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

Prisoner Self-Governance and Survival in a Nicaraguan City Police Jail

Julienne Weegels is a PhD candidate with the Amsterdam Institute for Social Science Research and Centre for Latin American Studies.

In line with the regional trend, the Nicaraguan prison population exceeds the capacity of its penitentiary system by on average twice its capacity, with the sharpest increases occurring over the past five years.¹ Considering that those are the years over which the traditionally socialist Sandinista government has consolidated its control of the presidency and institutions of crime control, this may seem to be a paradox, especially as the Nicaraguan penitentiary law has a clearly rehabilitative take on the function of prison for society.² Contrary to the regional punitive trend, 're-education' is advocated throughout the penitentiary system, sentences are relatively low, and participation in re-educational programmes, which range from schooling to cultural and church activities, is often rewarded with considerable sentence reduction. Yet daily life in Nicaraguan prisons is still very much governed through (the threat of) violence.³ In this paper, I explore how convicted prisoners deploy both 'violent' and 're-educational' scripts to survive their prison time. I draw from an in-depth ethnographic engagement with a small group of prisoners from a large city police jail, who are part of a special 'rehabilitation programme'.⁴ For them, survival entails both aiming for early release through participation in re-educational activities, and negotiating a place in the prison hierarchy from the get-go. Inside the overcrowded cells of the city police jail, where the surveillance practices realised by authorities do not provide the level of security required by the prisoners, the latter negotiation often overpowers the re-educational promise.

Overcrowding

The saturation of the Nicaraguan penitentiary system (in short, the *Sistema*) is directly reflected in the overcrowding of police jails in the larger urban centres. The city police jail where the prisoners that I worked with were held, currently holds over 400 prisoners in conditions suitable for only 150. Though it is officially a *preventiva* (prison for pre-trial detainees), only one of its cells holds arrestees. The rest of the population consists of convicted prisoners serving up to 15-year sentences. These prisoners serve their sentences in a legal limbo: a jail to which the Penitentiary Law does not apply, where they are guarded by police officers rather than prison guards, and where the infrastructure is not nearly suitable to serve out a sentence: on average 35 inmates sleep in each 5x5 meter cell, where they wash up and wash their clothes over the same hole in the floor as they defecate. Water shortages are more than common in the jail, and to complement the *chupeta* (the staple jail meal, consisting of a cupful of overcooked rice) family members queue outside the jail three times a day to pass food (*barcos*). In terms of infrastructure, there is no central courtyard for *sol* (sun), the visit hall serves as a dormitory at night, and only two small rooms are available for conjugal visits — where prisoners are allowed 20 minutes with their significant others rather than the full hour customary to the *Sistema*. Nonetheless, many prisoners prefer staying in the police jail rather than being transferred to the *Sistema*. They express that it's 'not as tough', 'easier to receive visits', and that 'the jail is closer to home.' It is also commonly believed that being released from the police jail, even if convicted, is easier than release from the *Sistema*.⁵

1. CENIDH. 2013. *Informe: Derechos Humanos en Nicaragua*. Managua. Specifically pp. 67-73. Retrievable online: http://www.cenidh.org/media/documents/docfile/Informe_CENIDH_2013_FinalWEB.pdf
2. Centeno Mayorga, Darvyn I. 2012. *Manual de Derecho Penitenciario Nicaragüense*. Managua: SENICSA.
3. See also Weegels, Julienne. 2014. 'The Prisoner's Body: Violence, Desire and Masculinities in a Nicaraguan Prison Theatre Group.' In Georg Frerks, Annelou Ypeij and Reinhilde König (eds.) *Gender and Conflict: Embodiments, Discourses and Symbolic Practices*, Farham: Ashgate.
4. This particular engagement took place between May 2015 and January 2016. I will go into it in more detail in the section 'Shifting between violence and reeducation'. This study is part of my doctoral research project about order and agency in the Nicaraguan prison system, which includes a previous long-term engagement with prisoners of a medium-sized state penitentiary (2009-2013).
5. This has much to do with the prevalence of 'irregularities' that are part of the Nicaraguan prison and justice system's "practical norms," much in the same way as De Sardan describes for informal practices common to the African public service sector. De Sardan, J.O.P. 'Researching the Practical Norms of Real Governance in Africa', Discussion Paper No. 5, Dec., London: Overseas Development Institute.

Violent Initiations

With prisoners outnumbering on-duty officers by as many as 100 to 1 and no electronic surveillance system in place, inmates in the police jail are left mostly to fend for themselves.⁶ In the overcrowded cells initiation into the prison's workings is entirely subject to rituals and regulations (norms) enforced by fellow prisoners. One former prisoner, nicknamed Joey, explains,

The start for me was ugly. When I came in [to the cell] they [other prisoners] made me strip and beat me. [...] They put on music and had me walk up and down the corridor naked, whistling at me and smacking me on the butt, with their slippers or hands, to make me dance.'

I looked at him in disbelief, thinking that he could have been made to dance 'la botella'. The 'baile de la botella' (dance of the bottle) is an event that every city police jail prisoner will assure exists but no one will acknowledge to have suffered, as it clearly exhibits sexualised traits that feed into the (re)production of specific, *machista* dominant masculinities.⁷ Another prisoner had explained to me before that,

When a group of guys in the cell gets together to make another guy dance la botella they'll turn up the radio, put a bottle on the floor, and the guy made to dance has to get naked and lift this bottle up by inserting the top of the bottle into his ass [...] Then he has to dance with the other guys, with the bottle, you know, and they'll say sexual stuff and smack him on the butt. If they don't like how you dance, like if you don't do it right, or if you drop the bottle, they'll beat you.

But there are rules to the *baile*: 'they won't make just anybody dance, but if they don't like you, or if they think you might be a *perrita* (i.e. gay) they'll make you dance [...] if you refuse, you have to measure your fists with the guys that want you to dance, which will be the toughest guys in the cell and they'll beat you hard.' With this in mind, I hesitated, but asked Joey if there was any bottle involved in the episode he recounted. He directly assured me of the contrary,

No way! Back in the cell they beat me hard and made me sleep by the side of the toilet... I spent like two weeks on that spot, I even thought of killing myself back then. But slowly I moved further from the toilet, to other spots on the floor, then to a hammock, and the last half year I was on a bunk.

It may seem strange for Joey to move so abruptly from the harrowing experience of his initiation to discussing his sleeping space, but he did this to indicate that he quickly ascended. The hierarchy in a prison cell is most directly evidenced in the place where a prisoner sleeps: the most powerful prisoners and those who have spent the most time there will be on bunks, followed by those in the hammocks. Resulting from this rule, Joey explains that eventually,

*I got even with the guys that organised the beating, haha! All four of them were released, but three of them were caught again and came back. That's when I was on top and they were on bottom [rung], so it was my turn! I had my little group of *bróderes* (brothers, friends) then, and me la desquité (I took revenge).*

When I asked him if the police did anything about these beatings going on in the cells, he grinned, 'the police? They don't do anything! [...] They rather put you in a particular cell to ensure you get a beating. Like with guys that've done nasty stuff, they'll put them in the worst cells.'

Prisoner Self-Governance

At this point, jail time might seem exceptionally brutal, but this violence has its particular logic. In the light of the overcrowding and understaffing of the prison, the scarcity of space, food stuffs and goods, what might seem ruthless prisoner-to-prisoner violence is part and parcel of the governance of the prison on the inside. It must be underlined, however, that against a backdrop of violence and scarcity, prisoners also form alliances and friendships to protect each other and help each other through difficult times. Food coming in from the outside is (or must) always be shared, beds and personal belongings are looked after by *bróderes*. As

6. The jail is adjacent to the city police commissary, meaning that there are more police officers around, but these do not directly guard the jail nor engage in its daily routine.

7. See also Weegels, 'The Prisoner's Body' (see n.3), or Lindegaard, Marie R. and Sasha Gear. 2014. 'Violence makes safe in South African prisons: Prison gangs, violent acts, and victimization among inmates', *Focaal: Journal of Global and Historical Anthropology*, Vol. 68, pp. 35-54.

time passes, all prisoners acknowledge and most begin to enforce the perceived fairness of the '*ley de la gallada*' (law of the prisoners).⁸ Joey's story illustrates this as he engaged in enforcing these norms once he got 'on top'. The ley implies violence and solidarity, giving and taking: norms by which to order a volatile context. It has, moreover, become so engrained in the workings of the jail that police rely (or arguably depend) on these self-ordering principles among prisoners.⁹ As Joey indicated, on occasion, police will even use 'prisoner law' to their own ends when they cannot 'get their hands dirty' themselves.

If, following Martin et al.'s exploration of prison climates,¹⁰ we then understand governance as 'a set of interactions (conflict, negotiation, alliance, compromise, avoidance, etc.) resulting in more or less stabilised regulations, producing order and/or disorder (the point is subject to diverging interpretations between stakeholders) and defining a social field, the boundaries and participants of which are not predefined,'¹¹ we can understand prisoner-to-prisoner violence as a regulatory and boundary-defining practice of governance. It establishes a particular prisoner hierarchy ordered along principles established by the prisoners, and enforced through their regulations and practices. Even if the police govern the outer perimeter of the jail, its visitors, its opening hours and its curfew — life inside its cells is governed almost entirely by the prisoners themselves.

Shifting between violence and rehabilitation

Seemingly contrasting the prisoner order, is the institution's emphasis on what is called re-education to achieve a prisoner's *cambio de actitud* (change of attitude). There are some important differences

between re-education in the penitentiary system and in police jails: first and foremost it is much less present (or completely absent) and largely unavailable inside police jails as the Penitentiary Law does not apply to the jails and, as a result, they are under no obligation to organise re-educational programmes. Yet there were programmes organised for the re-education of prisoners of the city police jail, but they were hosted at three different locations outside the prison: the city market place, the public hospital, and a neighborhood community center. My research took place at the latter, where my husband (a Nicaraguan theater director/actor) and I set up a theater training programme, which became part of the police-run rehabilitation and reinsertion programme that was set up there three years earlier, and resulted in the establishment of a prison theatre group. On weekdays, around 35 short-sentenced¹² prisoners were driven out to the community center to work and receive classes between 9AM and 5PM; 12 of these prisoners voluntarily participated in the theatre training programme, which ran on average 3 hours per day.

As the co-facilitator of this programme I spent about just as much time at the centre as the dozen participants, and became highly aware of the different empowering and disempowering experiences the young (wo)men went through both in prison and at the centre.¹³ One force to be reckoned with at all times was the relentless, be it intentional or unintentional, exposure of one's delinquent status, crime and sentence to the general public by the police — whether or not the prisoner would want to disclose such information. Yet the theatre-making and performing, the group itself, became 'addictive,' a former prisoner and participant explains, 'it made all the other stuff bearable, you know, the unequal preferences and permissions of some guys over others, the police's mood swings.' The

Joey's story illustrates this as he engaged in enforcing these norms once he got 'on top'.

8. For many prisoners this law (or code) stands in marked contrast to the institutional 'rule of law' which is considered to be volatile and preferential (and thus inherently unfair).

9. Much as Darke explains in the context of a Brazilian police lockup, without inmate collaboration and self-ordering it would not be possible for the jail to operate. Darke, Sacha. 2014. Managing without guards in a Brazilian police lockup. *Focaal: Journal of Global and Historical Anthropology*, Vol. 68, pp. 55-67. For an exploration of norms as a way for prisoners to create security in an insecure environment see Skarbek, David. 2012. Prison gangs, norms, and organizations. *Journal of Economic and Behavior & Organization*, No. 82, pp. 96-109.

10. Martin, Tomas Max, Andrew M. Jefferson and Mahuya Bandyopadhyay. 2014. Sensing prison climates: Governance, survival, and transition. *Focaal: Journal of Global and Historical Anthropology*, Vol. 68, pp. 3-17.

11. Blundo, Giorgio, and Pierre Yves Le Meur. 2009. An anthropology of everyday governance: Collective service delivery and subject-making. In Blundo and Le Meur (eds.) *The Governance of Daily Life in Africa*, pp. 1-32. Leiden: Brill.

12. Sentenced to serve 2 to 5.5 years.

13. All participants were aware of my double role as a researcher, and explicitly voiced their consent to participate in my research. On separate occasions, we would sit together for informal group or private conversations, and I spoke with many at length, both during their time at the community center and after their release from prison. Almost all participants have by now been released.

daily effort that the participants in the community center's programmes put into behaving towards a life *beyond* prison, made it understandable that the (former) prisoners stressed their own agency in achieving their so-called change of attitude.¹⁴ Though the police captain emphasised that 'change always comes from either love or fear,' if anything, change did not appear to come by way of the words from someone in police uniform. Even if the prisoners were more than grateful for the opportunity to swap their prison cell for the community center every day, 'rehabilitating' in a space provided to them by the same police that arrested them, they all underlined — in different ways — that 'change comes from within [...] the only one that knows when you've had enough of the street life is God and you yourself.' One participant reminded me that,

Prison doesn't scare any of us. Sure, it's tough and nobody wants to go back once they're out, but it's not like we can't deal with it, we're used to it [violence]. Changing is harder than staying the same.

In the introduction I mentioned that prisoners oscillate between violent and re-educational scripts. In the case of the city police jail this most clearly occurs when they literally move between the jail and the community centre, but the scripts also spill over between the two spaces. Even if prisoners almost exclusively govern themselves and each other inside their cells, the success of the police's rehabilitation programme is also shaped by the self-ordering practices of the participating prisoners. The strong incentive that the 'one-day-counts-for-two' regulation¹⁵ provides for prisoners in re-educational programmes nationwide, opens windows to sentence reduction that would otherwise remain shut. As such, at the community center, prisoners to a certain extent engage in policing each other. Termination of the programme would namely signify, in the worst case scenario, an end to the opportunity of these prisoners to reduce their sentences by demonstrating their ability and willingness to 'change attitudes' through participation. The center is unfenced, located in the midst of a poor neighborhood, and visited by prisoner family members and friends on

a near daily basis. Generally only two officers are present at the center, who can hardly keep an eye on everyone. Opportunities for score-settling (fights), escape and engagement in illicit activities (such as smuggling) are hence omnipresent, yet hardly any incidents take place. If we do not take into account the role and principles of prisoner self-governance in this, we can never fully understand why the community center programme is able to exist.

Conclusion

For their survival both within and outside of their cells, prisoners invest in knowing *when* and *how* to deploy what script to be able to navigate the complex web of tensions between the in-cell prisoner order and more institutionally defined out-cell, outside order. Those who excel in both scripts spend their time on the inside '*sin acalabrarse*' (without freaking out) while simultaneously and convincingly working toward an early release. As one prisoner, talented in both regards, put it to me: 'Julia, do you think I ever slept on the floor? [Clicks his tongue] I got a *camarote* (bunk) on the first day because I made a win [smuggling] that same day. Do you think I wash my clothes? M-mm: my cellmates wash them. I don't clean the cell, I can get up whenever I like [...] I never have to wait to wash up.' Even as he has been out of the trade for quite a while, this prisoner explained that he remained 'on top' in his cell, because 'one by one *les pegué su turqueada a todos* (I've beat all of them up). Pla-pla-plá! But easy, you know. They respect me. [...] I use that leadership to get them into good stuff now [...] [but] I tell you, if I wouldn't have been on the other side of things in the beginning, they wouldn't listen to me now.' Whether this is true or not is not the issue here, what is at stake is the successful performance — the correct practice — of prison scripts in order to survive. Enforcing and living by the *ley de la gallada* inside the cell, and by the practice of a *cambio de actitud* outside of it. Both constitute stabilised regulations, producing order and defining a social field, resulting from sets of established social interactions for the governance of the prison environment.

14. See also Weegels, Julienne. Forthcoming. Beyond the Cemetery of the Living: An Exploration of Disposal and the Politics of Visibility in the Nicaraguan Prison System. In Chris Garces, Sacha Darke, Luis Duno-Göttberg and Andrés Antillano (eds.) *Carceral Communities: Troubling 21st Century Prison Regimes in Latin America*. Philadelphia: University of Pennsylvania Press.

15. Generally, in the application of sentence reduction, the days participated in re-educational or work programs count double. Yet the application of sentence reduction can be very arbitrary, to the frustration of many participating prisoners.