This groundbreaking work examines Latin America’s prison crisis and the failure of mass incarceration policies. As crime rates rose over the past few decades, policy makers adopted incarceration as the primary response to public outcry. Yet, as the number of inmates increased, crime rates only continued to grow. Presenting new cross-national data based on extensive surveys of inmates throughout the region, this book explains the transformation of prisons from instruments of incapacitation, deterrence, and rehabilitation to drivers of violence and criminality. Bergman and Fondevila highlight the impacts of internal drug markets and the dramatic increase in the number of imprisoned women. Furthermore, they show how prisons are not isolated from society – they are sites of active criminal networks, with many inmates maintaining fluid criminal connections with the outside world. Rather than reducing crime, prisons have become an integral part of the crime problem in Latin America.

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Prisons and Crime in Latin America

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Preface: COVID-19 and Prisons in Latin America

As this book goes to print, we find ourselves in the midst of the coronavirus outbreak, having completed revisions to the manuscript before the pandemic started. As has occurred worldwide, the virus has hit the penitentiary systems in Latin America particularly hard. COVID-19 is ravaging prisons throughout the region, altering normal life within them. While it is impossible to predict what the final impact of the pandemic will be, there is no doubt that it will have a significant effect on the whole incarceration process.

In order to collect data on the scope of the initial impact of the pandemic, the authors of this book, together with a group of scholars, conducted an evaluation survey of eighteen Latin American penitentiary systems. Based on preliminary results, as of May 2020, 96 percent of the systems were found to have severely restricted visits, 90 percent of the education programs within prisons were suspended or restricted, and in 53 percent, work program were curtailed.

Most countries in the region have dozens of confirmed cases of inmates with COVID, while 60 percent of systems have registered COVID-related deaths, although it is believed that these figures are severely underreported. In our survey, only 25 percent of the systems reported having the capacity to separate and treat infected inmates. Given their limitations in meeting these challenges, 56 percent of the systems had witnessed some form of organized protest from inmates within the first month. There were riots in 55 percent of the facilities, during which deaths were reported in

1 See https://criminologialatam.wordpress.com/2020/06/12/efectos-del-covid-19-carceles-de-latino-america/
half of these. Although our survey registered eighty-two violent deaths, the real figures are probably much higher.

The pandemic has not only affected inmates but also prison guards and workers: More than half of the education and social service personnel have been prohibited from entering facilities; at least 30 percent of systems have reported a significant rise in absenteeism; 66 percent have reported infected personnel; and 22 percent have reported deaths among their personnel. These figures will most likely be much higher by the time this book is published.

In addition to the infection and death rates, COVID has severely impacted daily life in prisons already overwhelmed by a lack of space and resources. Protests and riots are most likely related to the restrictions on visits, given that, as will be shown in this book, families are instrumental in providing basic goods to the inmates. Severely cutting contact with the outside world has, at times, prompted violent reactions in Argentina, Mexico, Brazil, and Colombia, among other places.

The impact of COVID-19 on prison systems has generated debate on early prisoner release in order to alleviate pressure and overcrowding. The eligibility of candidates for conditional release, home detention, and other community correction measures has been discussed in most countries, concentrating mostly on inmates who committed minor offenses, are considered part of vulnerable populations (those over sixty or with health conditions), or are just a few months short of their official release date. Very few systems, however, have undertaken steps for the significant release of inmates, with average releases not surpassing 2 percent of the prison population in each country. Despite this low percentage, the limited discharge programs have sparked protests from people aggrieved by the releases. Even within the context of COVID, many social sectors have struggled to find alternatives to prison, even in cases where the crime committed was not serious, and to grant early release to prisoners with release dates only a few weeks or months away.

THE BIG PICTURE

An all-encompassing analysis of the effect of the pandemic will only be possible a few years down the line, long after the publication of this book. However, the unpredictability of the future offers the opportunity to examine several of the challenges this book addresses. Most importantly, we call for a reconsideration of mass incarceration in all eighteen countries of the region, arguing that it causes severe harm to inmates and staff,
as well as to normal life outside the correction walls. COVID provides additional proof of the fallacy this book unmasks: Prisons are not isolated or separated enclaves. The virus has not stopped at the entrance to prisons, and fluid contact with the outside world has turned prisons into hotbeds and disseminators of the virus.

It is also difficult to predict how the illegal goods and drugs markets within prisons will be affected. As the reader will discover in this book, narcotics as well as food, clothing, medicines, and basic goods are supplied from the outside, either by relatives or through smuggling schemes. The suspension of visits and exchanges for extended periods of time in order to minimize contact and reduce the impact of coronavirus, may trigger the development of new illegal supply venues and even more violence. COVID will not reduce inmate dependence on the outside.

Women, particularly young mothers, incarcerated for non-violent crimes are among those benefiting the most from the limited pre-release programs. Countries should perhaps re-look at the harsh sentences meted out to this group of felons and explore alternatives to prisons. The pandemic presents an opportunity to examine these policies.

Finally, growing criminality remains a likely scenario in the coming years, as the economic impact of the pandemic and rising poverty levels push many young people into drugs and crime. If this is indeed the case, the trends identified in this book, namely the high inmate rotation, the increase in drug and property crimes, and the large cohorts of inmates who recidivate upon release, will exert additional pressure on penitentiary systems already on the brink of collapse. Will countries reverse incarceration trends in the midst of the likely rising criminality scenario?

Several imprisonment trends may be revised in the upcoming years. It is hard to predict whether COVID-19 will be a “game changer” in the Latin American mass incarceration process, or whether it will be an “accelerator” of current incarceration tendencies. Regardless of the direction triggered by the crisis, it will certainly have a long-lasting impact on prisons and crime in the region. The following pages provide analytical tools with which to examine Latin American prisons and the challenges they will face in the future.
Acknowledgments

The research for this book began eighteen years ago, when the initial trends of Latin American mass incarceration began to be noticed. By launching the first inmate survey in 2002, in Mexico, we began a long journey over fifteen years conducting twenty surveys in eight countries of Latin America as well as six countries in the Caribbean. Hundreds of people and dozens of offices and organizations have helped us to carry them out. It will be impossible to name them all here yet they are listed in the country reports we produced for each survey. To government authorities in Mexico, El Salvador, Honduras, Cost Rica, Peru, Brazil (State of Sao Paulo), Argentina, Peru, and Chile that authorized and helped us to conduct these studies, as well as to wardens, security guards, prison priests, and especially to the 14,000 anonymous inmates who agreed to participate in these surveys, we want to express our deep gratitude.

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