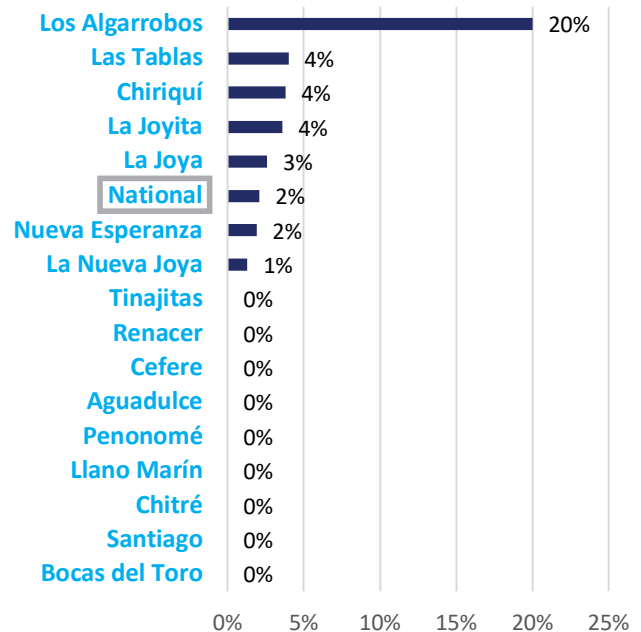
How knowledgeable are you regarding the COVID-19 pandemic?



Percent respondents who reported that prison staff provided them with face masks (nationally and by prison)



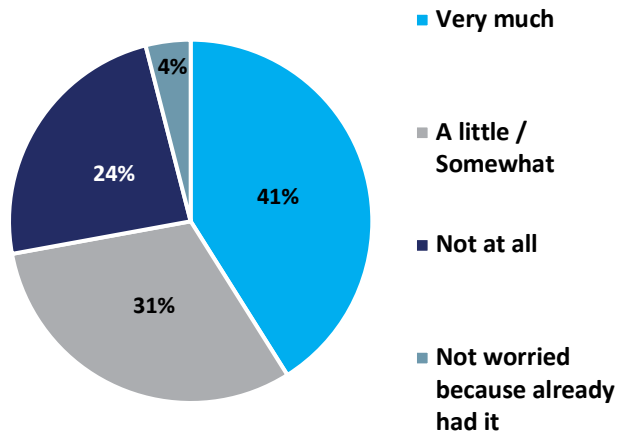
If prison staff provided face masks, percent respondents who had to pay for them (nationally and by prison)



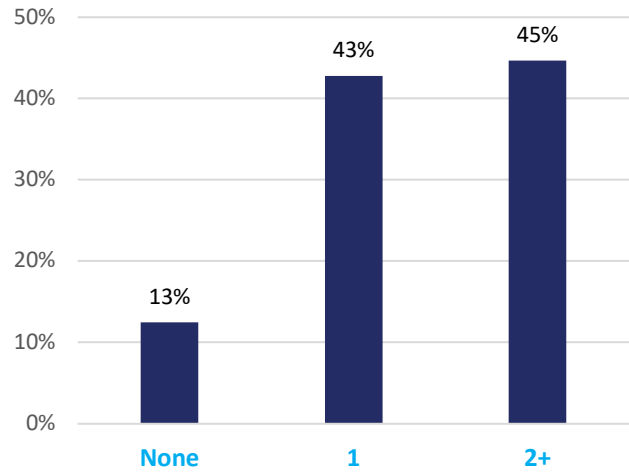
Medical care and COVID-19

Respondents expressed concern about contracting COVID-19, with over 70% indicating they were at least somewhat worried about contracting it. Less than a third indicated they were not worried at all, including 4% who had already contacted it. Prisoners began having access to COVID-19 vaccines in summer 2021. At the time of the survey, almost half of the respondents were fully vaccinated (defined as having two doses). It is important to note that vaccines were still relatively new at the time of the survey.

How worried are you about contracting COVID-19?



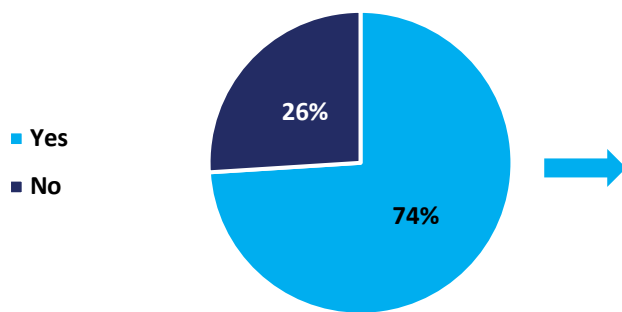
Number of COVID-19 vaccines received



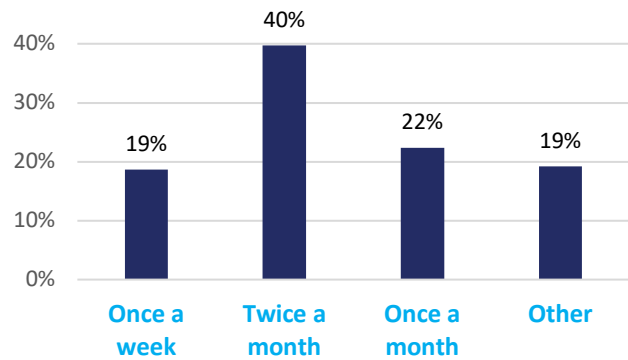
Family/visitation: Pre-Pandemic

Prisoners should have the ability to regularly communicate and visit with family and friends. In addition to being part of the Nelson Mandela Rules, the research is clear that visitation and communication is associated with improved health, behavior, and reentry outcomes. Approximately 75% of respondents indicated they had received a family visit prior to the COVID-19 pandemic, with nearly 60% reporting at least two visits a month. Citizens of Panama were significantly more likely to receive visits compared to women or those that are foreign-born. Rates of any visitation ranged across the prisons. Nearly 90% of the respondents from Chitré reported receiving visits whereas less than two-thirds of respondents in Cefere, Los Algarrobos, and Bocas del Toro received visits.

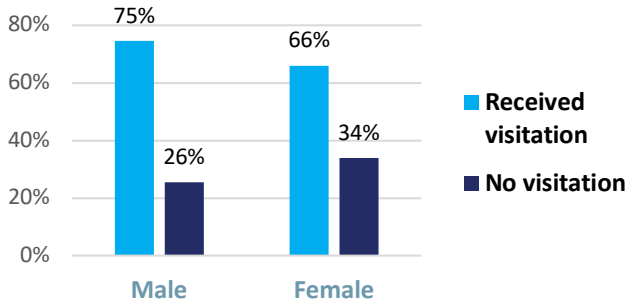
Before the COVID-19 pandemic, had you received a family visit in this prison?



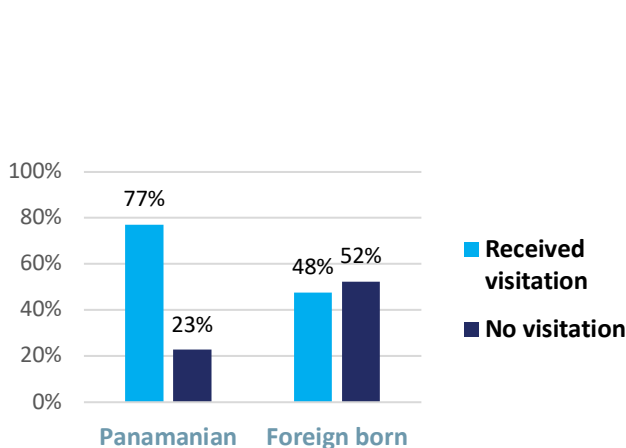
If yes, how often did you receive family visits?



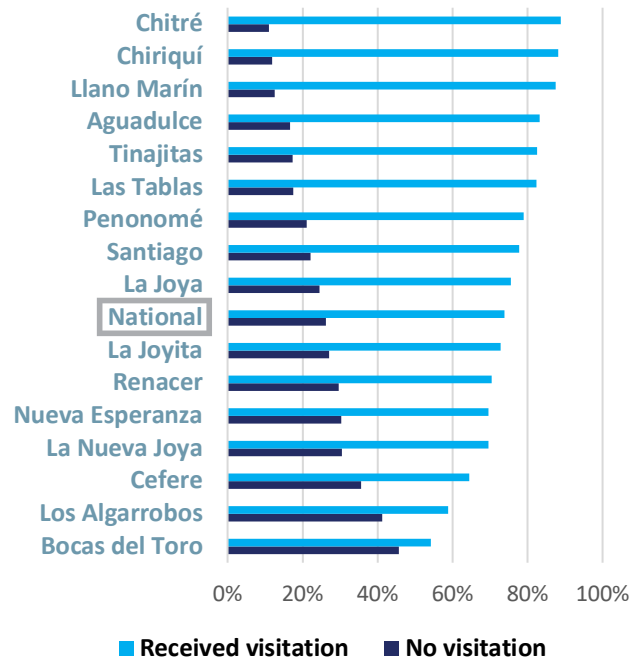
Visitation status (by sex)



Visitation status (by nationality)



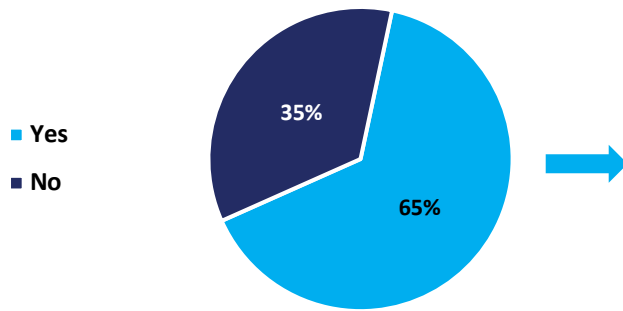
Visitation status (nationally and by prison)



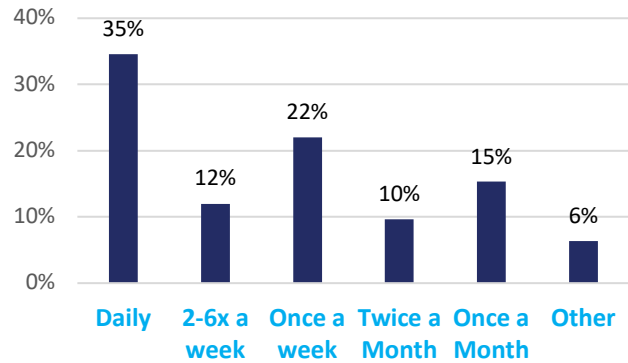
Family/visitation: Post-Pandemic

The COVID-19 pandemic resulted in limited opportunities for in-person visits. However, phone calls can serve as a key mechanism for maintaining contact with the outside world. About two-thirds of respondents indicated having phone calls with relatives and nearly half reported more than weekly contact.

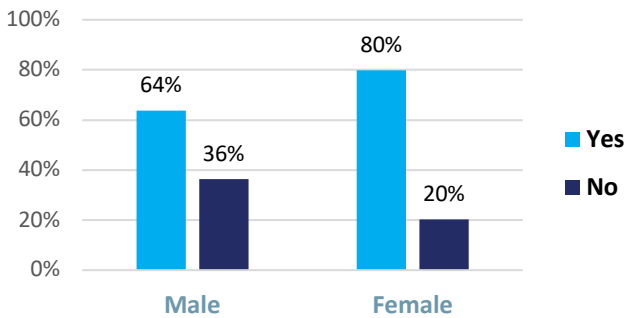
Have you been able to make phone calls to your relatives since you have been in this penitentiary?



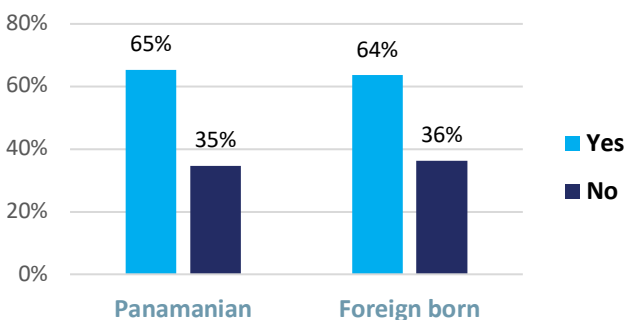
If yes, how often do you speak with your relatives by phone?



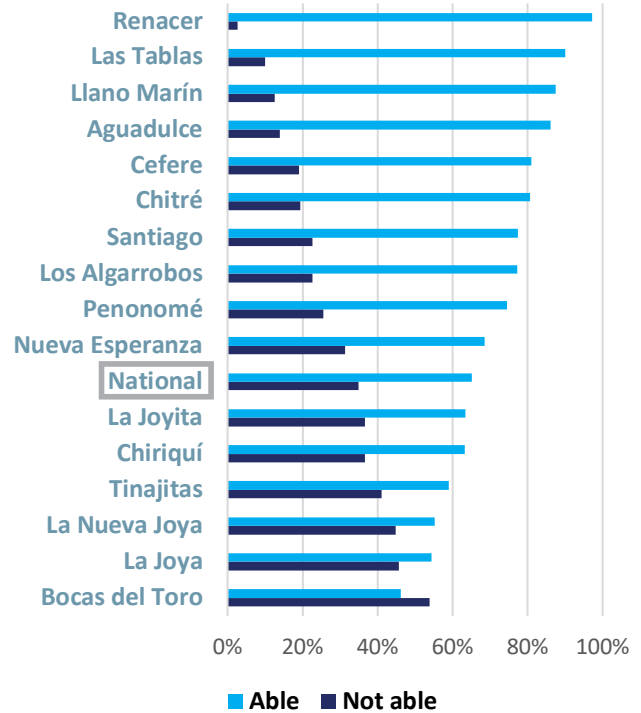
Able to make phone calls (by sex)



Able to make phone calls (by nationality)



Able to make phone calls (nationally and by prison)



Technical teams

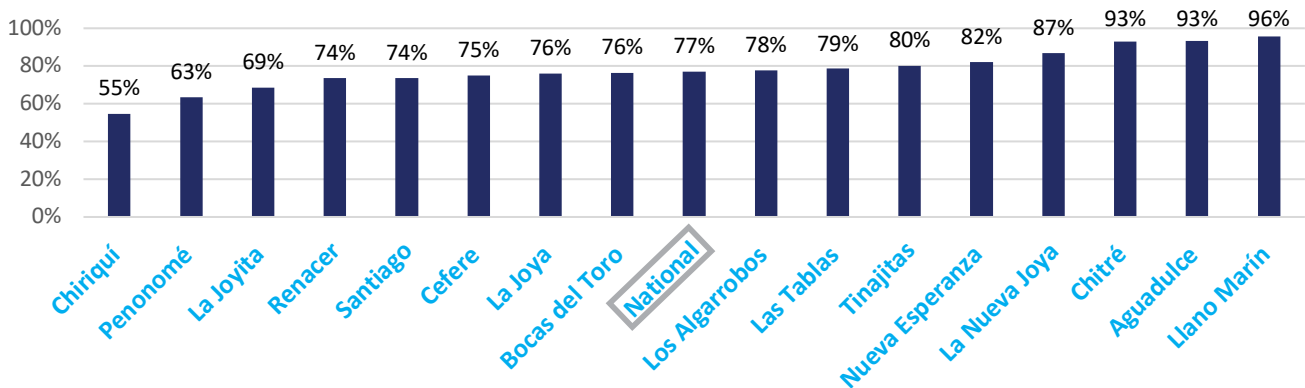
Panama utilizes a Progressive System to classify prisoners. The system consists of four phases: (1) Observation (Observacion), (2) Probationary (Probatorio) (3) Pre-Release (Pre-Libertad), and (4) Supervised Release (Libertad Vigilada). The majority (66%) of convicted respondents were in the probation phase, followed by the pre-release phase, with very few (4%) on supervised release. Prisoners should be evaluated at least annually as part of the phase system. Nationally, 77% of respondents indicated they had received a technical evaluation in the last 12 months. However, more than half of the respondents indicated their file had not been updated or reviewed. Despite this, the technical teams were rated favorably with 62% indicating the care they had received was good or very good.

When was the last time you had a staff/technical board evaluation?

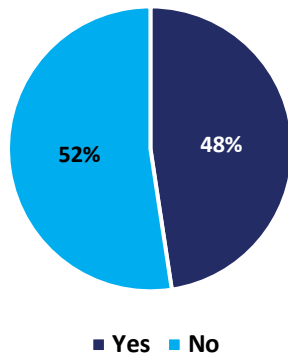
Mean
8 months

Range
0 – 57 months

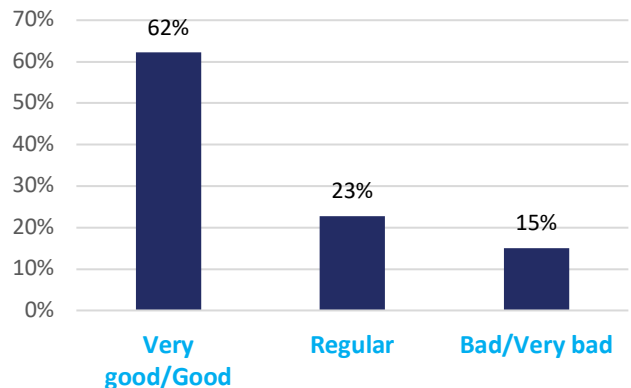
Percent respondents who have received a technical evaluation in the last 12 months (nationally and by prison)



Has your file been updated or reviewed according to technical evaluations in this penitentiary?



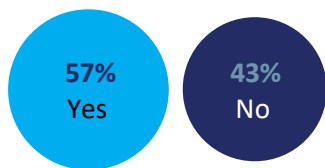
How would you rate the care you received from the technical team?



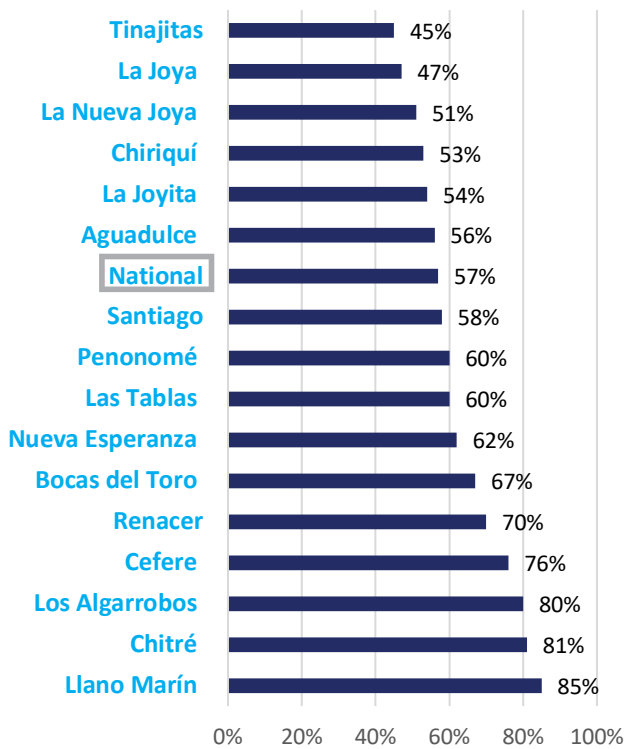
Programming

People in prison should have the opportunity to participate in programs and activities. Nearly two-thirds of the respondents had participated in programs, with the typical prisoner indicating they had only participated in one program. The rate of participation was relatively high across the prisons. With the exception of Tinajitas and La Joya, more than half of the respondents reported participation and over 80% of prisoners reported participation in Los Algarrobos, Chitré, and Llano Marín. The most common types of programs were education (47%), job training (29%), and psychosocial services aimed at developing social skills (29%). In addition, 34% indicated they participated in sports activities. Participants appeared satisfied with the services provided; over 80% reported services as good or very good, regardless program.

Percent of prisoners who have participated in any rehabilitative program^a



Percent of prisoners who have participated in any rehabilitative program (nationally and by prison)^a

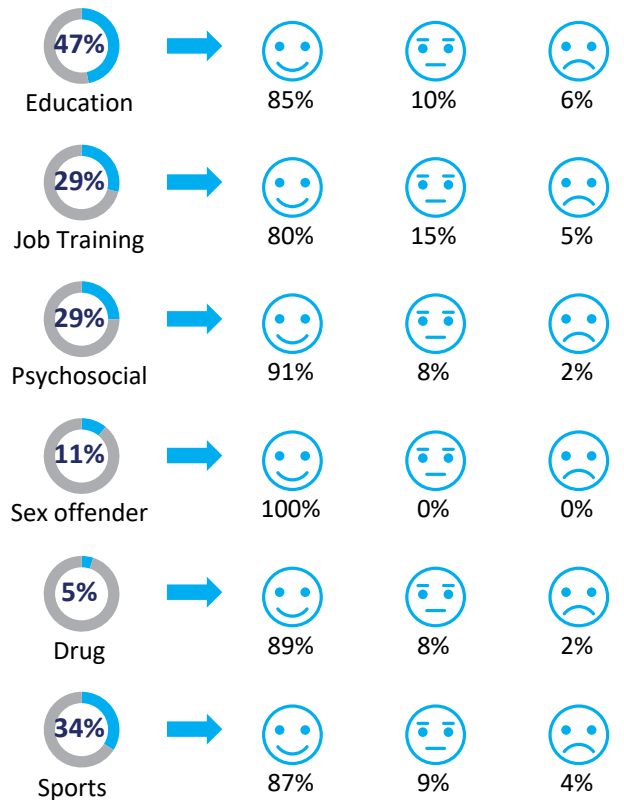


Mean
1 program

Range
0 – 5 programs

Number of rehabilitative programs in which respondents have participated^a

Percent of prisoners who received programming at current prison and perceived quality of service

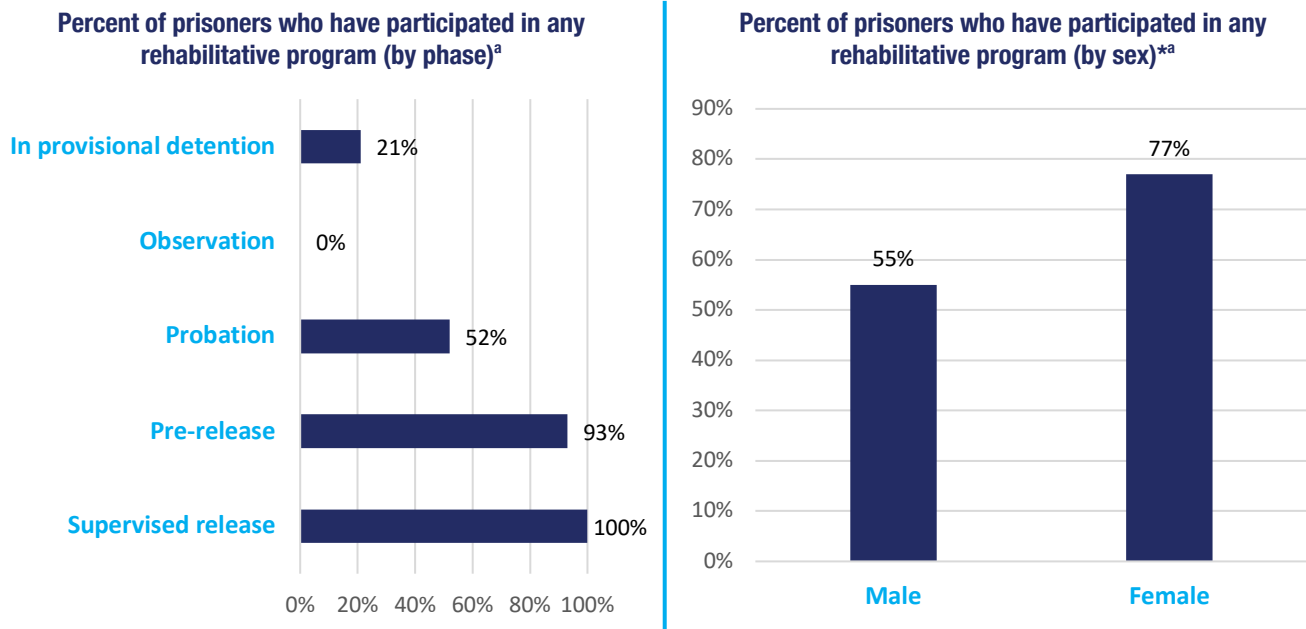


😊 Very good / Good 😐 Regular 😞 Bad / Very bad

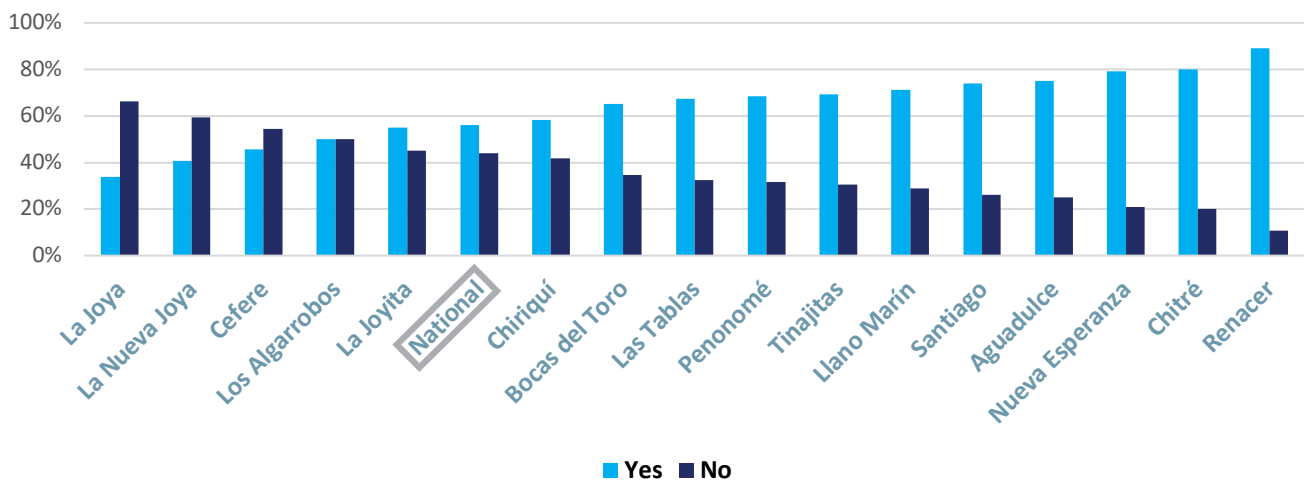
^a Excluding sports.

Programming

Program participation, which is required for phase advancement, varied by phase, prison, and sex. Almost all the prisoners in pre-release and supervised release reported participation compared to just over half of those in the probation phase. Female respondents were significantly more likely to report participation than men. The ability to work in prison is also important; nationally, 56% of respondents indicated there were opportunities to work, though these perceptions ranged across the prisons. At least half of the respondents at La Joya, La Nueva Joya, Cefere, and Los Algarrobos indicated they did not have opportunities to work. In contrast, at least 80% of respondents in Chitré and Renacer reported that they were able to work.



If you wanted to work, do you think there are opportunities to work in this penitentiary? (nationally and by prison)



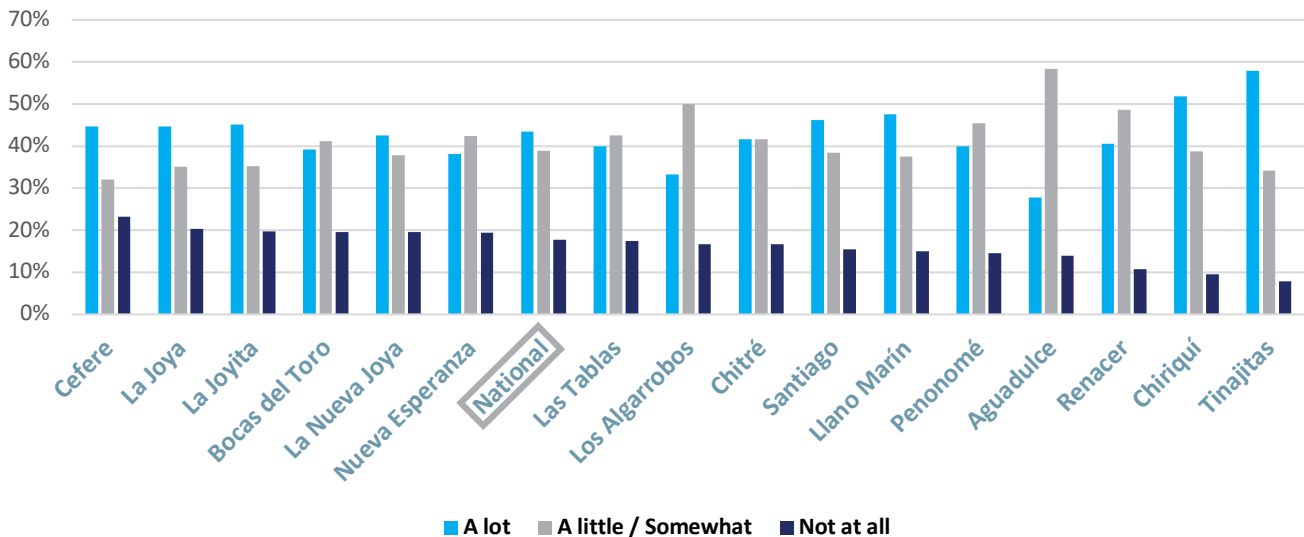
^a Excluding sports.

* $p < .001$.

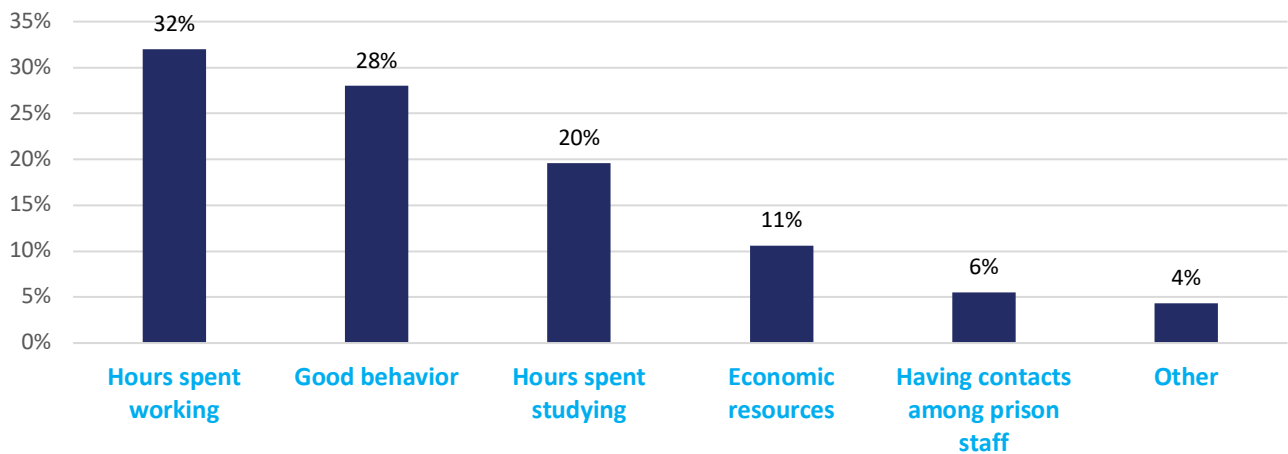
Programming and parole

Participation in programs and work is often viewed favorably by technical teams and judges, particularly in terms of parole considerations. Prisoners were asked about their perceptions of the relationship between parole and program participation. Nationally, 43% of respondents believed program participation helped “a lot” to obtain parole whereas 39% estimated it mattered a little or somewhat. Only 18% indicated it did not help at all. As with access to work and program participation, these rates varied across the prisons. Respondents were also asked what they believed were the most important factors for determining parole. Nearly 80% of respondents indicated that their behavior, either in terms of work, having good behavior, or time spent studying, was most important. Over 21% indicated that resources, including economic factors and contacts among staff, were most important. Other reasons included work and programs or behavior programs, along with the length of time served.

**Does participating in programs help obtain parole?
(nationally and by prison)**



What is the most important factor for parole?

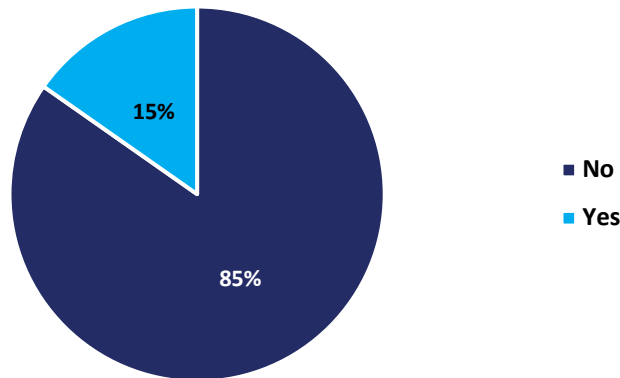


Integrity

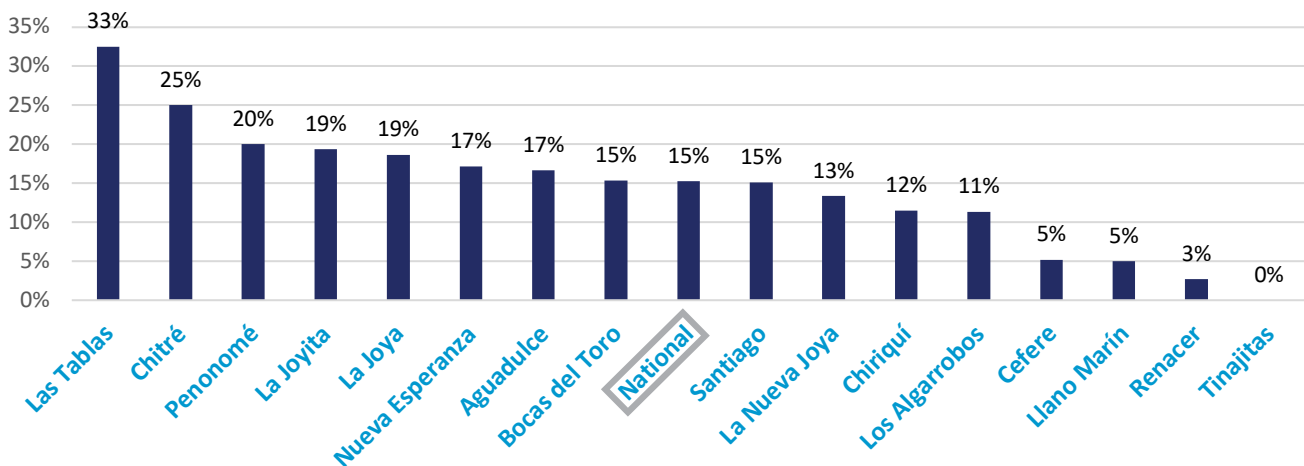
Paying for services

Integrity can be measured a number of ways within a prison setting. Though often underreported, one way to measure integrity is to measure the extent to which staff engage in acts of corruption or misconduct. As a measure of integrity, respondents were asked about the types of services that required payment and who was paid for those services. Fifteen percent, or 236 prisoners, reported they had to pay for services. These include access to family visits, medical and dental care, psychological care, programs, and activities, updating or improving administrative records, and having space to sleep. The following pages report on payment for services, both nationally and by prison, and the reported recipient of those payments. Payments were generally made to prison personnel, but payments to other prisoners were also reported. Though the overall numbers are generally low, the results warrant additional consideration, especially given potential bias in the sample.

Percent respondents who had to pay for any service^a (nationally)



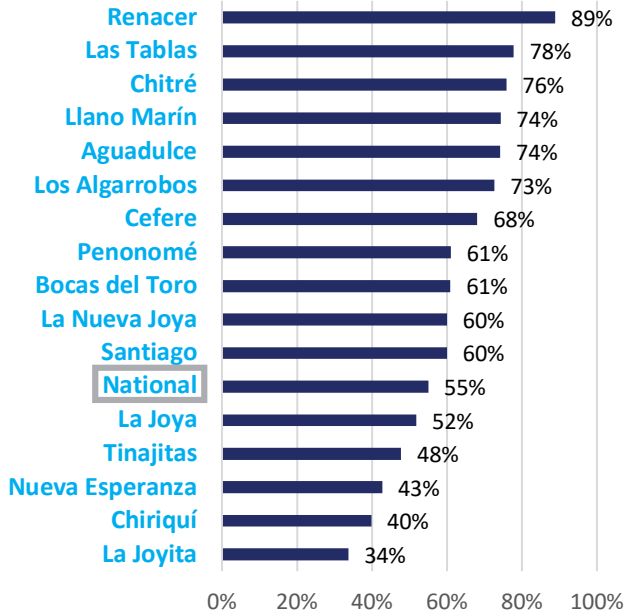
Percent respondents who had to pay for any service^a (nationally and by prison)



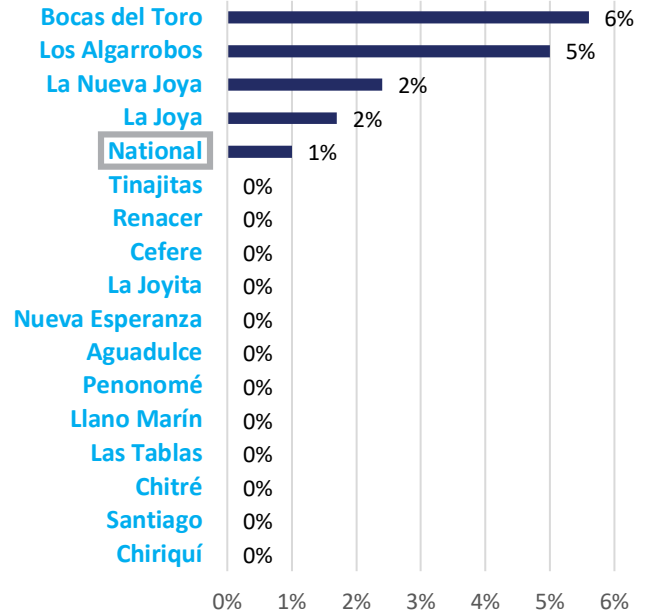
^a Excludes paying to make phone calls.

Paying for services

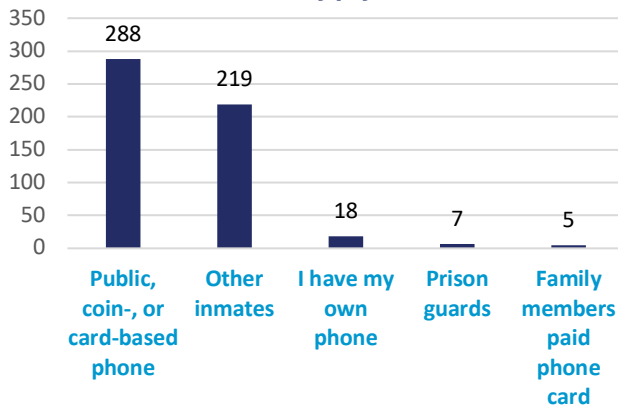
Of those who made phone calls, percent of respondents who had to pay for them (nationally and by prison)



Of those who received family visitation, respondents who had to pay for them (nationally and by prison)



Among those who had to pay to make phone calls, who did they pay?^a



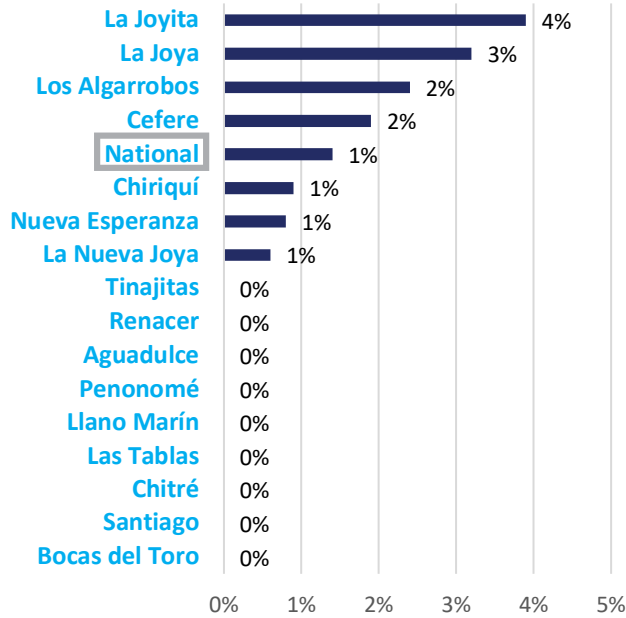
Among those who had to pay for family visitation, who did they pay?



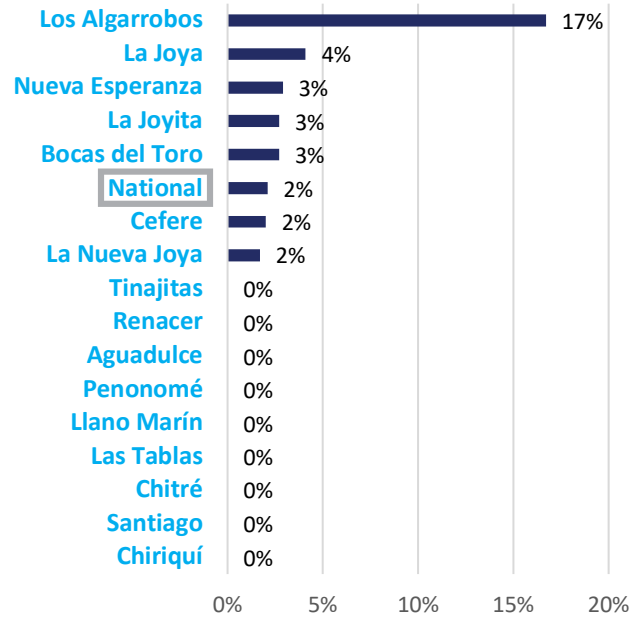
^a Because relatively small numbers of people reported who they paid for services, the n rather than % is reported for this series of graphs. In some cases, prisoners were reluctant to report who they had paid for services. Therefore, the number reported may not equal the number that paid for services.

Paying for services

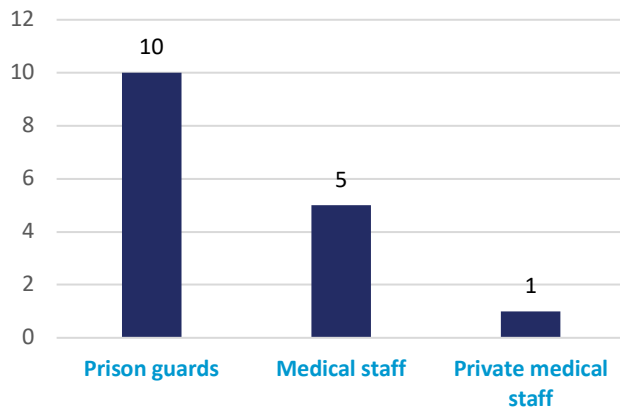
Of those who received medical attention, percent of respondents who had to pay for it (nationally and by prison)



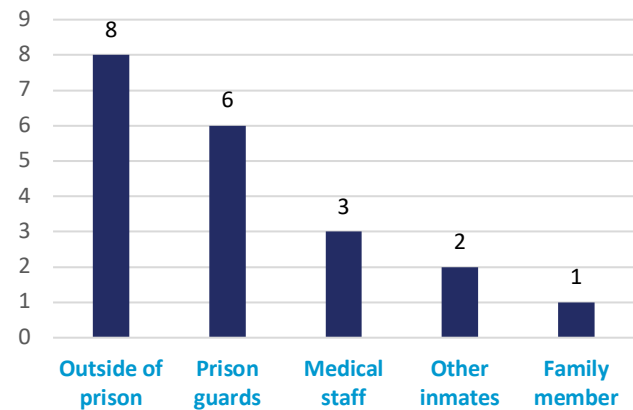
Of those who received medicine, percent of respondents who had to pay for it (nationally and by prison)



Among those who had to pay for medical attention, who did they pay?

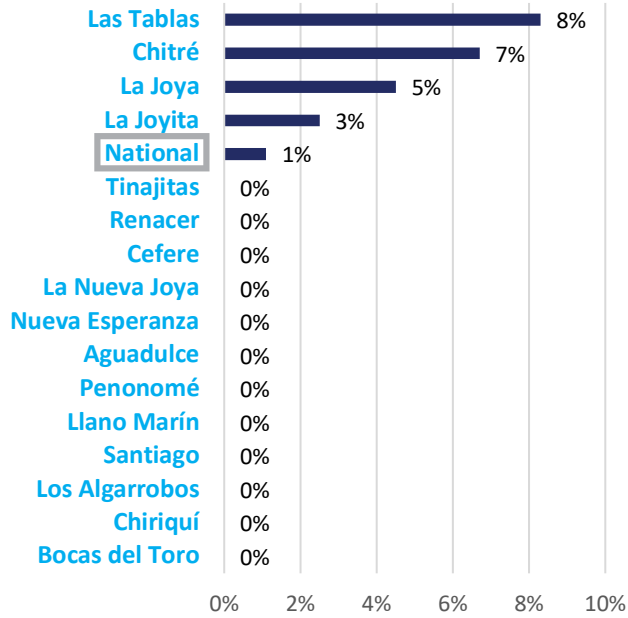


Among those who had to pay for medicine, who did they pay?

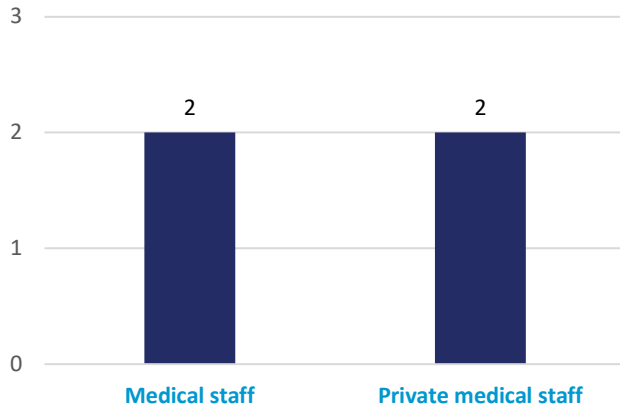


Paying for services

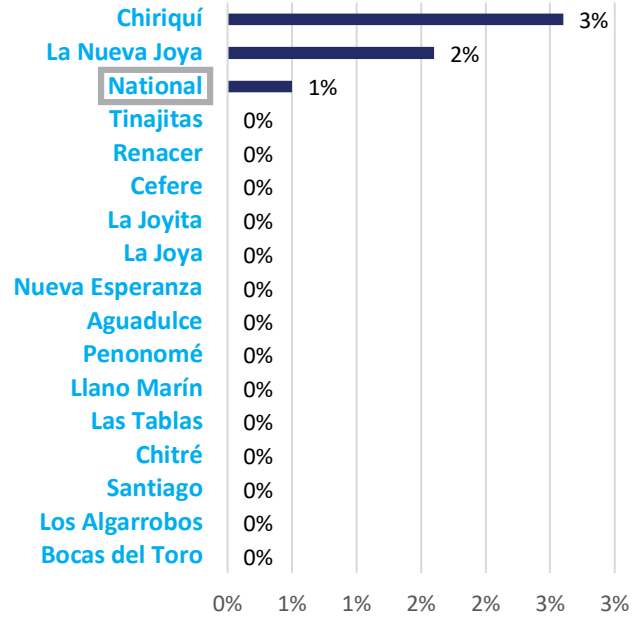
Of those who received dental care, percent of respondents who had to pay for it (nationally and by prison)



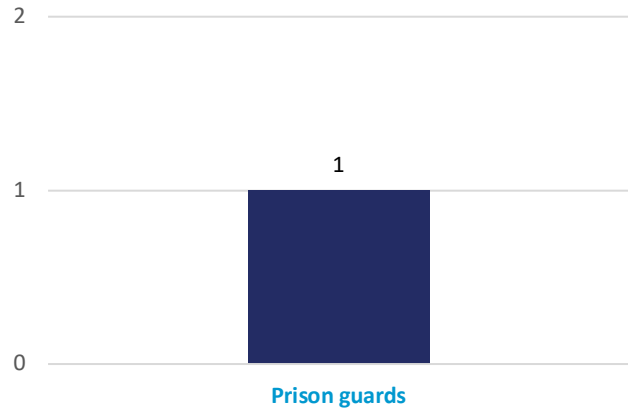
Among those who had to pay for dental care, who did they pay?



Of those who received psychological consultations, percent of respondents who had to pay for them (nationally and by prison)

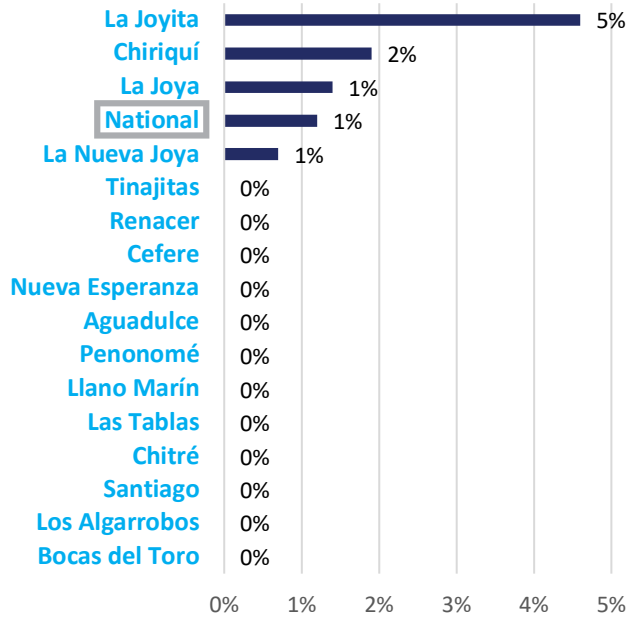


Among those who had to pay for psychological consultations, who did they pay?

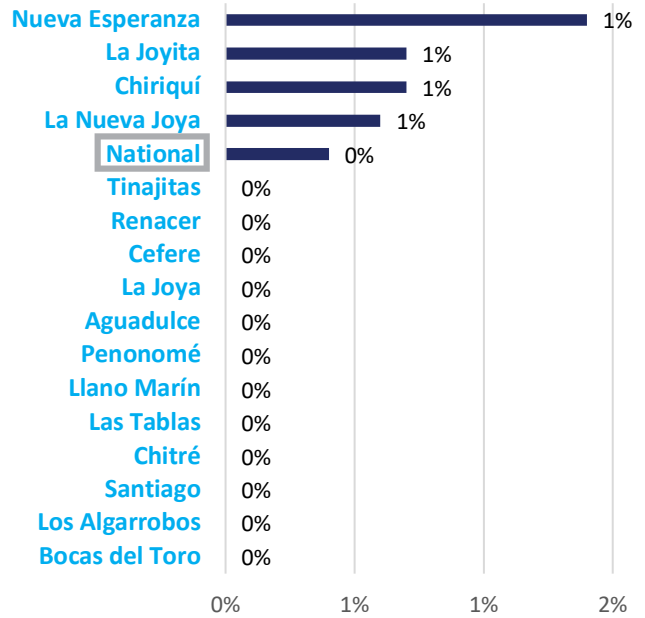


Paying for services

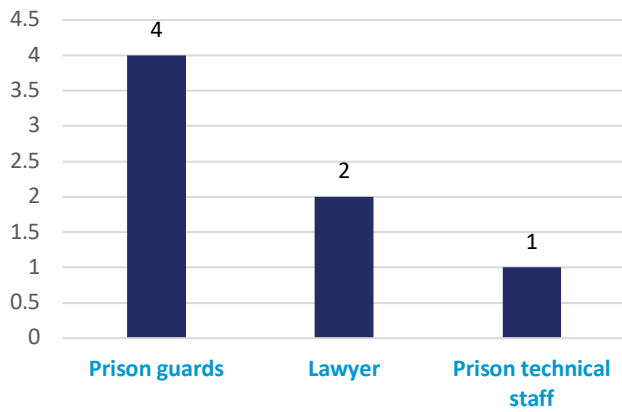
Of those who had a file review/update, percent of respondents who had to pay for it (nationally and by prison)



Percent of respondents who had to pay to improve their behavioral records (nationally and by prison)



Among those who had to pay for a file review/update, who did they pay?

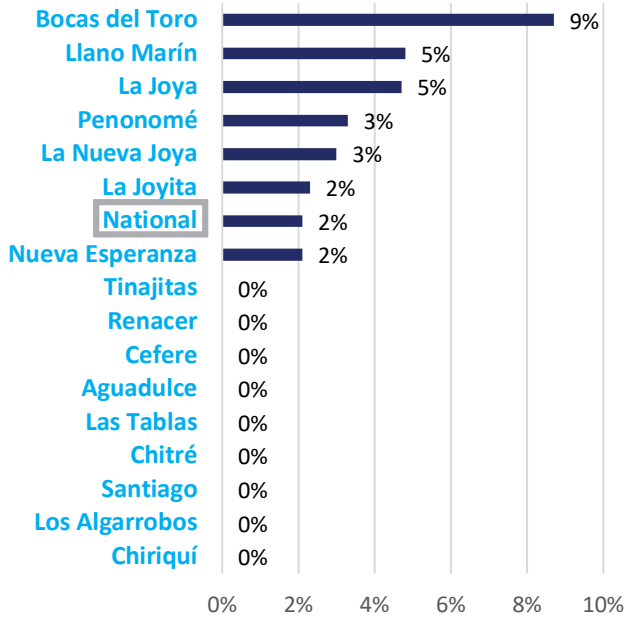


Among those who had to pay to improve their behavioral records, who did they pay?

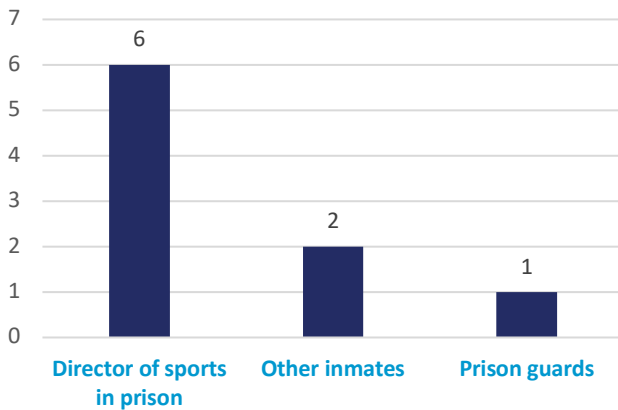


Paying for services

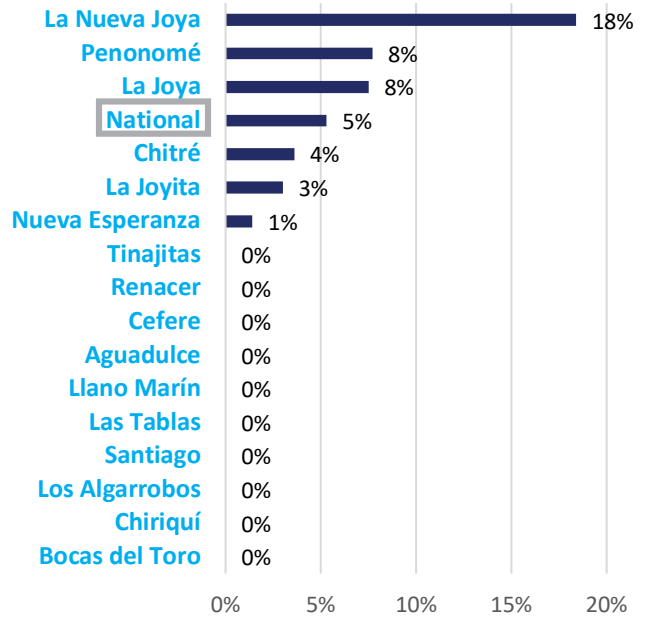
Of those who received sports programming, percent of respondents who had to pay for it (nationally and by prison)



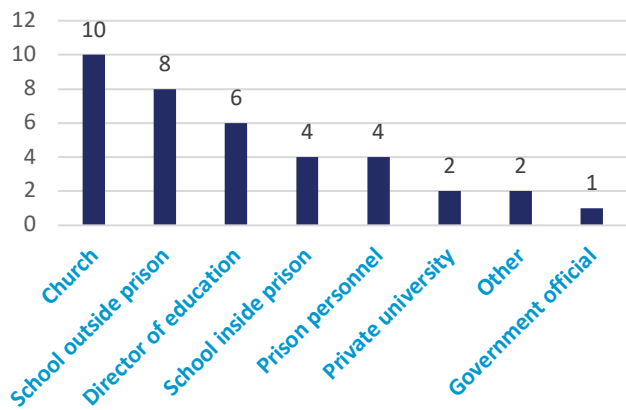
Among those who had to pay for sports programming, who did they pay?



Of those who received educational programming, percent of respondents who had to pay for it (nationally and by prison)

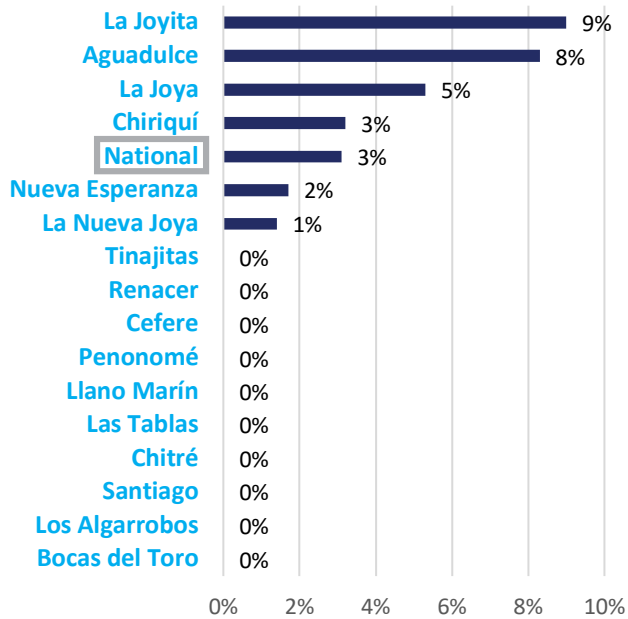


Among those who had to pay for educational programming, who did they pay?

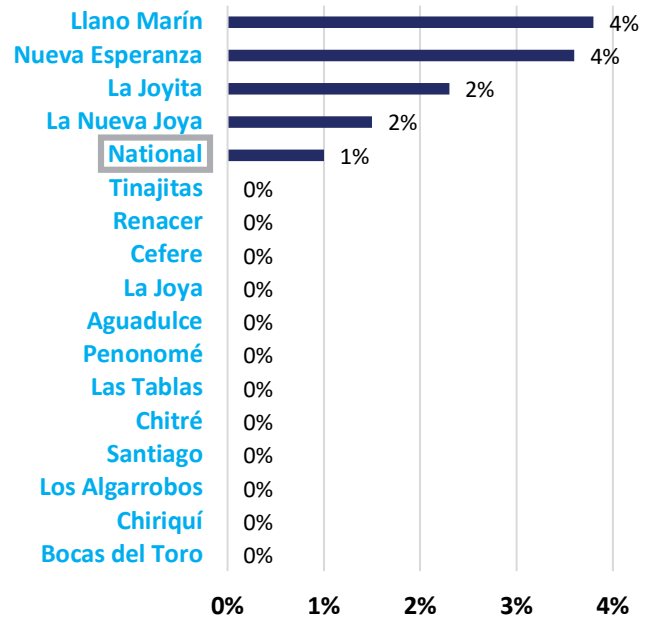


Paying for services

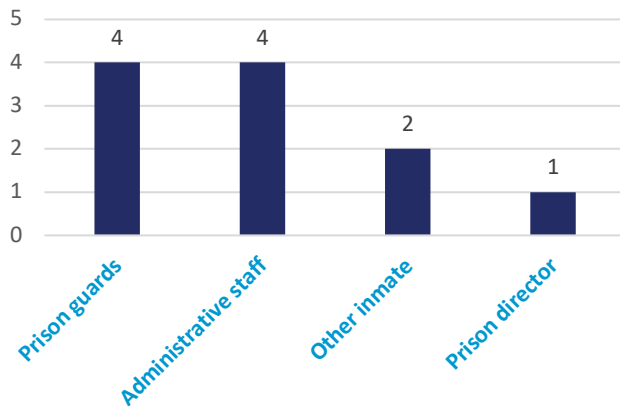
Of those who received job training, percent of respondents who had to pay for it (nationally and by prison)



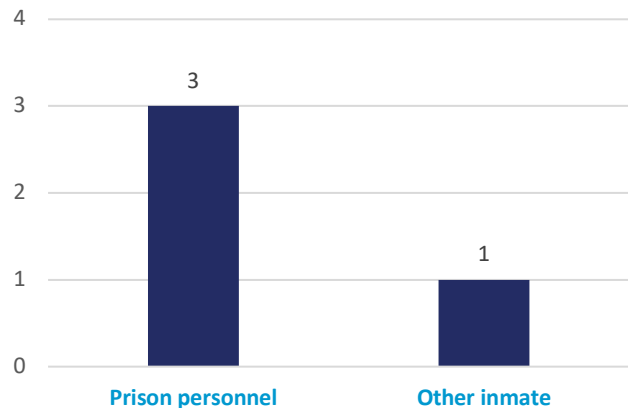
Of those who received psychosocial programming, percent of respondents who had to pay for it (nationally and by prison)



Among those who had to pay for job training, who did they pay?

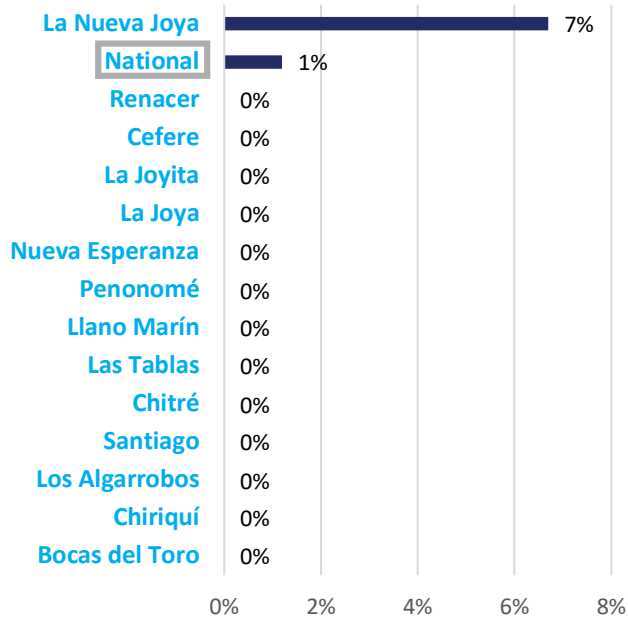


Among those who had to pay for psychosocial programming, who did they pay?

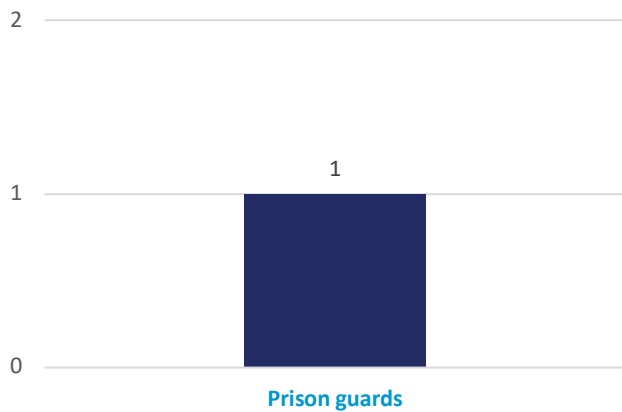


Paying for services

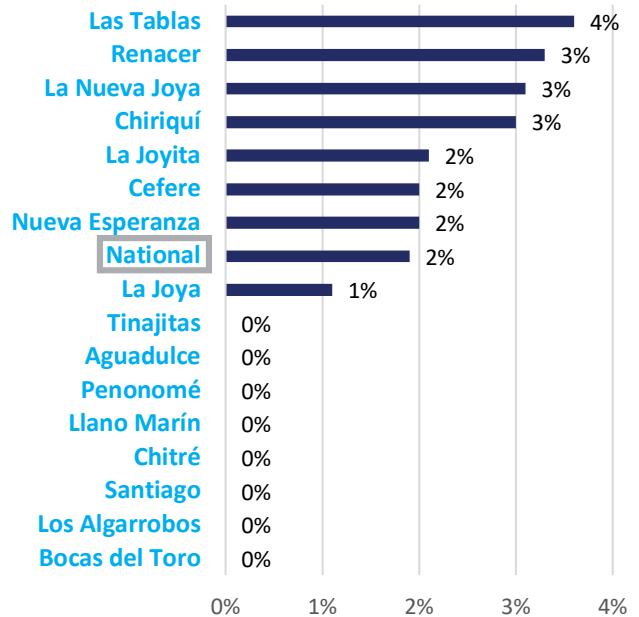
Of those who received substance abuse treatment, percent of respondents who had to pay for it (nationally and by prison)



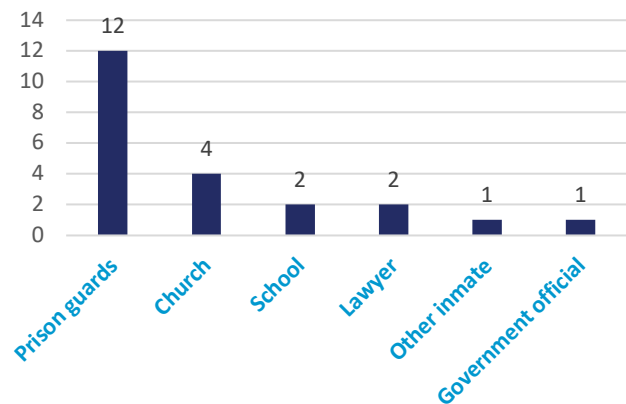
Among those who had to pay for substance abuse treatment, who did they pay?



Percent of convicted respondents who had to pay for a reduced sentence (nationally and by prison)



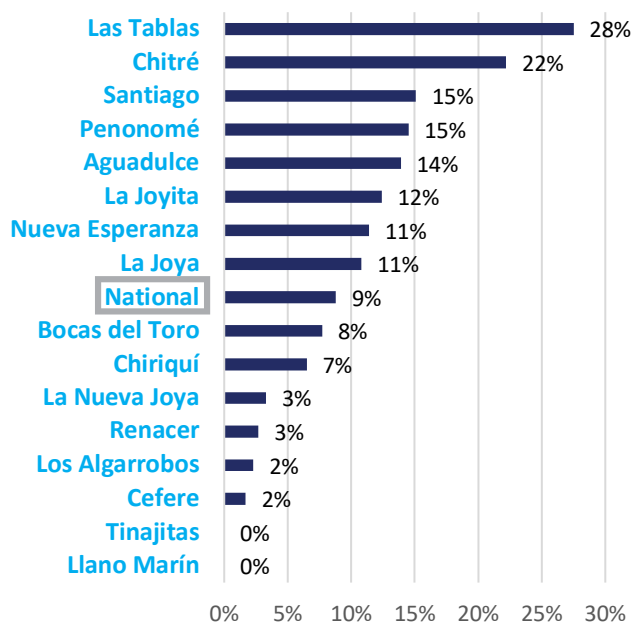
Among those who had to pay for a reduced sentence, who did they pay?



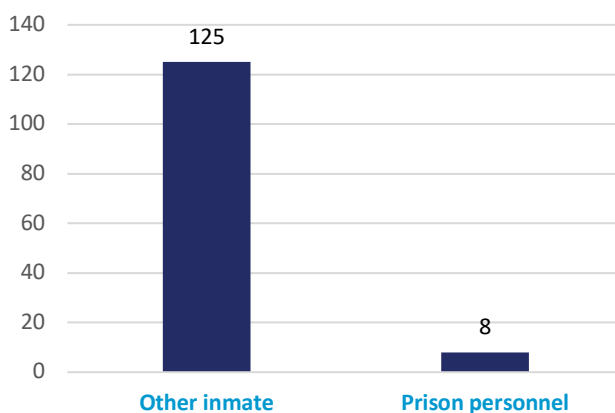
Paying for services

Having space to sleep is a basic human need. All prisoners should have access to accommodations, including space to sleep. As indicated, 9% of the sample or 142 individuals reported having to pay for a place to sleep. The frequency of these reports varied across institutions. None of the respondents from Tinjitas or Llano Marín reported making payments. In contrast, 22% of the respondents from Chitré and 28% of the respondents from Las Tablas reported having to pay for a place to sleep. Among those who reported making payments, the majority reported paying other prisoners rather than prison personnel.

Percent of respondents who had to pay for a place to sleep (nationally and by prison)



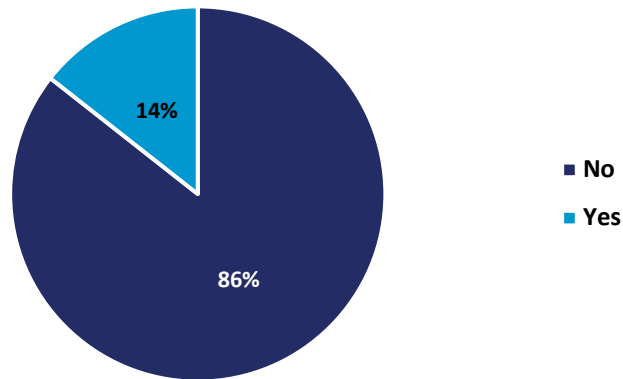
Among those who had to pay for a place to sleep, who did they pay?



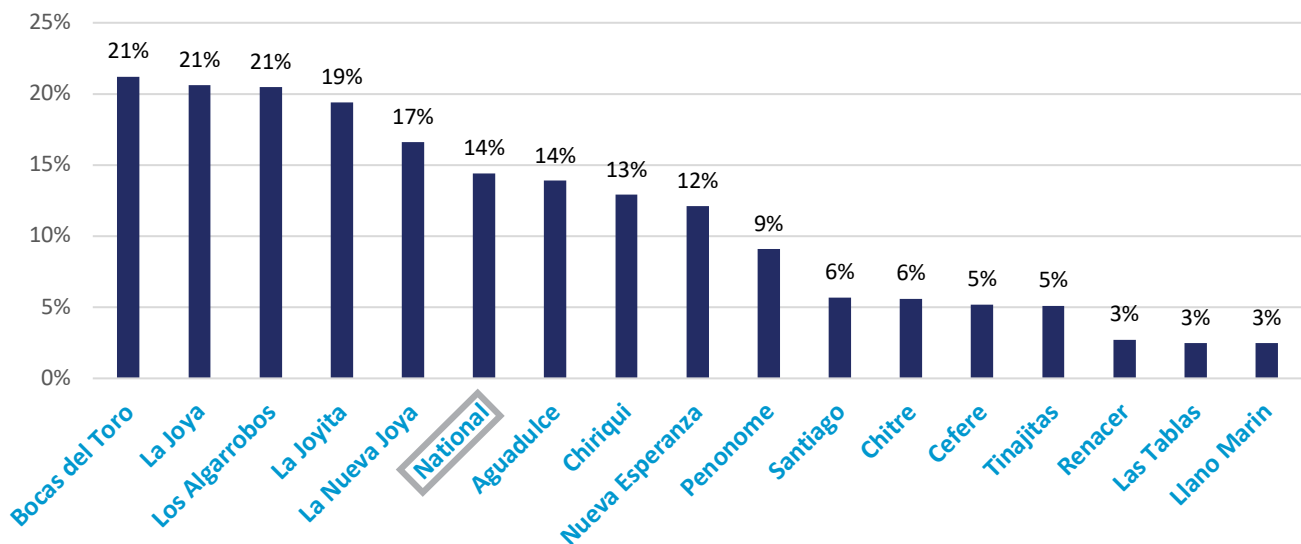
Corruption/abuse

Respondents were also asked about abusive experiences, including threats. This included the position of the abuser, whether it was reported, and reasons for not reporting it. Fourteen percent of the sample or 228 people reported being abused or threatened in some way. Among these, very few people reported these threats to the authorities. The following pages illustrate the findings. As expected, reports of threats varied across settings. It is important to note that prisoners tend to underreport their experiences of abuse, corruption, or mistreatment and caution should be taken when interpreting these results.

Percent respondents who were ever threatened (nationally)

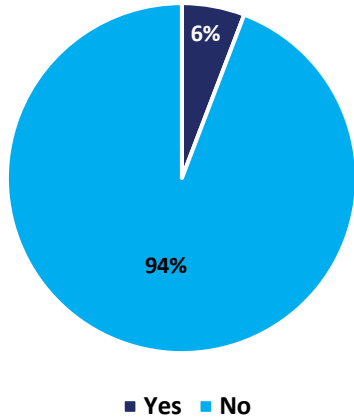


Percent respondents who were ever threatened (nationally and by prison)

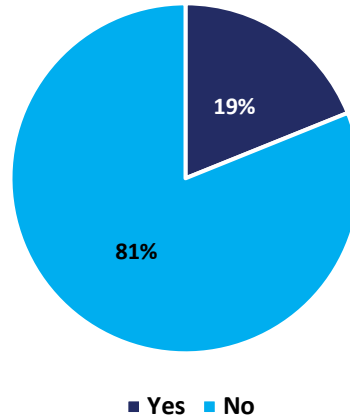


Corruption/abuse: False charges

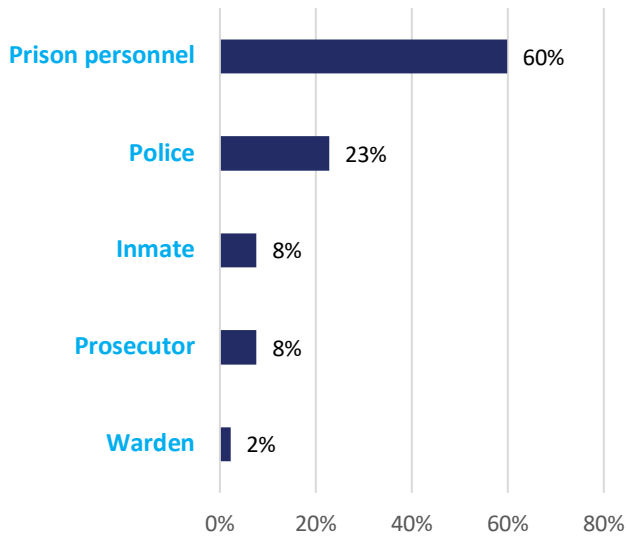
Percent respondents who reported that they have been threatened with false charges in their current facility



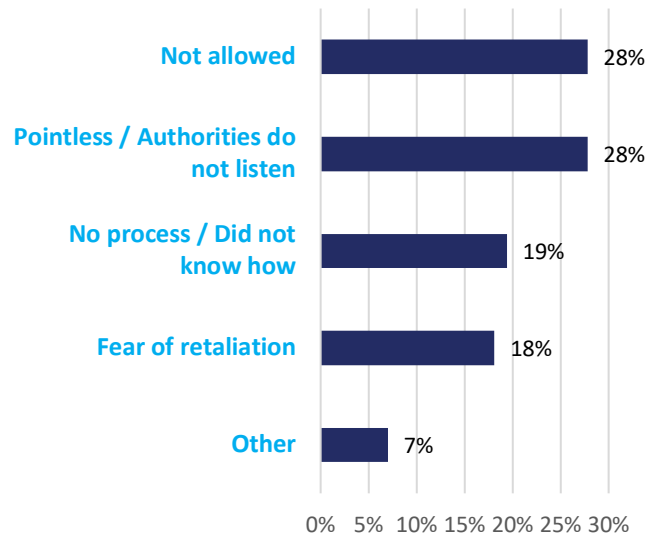
Of those threatened with false charges, did they report it?



Of those threatened with false charges, who were they threatened by?^a



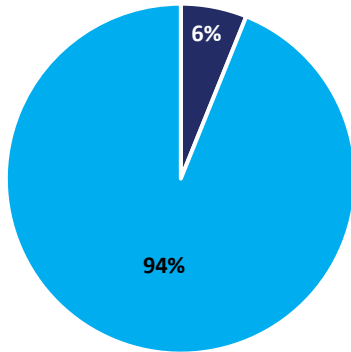
Of those who didn't report being threatened with false charges, why not?



^a Not mutually exclusive categories.

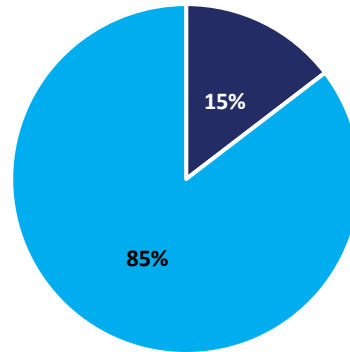
Corruption/abuse: Food deprivation

Percent respondents who reported that they have been denied food in their current facility



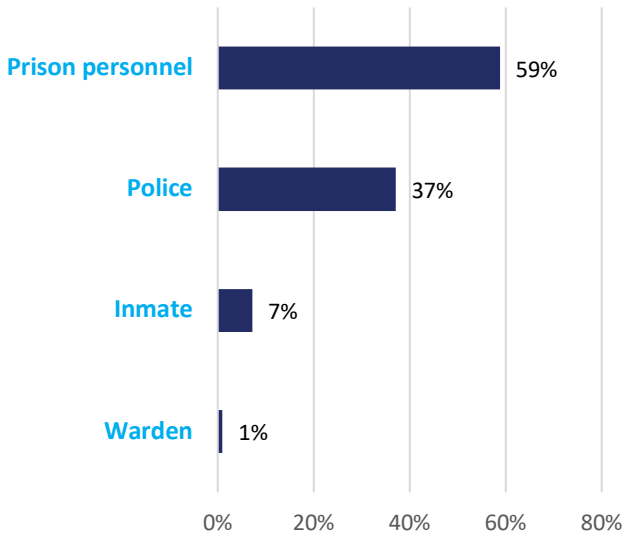
■ Yes ■ No

Of those denied food, did they report it?

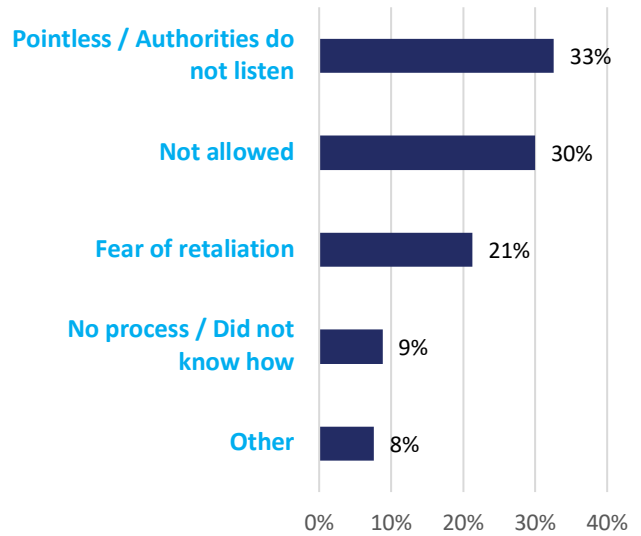


■ Yes ■ No

Of those who were denied food, who denied it?^a



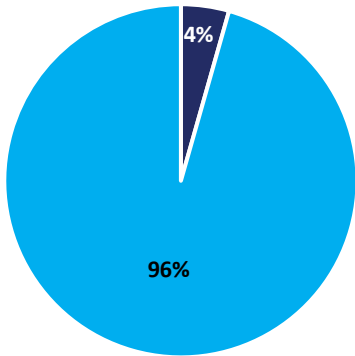
Of those who didn't report being denied food, why not?



^a Not mutually exclusive categories.

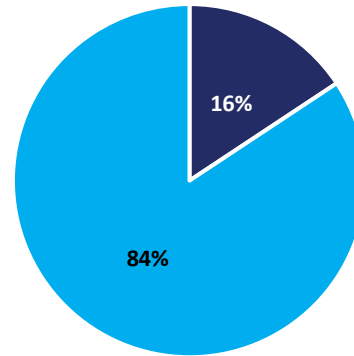
Corruption/abuse: Water deprivation

Percent respondents who reported that they were denied water in their current facility



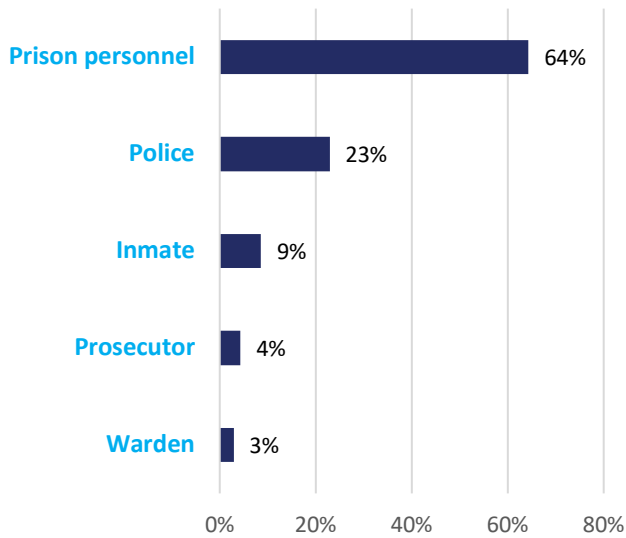
■ Yes ■ No

Of those denied water, did they report it?



■ Yes ■ No

Of those denied water, who denied it?^a



Of those who didn't report being denied water, why not?

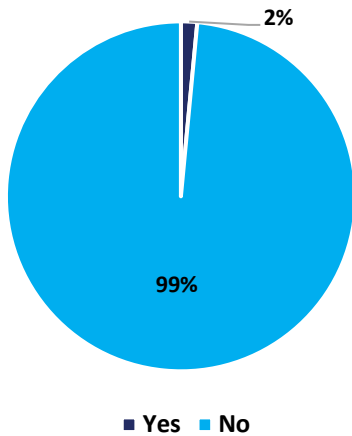


^a Not mutually exclusive categories.

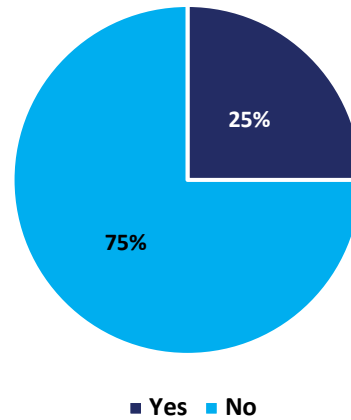
Corruption/abuse: Threats towards family

Thirty-one respondents reported that they had been threatened with violence against their family. Unlike other threats, more than half of these threats were made by other prisoners. This may help to explain the willingness, relative to other types of threats, to report threats towards family to the authorities.

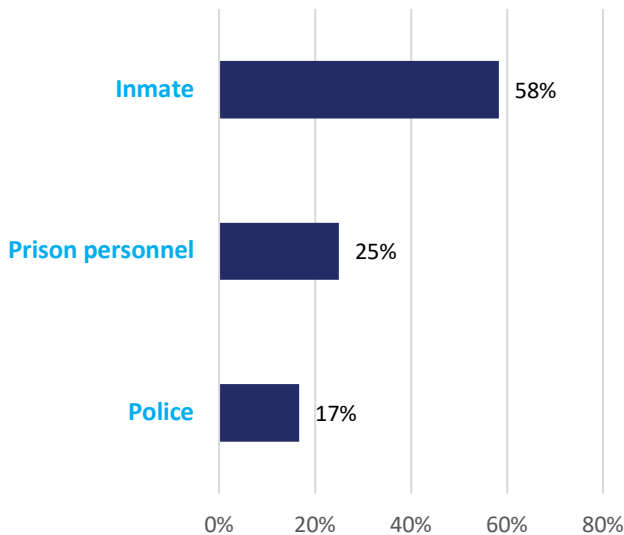
Percent respondents who reported that they have been threatened with violence against their family in their current facility



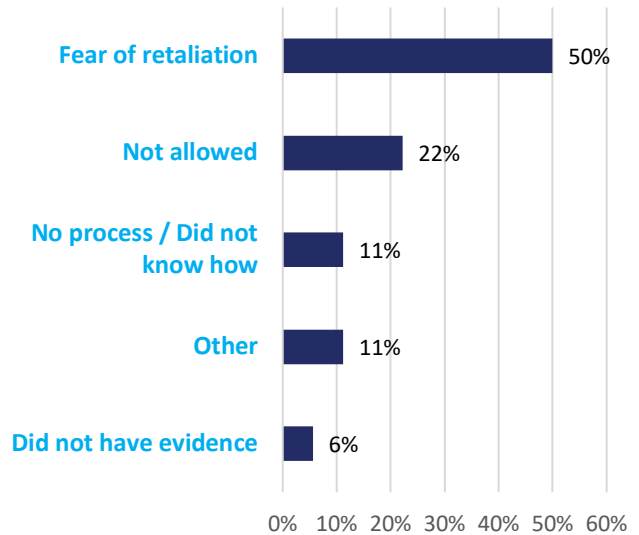
Of those whose families were threatened with violence, did they report it?



Of those whose families were threatened with violence, who were they threatened by?^a



Of those who didn't report their families being threatened with violence, why not?

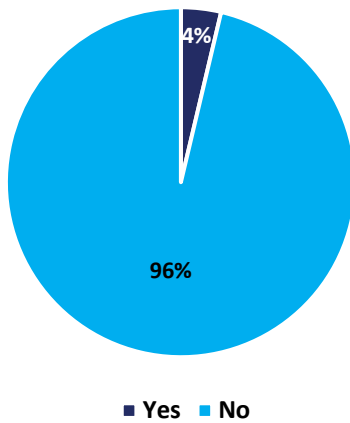


^a Not mutually exclusive categories.

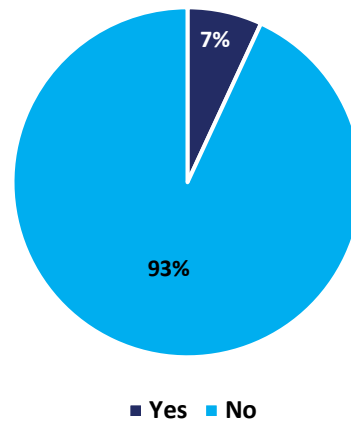
Corruption/abuse: Bribes

A small number (4%) reported being asked for a bribe and, as with other types of abuse and corruption, a small percentage reported this to the authorities. As with other experiences, reasons for not reporting fear of retaliation, not being allowed, and believing there was no point in reporting it. As illustrated in the following pages, some respondents failed to report abusive and corrupt behaviors because they viewed it as normal within the prison setting.

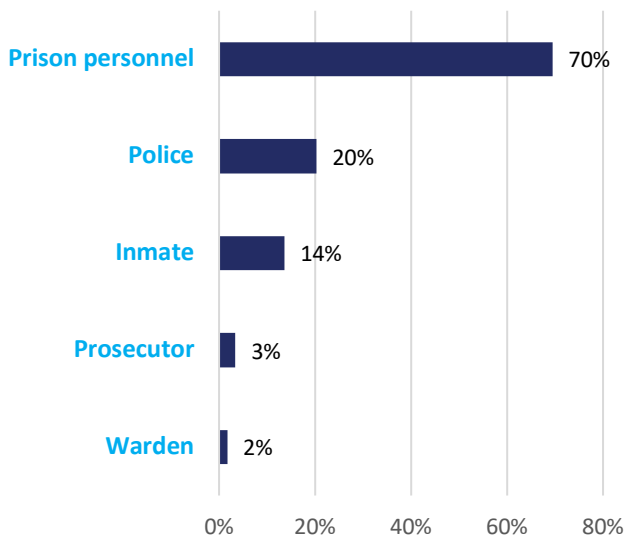
Percent respondents who reported that they have been asked for a bribe in their current facility



Of those asked for a bribe, did they report it?



Of those asked for a bribe, who asked for it?^a



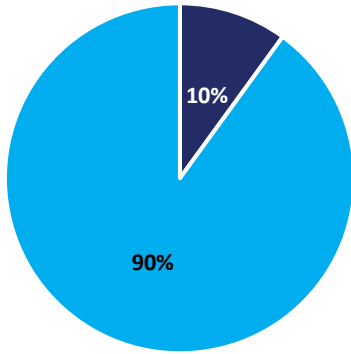
Of those who didn't report being asked for a bribe, why not?



^a Not mutually exclusive categories.

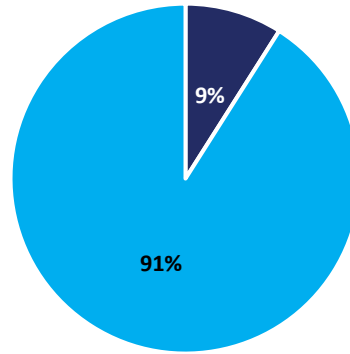
Corruption/abuse: Denied communication

Percent respondents who reported that they have been denied communication with family/friends in their current facility



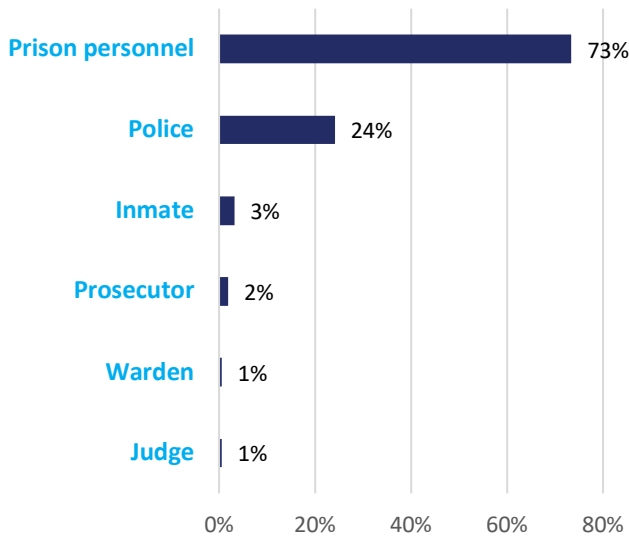
■ Yes ■ No

Of those who were denied communication with family/friends, did they report it?



■ Yes ■ No

Of those who were denied communication with family/friends, who denied it?^a



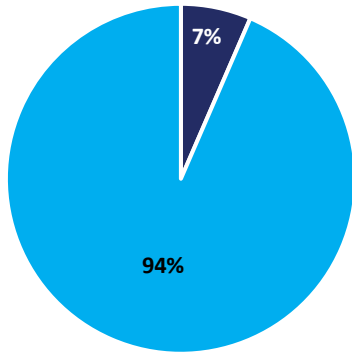
Of those who didn't report being denied communication with family/friends, why not?



^a Not mutually exclusive categories.

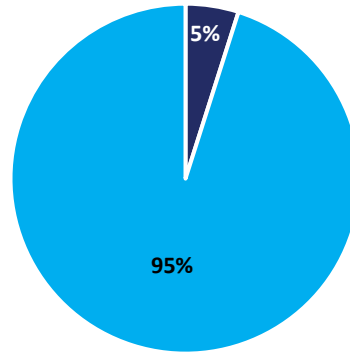
Corruption/Staff abuse: Denied visitors

Percent respondents who reported that they have been denied visitors in their current facility



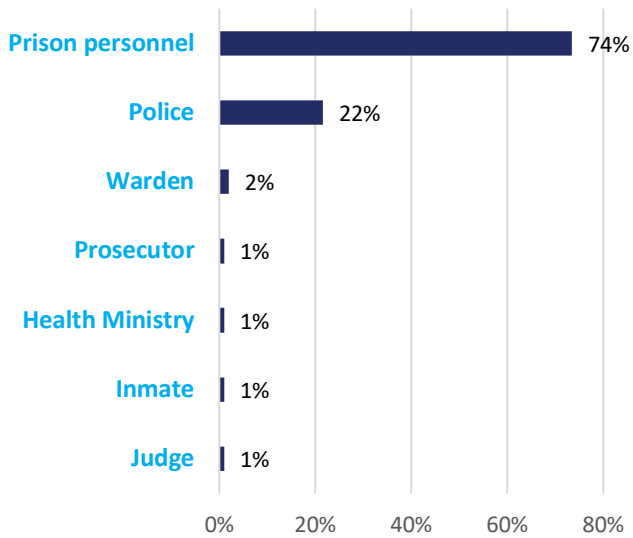
■ Yes ■ No

Of those who were denied visitors, did they report it?

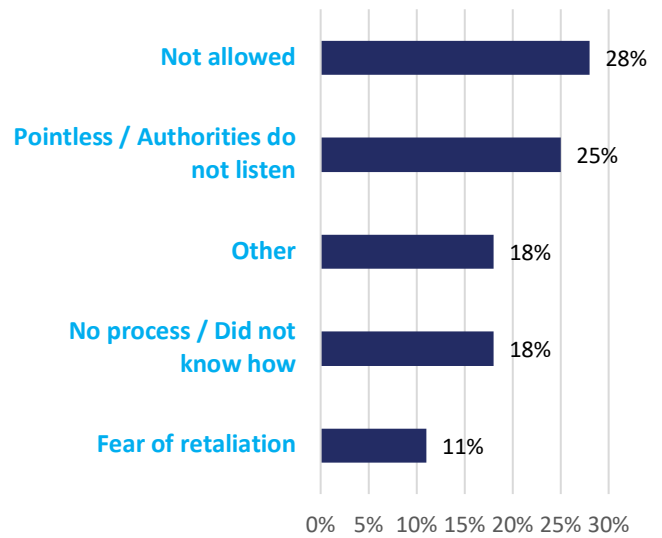


■ Yes ■ No

Of those who were denied visitors, who denied them?^a



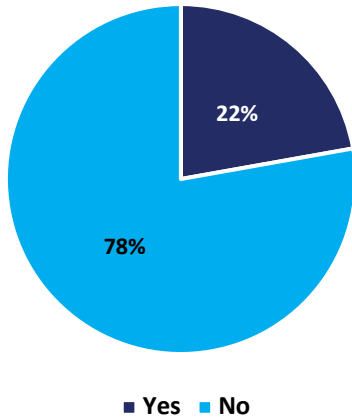
Of those who didn't report being denied visitors, why not?



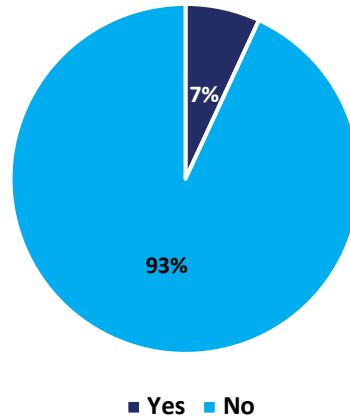
^a Not mutually exclusive categories.

Corruption/abuse: Forced to undress

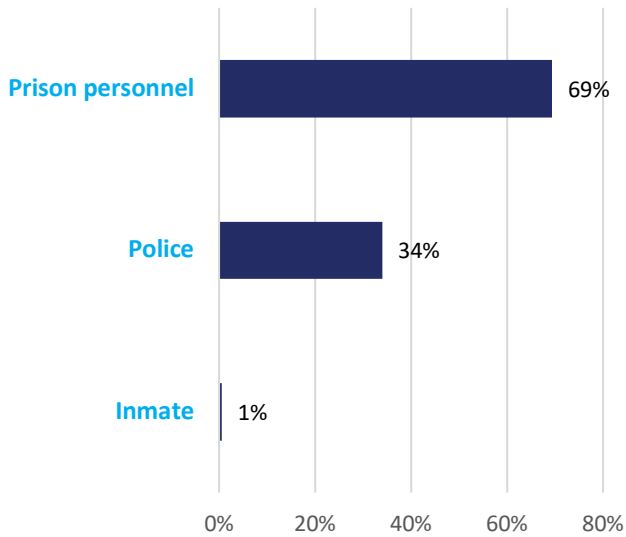
Percent respondents who reported that they have been forced to undress in their current facility



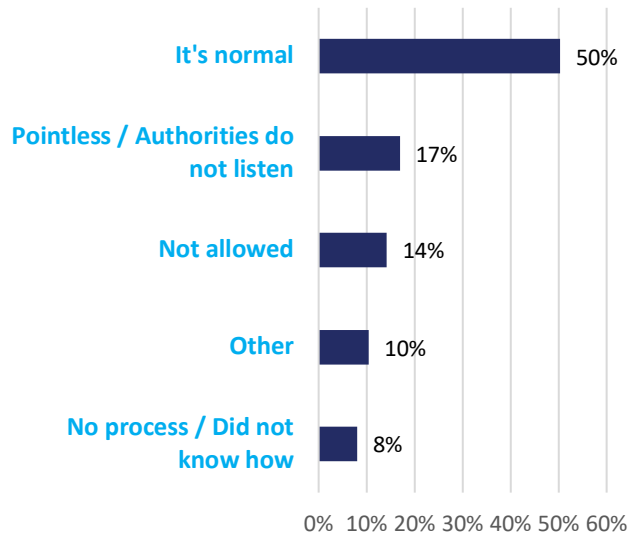
Of those who were forced to undress, did they report it?



Of those who were forced to undress, who forced them?^a



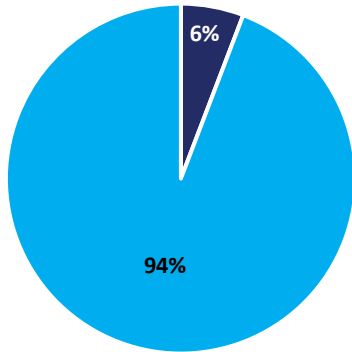
Of those who didn't report being forced to undress, why not?



^a Not mutually exclusive categories.

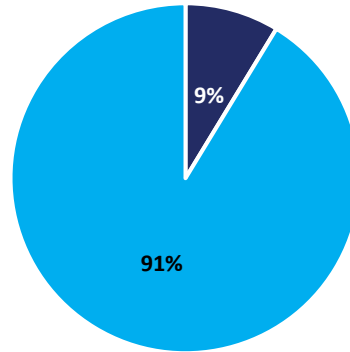
Corruption/abuse: Bounded by wrists or ankles

Percent respondents who reported that they have been bounded by their wrists or ankles in their current facility



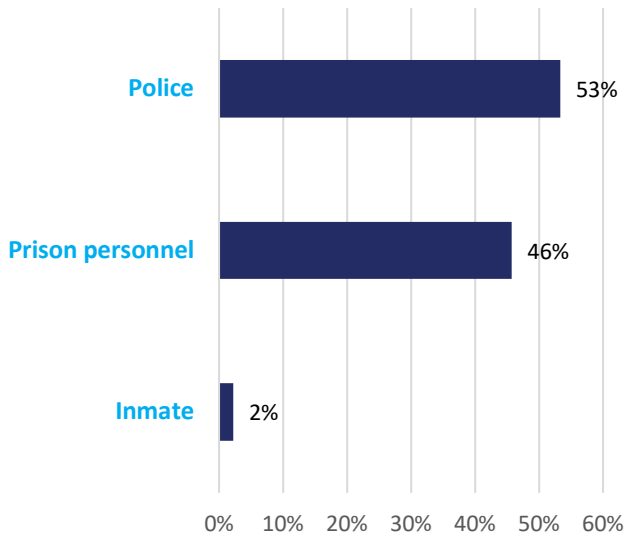
■ Yes ■ No

Of those who were bounded by their wrists or ankles, did they report it?

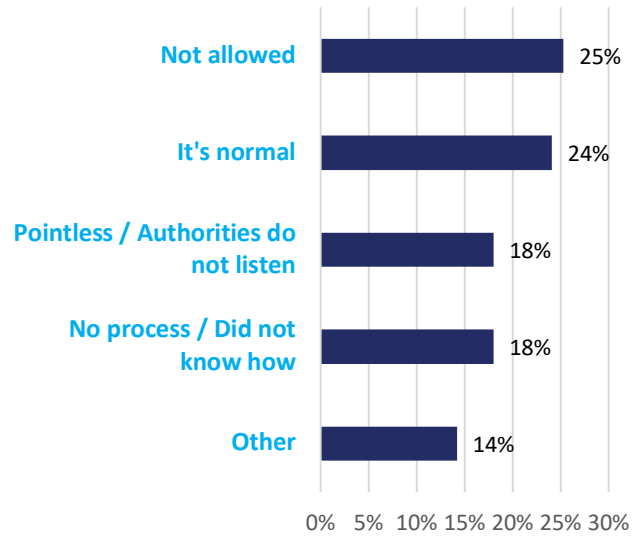


■ Yes ■ No

Of those who were bounded by their wrists or ankles, who bounded them?^a



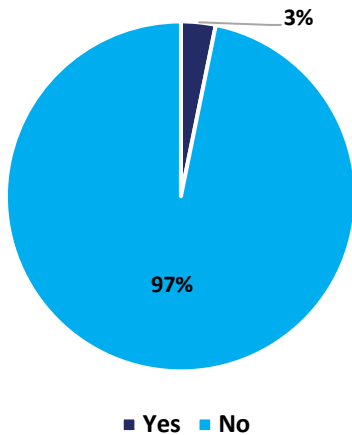
Of those who didn't report being bounded by their wrists or ankles, why not?



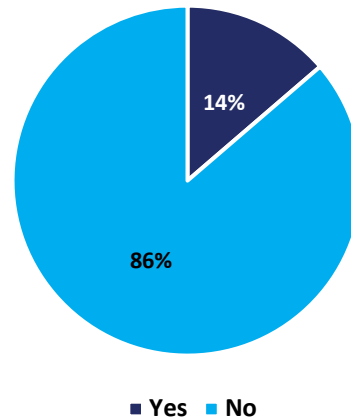
^a Not mutually exclusive categories.

Corruption/abuse: Asphyxiation/blindfold/sexual assault

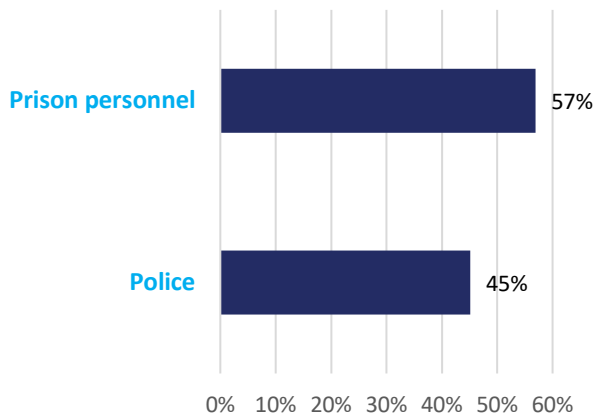
Percent respondents who reported that they have been asphyxiated in their current facility



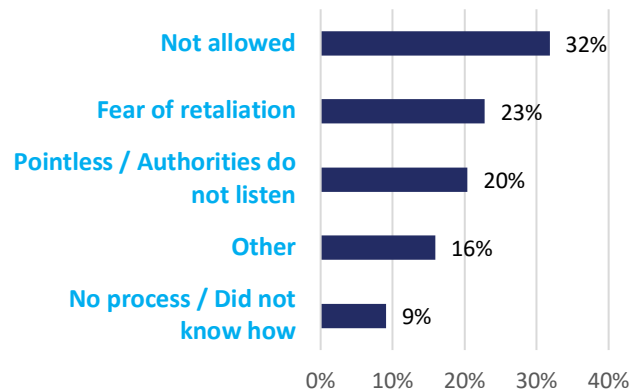
Of those who were asphyxiated, did they report it?



Of those who were asphyxiated, who asphyxiated them?^a

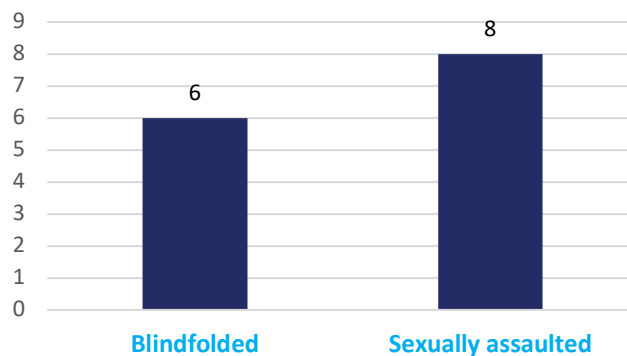


Of those who didn't report being asphyxiated, why not?



^a Not mutually exclusive categories.

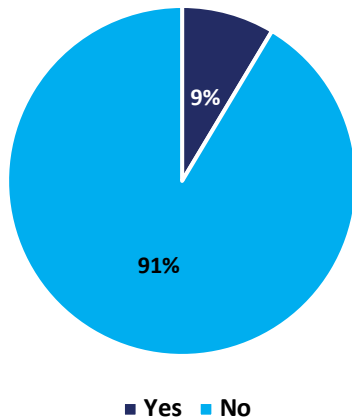
Number of respondents who reported that they have been blindfolded or sexually assaulted in their current facility



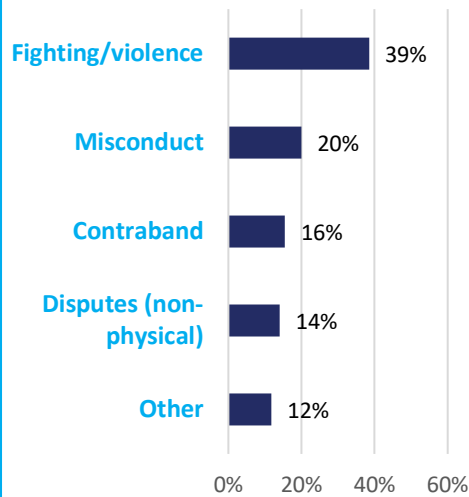
Punishment

The Nelson Mandela Rules allow for the use of solitary confinement as disciplinary response for exceptional cases and indicate it should not be used for indefinite or prolonged periods, defined as more than 15 days. Nearly 150 individuals reported being disciplined during their term of incarceration, and nearly half were placed in solitary confinement as a result. Close to a third of this group reported being in solitary confinement for more than 30 days, with three individuals spending more than three years in confinement. Behaviors leading to solitary confinement included fighting or violence, non-physical disputes, contraband, and misconduct.

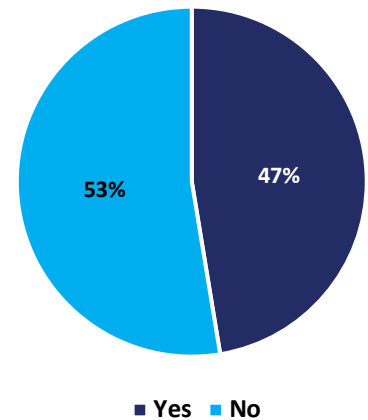
Percent respondents who reported that they have been punished in their current facility



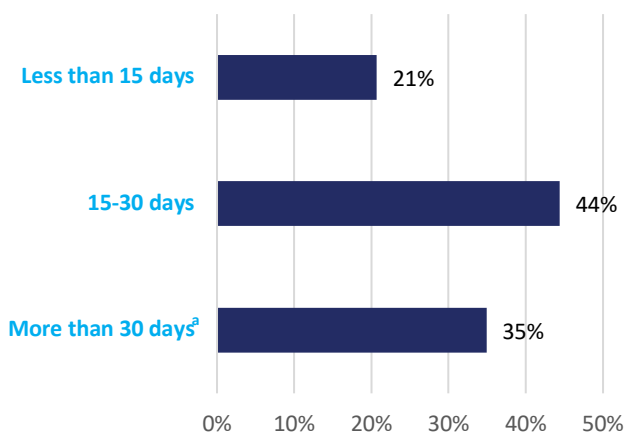
Of those who were punished, reason for punishment



Of those who were punished, percent who reported that they have been placed in solitary confinement in their current facility

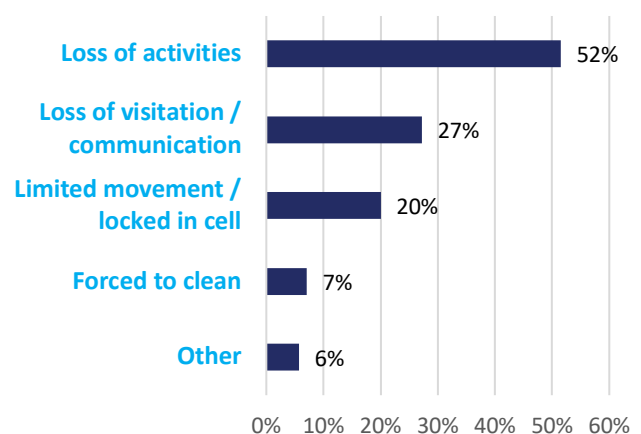


If placed in solitary confinement, length of stay



^a 3 individuals reported a length of solitary confinement of one year or more.

If punished but not placed in solitary confinement, which other punishment did you receive?^b



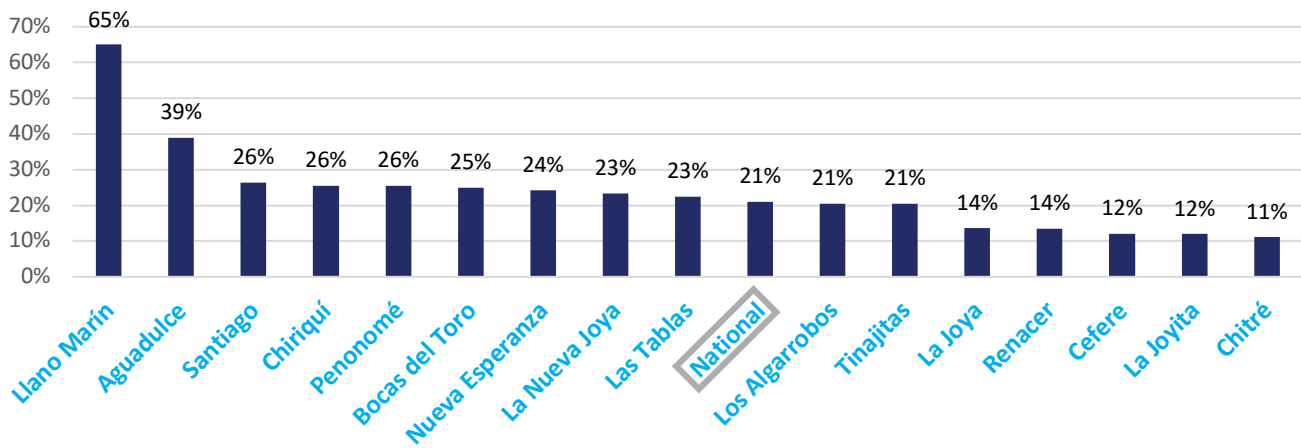
^b Not mutually exclusive categories.

Transparency and Accountability

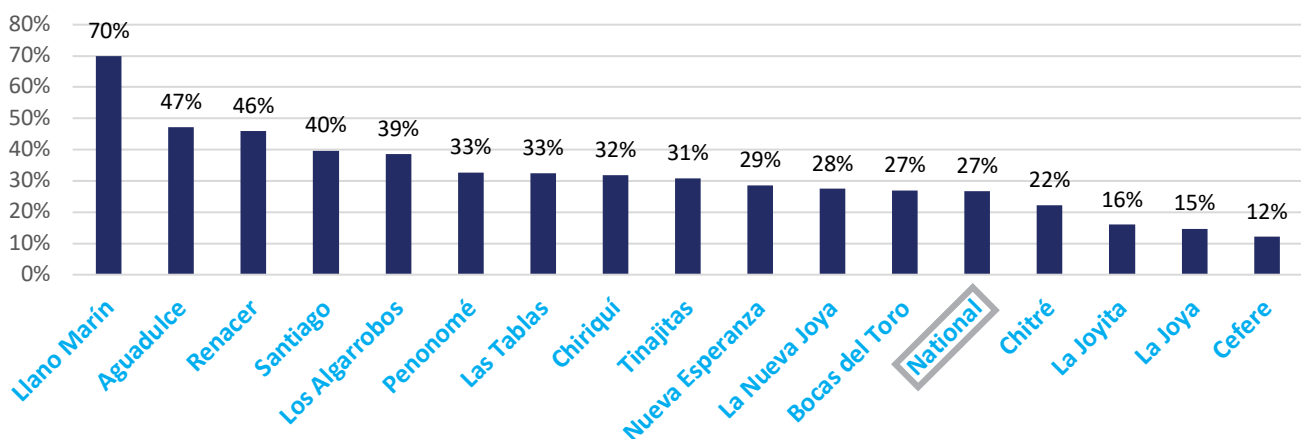
Orientation

As one measure of transparency and accountability, respondents were asked whether the authorities informed them of their rights and the prison’s rules at the time they entered their current prison. Nationally, only 20% reported receiving a guide or manual about the prison rules while slightly more than 25% reported receiving verbal guidance or explanations. Respondents at Llano Marín were most likely to report receiving information about rules, with more than 65% indicating they received either written or verbal instructions. Nationally, less than a third of respondents reported being given information about their rights as a person deprived of liberty. As with prison rules, respondents at Llano Marín were most likely to answer this affirmatively.

Percent respondents who reported that authorities provided them with an information manual or guide on the rules of the prison (nationally and by prison)



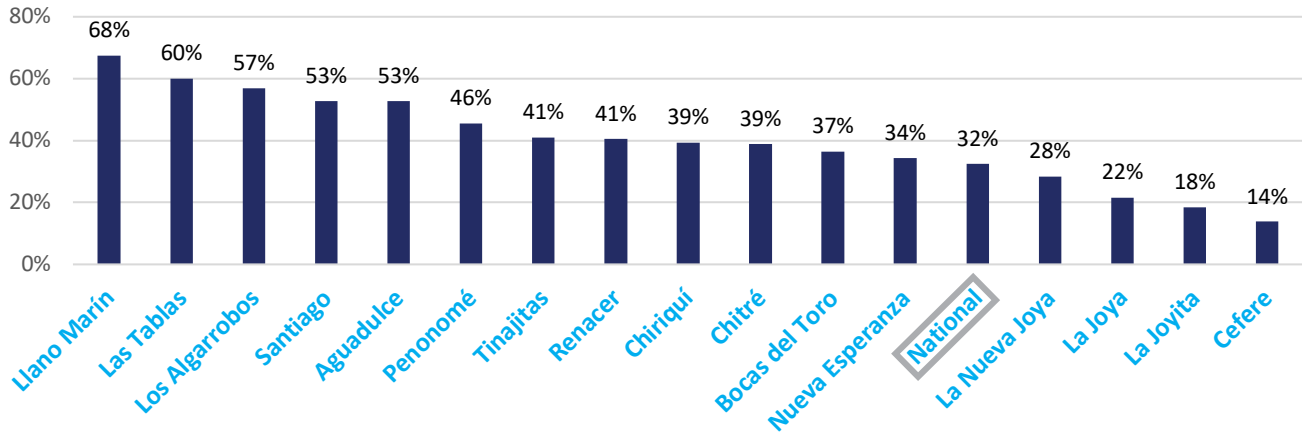
Percent respondents who reported that authorities gave them verbal guidance or explained to them the rules of the prison (nationally and by prison)



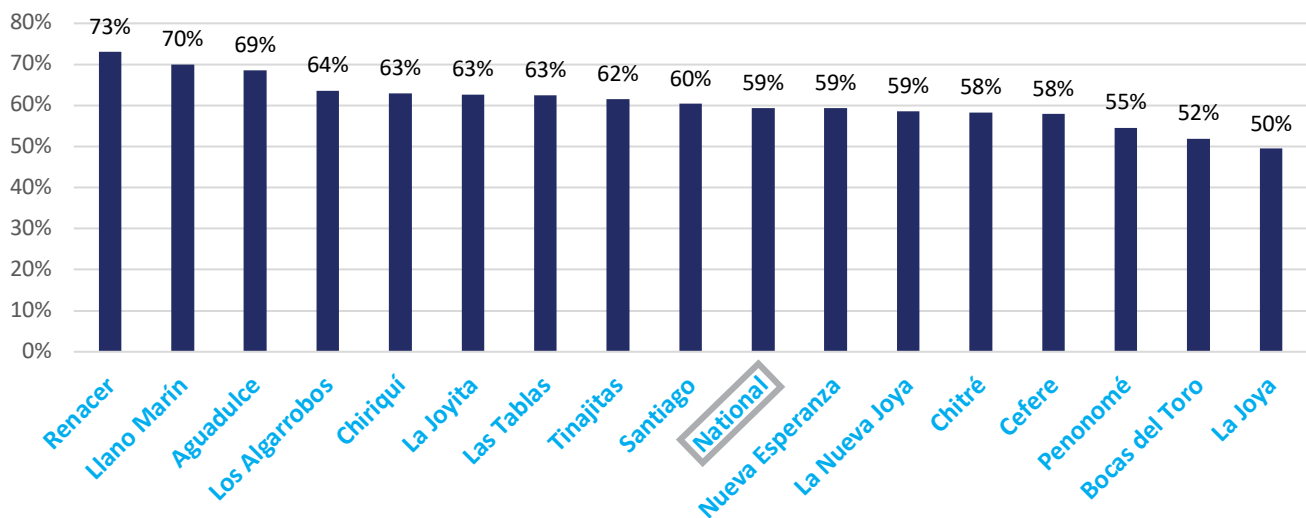
Orientation

Although less than a third of prisoners reported that the authorities informed them of their rights, 59% indicated they were aware of laws and rules related to sentencing reductions. There was relatively little variation across the prisons, with between 50% and 73% reporting they were aware of these laws and rules. These results are relatively consistent with the percentage of prisoners reporting they had been informed of their rights during the criminal proceedings.

Percent respondents who reported that the prison authorities informed them of their rights and obligations as a person deprived of liberty (nationally and by prison)



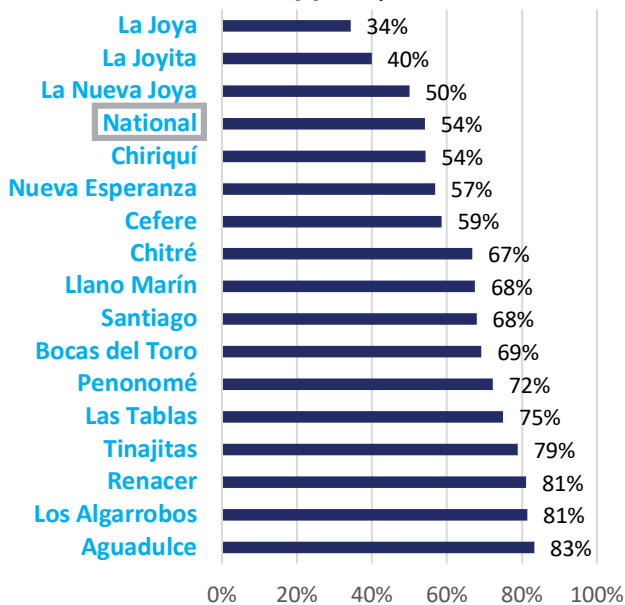
Percent respondents who reported they are aware of sentence reduction laws/rules (nationally and by prison)



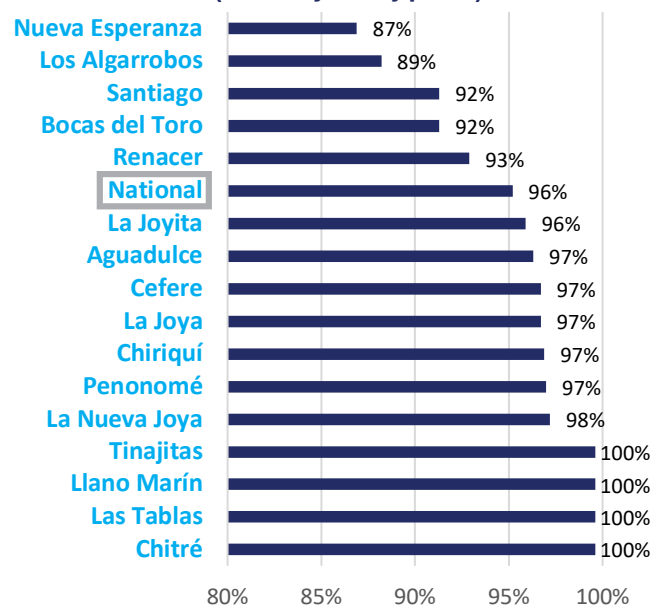
Complaints procedures

The Nelson Mandela Rules recognize that there should be adequate and transparent procedures in place for making complaints about treatment in prison. Respondents were asked about their ability to make complaints, the requirements for doing so, and the extent to which they feel complaints are managed fairly. As indicated, just over half (54%) of the respondents indicated they could make complaints to prison personnel. Individuals in the La Joya complex were least likely to do so, whereas over 80% of respondents at Renacer, Los Algarrobos, and Aguadulce responded favorably. However, it was also reported that complaints must be written which may pose some challenges. Although over 90% of the sample reported being literate, over 75% reported less than a high school education. More than half reported that complaints could be passed to security personnel. However, 9% indicated they could pass complaints to other prisoners. Having prisoners serve as gatekeepers may pose additional challenges for those with serious complaints, particularly if against other prisoners.

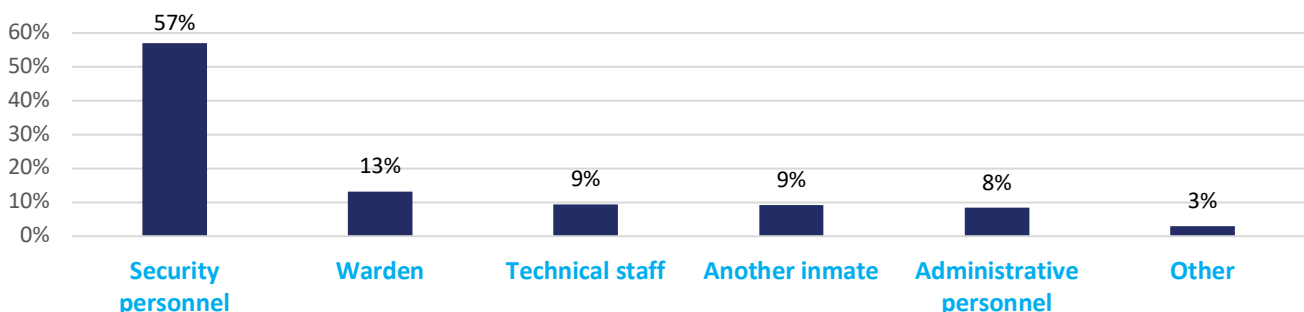
Percent respondents who reported that they are able to pass complaints/requests to prison personnel (nationally and by prison)



Of those who are able to pass complaints/requests, percent respondents who reported that they must be in writing (nationally and by prison)



Of those who are able to pass complaints/requests, who can they pass them to?



Complaints procedures

Though respondents largely reported having the ability to make a complaint, it is not clear that the outcomes of doing so are perceived as meaningful. Only 30% indicated complaints are resolved in a fair manner and only 9% felt staff gave “a lot” of consideration to complaints. The rates of agreement with these statements were relatively low even in the higher performing prisons. For example, 56% of respondents agreed that complaints were resolved fairly at Aguadulce while 30% reported staff paid a lot of attention to complaints at Chitré and Renacer. Individuals should be free to make complaints without fear of retaliation. Yet, over half (55%) of respondents indicated that there may be some type of retaliation or punishment by staff as a result of making a complaint or request. Respondents at Cefere and the La Joya Complex were more likely to report this whereas those in Santiago and Aguadulce prisons were less likely to do so.

“Prisoner complaints are resolved by the prison authorities in a fair manner” Do you agree or disagree with this statement? (nationally and by prison)

😊 Agree 😐 Neither agree nor disagree ☹ Disagree

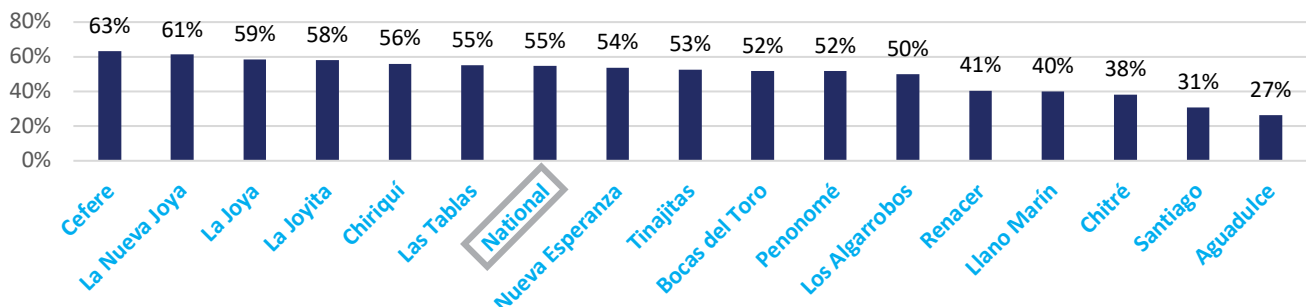
Prison	😊	😐	☹
La Joya	18%	2%	80%
Cefere	19%	7%	74%
La Nueva Joya	20%	8%	73%
La Joyita	27%	3%	71%
National	30%	4%	66%
Nueva Esperanza	33%	4%	64%
Bocas del Toro	37%	0%	64%
Las Tablas	38%	0%	63%
Chiriquí	37%	2%	60%
Renacer	32%	8%	60%
Penonomé	38%	6%	56%
Chitré	47%	0%	53%
Llano Marín	43%	5%	53%
Los Algarrobos	39%	9%	52%
Tinajitas	44%	8%	49%
Santiago	49%	6%	45%
Aguadulce	56%	3%	42%

To what extent do you consider that the prison staff listens and attends to your complaint (nationally and by prison)

😊 A lot 😐 A little / Somewhat ☹ Not at all

Prison	😊	😐	☹
La Joya	4%	30%	65%
La Joyita	3%	43%	54%
La Nueva Joya	4%	46%	50%
Chiriquí	6%	49%	46%
National	9%	49%	42%
Bocas del Toro	10%	50%	40%
Nueva Esperanza	11%	51%	39%
Cefere	11%	54%	35%
Los Algarrobos	11%	66%	23%
Penonomé	20%	58%	22%
Tinajitas	10%	72%	18%
Las Tablas	18%	65%	18%
Llano Marín	15%	70%	15%
Aguadulce	19%	67%	14%
Santiago	27%	60%	14%
Chitré	31%	58%	11%
Renacer	30%	60%	11%

Do you consider that there may be some kind of retaliation or punishment from the staff when a complaint or request is made? (nationally and by prison)



Vulnerable Groups

Women: Sample characteristics

Special attention must be paid to the treatment of vulnerable groups in prison. The United Nations has adopted specific guidelines for the Treatment of Women Prisoners (The Bangkok Rules), which are supplemental to the Nelson Mandela Rules (United Nations, 2010). Just under 10% of the sample consisted of women. The majority (71%) of these women were housed in Cefere and Los Algarrobos, the two prisons specifically for women. However more than a quarter are housed in co-ed prisons. Close to all the respondents had children and reported an average of three children/dependents. Our sample did not include any women living with their children in prison. Unlike some countries in the region, children are not allowed to be in prison in Panama. Instead, incarcerated women receive a license to give birth outside of prison and to be with their babies for one year. Following that time, the new mothers must return to the prison without their children.

Number of female respondents interviewed

143



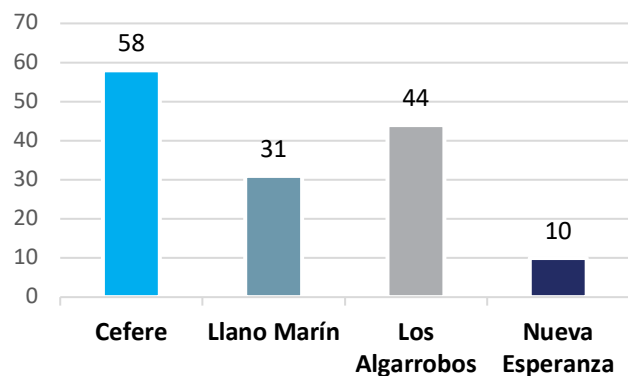
Prisons exclusively housing women



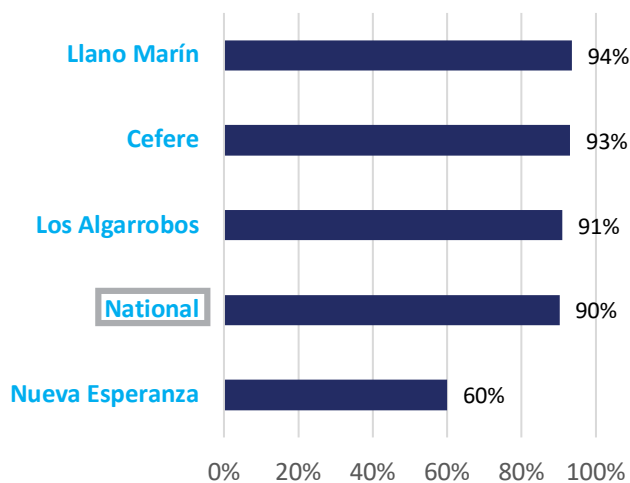
Cefere

Los Algarrobos

Number of female respondents in the sample (by prison)

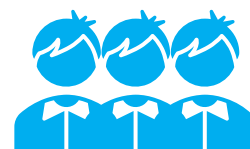


Percent women with children (nationally and by prison)



Median number of children (women only)

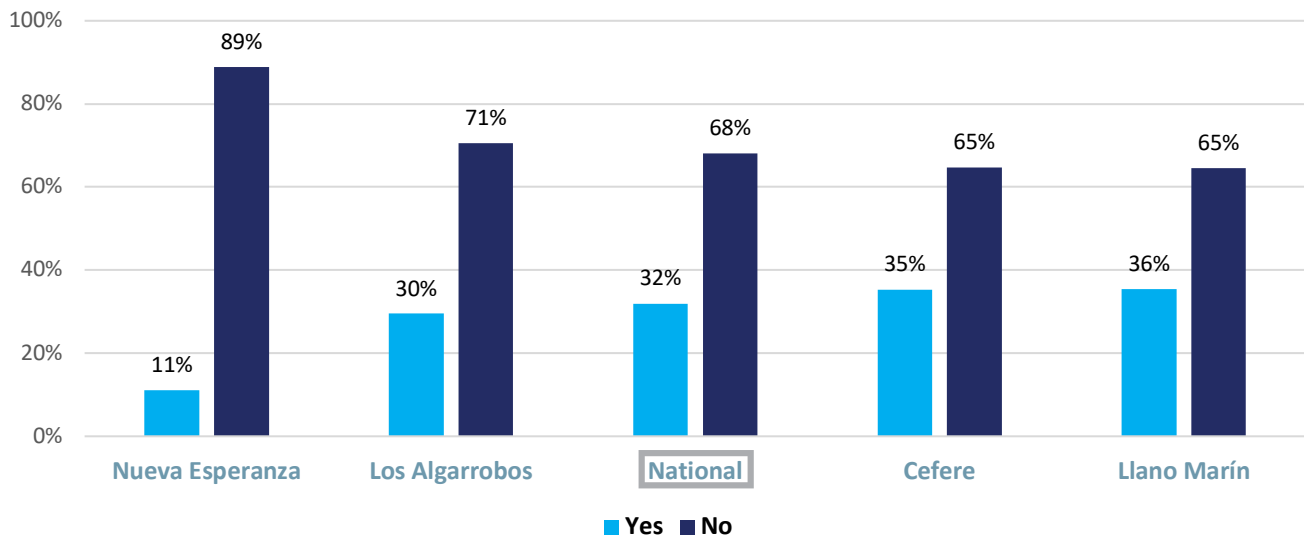
3 children



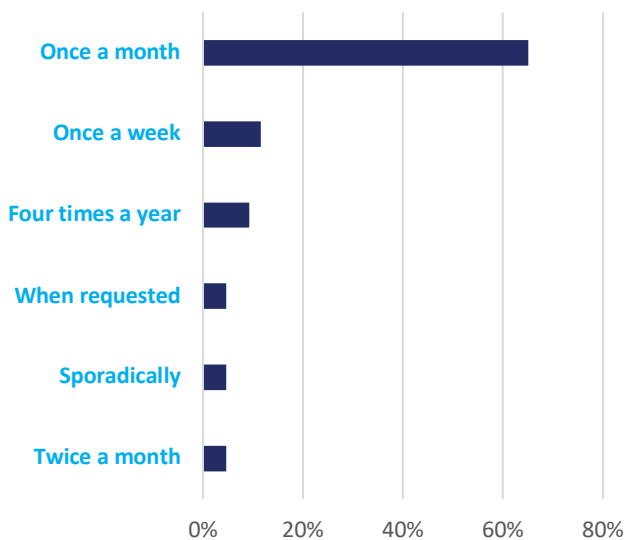
Women: Hygiene

The Bangkok Rules make clear that women should have free access to sanitary supplies (United Nations, 2010). To assess this, respondents were asked about the availability of feminine hygiene pads. Nationally, only 32% of the respondents reported having free access; only 11% of women in Nueva Esperanza reported being provided sanitary supplies. Among women who receive supplies, 80% reported receiving supplies at least monthly. The majority of women who did not receive provisions from the prison were dependent on family members for supplies while just over 10% reported purchasing pads from other prisoners or the authorities themselves.

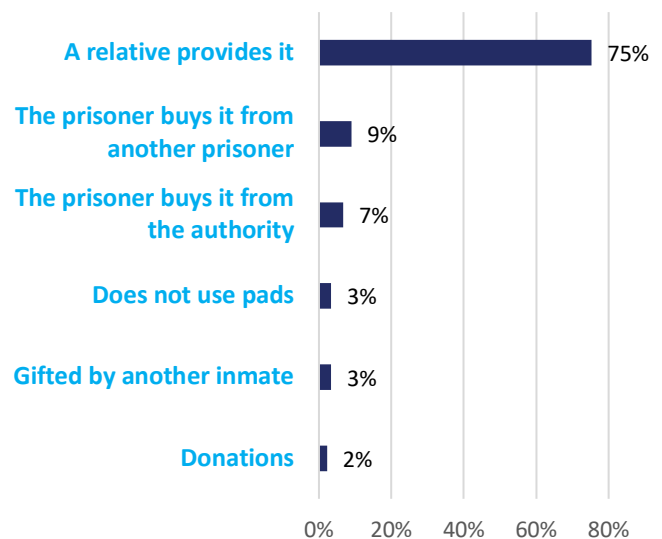
Prisons provide free feminine hygiene pads (nationally and by prison)



If the prison provides hygiene pads for free, how often are they provided?



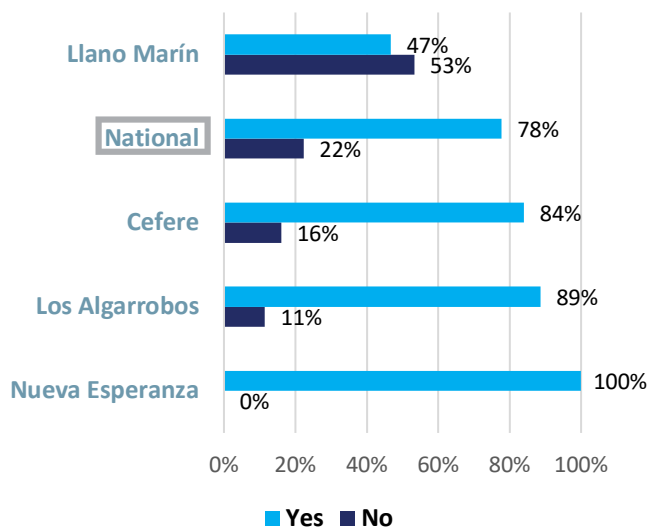
If the prison does not provide hygiene pads for free, how do you obtain them?



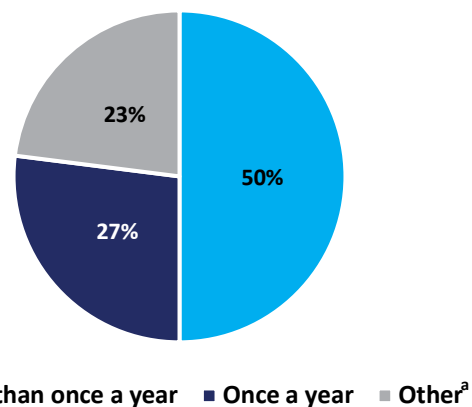
Women: Medical care

In addition to receiving specific hygiene supplies, women should have access to gender-specific health care, including gynecological care. Nationally, 78% of the women reported free gynecological exam are provided. However, among the 31 female respondents at Llano Marín, a co-ed prison, less than half reported free exams were provided. Among the women who were unaware of free exams, nearly all reported they had not had any type of gynecological exam. Of those who indicated exams were provided, 77% reported exams were available at least yearly. Being forced to take any type of contraceptive would be a violation of reproductive health rights. Three women reported being forced to receive some type of contraceptive to prevent pregnancy.

Prisons provide free gynecological consultations (nationally and by prison)

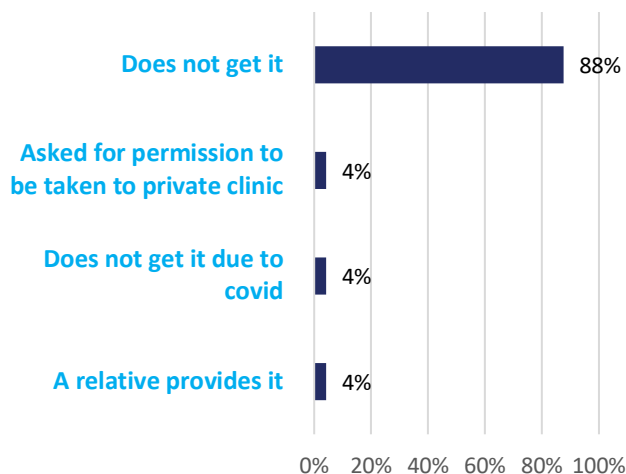


How frequent are there free gynecological consultations?

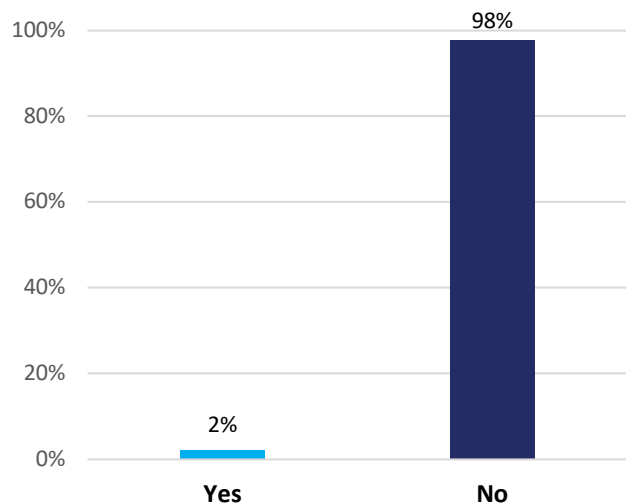


^a "Other" includes Sporadically (12%), When requested (9%), and Once during incarceration (2%).

Women: If current prison does not provide free gynecological consultations, how do you obtain them?

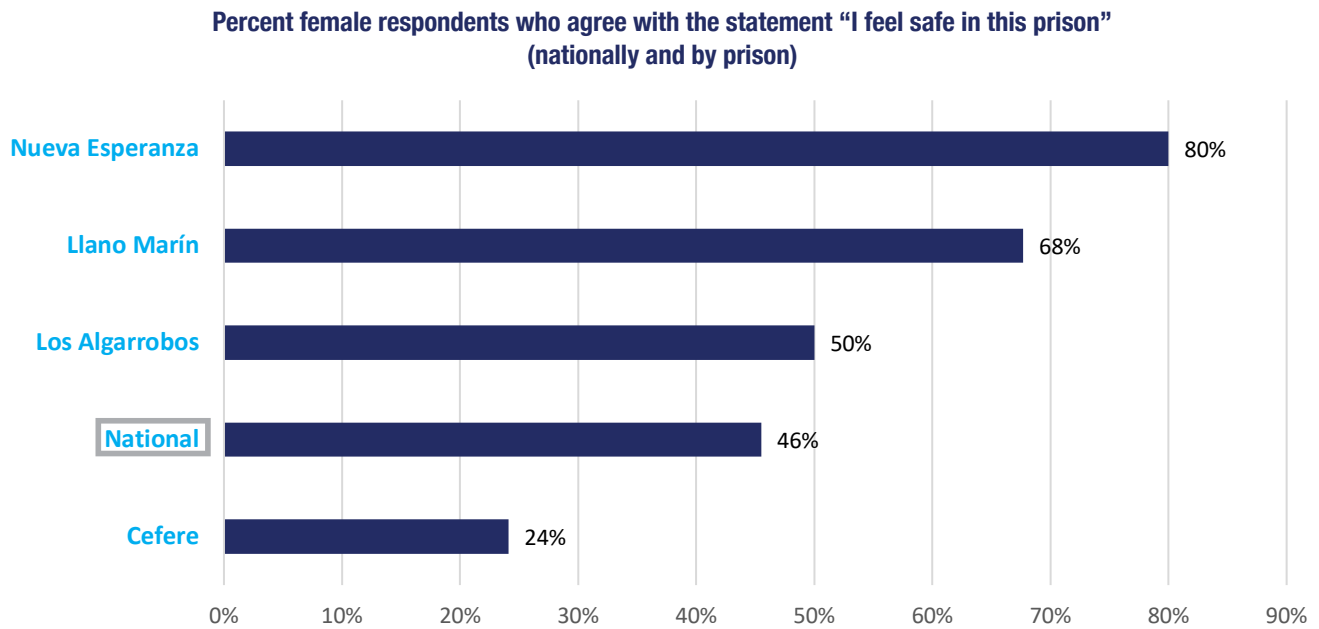


Have you been forced to receive any type of contraceptive to prevent pregnancy?



Women: Safety

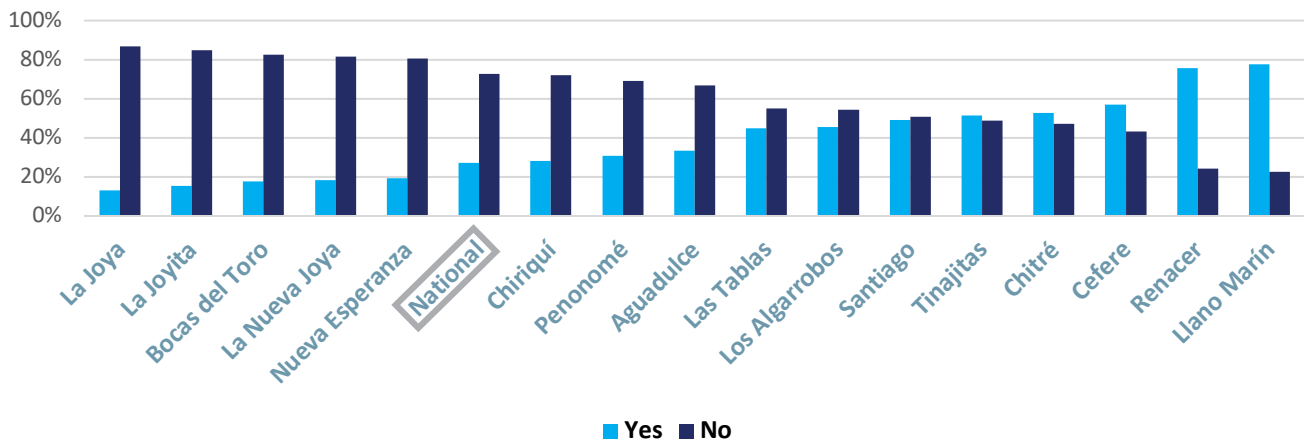
Across all survey respondents, 54% reported feeling safe in prison. Less than half of the female respondents agreed with the statement that they felt safe in prison. The results varied greatly across the four prisons housing women. However, for instance, roughly 75% of women in Cefere felt unsafe whereas the majority of women in Nueva Esperanza felt safe. The small number of female respondents, particularly at Nueva Esperanza (n=10), however, preclude us from drawing any conclusions about the differences between prisons.



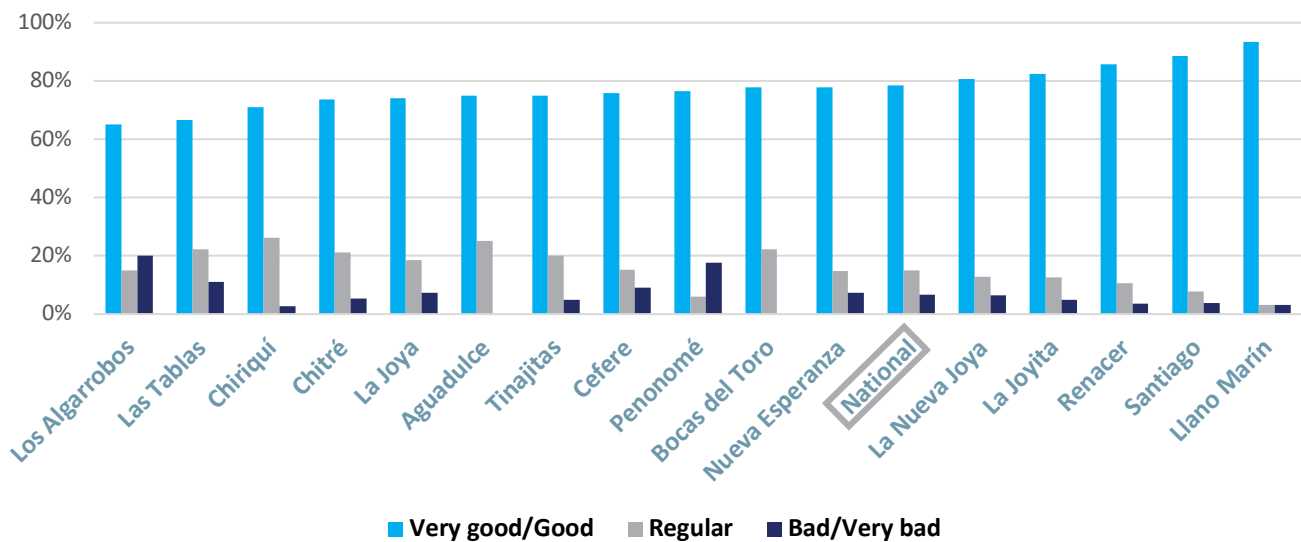
Mental health care

The Nelson Mandela Rules state that prison administrators should protect the mental health of individuals. Those that have mental disabilities should be treated equitably, should receive access to care, and, where necessary, should receive treatment in specialized facilities. Part of ensuring the mental health of individuals is early detection of symptoms or signs of mental illness. Nationally, only 27% reported receiving any type of psychological care while in the current institution. Rates of care were higher in Renacer and Llano Marín; more than 75% of respondents in both prisons reporting having received some type of psychological care. Among those that received care, close to 80% rated it as good.

Have you received psychological care in this prison? (nationally and by prison)



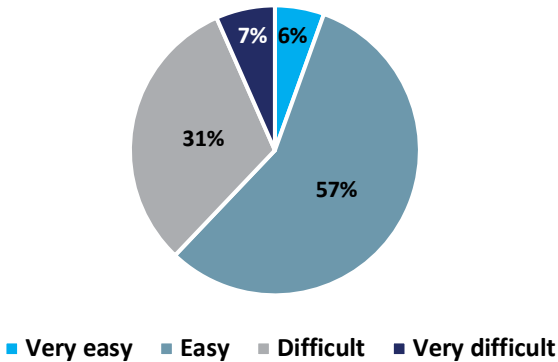
If you received psychological care in your current prison, how would you rate it? (nationally and by prison)



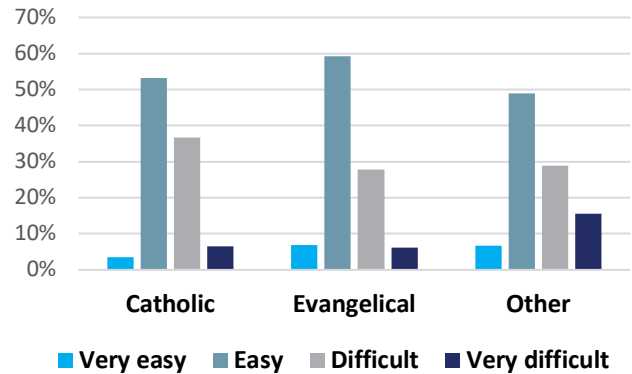
Prisoners permitted to practice their religion

The Nelson Mandela Rules make clear that people in prison should not be discriminated against on the basis of religion and that all religious beliefs should be respected. Further when a sufficient number of individuals share a religion, a qualified representative of that religion should be available to prisoners. As previously noted, just over half of the sample reported being Evangelical and nearly a third indicated they were Catholic while 13% indicated they were not religious. Evangelicals were most likely to report practicing their religion was easy. Approximately 45% of both Catholics and those reporting their religion as “other” indicated it was difficult or very difficult to practice their religion. The proportion of people reporting difficulties also varied by prison. Only 15% of individuals in Aguadulce reported challenges compared to 66% in Los Algarrobos.

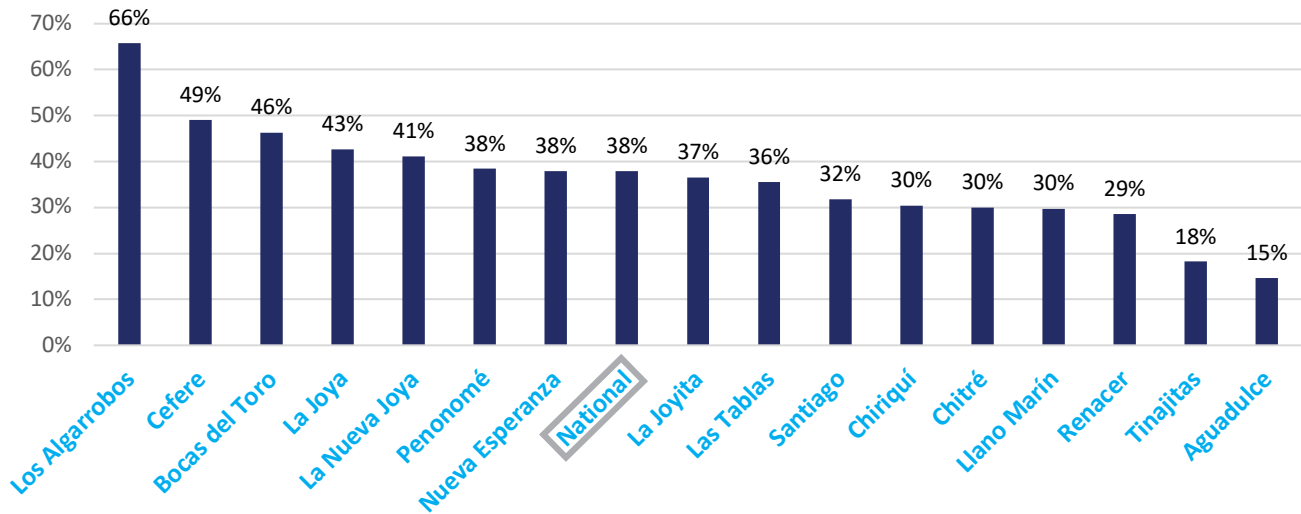
Do you consider that practicing your religion in this prison is: very easy, easy, difficult, or very difficult?



Difficulty practicing religion (by religion)*



Percent respondents who found it difficult or very difficult to practice their religion (by prison)

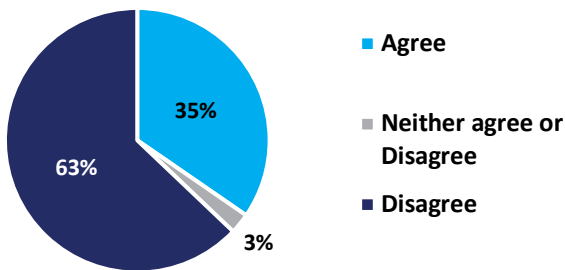


* p < .001.

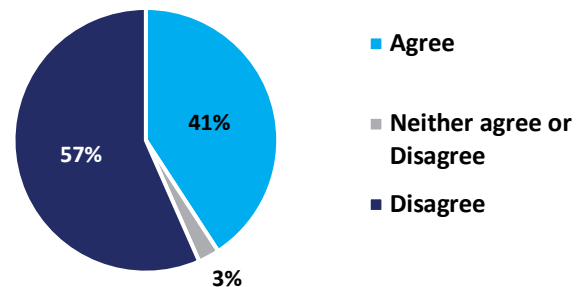
Discrimination

The Nelson Mandela Rules are clear that all individuals deprived of liberty should be subject to the same rules as others, regardless of race, ethnicity, sex, language, religion, politics, national origin, or other any other status. When asked, only 35% of respondents agreed that all persons in prison are treated equally but the majority (57%) disagreed that some groups are discriminated against, relative to others. In this sense, it appears that respondents largely feel people are treated differentially but not necessarily as a result of group characteristics.

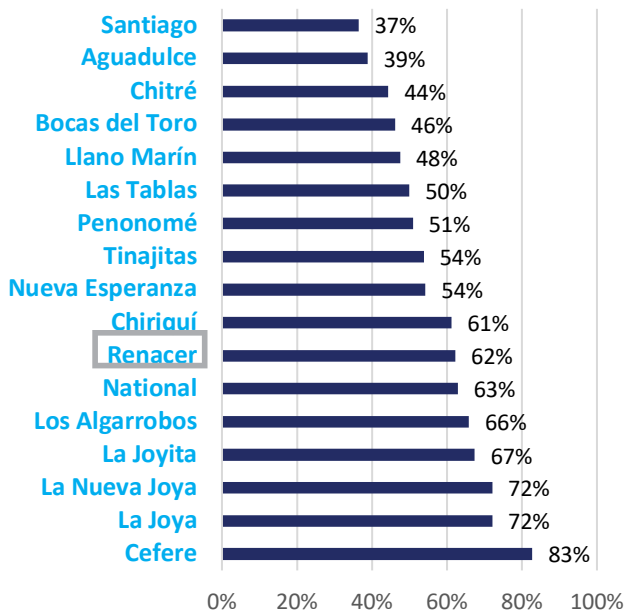
“Prison staff treat all persons deprived of liberty equally.”
Do you agree or disagree with this statement?



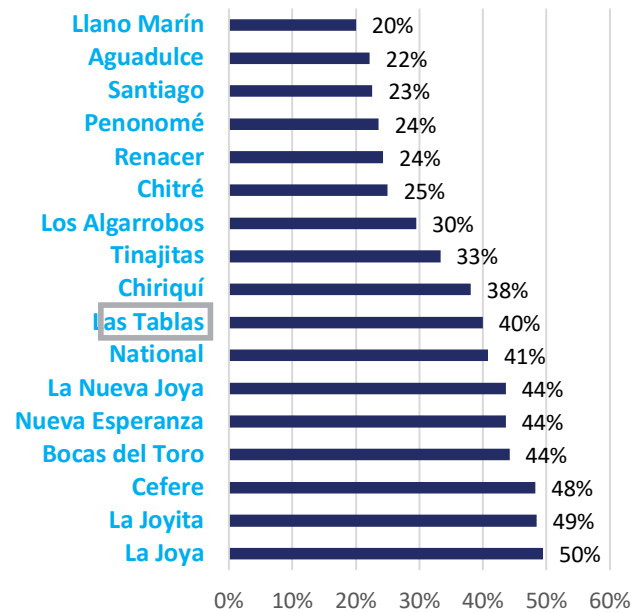
“Prison staff discriminate against some groups of the population deprived of liberty.”
Do you agree or disagree with this statement?



Percent respondents who disagree with the statement
“prison staff treat all persons deprived of liberty equally”
(nationally and by prison)

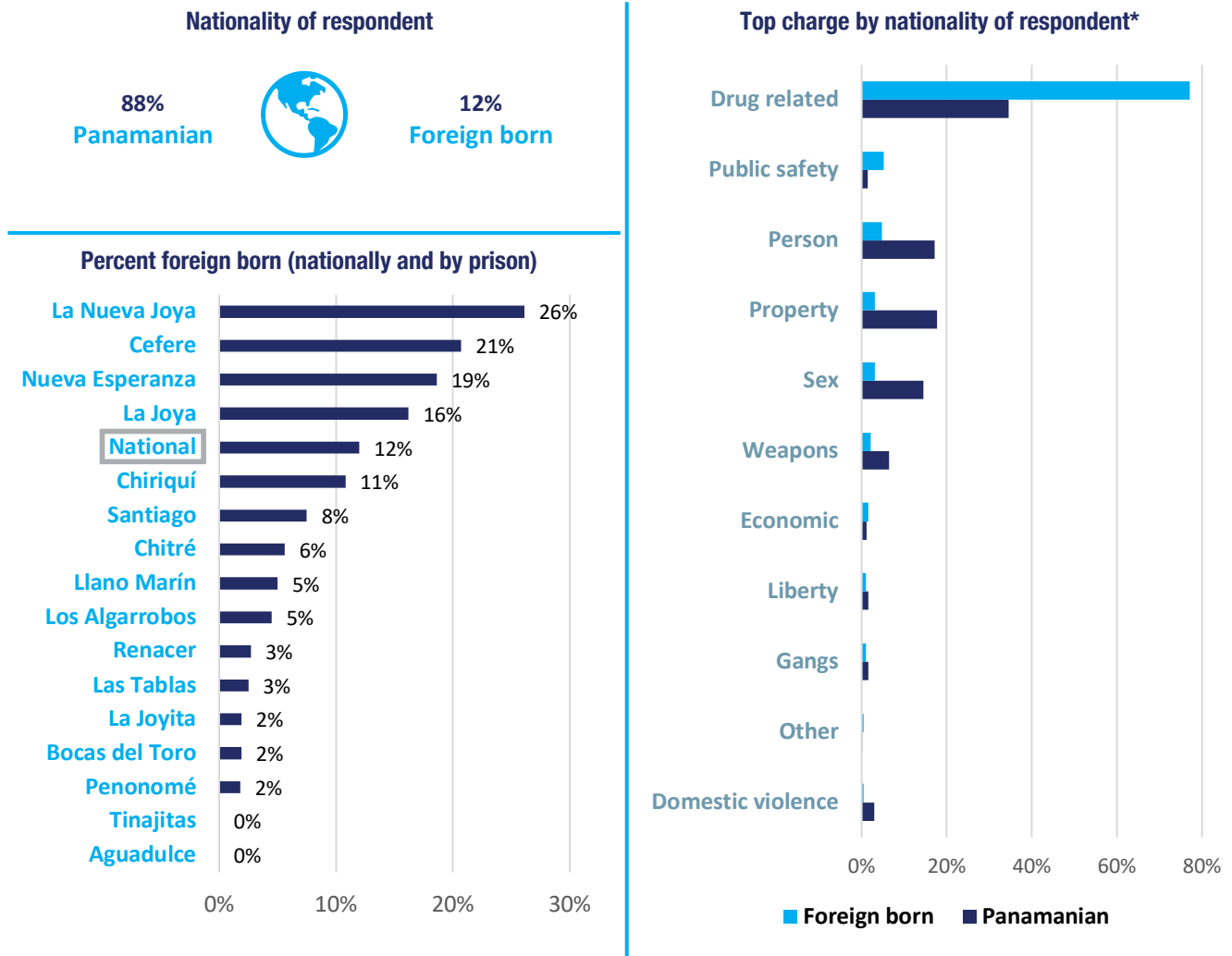


Percent respondents who agree with the statement
“prison staff discriminate against some groups of the population deprived of liberty”
(nationally and by prison)



Foreign born

Among the respondents, 189 respondents, or 12% of the sample, were foreign-born. The distribution of foreign-born respondents across the prisons does not appear to follow a clear pattern. Just over 25% of this group were housed in La Nueva Joya while Tinajitas and Aguadulce did not have any foreign-born respondents. It is not clear if this distribution is a result of the sampling methods or reflects the population as a whole. In terms of charges, foreign-born respondents were significantly more likely to be in prison for drug related and public safety charges compared to individuals born in Panama.














* p < .001.


Capacity

Staff professionalism

The capacity to adhere to the Rule of Law in prison depends, in part, on the quality and professionalism of the staff and officers. Respondents were asked to rate prison personnel across four categories as depicted below. Generally speaking, prisoners rated personnel favorably. Nationally, over half of the respondents rated administrative staff, technical staff, and wardens favorably and over a third of the respondents rated security staff and programming staff favorably. A majority of respondents rated staff favorably across all prisons, with the exceptions of La Joya, La Joyita, and La Nueva Joya.

Prison	Security staff		Administrative staff		Technical staff		Programming staff		Warden	
										
Aguadulce	92%	8%	81%	19%	83%	17%	94%	7%	91%	9%
Bocas del Toro	81%	19%	54%	46%	70%	30%	77%	23%	44%	56%
Cefere	64%	36%	48%	52%	64%	36%	78%	22%	66%	35%
Chiriqui	79%	22%	61%	39%	64%	37%	87%	13%	79%	22%
Chitre	97%	3%	81%	19%	77%	24%	86%	14%	97%	3%
La Joya	54%	46%	35%	65%	40%	60%	50%	50%	24%	76%
La Joyita	63%	37%	46%	54%	50%	50%	68%	32%	54%	46%
La Nueva Joya	61%	39%	44%	56%	48%	53%	61%	39%	38%	62%
Las Tablas	90%	10%	69%	31%	68%	33%	90%	10%	78%	23%
Llano Marin	85%	15%	85%	15%	100%	0%	98%	3%	63%	37%
Los Algarrobos	77%	23%	64%	36%	60%	41%	85%	15%	74%	26%
National	71%	29%	55%	45%	59%	41%	72%	28%	57%	43%
Nueva Esperanza	75%	25%	69%	31%	69%	31%	71%	29%	67%	33%
Penonome	91%	9%	76%	24%	76%	24%	89%	11%	71%	29%
Renacer	87%	14%	57%	43%	78%	22%	86%	14%	87%	14%
Santiago	89%	11%	83%	17%	87%	14%	92%	8%	96%	4%
Tinajitas	90%	10%	84%	16%	87%	14%	90%	10%	84%	16%

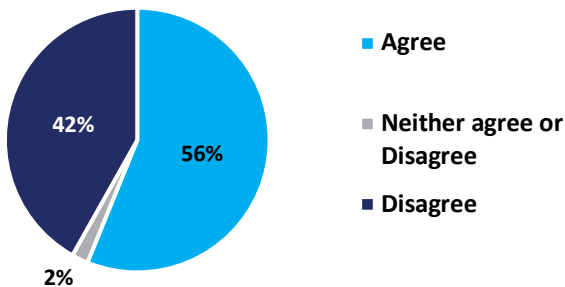
 Very good / Good / Regular

 Bad / Very bad

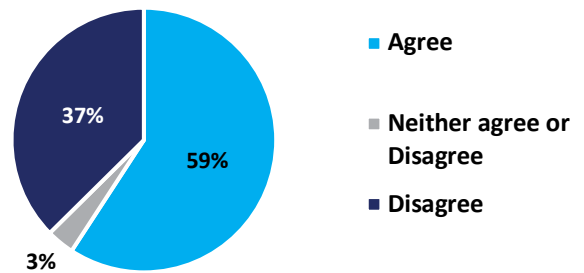
Material and human resources

Adequate staffing and resources are necessary to keep people safe, provide necessary access to the courts, and provide programming and services. It appears that the prisons are generally viewed as being understaffed. Nationally 56% of the respondents agreed that the center has few personnel. Access to courts is a crucial indicator of sufficient resources. This was measured via the provision of transportation. As indicated, nearly 60% of the sample agreed there was adequate transportation to hearings. However, with the exception of the La Joya prisons and Cefere, less than a third of respondents at other prisons agreed there was adequate transportation. Given the characteristics of the sample, more research is needed to fully explore the degree to which prisoners are provided adequate transportation to attend hearings.

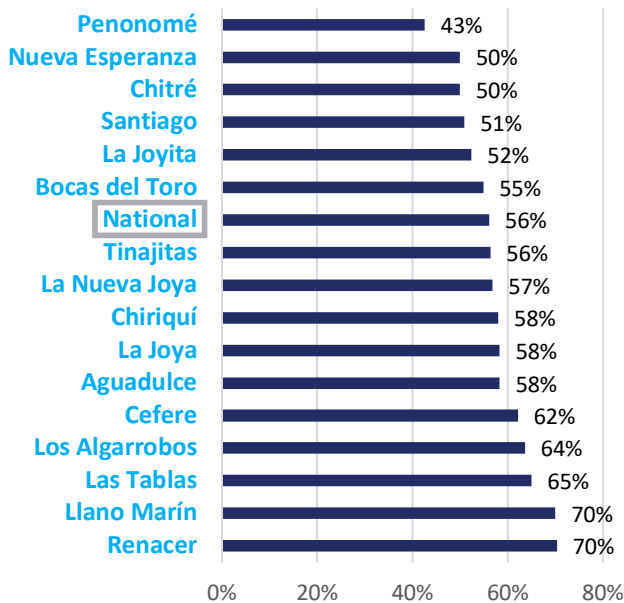
“This penitentiary center has few personnel in the staff.”
Do you agree or disagree with this statement?



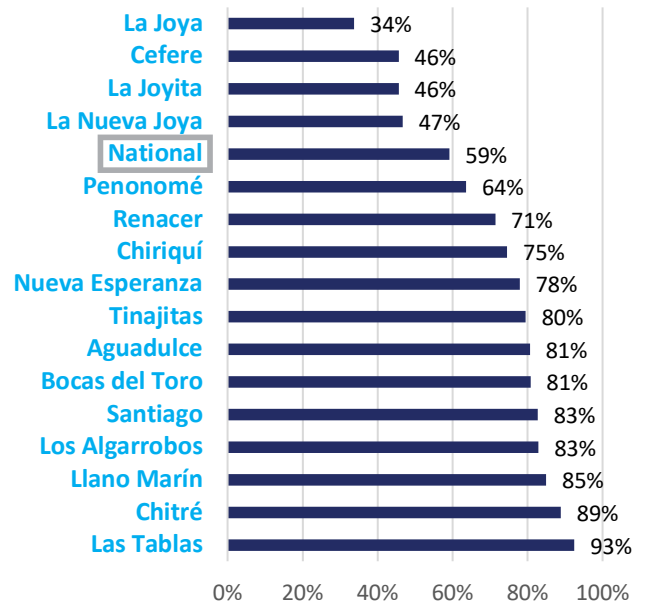
“This prison provides adequate transportation to hearings.” Do you agree or disagree with this statement?



Percent respondents who agree with the statement “this penitentiary center has few personnel in the staff” (nationally and by prison)



Percent respondents who agree with the statement “this prison provides adequate transportation to hearings” (nationally and by prison)

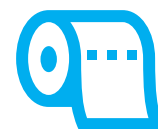
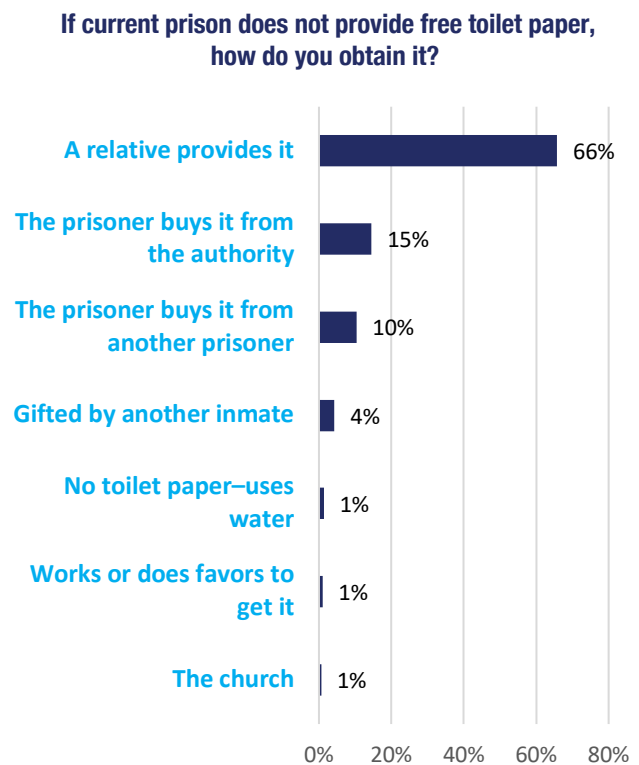
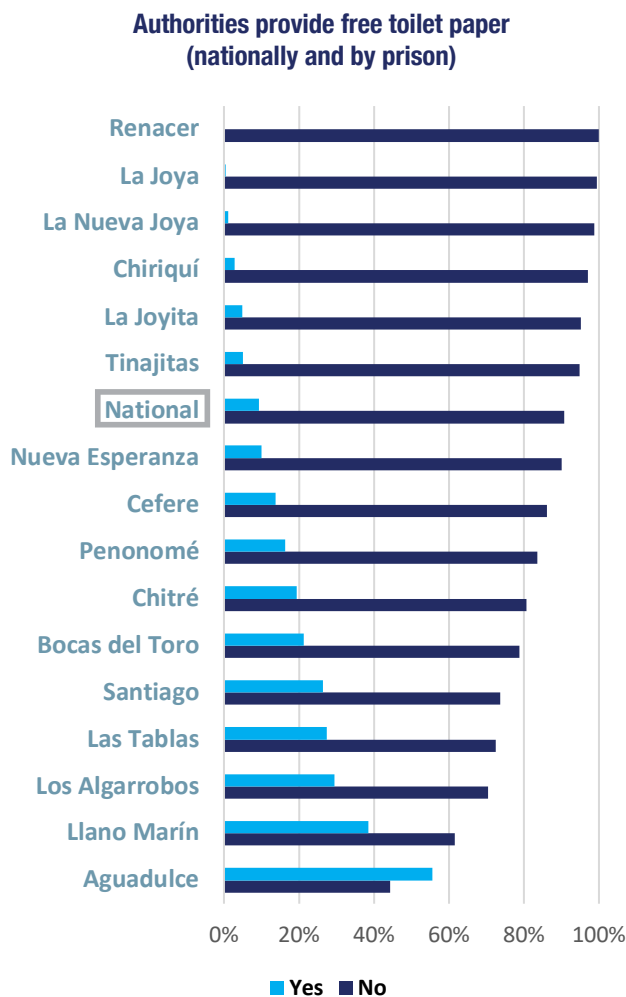


Access to Goods, Services and Personal Needs

Basic needs

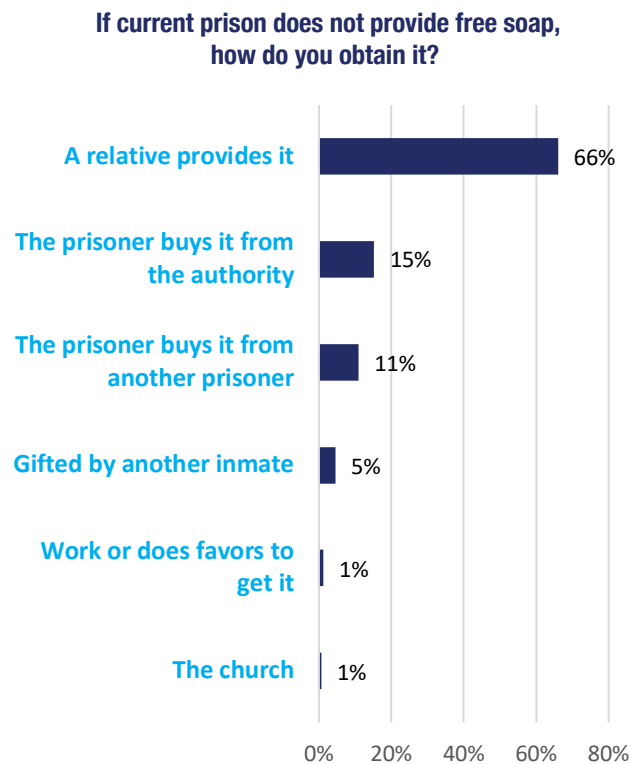
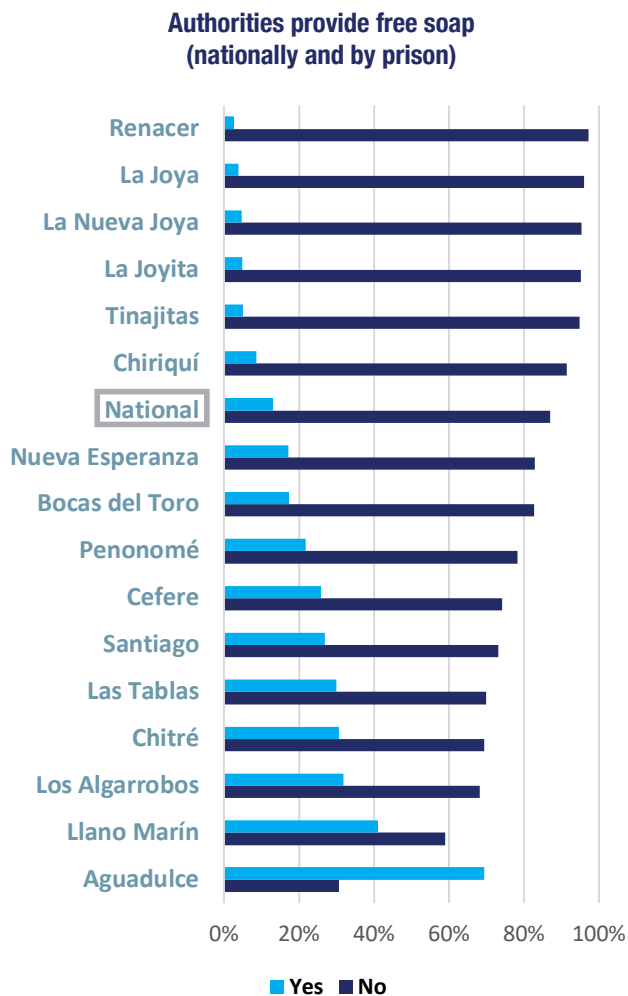
Providing basic goods and services is another indicator of material resources and whether the prisons are able to meet their basic functions. To assess this, respondents were asked about the provision of materials designed to meet basic needs. Respondents were largely dependent on family members and other resources. The following pages illustrate how respondents have these basic needs met.

Nationally, only 9% of respondents indicated receiving free toilet paper, while 66% indicated they receive it from a family member and 25% reported having to purchase it from the authorities or another prisoner. None of the respondents at Renacer or La Joya reported receiving toilet paper. In contrast, more than half of the respondents at Aguadulce indicated they receive free paper.



Basic needs

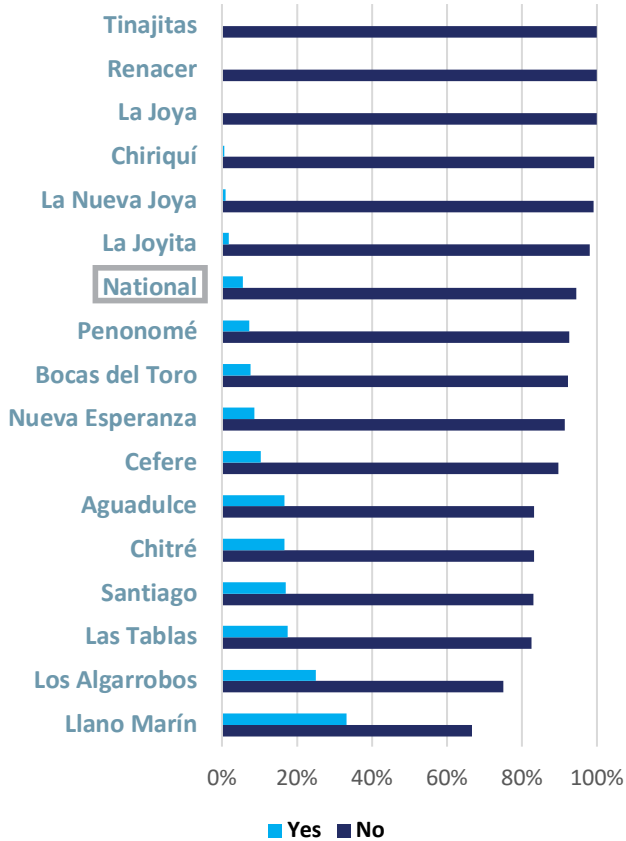
Soap is needed for basic hygiene. As with toilet paper, respondents were largely dependent on their family members. Nationally, 13% reported receiving it for free with 66% indicating they received it from their family and 26% indicating purchasing soap from the authority or another prisoner. The trends were similar to toilet paper, with very few respondents reporting receiving free soap at Renacer and the majority of respondents at Aguadulce indicating they received free soap.



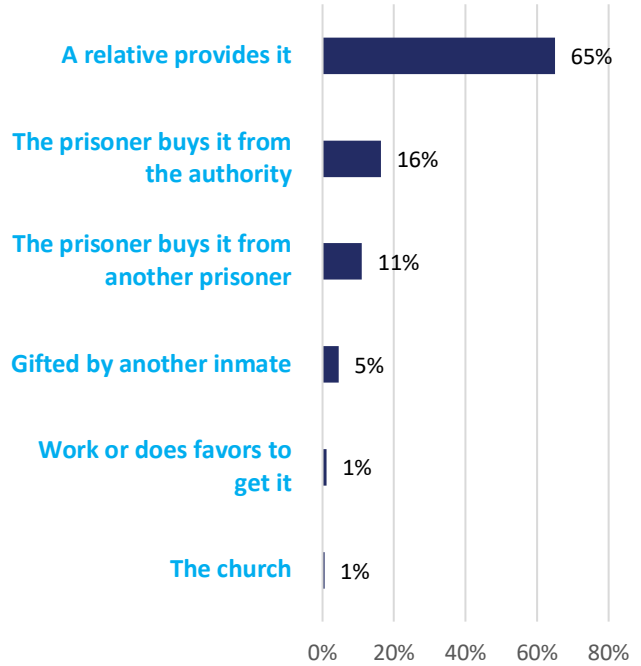
Basic needs

The same pattern emerged with respect to toothbrushes. As with other needs, the majority of respondents rely on family members for toothbrushes. Zero respondents at Tinajitas, Renacer, and La Joya reported receiving toothbrushes. Llano Marín had the best rating in this area, yet only 33% reported receiving free toothbrushes.

Authorities provide free toothbrushes (nationally and by prison)

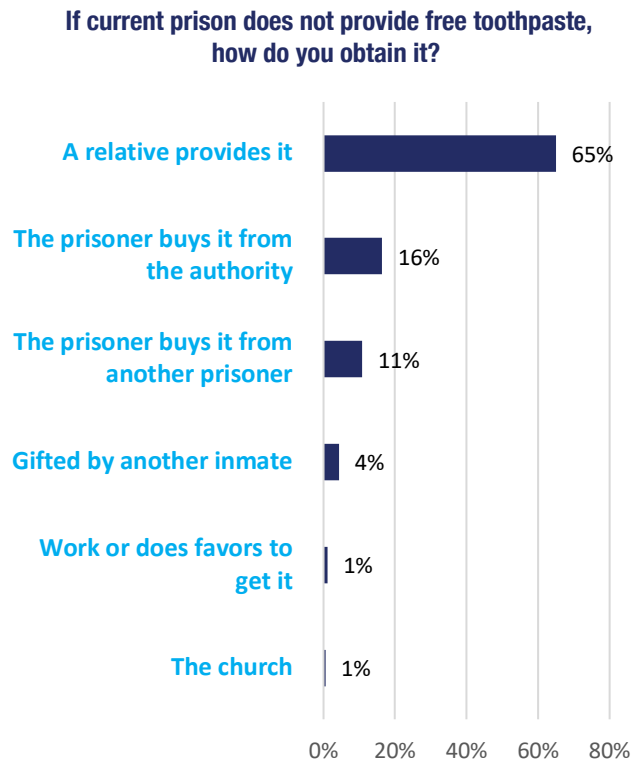
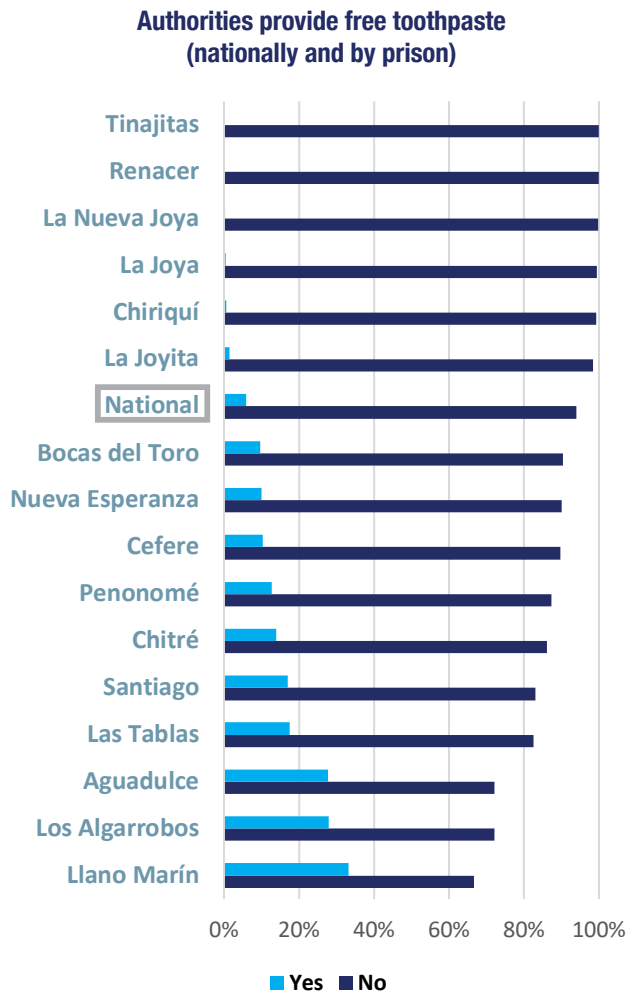


If current prison does not provide free toothbrushes, how do you obtain them?



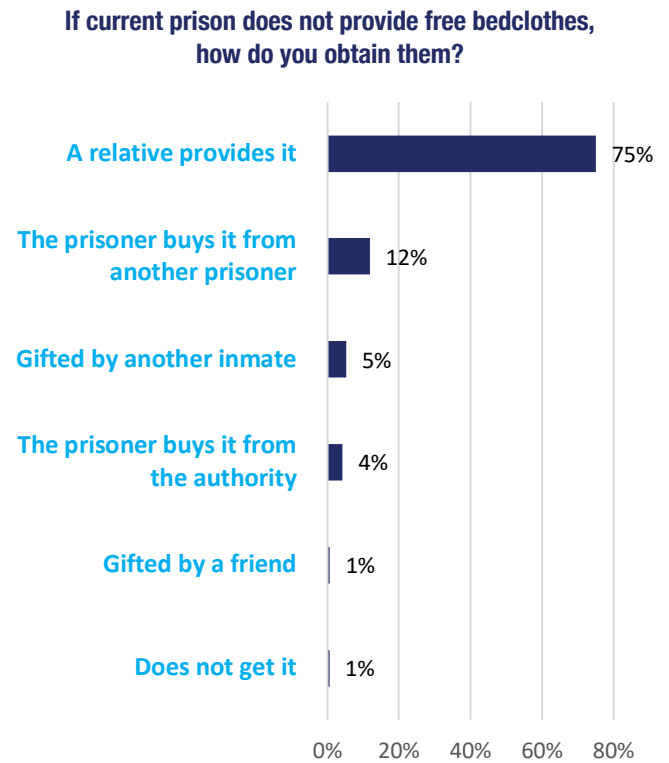
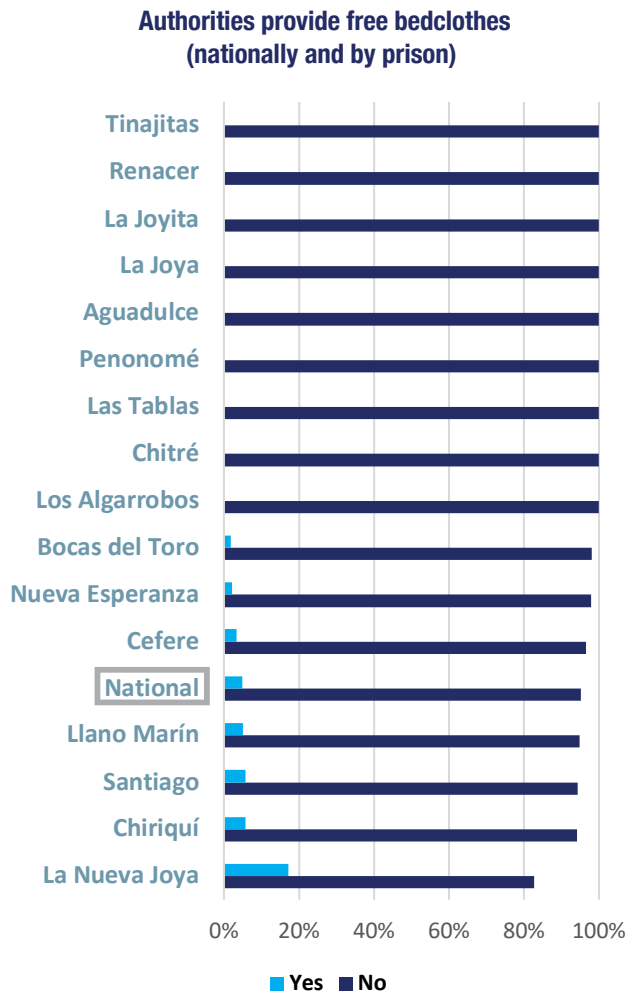
Basic needs

As with toothbrushes, relatively few respondents received free toothpaste. Nationally, 6% indicated they received toothpaste, though once again none of the respondents in Tinajitas, Renacer, and La Nueva Joya agreed with this statement. As with other needs, prisoners were largely dependent on relatives for the provision of this need, though 27% reported purchasing it from another prisoner or the authorities.



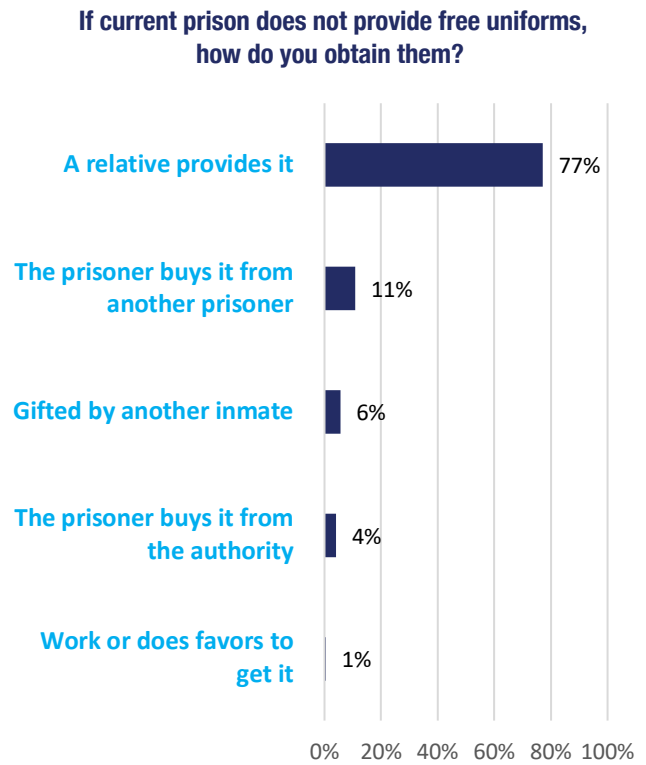
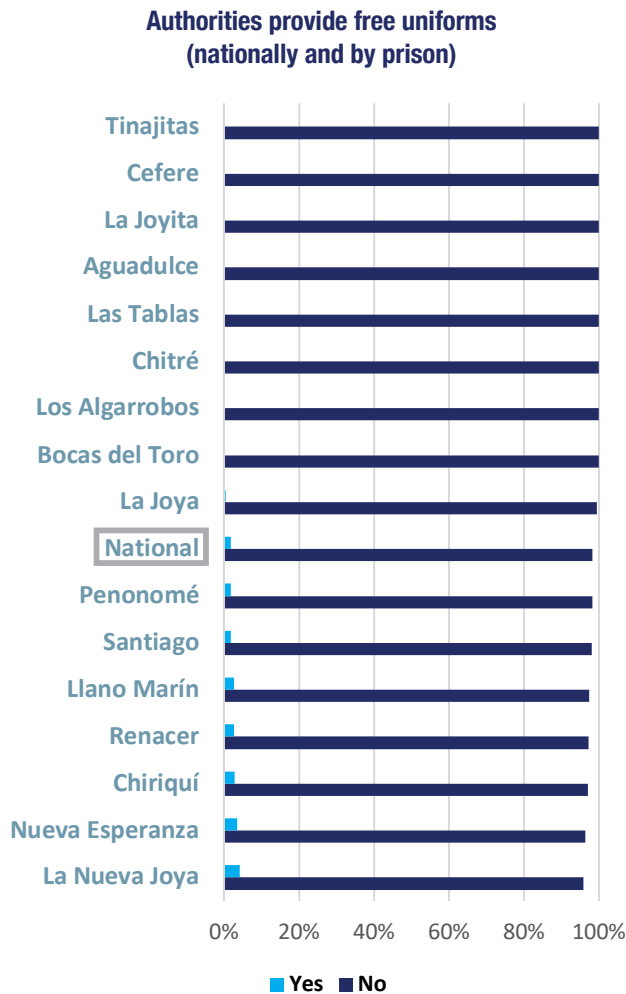
Basic needs

Only 5%, or 79 respondents, indicated receiving free bedclothes. Prisoners affirming this were limited to 7 institutions. The vast majority of respondents (75%) instead relied on family members for bedclothes and 16% reported buying it from others, including the authorities or another prisoner.



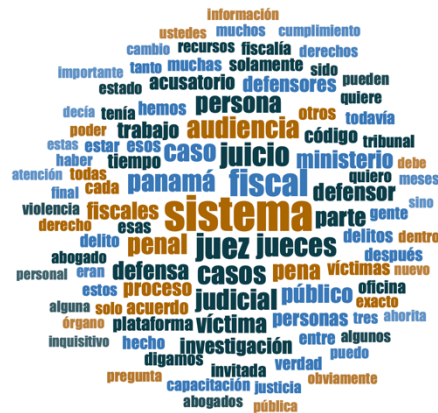
Basic needs

Finally, as with bedclothes, very few respondents reported receiving free uniforms from the prison authorities. This is perhaps a reflection of the fact that many prisoners wear street clothes rather than a standard issue uniform. Only 32 individuals reported receiving a free uniform and the majority of the prisons had zero respondents indicating they had received a uniform. Instead, as with many of the basic goods, respondents are dependent on relatives to receive any type of clothing.



6. RECOMMENDATIONS

The transition to the Accusatorial Criminal System (ACS) in Panama has resulted in a number of improvements. For instance, the unprecedented creation of the Department for Victims of Crime has improved access to justice for victims of crime, providing them with legal and institutional support to exercise their rights. The overall decrease in the duration of proceedings as well as the improvement in transparency have also changed how victims and defendants experience proceedings. However, it also appears that the transition to the accusatorial model has created a significant strain on all actors. Like the word cloud on the right side suggests, most discussions with interviewees focused on the “system,” on how the various institutions in the ACS needs to improve its performance and capacity as a system. In this chapter, we offer several recommendations for continuing to advance in the consolidation of the accusatorial model. A thorough needs-assessment and an impact evaluation are both highly recommended to properly evaluate the capacity and performance of each institution in the system. We provide the following recommendations and highlight areas in need of investment from both the Panamanian government and foreign aid agencies based on our prison site visits, interviews with stakeholders, official statistical data, and the analysis of survey data.



Human Resources

Additional resources are needed across the institutions to allow for smooth functioning, improved workplace satisfaction among criminal justice operators, and improved perceptions of procedural justice among victims and defendants. Providing additional resources will help to increase access to justice. These include:

- Additional personnel in forensic science to support the criminal investigation of public prosecutors and victim defenders, and to support the work of public defenders and attorneys gathering exculpatory evidence.
- At least one forensic psychologist per judicial district should be hired to improve the capacity of the system to identify defendants with mental illnesses or to provide expert testimony for prosecutors or defenders.
- More administrative staff to support judicial administration.
- Criminological technical teams (*Juntas Técnicas Penitenciarias*) to support prisoners' advancement towards reinsertion.

Infrastructure

A topic that consistently emerged in interviews was that of infrastructure. A criminal justice system should be housed within buildings that efficiently support and integrate all available capital, technological, and human resources. To achieve this, we recommend that the ACS invests in the following infrastructure:

- Finance and build the “Judicial City” (*Ciudad Judicial*). Today a “Judicial City” remains an architectural dream projected to be constructed on 25 hectares of land in Panama City. Panama must invest in this or a similar development, that is, a judicial center designed for an accusatorial model, with sufficient space to accommodate current and future needs of all institutions. A design that has all actors in proximity to each other to foster efficiency, transparency, and cohesive collaboration across institutions. This would also help reduce delays that are the product of lack of space.
- Balance structural resources across districts. As with human resources, a needs assessment must be done to identify where there is a lack of space and structural resources.
 - In particular there is an urgent need for more “courts” to schedule hearings and trials. Though there is variation across judicial districts, a needs-assessment should determine districts where such space is urgently needed and where it should be provided first.
 - Although prosecutors have the largest budget among all institutions in the criminal justice system, there are regions where prosecutors clearly need more funding and resources.
- Develop a “technological platform.” The use of a system-wide management information system will allow all actors to access and upload real-time information on cases as needed. The platform should have the following characteristics:
 - A unique case number. A unique case number would be provided to each case the moment it reaches the Police or Public Prosecutor’s Office.
 - Available to all parties. All case information, proceedings, and decisions regarding the case would be accessible to all parties (defenders, prosecutors, attorneys, judges) as a case moves through the system.
 - Security. The platform must be built with encrypted security and enough memory to house current and future cases. An appropriate and safe technological platform would improve equal access to information.
 - Adequate memory. A system that does not “crash” and produce delays, will also improve efficiency, transparency, due process, and will be more cost-effective and environmentally conscious.
 - Notification system. The platform should incorporate a modern electronic system of notifications that reduces delays and/or cancellations of hearings.
 - Case-data statistics. A platform of this nature would allow the system to generate case-based statistics that would be useful for all institutions in the system. Currently, the judiciary can provide statistics on hearings and judicial decisions and a system that can help gather information on how cases progress in the system would be of important for assessment and evaluation.

Legal Reforms

Although the move towards an accusatorial system involved profound legal reforms, in our study we found areas where further changes may be advisable to improve the transparency and functioning of all institutions within the ACS. In particular, we recommend:

- A legal reform that creates an autonomous Public Defenders Office and a Department for Victims of Crime. This would increase equality among parties and the autonomy of these institutions.
- A reform to the Judicial Career Law. We recommend a reform that decentralizes the hiring, promotion, and tenure of all judges and magistrates. An equivalent Career Law for Public Defenders and Victim Defenders should be created if these are reformed as autonomous institutions. The current law was criticized for its lack of implementation and for concentrating all decision-making in the Supreme Court.
- A reform on how to discipline and sanction judicial actors was mentioned as needed for urgent implementation.
- A reform to the criminal procedure code to change the abbreviated procedures. The current criminal procedure code is confusing in the many different abbreviated procedures offered, in addition to the plea bargain. Not only are the differences between these various procedures not always well understood by operators themselves but some of these (like the direct proceedings) are rarely being used.

Training and Professional Development

There are differences across institutions in terms of training and opportunities for professional development, which impact equality among parties and access to justice for defendants and victims. We found the urgent need for training and professional development in the following areas:

- Litigation strategies. Prosecutors, defenders, and attorneys reported a tendency to “read” rather than “litigate” arguments in hearings. Judges were also reported to have a tendency to read their decisions, rather than summarize them. Training in litigation skills should “free” parties from the inquisitorial legacy of depending on the paper, and will help all actors better understand and implement the principle of immediacy.
- Training for private attorneys. Access to free, high quality, periodic training, and capacitation, ideally through the National Bar Association, should be available to all litigators in the country. We recommend that Panama implements a model where the licenses of all attorneys must be renewed after 24 hours of mandatory training every four to six years. The cost of training should be subsidized by the state, to ensure equal access to training. This training should be available in the topic/area of interest of each attorney.
- Training on the use of the plea bargain and other abbreviated procedures. The objective of this training would be to stop the practice of requesting/granting plea bargains outside the legal terms. We found that most plea bargains are accepted in the first hearing in a Trial Court, when by statute these should be negotiated and accepted at the pre-trial stage.
- Training for criminological teams, including social workers and psychologists.
- Training for all actors in different specialized areas like:
 - White collar crimes (in particular for police, prosecutors, attorneys, judges and defendants).
 - Cybercrimes (in particular for police, prosecutors, attorneys, judges and defendants).
 - Drug trafficking (in particular for public defenders and attorneys)

Recommendations Targeted by Institution

In addition to general recommendations, we also offer some recommendations for specific institutions, in particular as they relate to improving the protection of due process and defendants' rights.

- Public Defenders' Office. We recommend the investment in:
 - Investigative resources. There should be an allocation of resources for public defenders to be able to request and bring evidence to support their defense.
 - Transportation resources. An increase in such funding would support the obligation of public defenders to visit individuals in prison. There were reports that the COVID-19 pandemic reduced the frequency with which public defenders visited prisons. The Public Defender's Office should be financially supported to be able to improve number of visits to prison per public defender.
 - Human resources. An increase in the number of public defenders and auxiliaries would allow:
 - To improve the quality and time spent in a client's defense.
 - To improve their capacity to visit defendants in prisons.
 - To improve capacity to work with pending "inquisitorial" cases.
- Penitentiary System. The DGSP should allocate effort and resources to:
 - Reduce crowding by increasing the number of people processed for early release.
 - Provide separate housing for individuals being detained pretrial and those serving a sentence.
 - Reduce the number of people housed per dormitory or cell to ensure safety and the effective delivery of services.
 - Increase the capacity of the prison healthcare system to provide preventative and emergency medical care.
 - Increase the number of criminological teams and staff to allow for a greater focus on rehabilitation activities.
 - Implement a standardized risk of recidivism assessment to assist with housing, rehabilitation, and early release processes.
 - Improve record keeping so prisoners' files are easily accessible regardless of prisoners' movement. The adoption of an electronic management record system may help to facilitate this.
 - Improve the prisoner complaint and grievance system.
 - Develop an prisoner handbook and an orientation process for individuals entering prison. The handbook should contain the rules and regulations of the prison, an overview of their legal rights, and guidance for filing a grievance.
 - Improve rehabilitation programming to be consistent with the research on evidence-based practices.
- Judiciary. We found a particular need to further support the work of sentencing judges, in two areas:
 - Evidence-based training to identify who meets the criteria for early release.
 - Transportation for judges to resume and improve pre-pandemic visits to penitentiary centers.

Recommendations for Future Research and Evaluation

In the process of conducting this project we identified areas that clearly need more in-depth research to improve our understanding of the current capacity of the system and the needs of the various institutions

that compose it. We recommend funding to be allocated to conduct future research on the following topics:

- The relationship between police and prosecutors. A process evaluation needs to be conducted to understand case management and interinstitutional cooperation between the Police Department and the Public Prosecutor's Office.
- Court administration. A process evaluation and needs-assessment need to be conducted to understand the areas in which court administration can be improved to reduce backlog and delays, improve transparency, equality, and due process.
- Crime reporting process. A process evaluation needs to be conducted to identify potential areas of re-victimization in the reporting process that happens when victims report their crimes to the police, the Public Prosecutor's Office, and/or the Department for Victims of Crime.
- Rehabilitation. Develop, pilot, and evaluate a reinsertion program in Panama based on empirically-supported practices. These include the use of standardized risk/need assessments, cognitive-based interventions, and coordinated linkages to community-based services post-release.

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APPENDICES

Appendix A. Glossary of Legal Terms in English and Spanish

Español/Spanish	Inglés/English
Acuerdo de pena	Plea bargain
Acusación	Indictment
Archivo provisional	Stay of proceedings
Criterio de oportunidad	Opportunity principle
De oficio	Own-initiative (<i>ex officio</i>)
Denuncia	Report
Derivación a mediación	Referral to mediation
Desistimiento	Voluntary dismissal
Extinción de la acción penal	Extinction of criminal liability
Imputación	Imputation
Medidas que terminan la acción penal	Measures that end the prosecution that includes dismissal, extinction of criminal liability, and prescription of criminal action.
Plazo	Procedural term
Prescripción de la acción penal	Prescription of criminal action
Procedimientos abreviados, que incluyen: <ul style="list-style-type: none"> • Procedimiento simplificado • Procedimiento simplificado inmediato • Procedimiento directo 	Abbreviated proceedings that include: <ul style="list-style-type: none"> • Simplified proceeding • Immediate simplified proceeding • Direct proceeding
Querrela	Criminal complaint
Sobreseimiento	Dismissal with or without prejudice
Suspensión condicional del procedimiento	Adjournment in contemplation of dismissal

Appendix B. Prison Names and Abbreviations

	Centro Penitenciario / Penitentiary Center	Abreviación / Abbreviation	Distrito Judicial / Judicial District	Provincia / Province
1	Centro Penitenciario «La Nueva Joya»	La Nueva Joya	Primer Distrito Judicial/ First Judicial District	Panamá
2	Centro Penitenciario «La Joya»	La Joya	Primer Distrito Judicial/ First Judicial District	Panamá
3	Centro Penitenciario «La Joyita»	La Joyita	Primer Distrito Judicial/ First Judicial District	Panamá
4	Centro Femenino de Rehabilitación «Cecilia Orillac de Chiari»	Cefere	Primer Distrito Judicial/ First Judicial District	Panamá
5	Centro de Detención «Tinajitas»	Tinajitas	Primer Distrito Judicial/ First Judicial District	Panamá
6	Centro Penitenciario «El Renacer»	Renacer	Primer Distrito Judicial/ First Judicial District	Panamá
7	Centro Penitenciario Nueva Esperanza - Colón	Nueva Esperanza	Primer Distrito Judicial/ First Judicial District	Colón
8	Centro Penitenciario Llano Marín	Llano Marín	Segundo Distrito Judicial/ Second Judicial District	Coclé
9	Cárcel Pública de Penonomé	Penonomé	Segundo Distrito Judicial/ Second Judicial District	Coclé
10	Cárcel Pública de Aguadulce	Aguadulce	Segundo Distrito Judicial/ Second Judicial District	Coclé
11	Cárcel Pública de Santiago	Santiago	Segundo Distrito Judicial/ Second Judicial District	Veraguas
12	Centro Penitenciario Deborah - Bocas del Toro	Bocas del Toro	Tercer Distrito Judicial/ Third Judicial District	Bocas del Toro
13	Centro Penitenciario Los Algarrobos (Femenino)	Los Algarrobos	Tercer Distrito Judicial/ Third Judicial District	Chiriquí
14	Centro Penitenciario de Chiriquí	Chiriquí	Tercer Distrito Judicial/ Third Judicial District	Chiriquí
15	Cárcel Pública de Las Tablas	Las Tablas	Cuarto Distrito Judicial/Fourth Judicial District	Los Santos
16	Cárcel Pública de Chitré	Chitré	Cuarto Distrito Judicial/Fourth Judicial District	Herrera

Appendix C. Rule of Law Index

Capacity	0.53
Material Resources	0.69
1. Prisoners sleep in a cell	0.97
2. Prisoners sleep on a bed	0.59
3. Prisoners do not share beds	0.89
4. Perceptions of adequate number of correction officers	0.43
5. Sufficient transportation for hearings	0.59
Structural Conditions	0.36
6. Cells are well ventilated	0.34
7. The temperature in the cell is adequate	0.31
8. Cells are well illuminated	0.43
Performance	0.46
Safety	0.62
9. Prisoners feel safe in prison facilities	0.55
10. Prisoners feel safe in their cells	0.64
11. Prisoners feel safe while sleeping	0.62
12. Prisoners feel safe while using the bathroom	0.65
Well-being	0.49
13. Prisoners are provided three meals a day that meet nutritional needs	0.35
14. Access to sanitation	0.66
15. Access to potable water of satisfactory quality	0.45
Healthcare	0.35
16. Prisoners have access to medical services	0.44
17. Prisoners received a physical examination in the last 12 months	0.36
18. Prisoners received dental care	0.24
Programming	0.39
19. Prisoners have access to free sports programs	0.33
20. Prisoners have access to free educational programs	0.43
21. Prisoners have access to work programs	0.55
22. Prisoners have access to rehabilitative programs	0.24

Integrity, Transparency, and Accountability	0.70
Respect for Prisoners' Rights	0.68
23. Prison personnel protects the rights of incarcerated	0.43
24. Prison staff does not use physical force against prisoners	0.42
25. Prison staff respects prisoners' physical integrity rights	0.95
26. Prison staff respects prisoners' visitation rights	0.97
27. The staff respects prisoners' rights to food and water	0.96
28. Prison staff informs prisoners of rights and obligations	0.32
Absence of Corruption?	0.96
29. Prison staff does not ask for bribes	0.96
30. Staff does not threaten prisoners with making up charges	0.97
31. The staff does not sell free goods and services to prisoners	0.96
Accountability	0.46
32. Prison has a grievance reporting system	0.54
33. Prison staff does not retaliate against prisoners who report grievances	0.55
34. Prisoners' complaints are resolved in a just manner	0.31
35. Staff is accountable for mistreatment of staff	0.42
Treatment of Vulnerable Groups	0.51
Discrimination	0.49
36. Prison personnel treats everyone equally	0.36
37. Prison staff does not discriminate against racial minorities	0.57
38. Prisoners can practice their religion freely	0.53
Women's Health	0.54
39. Prisons provide free feminine hygiene pads	0.31
40. Access to free gynecological consultations	0.77
OVERALL SCORE	0.55

Appendix D. Facility-level Survey Data (nationally and by prison)

Prisoner Health, Welfare and Rehabilitation

Percent respondents who received medical care at current prison and perceived quality of service

Penitentiary center	Received medical attention	Very good/Good	Regular	Bad/Very bad
Renacer	97%	78%	14%	8%
Los Algarrobos	96%	33%	26%	41%
Cefere	93%	54%	24%	22%
Santiago	93%	88%	8%	4%
Tinajitas	90%	63%	14%	23%
Llano Marín	88%	77%	11%	11%
Chitré	86%	65%	26%	10%
Las Tablas	85%	68%	27%	6%
Nueva Esperanza	85%	60%	24%	17%
Bocas del Toro	85%	68%	23%	9%
Chiriquí	79%	55%	27%	18%
Penonomé	76%	64%	19%	17%
National	72%	48%	24%	28%
La Joyita	68%	28%	28%	45%
Aguadulce	67%	79%	21%	0%
La Joya	62%	20%	25%	56%
La Nueva Joya	51%	33%	28%	39%

Percent of prisoners who received medicine at current prison and perceived quality of service

Penitentiary center	Received medicine	Very good/Good	Regular	Bad/Very bad
Renacer	97%	81%	11%	8%
Chitré	92%	61%	24%	15%
Santiago	89%	92%	9%	0%
Tinajitas	87%	68%	15%	18%
Cefere	86%	62%	28%	10%
Llano Marín	80%	69%	16%	16%
Las Tablas	78%	81%	16%	3%
Bocas del Toro	75%	67%	26%	8%
Nueva Esperanza	75%	63%	22%	15%
Chiriquí	73%	53%	27%	20%
Penonomé	71%	64%	23%	13%
Los Algarrobos	71%	53%	10%	37%
Aguadulce	69%	75%	25%	0%
National	62%	54%	23%	23%
La Joyita	56%	38%	29%	34%
La Joya	49%	27%	25%	48%
La Nueva Joya	37%	37%	24%	40%

Percent of prisoners who received psychological care at current prison and perceived quality of service

Penitentiary center	Received psychological care	Very good/Good	Regular	Bad/Very bad
Llano Marín	78%	94%	3%	3%
Renacer	76%	86%	11%	4%
Cefere	57%	76%	15%	9%
Chitré	53%	74%	21%	5%
Tinajitas	51%	75%	20%	5%
Santiago	49%	89%	8%	4%
Los Algarrobos	46%	65%	15%	20%
Las Tablas	45%	67%	22%	11%
Aguadulce	33%	75%	25%	0%
Penonomé	31%	77%	6%	18%
Chiriquí	28%	71%	26%	3%
National	27%	78%	15%	7%
Nueva Esperanza	19%	78%	15%	7%
La Nueva Joya	18%	81%	13%	7%
Bocas del Toro	18%	78%	22%	0%
La Joyita	15%	83%	13%	5%
La Joya	13%	74%	19%	7%

Percent of prisoners who received dental care at current prison and perceived quality of service

Penitentiary center	Received dental care	Very good/Good	Regular	Bad/Very bad
Los Algarrobos	80%	37%	17%	46%
Renacer	68%	88%	4%	8%
Cefere	50%	45%	31%	24%
Santiago	49%	77%	12%	12%
Chiriquí	45%	67%	19%	14%
Chitré	42%	60%	13%	27%
Tinajitas	39%	67%	7%	27%
Bocas del Toro	33%	71%	18%	12%
Las Tablas	33%	77%	8%	15%
Aguadulce	28%	70%	30%	0%
Nueva Esperanza	24%	68%	9%	24%
National	24%	63%	16%	21%
Llano Marín	23%	78%	11%	11%
Penonomé	16%	78%	0%	22%
La Joyita	15%	55%	28%	18%
La Joya	11%	46%	23%	32%
La Nueva Joya	5%	63%	6%	31%

Programming

Percent of prisoners who participated in an educational program and received a certificate for participation

Penitentiary center	Received certificate	If you received a certificate, did you have to pay for it?	
		Yes	No
Aguadulce	94%	0%	100%
Santiago	88%	0%	100%
Tinajitas	86%	0%	100%
Chitré	85%	5%	95%
Chiriquí	76%	20%	80%
Cefere	72%	0%	100%
La Joyita	71%	4%	96%
National	69%	5%	95%
Los Algarrobos	69%	14%	86%
La Nueva Joya	68%	7%	93%
La Joya	66%	4%	96%
Penonomé	64%	0%	100%
Renacer	63%	0%	100%
Las Tablas	62%	0%	100%
Nueva Esperanza	59%	0%	100%
Bocas del Toro	55%	0%	100%
Llano Marín	54%	0%	100%

Percent of prisoners who participated in a job training program and received a certificate for participation

Penitentiary center	Received certificate	If you received a certificate, did you have to pay for it?	
		Yes	No
Santiago	77%	0%	100%
Bocas del Toro	67%	0%	100%
Aguadulce	67%	0%	100%
Llano Marín	63%	0%	100%
Cefere	63%	0%	100%
Chiriquí	58%	20%	80%
La Nueva Joya	55%	7%	93%
Nueva Esperanza	53%	0%	100%
National	50%	5%	95%
Penonomé	47%	0%	100%
Las Tablas	46%	0%	100%
Renacer	43%	0%	100%
Tinajitas	43%	0%	100%
La Joyita	43%	4%	96%
Chitré	42%	5%	95%
Los Algarrobos	35%	14%	86%
La Joya	34%	4%	96%

Percent of prisoners who participated in a psychosocial program and received a certificate for participation

Penitentiary center	Received certificate	If you received a certificate, did you have to pay for it?	
		Yes	No
Santiago	100%	0%	100%
Chiriquí	88%	5%	95%
Cefere	84%	0%	100%
Los Algarrobos	80%	0%	100%
Renacer	77%	0%	100%
Tinajitas	75%	0%	100%
Llano Marín	73%	0%	100%
La Nueva Joya	72%	0%	100%
National	72%	1%	99%
Nueva Esperanza	68%	0%	100%
La Joyita	67%	0%	100%
Las Tablas	60%	0%	100%
Penonomé	60%	0%	100%
Chitré	56%	0%	100%
Aguadulce	55%	0%	100%
La Joya	52%	0%	100%
Bocas del Toro	50%	0%	100%

Percent of prisoners who participated in a substance abuse treatment program and received a certificate for participation

Penitentiary center	Received certificate	If you received a certificate, did you have to pay for it?	
		Yes	No
Las Tablas	100%	0%	100%
Penonomé	100%	0%	100%
Chiriquí	89%	0%	100%
Santiago	80%	0%	100%
Chitré	67%	25%	75%
Nueva Esperanza	64%	0%	100%
Los Algarrobos	63%	0%	100%
Renacer	63%	0%	100%
National	56%	98%	2%
Bocas del Toro	50%	0%	100%
Llano Marín	50%	0%	100%
Cefere	25%	0%	100%
La Nueva Joya	13%	0%	100%
La Joya	0%	-	-
La Joyita	0%	-	-

Percent of prisoners who participated in a sexual offender program and received a certificate for participation ^a

Penitentiary center	Received certificate
Aguadulce	100%
Chiriquí	100%
Penonomé	100%
Renacer	100%
Santiago	100%
National	84%
Bocas del Toro	0%
Nueva Esperanza	0%

^a No respondents reported paying for a certificate of participation.