

PRISON SERVICE JOURNAL

January 2017 No 229



Special Edition
**Informal dynamics of survival
in Latin American prisons**

An Insider's View of Prison Reform in Ecuador

Pieter Tritton, with Jennifer Fleetwood, University of Leicester¹

Introduction

This article offers an insider view of the Ecuadorian prison system which I experienced first-hand after having been sentenced to twelve years for drug trafficking following my arrest on the 16th August 2005 in a hotel in the capital Quito in possession of nearly 8 kilos of cocaine. I spent just over 9 years in three different prisons in Ecuador starting with Garcia Moreno prison in Quito followed by six years in the Penitentiary Litoral in Guayaquil, the largest port city on the coast, and the last year in the newly constructed Nuevo Centro de Rehabilitación Social Regional Guayas (informally known as the Regional), also in Guayaquil, the first of the new style prisons introduced under Rafael Correa's organic codigo penal neo-socialist regime. I was transferred to the UK at the end of 2014 and spent nearly a year in HMP Wandsworth, London prior to my release in August 2015. This is an account of my experiences in that time and the changing face of the Ecuadorian penal system. There is much that could be said, but here I focus especially on prisoners' self-rule and its impact on security, safety and order in the prison.

Garcia Moreno Prison, Quito

This is the main prison in the capital city, and the oldest, having been constructed in 1879. It is similar in layout and design to a typical Victorian Prison in England: four wings radiate from the centre, as well as a smaller wing housing maximum-security prisoners. Due to massive overcrowding most wings housed 350 to 500 men, in total around 1,500 (similar to London's HMP Wandsworth). The prison housed men over 18, convicted or charged with crimes ranging from petty theft through to drug trafficking and a small number of serial killers, assassins and rapists. Sentences ranged from a few months up to 25 years, and exceptionally 35 years. No differentiation was made between remand,

short-term, or long term prisoners. Police and guards patrolled the perimeter; guards maintained internal security.² On average 3 to 4 guards were present per wing. Insecurity was endemic with an average of one or two murders a week, an inevitable result of the many knife fights, fistfights and even occasional gunfights between prisoners.

This, and other factors resulted in a form of internal self-governance by prisoners. The 'Internal Committee' was democratically elected by their peers to represent them in negotiations with guards, the Director and even the Government. This committee arguably arose in response to a chronically over-stretched and under-resourced prison system in which inmates had to organise and advocate for themselves. In 2001, parole and early release were suspended pending the formation of a new penal code (finally introduced in 2014). Some spent up to 5 years awaiting trial, sometimes only to be acquitted. This resulted in over-crowding and animosity between the prisoners and authorities, leading to 'strikes', usually entailing chaining and blocking the entrances to the wings, denying access to the authorities. Strikes were highly co-ordinated: prisons acted in unison, the heads of the internal committees in the different prisons maintaining contact with illegal mobile phones. These co-ordinated strikes caused major disruption.

Garcia Moreno was in a state of disrepair, and it fell to inmates to maintain it and carry out nearly all works, covering the costs themselves. The Committee included an elected representative on each wing called a *caporal* (foreman). He acted as an intermediary between prisoners and the director or social worker, facilitating the entry of goods (legal or illegal), the purchase of cells, arranging permissions for visits and the like. *Caporals* also maintained order on the wing, overseeing maintenance (including building works, plumbing, electrics, painting and cleaning), providing security from gangs and arranging for food to be brought and served on time. The *caporal* also included managing the wing's finances, including collecting two forms of tax: the *guardia* (regular bribes for the guards) and *ingreso* (a one-off

1. Pieter wishes to thank Laurie for all her help and support.

2. Special operations or raids involved police too, sometimes accompanied by military or special tactical groups, and always heavily armed. Guns, (including Glock16's) were prevalent as well as kitchen knives, machetes and even hand grenades.

admission fee to the wing). He also charged shops or restaurants a business tax and took commission on the sale of every cell. These commissions and the *guardia* were used to bribe the guards to turn a blind eye to illegal activities on the wing.

As the boss of the wing, the *caporal* kept order amongst groups as far as possible. Within each wing, small groups formed based on nationality that is Ecuadorians, Colombians, Brits, Russians, Arabs and Africans. Some gangs and groups were also present, including the Latin Kings, FARC (The Revolutionary Armed Forces of Colombia) and ELN (The National Liberation Army), as well as large groups of drug traffickers. Such groups often contained extremely powerful individuals who had been capos (heads) in cartels or guerrillas. Some became caporals within the prison, or else were well respected by the caporals. Typically they were well educated, and had large financial resources, and back up in the street. Not only were they respected by fellow prisoners, but also by guards and governors. Nonetheless, these groups mostly participated in and supported the elected systems of inmate governance.

This seemingly organised system completely broke down during strikes. Prisoners didn't destroy their cells or the interior of the prison, mainly because they would have to repair all damage. With the absence of guards, all control, even by the caporals would evaporate until disputes between the prisoners and authorities were resolved and order returned. From the moment the gates were locked, everyone would be armed with at least a kitchen knife. Some small cliques embarked on robbery sprees stripping valuables from cells, and murdered people with whom they had serious grievances.

After several years of these strikes, and following the election of Rafael Correa as President, parole and early release laws were reinstated in 2007. This meant release after 50 per cent of sentence completed and automatic release on bail if not sentenced within one year. During a temporary amnesty, the prison population was more than halved with a mass exodus under the various laws re-enacted in 2009.³ During this period of transformation and the shift from neo-liberalism to neo-socialism under Correa, I was transferred suddenly to the most feared, out of control and corrupt prison in Ecuador, the infamous penitentiary of Guayaquil.

'La Peni', The Penitentiary Literal, Guayaquil

This prison is the largest in Ecuador, housing, at its most over-crowded, around 8,000 inmates. Most served sentences for similar crimes as in Quito, but more involved gang-related crimes. Peni is situated on the outskirts of the large port city of Guayaquil, built in the 1960s to replace a 17th century equivalent to Garcia Moreno. 26 wings, two storeys high, were laid out along either side of a central passage-way linking the wings to a separate building housing the Director's office and departments. Each floor of each wing was designed to hold around a hundred people in approximately 50 cells. However, due to over-crowding, 5 or 6 shared a cell designed for 2, and some inmates slept in communal areas. The buildings were very dilapidated. As in Quito, maintenance of cells and the interior of the wings fell to inmates.

Each wing had its own exercise yard enclosed by a 15 foot wall surrounded by a no-man's-land (patrolled by guards and armed police) and a perimeter wall and watch towers. As in Quito, guards were in charge of the security inside the prison but called upon police and military for reinforcements and searches. The most dramatic difference between Garcia Moreno and Peni was the very apparent lack of control the authorities had within the walls of

This prison is the largest in Ecuador, housing, at its most over-crowded, around 8,000 inmates.

the prison due to the level of gang activity. From my perspective, the prison functioned as a holding structure. As long as there were no escapes and things didn't get out of hand, the authorities let the gangs maintain order and discipline and quietly cooperated with them. Two large gangs (the *Rusos* and the *Cubanos*) controlled the prison. Despite their foreign sounding names, they originated from Guayaquil, where they controlled the drug trade, prostitution, illegal alcohol, murders, extortion, robbery and so on. These skills were soon put to use within the walls of the prison. In collusion with the guards, they controlled everything that entered the prison and much of what happened on the wings.

This was evident in management of security on the wing. Unlike in Garcia Moreno where inmates were locked in their cells every evening, cells were open 24 hours a day (within the wing). At 8am and 4pm guards opened and closed the wing, taking a head count. During the daytime inmates could go to other wings but only those controlled by the gang whose domain

3. This included an *indulto* (pardon) for low-level drug offences.

they resided in. This was strictly enforced by the gangs, who placed inmates armed with guns on the gates of every wing, as well on the roof, and the main entrance. Thus, they controlled movement on their wings, and could get advance warning of approaching gang members or the entrance of the police, who generally did not receive bribes from the gangs.

Gangs took a cut of whatever came onto their wings, from alcohol, (whether smuggled or produced in home-made stills) to soft drinks and foodstuffs, for example adding 20-30 US cents to the price of each bottle of Coca-Cola (an entire lorry load was consumed weekly). Inmate-run businesses paid a weekly 'protection' fee (or were closed down). Gangs also controlled the sale of cells and who lived where. Like in Quito, everyone paid US\$5-10 weekly *guardia* (guard bribes) and US\$5-10 for the pleasure (or not) of the prison food, which should have been free. They also charged inmates a further \$10 each week for spurious repairs. Failing to pay (up to US\$30 weekly) could result in being robbed or transferred to a worse wing. The director and guards appeared to sanction these charges, and probably received their cut too. At this time, guards were paid around US\$500 a month, but could make 10 times more bringing in illegal goods, and receiving bribes. These bribes ensured that guards did little to keep formal order but rather facilitated, and in some cases, actively supported the gangs' rule of the prison.

The *caporals* collected payments, as in Quito, but here they weren't elected but installed by the gangs as the civilised face of their business. The result was a strictly controlled prison run by the gangs, which would mete out brutal punishment for any infringements. The gangs' most lucrative trade was the sale of cocaine, crack cocaine and heroin. Drugs were smuggled in by guards, visitors or sometimes hidden amongst food for the kitchen or in produce for the shops. The trade was heavily protected; gangs used unique packaging so they would know if someone else was selling drugs. All of this was done with the knowledge and permission of the head guards, who even helped enforce the gangs' control by removing rogue dealers or selling confiscated drugs to the gangs. The sums of money involved were huge: of 8,000 inmates, around 80 per cent used drugs. Inevitably the greatest number of problems arose due to drugs.

In addition to the control of legal and illegal business, gangs also controlled the sale of weapons, including handguns, machine guns, hand grenades, and even explosives. Daily life was on a knife-edge — inmates had little choice but to cooperate with gang

control. Life was especially difficult for foreigners, who were assumed to be rich and were targeted for extortion. Not knowing when or where violence would erupt was nerve racking as a gunfight could literally begin in seconds, even on visit days when visitors were present on the wings. After a spate of tit-for-tat killings between the gangs, and a couple of large gun fights in which 3-6 people were killed, media attention forced the authorities to act.

Pressure came from the government, forcing the Director to try to regain control. However, by this point corruption permeated every aspect of the institution. When previous directors or guards had challenged the gangs, brutal retaliations followed. Two directors and numerous guards were killed during my six-year stay at Peni. The police were brought in to regain control. They raided the prison to remove weapons and items gangs had brought in, such as large paddling pools, disco equipment, large T.V.s, dogs the gangs used for security and fighting cockerels — upon which vast sums of money were bet at weekends. They also prohibited the entrance of foodstuffs with visits and the many inmate-run shops without special permission. Inmates relied on these heavily; inmates' health suffered and many lost weight.

The police transferred gang leaders and *caporals* to prisons in other parts of the country to split them up. Initially, this had little effect as they were readily replaced, however after several months replacements became harder to find. To some extent this weakened the grip of the gangs, but the strict control by the authorities had a negative effect on those who weren't gang members: food shortages, shorter visits and little access to phones made daily life harder to bear. The prison became unstable in the absence of gang control, leading to an increase in violence overall as smaller groups fought for control of drug territories. Robbery and extortion increased, as did violence: between 4-6 inmates were murdered a week. The situation became dire.

The newly elected President Rafael Correa instigated a programme of prison modernisation, overhauling the whole system. The new prisons were more or less complete by mid-2013 and the situation in the prison in Guayaquil was now critical. Rumours were rife of a mass transfer, which finally took place the same day the President himself gave the order. In December 2013 mass transfers of some 6,000 prisoners began in a huge police operation. Inmates were stripped of everything, carrying nothing from Peni. On arrival everyone was issued with a prison uniform, a pair of

The police transferred gang leaders and *caporals* to prisons in other parts of the country to split them up.

flip-flops and a pair of shorts. This stripping of inmates' property and clothes signified the end to inmates' control of prison.

Nuevo Centro de Rehabilitación Social Regional Guayas, Guayaquil: a new system

Even though the 'Regional' wasn't fully completed (in fact it was estimated to be a year away from completion), this was to be the flagship of the Rafael Correa's reformed penal system. These new prisons are all of the same prefabricated design, resembling a modern, western prison. Each prison is designed to house approximately 6,000 inmates in wings with a capacity of 350, in five- person cells on three floors. Each cell has 5 concrete bunks, a toilet and sink, with cold water only. One built in strip light comes on automatically at 6pm and off again at 10pm. There are no electrical points in the cell: there are no TVs, radios, fridges, air conditioners, cookers, hifis, computers or phones. CCTV, controlled by the police, covers almost all areas. Each wing is an L shape, enclosing a small covered exercise yard with outdoor showers! Wings surround a central outdoor exercise area where there are football pitches and volleyball courts.

Upon being transferred, inmates were subject to a full strip search, body scanner, metal detector, and hot seat: the first time many had ever been searched this extensively. For the first time, inmates were allocated by security category depending on their sentence length, time served, crime and behavioural record. There was no paying to be allocated with your mates, no buying cells! For those used to running the prison this was a huge shock! The level of security in these new style prisons was far higher and far stricter. The police controlled all external security: manning the watch towers, monitored CCTV feeds, and searched everyone entering and leaving the prison — including guards and officials such as the education staff, doctors, nurses, social workers, kitchen staff, and of course visitors, and even embassy staff.

Security was initially very tight. Although there were usually just 2 to 3 guards per wing of 350 inmates, the police arrived quickly when they viewed anything suspicious on CCTV. Police also carried out all searches and were armed at all times, unlike guards. As well as watch towers, the prison was surrounded by several perimeter fences (including one that was

electrified) topped with razor wire.⁴ Initially there were few weapons due to police surveillance. Nonetheless, it was only a matter of weeks before inmates began crafting knives and machetes from pieces of the structure of the prison such as the doors or fixtures and fittings. This in turn led to serious knife fights breaking out as gangs sought to reaffirm their territory.

In the initial months, inmates were not even allowed to possess pens and paper. Visitors, who had previously brought in things like food, newspapers, magazines, letters, books or clothes, could take in nothing. The authorities did this to completely break the power of the gangs by removing all potential sources of income and holding everyone incommunicado (recall that the Committee of inmates in Quito maintained a national network through mobile phones). Whereas previously visitors had entered the prison, here visits took place in purpose built rooms, lasting just one hour per week seated at a table, monitored by cameras, with guards and

police patrolling, followed by a search, sometimes a strip search, again by the police, on exit. Unlike the UK, inmates were entitled to a two-hour conjugal visit once a month in a private room with a bed, provided proof of marriage or a long relationship could be established. Nonetheless, it was at least a month before anyone was permitted visits at all. After the initial phase, the authorities turned

In the initial months, inmates were not even allowed to possess pens and paper.

their attention to rehabilitation and began to implement education courses, exercise regimes and workshops. Participation translated into up to 50 per cent off one's sentence for good behaviour (replacing previous early release schemes). The apparent rationale echoed western notions of rehabilitation through purposeful activity.

The role of the 'Internal committee' of prisoners was non-existent at first, but slowly became encouraged by the prison authorities, presumably realising the value of a mediator. It wasn't long before the system of *caporals* re-emerged, this time relatively independent from organised crime. The *caporals* now had to be approved by the authorities and have a good prison record. Their responsibilities were to maintain order on the wing, arrange ordered distribution of meals, cleaning and generally liaising with the authorities to resolve problems or look at complaints and ease the work-load of the guards who were now thinly stretched.

Many of these changes came as a great relief. The gangs were disbanded, debts generally written off, reasonable health care was finally available, the prison was free of drugs and alcohol; everyone had a bed to

4. Yet, some inmates attempted escapes in the first few months when they discovered a security defect in the cell doors. One escape attempt succeeded when an inmate impersonated an official and walked out of the main gates. The defect in the doors was quickly rectified and no further attempts succeeded.

sleep on and a roof over their heads. Everyone was reliant on prison rations, which in the first 4-6 months were meagre: nearly everyone lost weight. Transfer to the 'Regional' was not without problems. Due to the ill preparedness of the prison, many people suffered detoxing from heroin. Several died or committed suicide due to the severity of withdrawal. Opposing gang members were accidentally placed together on the same wing and even, sometimes, in the same cell, with fatal consequences. These problems were soon rectified and after a few months things settled down. Initial enthusiasm for the new regime quickly flagged. Staff running courses weren't paid, courses weren't funded, certificates weren't awarded for good work and behaviour, and no time was given off sentences. The realisation that sentences would not be reduced for completing courses, and the loss of autonomy within the system, was a heavy blow for inmates. Most now faced completing the entirety of their sentences in prison and had no motivation to behave.

Police control of the prison was generally successful in tackling guard corruption and breaking the gangs' control of the prison. However, many guards were friendly with police officers and even some police officers with inmates so, after a few months learning the system, smuggling recommenced: basic goods such as razor blades, cigarettes and food items started to appear, as well as drugs and mobile phones. Ironically, the increase in security fuelled corruption. Whereas previously a guard would have smuggled in a mobile phone for US\$20-100, they were now asking for US\$1,500-2,000. Furthermore, by withholding the chargers, they could demand up to \$50 just to charge the battery. A gram of cocaine, previously costing US\$5, now cost around US\$100.⁵

Most enthusiastically welcomed Correa's neo-socialist regime. Unfortunately it suffered from teething problems, creating opportunities for corruption to re-establish. As my experience in all three prisons shows, corruption was very deeply rooted. Great inroads towards change have been made, and the new prisons are a huge improvement in general living standards and security.

Conclusion

During nearly a decade in the Ecuadorian prison system I witnessed first hand its reform and modernisation; from dilapidated Victorian style buildings to new modern structures with high tech security. New buildings are matched with a new regime with properly paid guards, teaching staff, properly qualified healthcare staff, inmates in uniforms, decent food provided free to all in an ordered fashion, education programmes, exercise groups for all abilities. Education courses replace work in

inmate-owned businesses such as shops, cleaning, laundry, building maintenance and of course illegal activities, which probably provided the greatest number of jobs! The drug trade undoubtedly fuelled high levels of corruption amongst the guards and officials. This has diminished a lot with the new system, which is far safer for guards. In short, an actual sense of rehabilitation and interest in inmates is shown by the state, in stark contrast to previously, when inmates were left to fend for themselves.

The new 'Regional' prison offered a fresh start: gangs were stripped of their powers of influence over guards and officials overnight, restoring power to the prison authorities and police. The police play a far greater role in the security of the prison and this had a dramatic effect in stemming the flow of narcotics, guns and other contraband. Although guards undergo stringent security procedures, corruption is still present, although better controlled. Rafael Correa's prison reform is, without doubt, a progressive step, vastly improving the living conditions, in every way, for thousands of inmates who now stand at least a chance of moving away from involvement in gangs. Nonetheless, its long-term success is by no means guaranteed.

My experience in three distinct regimes suggests that prisoner representatives can effectively assist in maintaining relations between inmates and officials. In part this depends on capable individuals participating in the 'internal committee'. As a transit point in the international cocaine trade, prisons often housed individuals who were experienced organisers (usually in the world of crime). Indeed, such individuals often commanded respect from their peers that lent them legitimacy. Inmates were more receptive to instruction from their elected peers as opposed to instruction by prison officials, who arguably lacked legitimacy due to widespread corruption. At the same time, money and violence connected to the drug trade undermined official control of the prison. This was taken to its extreme in Guayaquil resulting in a very volatile and dangerous situation. Since returning to the UK, I found that prisons in England have introduced prison councils, with the aim of giving prisoners more of a voice and also to assist in easing the work load of an already underfunded system facing yet more cut backs. The role of the 'number one' on the wings in England fulfils a similar role as the *caporal*. As prisoner autonomy has decreased in Ecuadorian prisons, so it is increasing in English ones. Nonetheless, as my experiences show, much can be learned from Ecuador as an example of how prisoners can usefully contribute to the daily running of prisons.

5. Although heroin had been widely available, gang leaders were, in general, heavily against its reintroduction to the prison.