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LATIN AMERICA: Lack of prison reform poses risks

OxResearch Daily Brief Service. (Aug 31, 2015).



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Abstract

The outlook for prison reform in Mexico and Central America.

Recent high-profile security breaches in Mexican and Central American prisons have again called into question not just security levels, but the broader nature of the region's penal systems. While reform initiatives have been introduced in the past, they have failed to tackle the deeply ingrained problems of corruption and organised crime.

Full Text

SUBJECT:The outlook for prison reform in Mexico and Central America.

SIGNIFICANCE:Recent high-profile security breaches in Mexican and Central American prisons have again called into question not just security levels, but the broader nature of the region's penal systems. While reform initiatives have been introduced in the past, they have failed to tackle the deeply ingrained problems of corruption and organised crime.

ANALYSIS: Impacts.

Changes to judicial policies will help reduce overcrowding, but populations will remain dangerously high.

Public sensitivity regarding corruption will render any construction of new prison facilities controversial.

Organised crime will attempt to infiltrate private prison companies, creating major security risks if they are successful.

On August 23, Salvadoran authorities reported a 'purge' among Barrio 18 gang members incarcerated in Quezaltepeque prison that left 14 dead. In July, notorious drug trafficker Joaquin 'El Chapo' Guzman escaped from Mexico's maximum-security 'Altiplano' prison. With such stories grabbing headlines, prison security and justice issues across the region regularly face criticism.

Over the past decade, prison populations in Mexico and Central America have increased exponentially. Yet regulations, infrastructure and administration in these institutions remain outdated. Most are overcrowded, many are self-governing, conditions are bad, and escapes and violence are commonplace.

In Mexico, Honduras, and El Salvador, successive governments have paid lip service to improving conditions, and increasing security, but little has been achieved.

Overcrowding.

Prisons in both Mexico and Central America are extremely overcrowded. In Mexico, they are 30% over capacity; in Honduras the figure is 86% and in El Salvador this reaches 256%.

In global comparative terms, incarceration rates in these countries are extremely high. In Mexico, 215 out of every 100,000 citizens are in prison, in Costa Rica 352, and in Belize 495. The global average is around 140.

While governments have made some moves to reduce overcrowding, their methods are a source of debate. The construction of two new prisons in Honduras, and the pardoning of certain inmates, for example, will provide short-term relief, but there is a risk that this could delay efforts to tackle the root causes of the problem.

Outdated justice.

Inflexible, outdated and inefficient judicial systems underlie high prison populations. In Mexico, harsh punishments for robbery and petty drug offences account for over 70% of prisoners. Meanwhile, in Central America, 'mano dura' (hardline) policies, penalising any involvement in gang activities, have put thousands in prison (see EL SALVADOR: Soaring violence prompts security rethink - May 11, 2015):

Since 2003, El Salvador's 'mano dura' policies have increased the incarceration rate from 130 per 100,000 to 432. Alternative punishments such as fines and reparations are virtually unknown.

Large proportions of those in Mexican and Central American prisons are actually awaiting trial. In Honduras, over 40% of inmates have yet to be tried.

How to pay for increasing incarceration rates is also a problem. While surveys indicate that support for incarceration is high, few citizens would increase taxes to offer prisoners more salubrious living conditions.

Lax security .

Prison budgets across the region are meagre. Although most money goes on wardens' wages, they are still poorly paid. As poorly incentivised guards supervise growing inmate populations, management becomes more challenging and a culture of corruption becomes increasingly entrenched among staff.

In Mexico, the government tries to limit outside access to its prisons. However, stories of luxurious suites for former traffickers, and access to arms, munitions, prostitutes and telecommunications occasionally trickle out.

As news broke of El Chapo's escape, a picture emerged of the lives led by cartel leaders imprisoned in Mexico. High-profile prisoners were allowed mobile phones, while telecommunications blockers were switched off

periodically, or simply did not work.

Rules stipulating the regular movement of prisoners were ignored, and guards were intimidated or bribed to look the other way while El Chapo constructed his high-tech escape tunnel (see MEXICO: Escape adds to credibility deficit - July 14, 2015).

Although few escapes rival that of El Chapo for impact, prison breaks are also relatively routine:

In 2009, 53 prisoners escaped a prison in Zacatecas.

In 2010, 85 left Reynosa prison via an emergency staircase, and 151 fled the Nuevo Laredo prison.

In 2011, 32 inmates escaped the Amatlan gaol.

In 2012, 131 walked out the front door of Piedras Negras prison.

US authorities have expressed concern about Mexican prison security, regularly calling for cartel leaders to be extradited. While Mexican authorities have often opposed this, high-profile escapes make resistance to extradition increasingly difficult.

Self-governance.

Across Mexico and Central America, traffickers and gangs, rather than staff, often run prisons, with crime continuing from within, and guards limiting their role to securing the perimeters.

Recent reports indicate that in El Salvador members of the Mara Salvatrucha and Barrio 18 gangs are even building their own prisons within the prisons to protect themselves from internal violence. That issue is not unique to El Salvador:

In Mexico in 2011, 200 prisoners rioted in Cancun, decapitating some inmates and shooting others.

The following year, 44 inmates were murdered at the maximum-security gaol of Apodaca near Monterrey.

Between 2010 and 2013, the Mexican government reported that 269 prison clashes led to the deaths of 569 inmates.

Private investment.

Proposals designed to solve the region's prison problems are regularly voiced. However, without substantial investment, a functioning judicial system, or a crackdown on corruption, they are relatively meaningless (see MEXICO: Doubts dog prospects for corruption crackdown - April 8, 2015).

Security experts, particularly from the United States, have suggested the construction of private institutions.

In Mexico, businessmen close to the government have started to invest, including telecoms billionaire Carlos Slim, who has put money into prisons in Morelos and Chiapas, and media tycoon Olegario Vazquez Rana, who now owns two gaols in Durango and Michoacan.

However, many fear prison privatisation offers little help. In the United States, financial incentives have aided the expansion of mass incarceration.

In July, the head of the Honduras prison system dismissed former New York Mayor Rudy Giuliani's advice to build more private prisons, claiming the measure would not improve the situation.

Corruption concerns.

Moreover, in Mexico, such fears are compounded by the background of the companies seeking to invest in the new industry.

These include the Grupo Financiero Interacciones, led by Carlos Hank Rhon, a former governor of Baja California with alleged connections to drug trafficking, and the building company Safie, reportedly linked to the Beltran Leyva cartel.

With corruption and organised criminal infiltration still rife across much of the region, improving prison systems will take much more than a cash injection.

CONCLUSION: Prison reform will remain a low priority for governments in the region, largely ignored in the face of tightened budgets and corruption scandals. While non-custodial punishments will become more common for petty crimes, serious criminals will continue to suffer in poor facilities, and dangerous individuals will learn from each other, honing their skills for a life of crime on the outside.

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Subject	Economic conditions; Politics; Social conditions & trends; Construction industry; Corruption; Crime; Government; Human rights; Investment policy; Courts; Police; Private sector; Reforms; Demonstrations & protests; National security; Welfare; Prisons
Location	Latin America, Caribbean area, Central America, Mexico, El Salvador, Honduras
Classification	9173: Latin America 1210: Politics & political behavior 4300: Law
Identifier / keyword	Latin America, Caribbean area, Central America, Mexico,

El Salvador, Honduras, Economic conditions, Politics, Social conditions & trends, Construction industry, Corruption, Crime, Government, Human rights, Investment policy, Courts, Police, Private sector, Reforms, Demonstrations & protests, National security, Welfare

Title	LATIN AMERICA: Lack of prison reform poses risks
Publication title	OxResearch Daily Brief Service
Pages	n/a
Publication year	2015
Publication date	Aug 31, 2015
Year	2015
Publisher	Oxford Analytica Ltd
Place of publication	Oxford
Country of publication	United Kingdom
Publication subject	Business And Economics
Source type	Reports
Language of publication	English
Document type	News
ProQuest document ID	1708169854
Document URL	http://libproxy.nps.edu/login?url=http://search.proquest.com/docview/1708169854?accountid=12702
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Last updated	2015-10-06
Database	ProQuest Central

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