The Prison Dilemma:
Latin America’s Incubators of Organized Crime

by Steven Dudley and James Bargent
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Executive Summary and Major Findings

Prisons in Latin America and the Caribbean are in crisis. Following a concerted change in legislation that led to more hardline policies, the prison population has skyrocketed and the development of new facilities has not kept pace. The massive overcrowding has created many more problems than incarcerating suspects en masse has resolved. Those incarcerated -- thousands of whom have not even been formally charged with a crime -- live in deplorable, inhumane conditions that leave them vulnerable to coercion and recruitment by ever-more sophisticated criminal gangs.

Prison guards, and their police and military counterparts, routinely abuse prisoners and take part in corruption schemes that open the door for more crime. The jails have also become incubators of criminal activity; finishing schools for hardened criminals and places where powerful criminal groups organize, train up their members, recruit and plan further crimes. Many who enter as relatively low-level, non-violent criminals leave as hard-core recidivists. Nevertheless, governments -- while fortifying efforts to capture and prosecute at historic rates -- have been slow to react to the changing circumstances within the jails, leaving space for criminal groups to strengthen themselves, hampering efforts to improve citizen security region-wide and undermining democratic governance.

Amidst this chaos, InSight Crime has found during a year-long investigation that numerous types of prison gangs have emerged.

**The Inside Prison Gang** is formed and functions under the logic of the prison; it frequently controls the most important criminal economies within the jails, such as liquor contraband and illegal drugs.

**The Inside/Outside Prison Gang** is the most formidable of prison gangs because it exploits the vulnerabilities of the prison system to develop criminal operations both inside and outside of the prisons.
The Insurgent Prison Gang is one that uses its ideology and discipline to exert control over the prison population, often in the interest of furthering its political cause.

The Drug Trafficking Prison Gang uses its huge influx of capital, connections and muscle to dominate the prison drug economy and, in some cases, monitor drug trafficking activities on the outside as well.

The Mara Prison Gang is formidable due to both its size and its ethos: that of exterminating its rival. The propensity of violence between gangs has moved authorities to separate them, thereby inadvertently accelerating their development.

The Military Prison Gang is a mix of ex security forces, which uses its connections and training to control prison economies and, in some cases, much more.

To address the issue of prisons, InSight Crime investigated these conditions and the crime they are fostering in Venezuela and Colombia, as well as the Northern Triangle region of El Salvador, Honduras and Guatemala. And it produced a series of case studies on each of these countries, which it is publishing separately.¹

This report is an overview of these findings and a series of recommendations to help remedy some of these problems.

Major Findings

1) Prisons are the most neglected part of the judicial chain. Governments systematically short-change and ignore prisons, leaving the system open to corruption and crime.

2) Deplorable conditions and corruption are starting points for criminal organizations. Prison gangs rally around the neglect and inhumane conditions; and they take advantage of the little training and low pay of their counterparts in the guards and administrative staff.

3) Hardline policies and overcrowding facilitate recruiting for prison gangs. Governments responded to early challenges of more organized and numerous criminal groups by implementing more hardline measures. These backfired: the jail populations swelled, leaving authorities more hamstrung and opening the way for criminal groups to reorganize and exert even greater control.

4) Segregation in jails is a Faustian bargain, which, at best, lowers violence in the jails, and, at worst, strengthens criminal organizations. In the overcrowded prisons, violence and discipline fell from the hands of authorities and led to drastic measures such as segregating the prisoners by gang affiliation. This only fostered the development of the gangs, who used the space and time together to get better organized.

¹ See InSightCrime.org or es.InSightCrime.org. We also have a section dedicated to prisons (http://www.insightcrime.org/indepth/prisons) where you will find hundreds of articles on the subject from around the region.
5) There are few alternative policies, such as decriminalization and alternative sentencing, and few social, educational and job programs available to prisoners. Despite evidence illustrating that hardline policies do not work and in fact help criminal organizations, governments continue to place more faith in them than they do alternative forms of punishment and rehabilitation programs.

6) Prison gangs come in many forms, but share certain origins and characteristics. The prison gangs may be different but they all try to serve the basic needs of the prisoners -- everything from security to illegal drugs -- and they all rely on deep-seeded corruption to operate.

Introduction

Since the early 1990s -- when crime and murder rates began to rise in Latin America and the Caribbean and governments began to adopt more hardline policies regarding sentencing, pre-trial detention, gang activity, low level drug trafficking and drug consumption -- the prison population in the region has skyrocketed. In Brazil, for example, the prison population has gone from 173,000 in 1995, to over 500,000 today, the fourth highest in the world, according to the International Centre for Prison Studies. El Salvador’s prison population has gone from 5,000 in 1992, to over 33,000 today, giving it the 12th highest incarceration rate per capita in the world. Mexico’s prison population increased from 155,000 in 2000, to 239,000 in 2012. Other countries in the region are not far behind.

However, these countries are not building enough prisons to keep pace with this expanding population. Venezuela has built just one new prison since 1999, even though its prison population has more than doubled during that same time period; the country’s jails are currently at 315 percent capacity. El Salvador’s are at 325 percent capacity; Guatemala’s are at 251 percent; Mexico’s are at 126 percent.

The conditions in these jails are, as the Inter-American Commission on Human Rights’ Rapporteur on the Rights of Persons Deprived of Liberty, Rodrigo Escober Gil said following a visit to several Honduran prisons, “Completely contrary to human dignity.” Escobar Gil’s visit was prompted by a February 2012-fire in which 362 inmates perished at the Comayagua prison. Fire inspectors had warned government authorities for years of the high risk of fire at the jail. In one cell hit by the fire, investigators said 90 inmates shared a space made for 20.

² Prison statistics come from the International Centre for Prison Studies: http://prisonstudies.org/
⁴ http://prisonstudies.org/country/el-salvador
⁵ http://prisonstudies.org/country/guatemala
⁶ http://prisonstudies.org/country/mexico
⁹ IACHR, op cit., p.45.
¹⁰ IACHR, op cit., p.52.
Honduras is not alone. In one El Salvador prison InSight Crime visited in 2012, close to 1,200 inmates crammed into a space made for just over 300; prisoners took turns sleeping in a small space that included hammocks spread over a toilet; numerous inmates complained they had untreated medical conditions; and garbage piled waste high next to the place where the prisoners bathed with well-water.¹¹

Abuse is ripe as well. In El Salvador, reports of torture by military personnel led the government to eventually withdraw army troops from prisons.¹² In Brazil, prisoners at one facility were piled by the

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¹² Jose Luis Saenz and Carlos Martínez, “La lista de peticiones que las pandillas hicieron al gobierno,” El Faro, 17 July 2012. Available at: http://www.elfaro.net/es/201207/noticias/9145/
dozens into miniscule spaces for days on end, left to wallow in their own feces and vomit.¹³

Pre-trial detention is notoriously brutal throughout the region with prisoners abandoned for months, or even years, in cells not constructed for long-term incarceration.¹⁴ In Mexico, an astounding 42 percent of the prison population is pre-trial/remand prisoners.¹⁵ In other countries, it is higher still.

Corruption is also rampant in the system. In a Bolivian prison that InSight Crime visited in 2013, guards can earn as much as $20,000 per year in bribes,¹⁶ a minor fortune in a place where the World Bank says per capita income is closer to $2,500.¹⁷ In Mexico, prison guards have participated in jailhouse massacres and mass escapes.¹⁸

Overcrowding, corruption and abuse have made prisons incredibly dangerous places where survival depends on new and old alliances. The jails are near perfect recruiting centers and incubators for crime. They permit criminal groups to fortify their hierarchies, and they have become safe havens and operational headquarters for gangs in the Northern Triangle countries of El Salvador, Honduras, and Guatemala, and for criminal organizations in Colombia and Mexico.

In Mexico, they have helped strengthen criminal networks, some of which began in United States’ prisons,¹⁹ and in Venezuela they have begun to expand their reach from jails into the street-level criminal activity that has made that country the most violent in South America.²⁰ In sum, they are a critical part of the organized criminal landscape throughout Latin America and the Caribbean.

The resulting crisis has impeded efforts to foster citizen security in the region and undermined democratic governance. Prisons have become multipliers of criminal activity, not deterrents for it. Gangs in the Northern Triangle, for instance, have reorganized their troops, enhanced their recruiting and added to their criminal revenue streams disrupting life in myriad ways. Criminal groups in Mexico, such as the Zetas, have expanded their influence and power within the jails. In both places, groups like the MS13 and Barrio 18 gangs, and the Zetas in Mexico have interfered in electoral processes. In the case of El Salvador, there is evidence that this interference was coordinated from prison.

¹³ The Economist, op cit.
¹⁵ http://prisonstudies.org/country/mexico
¹⁷ http://data.worldbank.org/country/bolivia
This crisis is under-covered by journalists in the region and largely misunderstood by the public. Rather than thinking of the prisons as an integral part of the justice system, it is often viewed as a repository for criminals -- a place where policymakers can simply bottle up their problems and ignore the consequences that go with a hardline strategy of incarcerating low level drug offenders and consumers. This neglect and malfeasance is having disastrous consequences.

It is fostering insecurity, and it is arguably the biggest gap in plans to shore up justice systems region-wide.

This project was established to probe these issues. Specifically, we sought:

- To develop a deeper understanding of the root causes of the troubled state of the prison systems in various parts of Latin America by doing on-the-ground research in some of the most troubled countries.

- To study and profile the criminal groups that thrive in the prison systems thereby gaining a more nuanced understanding of their modus operandi, their revenue streams, and how they have developed both social and political capital from the jails.

- To offer policymakers, governments, multilaterals, non-governmental organizations and others working on prison reform some recommendations on how to limit and/or diminish the influence of the criminal organizations that are using them to expand their influence and undermine citizen security and democratic governance region-wide.

To do this, InSight Crime researched and wrote five reports on prison-based criminal operations in Colombia, Venezuela, El Salvador, Honduras, and Guatemala, which can be consulted separately. This report is the overview. It is broken down by two major themes, rather than by countries. It covers the reasons why prisons fail and the criminal structures that emerge from them. Finally, it offers a series of policy-oriented recommendations.

**Institutional Framework - Why Prisons Fail**

The central condition for prisons to become breeding grounds for organized crime is a state incapable of upholding rights and imposing order, allowing criminal networks to fill the power vacuum for their own purposes and profit. In countries throughout Latin America, there are numerous institutional failings, both legislative and operational that create this situation.

But as we shall see, this crisis was largely of their own making. Strong legislative measures made incarceration the preferred option to deal with rising crime and insecurity. The resulting explosion in prison populations came with little corresponding planning or funding. Indeed, prisons are often a forgotten corner of the workings of Latin American states, and all too often are chronically underfunded in construction, staffing, and maintenance. This foundation of underinvestment means states often operate from a starting point where their control of and capacity to operate prisons is tenuous.
Pre-trial Detention in Latin America Prisons

Source: Institute for Criminal Policy Research

insightcrime.org
Hardline Policies and Overcrowding

Hardline security laws -- often referred to in the Spanish shorthand “mano dura” -- are a common political response to the security crises that regularly afflict many Latin American countries, but they rarely produce the desired response. While their impact on citizen security is debatable, their impact on prisons is not -- they lead to a flood of new prisoners into a system that is ill-equipped to cope and which cannot be expanded fast enough. This is clearly demonstrated in the Colombia case study. Between 2003 and 2014, the capacity of the Colombian prison system increased by close to 70 percent. However, overcrowding actually increased from 130 percent of capacity to 153 percent. The reason can be found in what has been labelled “punitive populism”: hardline security laws creating new crimes and lengthening sentences for others. The most visible impact of this was 2011’s Law 1453. Within ten months of this law coming into force, the number of prisoners in Colombia increased by 15 percent.\(^\text{21}\)

In many countries, such laws are often focused on the drug trade, and prisons often fill up with low level, non-violent drug offenders. One of the most notorious of these laws -- which is now to the point of being overturned -- is Bolivia’s Ley 1008 was introduced in 1988 as a zero tolerance drug policy. In the statutes of the law, there is little difference between people caught in possession of small quantities of drugs, those working at the bottom rung of the drug trade and major drug traffickers. As a result, Bolivia’s prisons have filled up with inmates that have received harsh sentences for minor crimes, to the extent that in 2013, people sentenced under Ley 1008 accounted for 28 percent of prisoners.\(^\text{22}\)

The other common policy that fuels overcrowding is the overuse of preventative detention. Given the pressure on security forces to remove criminals from the streets and the incapacity to effectively monitor those out on bail or awaiting trial, preventative detention is a first resort in countries throughout the region. However, in many Latin American countries, the judicial systems are weak and inefficient, and processing court cases can take years at a time, filling up the prisons with people who have not been convicted. The percentages of prisoners who hold this status are startling in most countries around the region, and in the countries examined in the case study range from 27 percent of inmates in El Salvador up to 63 percent in Venezuela.\(^\text{23}\) Many countries have legislation that prohibits prisoners on remand being housed in the same wings as convicted prisoners, a necessary measure to separate hardened criminals and their firmly established internal criminal structures from prisoners who may be first time offenders, low level offenders or often even


innocent. In practice, this frequently does not happen as the prison systems simply do not have the capacity to keep the populations separate.

Overcrowding is a key condition for criminal control of prisons. In severely overcrowded facilities, maintaining control and order becomes all but impossible, and authorities often abdicate their responsibilities and leave it in the hands of criminal networks. Overcrowding also makes the segregation of inmates based on the seriousness of their crimes or potential risk to others near impossible, bringing low level offenders into close contact with hardened criminals and drawing them further into criminality both within the prison system and often after their release as well.²⁴ While overcrowding starts from a point of simply not having enough prison places, there are two institutional policies above all others that mean simply building more prisons will never suffice: hardline security laws drafted by politicians playing to a popular desire for law and order, and the overuse of preventative detention in countries with inefficient judicial systems.

Deplorable Conditions and Corruption

Underfunding and government neglect have left prisons across the region in a state of chronic disrepair and prisoners living in appalling and unsanitary conditions, where even their basic needs such as adequate food, water and medical treatment are not met and other requirements such as access to work and study programs come sparingly. Conditions such as these can fuel criminality both directly and indirectly. The indirect impact comes from forcing the majority of prisoners who are good candidates for rehabilitation and resocialization into a survival mentality in a brutal, Darwinian environment they share with hardened criminals. By negating the possibility of them carrying out productive activities during their sentences, inmates are pushed further towards criminality, both inside the prison and when they leave.²⁵

More directly, appalling conditions can strengthen criminal networks that organize around these issues or even take over functions of the authorities. The most prominent example of these are the two preeminent criminal networks in Brazil today, the Red Command (Comando Vermelho) and the First Capital Command (Primeiro Comando da Capital - PCC). Both of these groups formed as prisoner rights organizations, standing up for prisoners against the brutal regimes imposed by the authorities and clamoring for justice in the midst of widespread abuses. However, movements that began with a distinct political bent soon morphed into powerful criminal networks, whose reach extended into city slums across the country, and who now run a broad range of criminal activities, including drug trafficking, not only in Brazil, but in at least two other countries as well.

While these groups are the most extreme example of how neglect in prisons can strengthen criminal groups, they are not the only ones. In other prison systems such as Venezuela, the prison authorities’ inability to perform basic functions means criminal networks have stepped in to run operations such as the acquisition and distribution of food and medical supplies, thus increasing their power and influence along with the legitimacy of their role as the true prison authorities. ²⁶

²⁴ Interview via Skype with Oliverio Caldas, consultant for Unidad de Servicios Penitenciarios y Carcelarios of Colombia, May 2016.
²⁵ Ibid.
Underinvestment in prisons also fuels what is perhaps the most important determining factor in criminal control of prisons -- corruption. Without corruption, criminal economies, the lifeblood of criminal networks operating within the system, would not have nearly as much space to function. Guards and administrators that are poorly paid, overwhelmed and vulnerable to threats -- which when dealing with organized crime structures can extend beyond the prison walls -- make for excellent targets for corruption to allow the movement of contraband and the flaunting of prison rules.

Corruption is not limited to the low paid rank and file, and in numerous countries there is extensive evidence of corruption and collusion much higher up the chain of command -- corruption that is critical to the bigger crimes carried out within the prisons. Some administrators see the prisoners as allies, and in some ways, the prison gangs can make their lives easier. The result is often a dangerous quid pro quo. Collusion between the high-level prison authorities and the networks that operate within the prison can help the authorities maintain some kind of order in prison wings that would be extremely difficult to impose with the resources available, while also giving those authorities a share of profits from criminal activities that can be extremely lucrative.

Segregation

In countries facing the challenge of housing organized crime networks that are bitter rivals outside of the prison system, government’s often find themselves faced with the prospect of a Faustian bargain that also contributes to criminal control of prisons: segregation. In order to prevent prison violence between rival structures in facilities where the authorities are ill-equipped to maintain order themselves, different groups are often allocated their own wings or even entire prisons. This can generally reduce violence by keeping apart the warring factions, although in the case of Colombia in the early 2000s, even this was not enough when the prisoners amassed sufficient firepower to blast through to their enemies or controls were not strong enough to keep the rivals apart. However, the price to pay for segregation is strengthening the criminal networks in their own wings or prisons. The practice concentrates unchallenged power and allows these networks to operate more smoothly and with better organization. When combined with the state’s inability to effectively police these facilities, it can lead to the development of extremely powerful criminal organizations capable of not only of running criminal activities within prisons but also influencing the underworld outside of prison walls.

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² There are numerous instances of guards who refuse to facilitate corruption being subject to reprisals outside of the prisons in cases. For example, see: Miguel Barrios, “Urabeños ofrecían$10 millones para matar teniente,”, El Heraldo, 27 March 2014. Available at: http://www.elheraldo.co/judicial/urabenos-ofrecian-10-millones-para-matar-teniente-147361
² The most infamous recent example of this was when prison authorities helped drug lord Joaquin “El Chapo” Guzman escape from prison. See: David Gagne, ‘Top Mexico Prison Officials Arrested in Connection to ‘El Chapo’ Escape,” InSight Crime, 21 September 2015. Available at: http://www.insightcrime.org/news-briefs/top-mexico-prison-officials-arrested-connection-el-chapo-escape
The most brutal example of the effects of segregation can perhaps be found with the paramilitaries of the United Self-Defense Forces of Colombia (AUC), who in the early 2000s managed to turn their section of Bogota’s La Modelo prison into an armed fortress used to launch attacks against their guerrilla rivals -- both of which had been segregated from the general population -- and a debt collection office for drug trafficking and other criminal activities where over 100 people are believed to have been murdered, dismembered and disposed of in the sewer system.\(^{31}\)

However, the example with perhaps the most lasting impact has been that of the Northern Triangle gangs, especially in the case of what was until recently the fully segregated Salvadoran prison system. Here, segregation allowed the gangs to turn the prisons into their own criminal fiefdoms and bases of both internal and external operations, facilitating the development of a gang hierarchy where power flowed down from incarcerated gang leaders. In the case of the MS13 gang, it also permitted the leadership to negotiate a truce with its rivals, play a role in the presidential and congressional elections, and expand its criminal portfolio.

When these factors -- crumbling facilities plagued by corruption, populist hardline security laws, overuse of preventative detention in inefficient judicial systems and segregation by organized crime group -- combine, the result is that organized crime can take over prison systems as well as project their power outwards. There has been no better example of this than El Salvador and its Mano Dura policies, which created a perfect storm of conditions that strengthened gangs inside and outside of prisons. These laws gave police sweeping powers to arrest people based on signs of gang affiliation. The police duly used the laws to round up approximately 14,000 thousand suspected youths, who were held in prison on preventative detention -- less than a third were ever convicted.\(^{32}\) As the ill-equipped prisons were flooded with youth who had been accused of having a gang affiliation, the authorities began a policy of segregation in order to prevent violent clashes between rivals. The gangs’ ranks swelled with new recruits, including many who had only loose connections to gangs or even no connection at all but spent months or years in gang-controlled prisons.\(^{33}\) Their ability to organize hierarchically and establish internal and external criminal operations was boosted by their undisputed control of the segregated prisons, and they could operate with virtual impunity as the under-resourced and corrupt authorities could and would do little to intervene beyond the prison perimeters.

**State Response**

The state response to the prison crises and the criminal control it produced can be broadly divided into two approaches to designing and maintaining prisons: 1) maximum security; 2) developing more humane prisons and enhancing rehabilitation programs. In the security first approach, previously taken in countries such as Colombia and to some extent, El Salvador, the focus is on modernizing security features and imposing strict security regimes to break criminal control. In the alternative approach, the objective is to provide more humane institutions, uphold basic rights and

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\(^{33}\) Ibid.
provide social and educational programs, giving inmates a path away from crime.

The benefits and drawbacks of each approach are numerous, and it is likely a best case scenario would incorporate both, based on a functioning system of identification and segregation according to prisoners’ risk to others and their likely capacity for rehabilitation and resocialization. In all cases, these programs cannot operate in a vacuum. Social programs, as well as legislative measures allowing ex-convicts the opportunity to purge their records, are minimum requirements to avoid recidivism.34

However, Latin America has proven a poor test ground for any such theories as attempts to implement one type of regime or the other are undermined by the same institutional failings. Venezuela is the most extreme example of this, as the country has persistently announced elaborate plans and laws for a deeply progressive and humane prison system but has failed to deliver on even the most basic of its promises.35 Constitutionally enshrined prisoner’s rights to work, study, sport and recreation mean little when basic food and medical needs were not met.36

Taking the route of focusing on maximum security, Colombia has often ended up at a similar destination. For example, the new maximum security facility at Valledupar, colloquially known as La Tramacua, was constructed little more than a decade ago but has become so notorious for its appalling conditions and constant human rights abuses37 that Colombia’s Constitutional Court ordered its closure unless improvements were made.38 The lesson from both countries is clear: no matter what type of prison regime the authorities want to implement, it will fail unless issues of overcrowding, underfunding, corruption and abuse are not addressed.

Prison Gangs

The result of the hardline policies, systematic neglect, malfeasance, abuse and corruption is, of course, more crime and more sophisticated criminal organizations that operate both inside and outside of the jails that are supposed to contain them. Prison gangs is the short-hand version for what amounts to a plethora of different types of criminal groups operating within the penitentiary system. They can be formed on the inside or the outside. They can be ideological, religious, nationalistic or ethnic. They can be relatively young or on the elderly side. They can be new arrivals or old guard. They can control criminal economies or simply tax them.

Despite their differences in origins and goals, they have a lot in common. They understand that prison is a parallel society, one in which force, combined with social control are essential. Their origins are almost always related to serving the basic needs of the prisoners, namely security, but also

34 Interview via Skype with Oliverio Caldas, consultant for Unidad de Servicios Penitenciarios y Carcelarios of Colombia, May 2016.
illegal drugs, contraband and other services. They rely on a combination of corruption and fear, and their knowledge of the prison system often proves vital to their ability to rise to the top of the underworld both inside and outside of their jail cells.

The following is a list of six types of prison gangs that InSight Crime found during its investigation.

**Inside Prison Gangs**

Inside Prison Gangs is the name we have given to the criminal structures founded within prisons, and primarily shaped by and concerned with internal prison dynamics.

These structures perform two primary functions. The first is to fill the vacuum left by an absent state and act as a regulatory body that maintains some semblance of order inside the prisons, taking on roles such as allocating cell space and devising and enforcing their own rules, often with violence. The second is to control criminal economies such as illegal drugs, contraband and extortion networks to ensure their own privileged position within the system.

The structures and operations of these networks can vary widely, but their hierarchies are often determined by the ability to control the other inmates and eliminate rivals through violence, with the maximum leaders commonly those who have seized power by force. In most cases, their outside criminal connections or criminal records play little direct part in determining who assumes these positions.

In many cases, the prison authorities on some level collude or cooperate with these structures, or at
least acknowledge and respect their position within the prison. Their motivations for this are
directly related to these structures’ purposes; the authorities rely on them to provide the order they
cannot, and collude with them to claim a share of the profits from criminal economies, mostly
through facilitating the passage of drugs and other contraband, but also through the allocation of
space, the distribution of privileges, and movement of prisoners between jails.

The Venezuelan prison gangs headed by leaders known as “pranes” are one of the most prominent
element of these structures. The pranes have near total control of their prisons or wings beyond
the prison perimeters. They draw up and enforce prison rules, regulate activities that include
controlling things such as access to food and medical services, and they tightly control prison
economies, including an elaborate extortion system, which each prisoner must pay. ³⁹

Who becomes a prison pran is usually determined by violence, and the Venezuelan prison system
has seen horrific atrocities and massacres committed by those seeking to claim or assert power.⁴⁰

The role of the pranes is recognized by the prison authorities that maintain contact with these
leaders and have been known to negotiate with them.⁴¹ Evidence is mounting that in some cases
the pranes have garnered such power they are beginning to transition into what we call
Inside/Outside Prison Gangs by running external extortion, kidnapping and drug networks from
within the prisons.⁴²

A less violent example of an Inside Prison Gang are the “delegates” in Bolivian prisons. In some
cases, delegates are elected representatives of the prisons, who inmates have themselves chosen to
manage the logistics of prison life and even act as prisoner advocates to the authorities. However,
this system has long since begun to degenerate into corruption, with these structures profit enormously from criminal economies and maintaining extortion networks that charge for access to privileges such as free movement or visitation rights. In extreme cases, these networks have reportedly enforced their authority with murder and torture.⁴³

**Inside/Outside Prison Gang**

The Inside/Outside Prison Gang is the maximum expression of a prison-based criminal
organization. It was born in the prisons, so it understands the logic of force and the prisoners’
hierarchy of needs. Its ideology revolves around this understanding, and its growth and reach are
dependent on its ability to capitalize on the gaps in the system and what the state does not provide.

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It also establishes a thriving criminal economy that functions inside and outside of the prisons. This criminal economy is, in part, based on its control of the prisons. It uses the visits of many gang and non-gang members to keep this economy going on the inside. And it creates sophisticated networks of accounting and business practices on the outside.

Some of these Inside/Outside Prison Gangs have incredible social and political power as well. They influence the way people dress, styles they adopt and the means of communicating. They can, in some instances, create their own non-governmental and political vehicles to fulfill their legal, social and political needs, as well as those of their sympathizers.

Brazil’s PCC is the preeminent Inside/Outside Prison Gang for multiple reasons. To begin with, it was born in Brazil’s prison system, following a bloody prison riot in Sao Paulo state, which left 100 prisoners dead. Several survivors of the massacre were transferred and borrowing a political platform from another prison gang -- the Comando Vermelho or Red Command -- they began organizing for justice and prisoners’ rights. The government, in an effort to stop the PCC’s growth, split up the leadership in other prisons, but this simply allowed them to multiply and take over other prisons.

The PCC has since grown to become Brazil’s most powerful organized crime group. Using the prisons as their base, they have become some of the chief distributors of drugs on a local and an international level. They have bases in Paraguay and Bolivia, and perhaps elsewhere. They have a vast network of lawyers, accountants and political operators, who have sought to use their influence or create political parties that represent the criminal group. And they have an elaborate and sophisticated internal justice system, which they use to discipline their own members and those that break the rules in the communities they control outside of prison. In short, they are an incredibly evolved criminal organization that illustrates the scary potential of prison-based gangs.

Another example, albeit slightly less evolved, of this type of prison gang is the Barrio Azteca. Born in the El Paso, Texas prison system, this group initially began as a means of organizing the large Mexican and Mexican-American population inside the jails to defend themselves against the powerful biker gangs and others. It has since grown to include cells on both sides of the border, now controls large portions of prisons in both countries, and seems to be positioning itself to become a major player in the international drug trade.

Like the PCC, the Barrio Azteca -- or “La Familia Azteca,” as it likes to call itself -- has strict rules that are enforced on the inside and the outside. Family members of Azteca members are subject to punishments, as well as members. The Aztecas have benefitted from this discipline, entering alliances with criminal organizations such as the Juárez Cartel and the Zetas. Both of these

44 InSight Crime, “First Capital Command - PCC.” Available at:

45 Ibid.

doi:10.1017/S0022216X16000407

higher-level criminal organizations have provided the Aztecas with a better understanding of the needs and modus operandi of drug trafficking.

However, the Aztecas are still far from being the PCC. They made some critical strategic errors during the battle for Ciudad Juárez during the 2008 - 2011 period, the most important of which was the assassination of US Consulate representative in 2010. The US indicted 35 of its members for the murder, 33 of which were later captured, and many of whom have already been convicted. 48

**Ideological Prison Gangs**

Ideological prison gangs are composed of members of insurgencies, rightwing paramilitary groups or other politically motivated organizations that organize within the prisons. In the prison system, these groups replicate their external hierarchies and command structures and often source arms, allowing them to form internal military cells.

Some of these organizations, especially those on the leftist side of the spectrum, shun the prison’s criminal economies such as drug sales, but they have frequently been implicated in extortion schemes. Most of these groups follow a leftist ideology, which often manifests itself within the prisons in the form of organizing around prisoners’ rights and advocating for better treatment and conditions. 49

These groups often have enemies within the prison system, including the authorities, which single them out for abuse. In some cases, they have also been known to confront rival armed groups among other inmates, which can be either ideological enemies or simply common criminal structures that are disputing internal control and territory.

The guerrilla insurgents of Colombia represent the principal example of ideological prison gangs, in particular the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC), the National Liberation Army (Ejército de Liberación Nacional - ELN) and leftist urban militias affiliated with these insurgencies. In many cases, the external divisions between these structures are not replicated internally, and they combine to form one structure. Sometimes political prisoners, who are often ideological bedmates but not insurgents themselves, fall under their protection. 50

In the past, imprisoned guerrillas have been separated into separate wings, allowing them to control territory within the prisons. Within their prison fiefdoms, they amassed powerful arsenals and

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49 Colombia’s guerrillas for example have organized to lobby for access to medical treatment, legal representation and cultural activities. Interview via Skype with Alexandra Gonzalez, Fundacion Comité Solidaridad con los Presos Politicos, 2016.


51 See the work of the Fundacion Comité Solidaridad con los Presos Politicos at: [http://www.comitedesolidaridad.com/](http://www.comitedesolidaridad.com/)
engaged in combat with their rivals in paramilitary groups. They have also engaged in ideological activities, forming connections with Colombian prisoner solidarity groups on the outside, which act as a conduit for their advocacy and attempts to draw attention to abuses and poor conditions within the prison system.

In recent years, these guerrilla groups have had a more dispersed presence, limiting their ability to form power bases within prisons, making for structures more concerned with their safety and conditions than with taking or holding power or territory within the prisons. An expected release of many FARC prisoners as a result of the guerrillas’ peace process with the government may further dilute the influence of these groups within the prison system, making ideological prison gangs an increasingly rare phenomenon.

**Drug Trafficking Prison Gangs**

Drug trafficking prison gangs represent perhaps the most varied and complex dynamic in the different types of prison criminal structures. Few drug trafficking organizations have the sort of concentrated manpower that ensures their territorial domination, and as an inmate population they may be more disperse than armed groups or street gangs. However, in the past, drug trafficking organizations that have doubled as paramilitary counter-insurgency armies have attained such territorial dominance.

The lack of numerical dominance means in prisons affected by these actors, outside power, wealth and hierarchies are not necessarily replicated internally. However, they are a major influence. A dominant prison structure may be composed of members of several different criminal organizations, but the leader is selected from the highest ranking member of the largest faction. Those with significant power on the outside will not automatically be granted that power on the inside, but the prisoner’s external wealth and influence will at least guarantee a position of respect from, if not a role in, the dominant structure.

In some prisons, the dynamic is further altered by the separation of top level drug traffickers into maximum security facilities, removing them from the wings where prison gangs rule. These figures may have channels of communication to underlings elsewhere in the prison to exert power internally, but it is unlikely they will perform an active role as the head of a prison network. They also commonly continue to conduct external business using contraband communications equipment or messages passed through visitors, and for many this is likely a priority over controlling internal networks.

The now demobilized United Self-Defense Forces of Colombia (AUC) and their successors -- referred to as BACRIM, which is a play on the Spanish for “criminal bands” -- represent some of the most powerful of these organizations to develop significant internal prison structures.

In the early 2000s, the AUC established a “collection office” in La Modelo prison in Bogotá that combined their internal and external criminal interests. Internally, they formed an armed structure to

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53 Interview via Skype with Alexandra Gonzalez, Fundacion Comité Solidaridad con los Presos Políticos, 2016.
54 Ibid.
combat guerrilla inmates and control criminal economies. This structure was also used for the AUC’s external criminal activities, especially collecting on drug debts, and is implicated in the disappearance of 100 people, many of whom were brought into the prison after crossing the AUC on the outside, where they were murdered, dismembered and disposed of within the jails’ sewer system.55

Examples of drug trafficking prison gangs continue today in Colombia. The BACRIM, the successor groups that formed following the AUC demobilization, continue to operate in Colombia’s prisons, but they do not have the sort of territorial hegemony gained in some prisons by the AUC. Prison criminal structures tend to be composites of members of a range of criminal groups such as street gangs, common criminals and armed group members, and hierarchies are determined by the combination of external and internal influence. Nevertheless, the power of the paramilitaries continues to carry significant weight.56 Top leaders and traffickers from these groups conduct business and influence outside events from their maximum security facilities,57 but their stays in the Colombian system are usually brief due to extradition.

**Mara Prison Gangs**

The Mara Prison Gangs, it can be argued, are the direct result of Mano Dura, or Iron Fist, and US deportations. Prison populations in the three countries where Mano Dura was developed and applied -- the Northern Triangle countries of El Salvador, Guatemala, and Honduras -- skyrocketed during the 2000s. This coincided with US policy to begin deporting en masse ex-convicts. The numbers tell the story. Between 2001 and 2010, the United States deported 129,726 convicted criminals to Central America, over 90 percent of whom were sent to the Northern Triangle.58 The rise in gang activity led to legislative proposals to criminalize membership in a gang. For a time, having a tattoo was enough to land someone in jail.59

The resulting influx in prisons of maras put these governments in an impossible position since there was no corresponding plan to expand prison infrastructure, security services, rehabilitation programs or any other portion of the penitentiary system. First, they could not accommodate them. Second, where they did accommodate them, it was too close to their rivals. Third, when they separated them, they allowed for them to reorganize themselves.

To be sure, some mara leaders preferred jail. It was, quite simply, safer for them and their families, especially once these governments systematically separated them from their counterparts. They


56 Interview via Skype with Alexandra Gonzalez, Fundacion Comité Solidaridad con los Presos Políticos, 2016.


60 Ibid.
reestablished their hierarchies, their rules, their initiation rites and other important aspects of gang life. The direct threats they faced on the inside increased their esprit de corps -- it was, quite simply, a matter of survival. Prison eventually took on new meaning. It was a way for younger members to more quickly move up the ranks, and for older members to think strategically and long term.

The imprisonment of the gang leaders also led to an important shift related to criminal economies. Once on the inside, gang leaders’ needs changed. Put simply, they needed more money to pay for lawyers, for their families, for their girlfriends, for paying bribes and other unforeseen expenses. This necessitated a shift in the way the gangs extorted. Once a relatively small-time, hyperlocal revenue stream, extortion became more systematic. The most common target was the bus and taxi collectives. Other distribution companies were next on the list, such as propane gas distributors. Finally, the gangs extorted local businesses with cash on hand, such as small shops, mechanics and even street vendors.

There is some reason to believe that the maras leadership may also be benefiting from the contacts they have made in jails. These include high- and mid-level members of drug trafficking organizations (DTOs). The traffickers see utility in the gangs, especially as it relates to murder-for-hire, car theft and other services the gangs can delegate to their members on the street. The gangs see the utility in aligning with the DTOs as well, namely they can take over some wholesale distribution points in major urban areas in these countries, some of which is already happening.

The maras’ move to the jails impacted their political and social outlook as well. They became more closely affiliated with organizations that work inside jails with inmates and outside jail with inmates’ families. Some of these organizations are international in nature while others are religious. They all have the potential to give the gangs more social capital in their communities. The gangs have used this social capital to enter into politics. They have influenced voting in at least one of the three nations of the Northern Triangle, possibility determining the outcome of the last presidential election in El Salvador.

Military Prison Gangs

Military and police who are imprisoned are not like the rest of the prison population. They are often trained in self-defense, use of sophisticated weapons, intelligence and counterintelligence. They have contacts inside the system, since they once formed an integral part of it. They understand legal loopholes better than the other inmates. They have an easier time communicating with guards and

62 Ibid.
63 Ibid.
64 Ibid.
66 Ibid.
other officials as they speak the same security forces language. And they are normally in more danger because of their former position and law enforcement activities, which may have included incarcerating some of their fellow inmates.

The result is a different type of criminal organization very often segregated a priori from the rest of the population, and is one that depends less on force and more on cunning, intelligence and networks working within the system. These networks, in particular, are the core of what makes this type of prison gang more subtle, harder to see and harder to control. It is through such networks that these former security forces inmates can be placed in a safer space inside the prison either permanently or temporarily. They can also isolate or transfer prisoners. They can exert some influence on privileges such as visitation or the development of business opportunities. And they can develop their own business opportunities. 67

They can also provide security. Using their experience and contacts, they can protect themselves and their followers. Over time, they can usurp power from the most abusive of prison leaders. And at their apex, these types of prison gangs can establish an elaborate and well socialized set of rules upon which the entire prison is governed. This may include eliminating certain types of drug consumption, in particular crack cocaine, which is the cause of serious conflict inside prisons throughout the region. 68

The most well-known example of this type of organization was the type established by Bryon Lima in Guatemala. The former army captain and Special Forces soldier was able to fight off assaults from gangs and other rivals for years, before eventually establishing control over a good portion of the system. By the time, his former boss, (r) General Otto Pérez Molina, became president in 2012, Lima’s power was unparalleled. Not only did he have several thriving legal and illegal businesses inside and outside of the prison, he was exiting and entering at will, was extorting large-scale drug traffickers for their “safety,” and was naming who would be director of the penitentiary system, among other high-level posts. 69 Lima’s reign came to an abrupt end in July 2016, when another

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68 Ibid.
powerful prisoner allegedly shot and killed him and 13 other inmates. But his model of exerting control over the prisons -- and reaping the benefits in the process -- will no doubt be replicated by others.

Conclusions and Recommendations

Penitentiaries are part of a larger story in Latin America. Throughout the region, governments have embraced a hardline strategy against crime. This includes implementing stricter penalties for illegal drug usage as well as low-level drug distribution, incarcerating more suspects, and building more prisons and maximum-security penitentiaries. Among the most important legislative actions that impacted prisons were “Mano Dura” or “Iron Fist” anti-gang measures in Central America; drug laws such as Bolivia’s Law 1008; prison segregation laws, and legislation on pre-trial detention.

But while some measures have temporarily improved citizen security and justice, others have not; and while some areas of the justice system have been given some resources, others have not received nearly enough attention. Overall, what is abundantly clear is that the resource-strapped governments in the region cannot keep up with increasingly high number of accused and sentenced criminals. The conditions in these prisons speak for themselves. What’s more, rather than serving as places of rehabilitation or providing alternatives for wayward youth, jails have become incubators for various types of criminal groups.

The reality is that no part of the chain of justice -- from the police to the prisons -- can be treated in a void. Nonetheless, there are some ways in which the government officials and foreign governments can ameliorate the problem.

Recommendations

1) Prioritize prison reform. The cold reality of prisons is that they are vastly under-resourced, especially considering the explosion of the incarcerated population and the sophistication of the criminal operators functioning from within.

2) Focus on prison conditions. Money allocated to prisons should focus less on discipline and more human conditions within the jails. These are what fuel the growth and control of these prison gangs.

3) Establish a holistic approach. There is a strong need to consider both hardline measures for violent criminals and recidivist offenders, as well as a need to separate and implement rehabilitation programs for the non-violent and first time offenders. This is the segregation that is needed in jails, not one which is dependent on criminal affiliation.

4) De-segregate jails that are divided along criminal organization-lines. The de facto recognition given to prison gangs due to segregation is a powerful means of helping them to establish control over jails, as well as a way to provide them with the space and safety to achieve their criminal hegemony.
5) **Focus on segregating non-violent prisoners and non-violent pre-trial detainees from violent ones.** Segregation could be useful, if the focus is on keeping prisoners divided more by crime than by gang affiliation.

6) **Focus on alternative sentencing legislation and decriminalization of small time dealing and consumption of illicit drugs.** Hardline anti-gang laws and anti-drug laws focused on small time dealers and consumers do not work. The time is now to search for a more achievable equilibrium between citizen security and overcrowding the prisons to the point of providing criminal gangs near full operational control over them.

7) **Study prison gangs like criminal groups that are operational on the outside.** Prison gangs come in as many forms as those that operate on the outside. Each one has a slightly different criminal economy and end-game, and in order for authorities to neutralize them, they need to be seen from those perspectives.
The InSight Crime Foundation

*InSight Crime is a foundation dedicated to the study of the principal threat to national and citizen security in Latin America and the Caribbean: organized crime.*

InSight Crime’s goal is to deepen understanding on organized crime in the Americas through on-the-ground investigation and analysis from a transnational and policy perspective.

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