

Thoughts on prison system and increases in crime: The Ecuadorian Case¹

Reflexiones sobre el sistema penitenciario y el aumento de la delincuencia: El Caso Ecuatoriano

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ABSTRACT: The transformation undergone by individuals who are part of a prison system is from freedom to illegality; it is a system that not only compromises freedom but ignores rights and guarantees thanks to the prevailing corruption in a society that rebuilds life behind bars. Second chances are sought, and reality is accepted through the pacifist route, or one finishes destroying one's life, thinking that everything is already lost. There is a fear of repression or one toy with the illusion of leaving early and doing things well. The relationship that behaviour, corruption, drugs, and mafias share in the success or decline of a prison system that seeks to reintegrate people into society who do not feel prepared or perhaps do not want to reintegrate is observed. All this is linked to a precarious and inefficient education system, lack of psychological support, and prison work that condemns whoever learns to be a lifelong labourer. Thus, it aggravates one of the phenomenon's primary

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problems: a view of authority figures, or those who remain at a higher hierarchical level, with rancour and enmity.

KEYWORDS: prisons, crime, penal sanctions, crime prevention.

RESUMEN: El estatuto de las personas que son objeto de atención por parte de un sistema penitenciario no sólo tienen comprometida su libertad, sino que en ocasiones se encuentran vulnerados sus derechos y garantías. A partir de lo expuesto, y con base en los trabajos de algunos autores ecuatorianos, como Zambrano Pasquel o Argüello, se realiza una reflexión del contexto de los encarcelados en nuestro país (estructurado a modo de miscelánea). Así, se describe la relación entre diversas conductas, y factores como la corrupción, las drogas y las mafias en el éxito o declive del sistema penitenciario (que persigue la reinserción de las personas). Por otra parte, se explora preliminarmente la influencia del sistema de educación, y otros aspectos tales como la falta de apoyo psicológico y las consecuencias del trabajo penitenciario.

PALABRAS CLAVE: Establecimiento penitenciario, criminalidad, sanciones penales, prevención del crimen.

JEL CODE: K10, K14.

INTRODUCTION

The penitentiary system involves several elements for its composition. These can reflexively show similarity with the government structure itself since they consist of a human element (guards, authorities, and prison population), a territorial element (all social rehabilitation centres are located in physical space), and respect and recognition for subjective decisions--which in a State is expressed through sovereignty.

Thus, a reflection would allow prisons to be analyzed as sub-countries: as sub-states that handle their own rules and obey

their authorities. They have a type of exit-only visa, which is not always sufficient to reenter a society that continued its course during the time that prisoners remained socially immobilized. At times, little by little take away the prisoner's desire to favour the same society and leads to drugs and problems.

The basis for the reflective research work offered comes from various legal academic contributions that contain inputs in the form of interviews and surveys of the Ecuadorian prison system. Although similar bibliography has also been consulted in other countries, such as Spain and Argentina, the basis for this critical review is located on several studies by Santiago R. Argüello, a researcher on prison policy from the human rights perspective who also has a relevant professional career in the Prosecutor's Office. Also used were investigations by the renowned Guayaquil criminal lawyer Alfonso Zambrano Pasquel, who has directed several studies on prisons in Ecuador, with data obtained from interviews and direct personal contact. The prisoners' opinions and the climate of the penitentiary centres that underlie the criminal policy analysis provided herein will not be quoted in detail but somewhat abstracted from their judgments.

1. FROM FREEDOM TO INCARCERATION: FACTORS THAT PUT AN END TO FREEDOM

It is easy to think of current activities and situations that limit people's freedom. The democratic constitutional State does not usually tolerate any public intervention in that freedom, other than those corresponding to existing criminal laws' transgressions. To complete this statement, we must remember that actions classified as illegal, although having immediate consequences, do not *per se* imply a sentence or a direct deprivation of the person's freedom. Neither is it the case that those who pay are always guilty or responsible for the infraction. Some are only in the wrong place and at the wrong

time. It should also be noted that, within Ecuadorian social rehabilitation centres, there are still those sentenced to the court: drug addicts, recidivists of minor crimes, and even the mentally ill. For one reason or another, these are people who cannot reintegrate into society either by choice or condition.

These behaviours are associated with need: that is, inequitable access to wealth and a lack of employment, which in turn leads to an illegal way of acquiring income. One may even think that a criminal is a victim of a system that leaves them disaffected and disadvantaged, “but the disproportion in wealth distribution is a criminogenic factor, which must be ascertained to understand if, in countries that increase their economic prosperity, social justice also increases” (Zambrano, 2009, p. 13). It is not always the case: if economic prosperity does not go hand in hand with education and a culture of values, the society condemns itself to continue suffering injustices and tolerating social inequalities.

Professor Luis Rodríguez Manzanera reminds us that the environment alone is not capable of producing crime. Instead, Rodríguez (n. d.) qualifies the environment as an accomplice and the criminal as the microbe that will develop and evolve in the breeding ground. He also states that the environment includes work, police, vagrancy, begging, and urban planning (cited by Zambrano, 2009, p. 16).

To these two elements, on which we will reflect next, two more must be added: the lack of education and the free consumption of drugs.

All the mentioned elements form a seed of evil that complements itself. Labour activities must be started from an early age, and this has a terrible impact on the children, who must engage in activities that are restricted for others, such as street cigarette sales, whose purchase by minors is prohibited.

For adults, the increase in underemployment as a measure to combat unemployment is ineffective. Those who carry out this type of activity risk the dangers of the street, hostility from those already involved in crime, the disinterest of many, and the desperation of seeing their need to maintain and feed a family go unmet (INEC, 2019, pp. 6-10).

This desperation leads projects to be undertaken in places that are prohibited and without permission, thus invoking the second element's intervention: the police. In this role, the police perform a job directly dependent on the authorities' instructions to comply with and enforce laws (at least in theory). However, the effect is that social resentment is created or aggravated. Later this will strengthen and worsen, and authority and its agents are generally viewed as an enemy acting abusively and unfairly against those who seek to harm no one. It could be classified as a critical criminogenic element that will later make up the criminal's psychological profile.

For Zambrano (2009), vagrancy and begging go hand in hand, and while genetic or even psychopathological factors may determine them, they begin as parasocial or asocial activities and end up turning into antisocial practices (p. 257-269). This element -authority- undergoes an unfortunate evolution. Begging involves asking for money from passersby, various acts at traffic light stops, such as windshield-cleaning service, or displaying handicaps to cause pity. These activities are thus integrated by various young people, which sometimes culminates in criminal gangs.

The formation of gangs is not bad in and of itself. The problem is triggered when the feeling of belonging to the group overrides any other social norm. In some cases, gangs become another person to defend, even on the coast of other lives. In Ecuador, the "Latin Kings" and the "Vatos Locos" clash violently and cause numerous deaths. If analyzed, these struggles are not

only due to identity and certain patriotic feelings. Instead, in their world, whoever is positioned over the other gangs gains fame and respect; and, still more pernicious, gains the interest of drug traffickers and organized crime to be hired as a militia--granting them power, weapons, and money. This, in turn, causes young people who are not aware of where they are getting into to be seduced. Such was the case of the Nicaraguan gang MC13.

The third element considered is the “urbanism paradox”, defined as consisting of two parts: migration and precariousness, as understood by the author who guides us, Rodríguez Manzanero (Zambrano, 2009, p. 16). Migration implies an imbalance because those who move in search of better opportunities contribute to overpopulation in the destination territory and leave a demographic gap in the territory from which they come. These actions have serious consequences: overcrowding in shelters, debts with the so-called chicks, invasions of constructions, and indigence. Since the border was opened in Ecuador’s case, the migration of Colombians and Venezuelans has increased the crime problem. This is mainly because criminal records are not reviewed and because it is a large group in a situation of extreme precariousness, fleeing from hunger, poverty, and, in the Venezuelan case, political repression. In Ecuador, this causes mixed feelings of fear and social rejection.

Along with these three elements, the lack of education--which limits opportunities for progress-- should not be ignored. Children and young people who are not in school will be in the streets. There is a higher risk of falling into criminal networks in this scenario and ending up devoured by the prison system. Children are easy targets for such activities. It is sometimes even conscientiously: as in the case of drug traffickers who began their criminal life in childhood when, in search of a better life, they saw that life outside the law paid very well.

Drug intake does not correspond solely to the consumption of marijuana or cocaine. The sale of alcohol and cigarettes to minors lacking a stable home or recreational activities facilitates their early introduction to these practices. This element is related to property-related crimes, whether to consume or sell or exchange. Changes then gradually occur in the type of drugs consumed and crimes committed to obtaining resources to get hold of those drugs. This is an important factor preventing a prisoner's reinsertion unless it is by their own will.

Another factor that causes coexistence to be broken is the alterations suffered by people with mental illnesses. Technically their acts cannot be qualified as crimes because the authors are imputable due to their mental condition. Their condition poses problems that society does not always know how to resolve. Foucault (1976, pp. 110-287) studied how those suffering from illnesses and causing problems were kept. In Ecuador, psychiatric centres have assumed this task, such as the "Lorenzo Ponce" hospital in Guayaquil and Quito's mental asylum.

However, there are many cases of criminals in which their lack of imputability created situations with significant social impact. This happened with Pedro Alonso López, "The Monster of the Andes," who was extradited from the penitentiary to a psychiatric centre, only to go free after four years based on his presumed recovery. He went on to continue committing crimes until he was once again imprisoned (Jácome, 2005, p. 76-78). Social rehabilitation starts with the idea that a person who has broken the laws of social coexistence must comply with a time of separation and return to society renewed and with new horizons. The social problem is dangerous when there are prisoners who know no life other than prison, to the point that, while they could regain their freedom, it is no longer of interest to them.

Theoretically, only the courts, following a procedure, can legally incarcerate someone. Several factors, such as those that we have already seen, are not only criminogenic but also create an apparent awareness of uprooting. This seems to encourage dangerous feelings of abandonment, having nothing to lose and much to gain, or social resentment. While it is understood that *people deprived of liberty* (PDL) begin said condition when they enter prison, they often have a self-understanding of not having enjoyed freedom beforehand.

2. PRISON: AN ISOLATED REALITY

We must situate the prison in the formation of this surveillance society. The modern penitentiary system no longer claims that it punishes crimes: it seeks to readjust delinquents. Under the knowledge of men and the humanity of punishments lies inevitable disciplinary domination of bodies, a mixed form of submission and objectification, a “power-knowledge”. (Foucault, 1976, p. 236)

A little more than a century and a half ago, the first Ecuadorian social rehabilitation centre for men was founded in Quito. It was named “García Moreno” Prison in honour of its founder, who established it as part of the modernizing policies he undertook during his presidency. From then until 2014, its cells lodged thousands of people. Nevertheless, at last, the precarious situation led to a state of emergency that forced its doors to be definitively closed. As a replacement, a new project was designed with a social rehabilitation centre in the country, located on the outskirts of Latacunga, a maximum-security prison in Guayaquil, and, territorially distinct, the Southern District Center located in Turi. It was done with the idea of redistributing the prisoners and rebuilding a system that remained rotten until a decade ago.

The relocation of the prison population was significant for several reasons: the abandonment prisoners experience when it becomes difficult for their relatives to access the new prisons, far from towns and cities. Furthermore:

The new punitive regime had a profound impact on the female support networks of the criminalised population. It contributed to the neoliberal dynamics of the reproduction of crime through the legal punishment of women mothers identified as offenders and the extra-legal criminalisation of women heads of extended families who, among other members, take care of prisoners. Before and after this period of government, women confronted adversity in concrete ways: in a binding, immediate, adaptive, and creative way. A collective social movement, multiple, as resistant as it is silent, must be recognised to build a public sphere that is authentically antagonistic to patriarchal capitalism. (Aguirre et al., 2020, p. 106)

It represents an additional expense, and the psychological impact on the convict, which is left with hardly any contacts other than fellow prisoners in the centre and the violence experienced there. The prisoners' psychological consequences are that they begin to believe that they are losing what little he had left, that the struggle to leave is useless, and that he has nowhere to go. A former convict confessed that this situation leads to bad decisions and diminishes the desire for repentance and to do things right (Moreno and Bueno-Guerra, 2018, p. 2).

Along with abandonment, there is another problem of a more social nature. This is that prisoners become isolated from reality. In other words, moving the prisoners to the city outskirts - in the cases of Turi, Latacunga, Guayaquil, and many others - to avoid tragedies if the system fails is achieved at a

very high cost. This cost is related to reintegration due to the difficulty implied by spending time disconnected from reality. Once they have completed their sentence, what prisoners find is a reality hostilely foreign to their memory, their knowledge, and consciousness, which creates frustration and even fear. (Manzanos, 1998, p. 64-70)

The purpose of these new prisons' construction and operation is to restructure the precarious penitentiary system and eliminate corruption. Indeed, this is a difficult task without proper guidance. Besides, we must not forget that this system is maintained based on a discipline regime: necessary, in principle, but, in practice, this system often fuels a sense of rejection of authority and order. This situation is propitiated by coercive methods, mediated by fear and conditioning, to which the correctional officers are no strangers. Prohibited acts thus occur, as evidenced in audiovisual materials and testimonies from prisoners in the Turi Prison.

Quinatoa (2017) mentioned:

In the field of rehabilitation, programs aim to reduce recidivism by adopting effective social reintegration mechanisms. Initiatives, properly designed and implemented, can provide stability and order within prisons. (p. 126)

Prisons are thought of and conceived as power structures that traditionally surpass or ignore the existence of human rights. Education and work have been proposed to remedy this reality and distract the prisoner from their confinement while learning technical activities or completing studies for personal satisfaction and fulfillment. Thanks to these voluntary recreational activities offered to the prisoners, the prisoner feels motivated to regenerate and escape the violence and corruption inside the rehabilitation centres. In

the following, we will see what these activities consist of and consider whether their operation is correct; or if opportunities must still be earned through corruption and abuse of authority by correctional officers.

2.1. Work and Education in the Prison

Although work has been assigned to prisoners since the penitentiary paradigm changed from punishment to confinement, for Sancha Mata and García García (1987), prison work is organized with a correctional focus. However, in penitentiary centres, the commercial purpose was added to the aspiration for reform. In our country, this practice has undergone several changes over time. However, between evolutions and involutions, the concept of work seems to be related to corruption. This can be assumed when analyzing the life of prisoners in the old García Moreno Prison. Their testimonies show that there was preferential treatment, in connection with bribes, and quotas facilitated the prisoners' profitable activities, among other things.

All work carried out was affected, even if they were illicit activities. The guards, according to these testimonies, tolerated or prevented prisoners' actions through payments. These activities ranged from selling handicrafts and groceries to hired killers, drug trafficking, and extortion. Every effort could be compensated. There were even those who relied on the economic activities carried out inside prison for subsistence. For example, the old Prison store manager stated that with what he sold, he was able to support his family and educate his children. Some sold fabric-covered pens for a dollar. Prisoners received twenty-five cents of this and had to pay ten cents more for items such as taxes; the rest went to the prison. The same happened with paintings and any other craft sold (Vásconez, 2006, pp. 5-21).

Concerning illicit activities, bribery of authorities was essential to bring in the forbidden objects. Thus, prisoners could carry out smuggling and micro-trafficking in a system whose lack of authority and grand operating corruption prevented the effective control of illicit activities. Therefore, until 2013 it was the mafias that effectively controlled the prisons. (“Cárceles inseguras, están dominadas por mafias que extorsionan”, 2013) According to the prisoners consulted, it was these criminal groups who placed the custodians and guards. The so-called caporals were prisoners who received support from the mafias to keep the established order, collect money from the different quotas, and even recruit individuals to boost criminal organizations’ ranks.

Alvarado (2019) established:

The immense transnational strategy shows the articulation between criminal businessmen and corrupt politicians, who arrange large public works for corporate and personal profit. They captured governments to monopolise the business. It is a form of unarmed organised criminal activity. (p. 23)

Thus, it might seem that doing time within a prison was a job. The prison society, which includes the prisoners, also has educational regimes. These are academic, for those who wish to complete their primary or high school studies; and trade-focused, for those wishing to learn something that not only helps them to pass the time within the centre, but also to earn money, feel useful, and give something back to the society of which they had taken advantage. For prisoners to feel accepted in the existing spheres of power, some collaborate with haircuts for their companions.

The trades taught in Ecuadorian prisons—including carpentry, hairdressing, baking, painting, music, and theatre—

usually require materials that do not exist within the centre. According to prisoners, each person must obtain them from close friends or relatives. And this is not only for work but also for donations to the centre. The case of prisoners who offered their testimony referred specifically to painting. Those individuals were required to bring a box of oil paintings, a canvas, a set of brushes, an easel, and a litre of oil. Also, they were required for an additional set of each tool for prison use; if his works found a buyer, they would be sold under the Prison name. The author would receive nothing more than twenty percent, while the centre would be left with eighty. In this way, these imprisoned artists' authorship is hidden; they were not allowed to sign their works behind bars. (Redacción Justicia, 2015)

Concerning higher education, prisoners who have academic conditions and the resources to pursue a university degree can choose to do so by distance. The centre must offer facilities for those who wish to excel in this or other ways.

2.2. Circulation inside the prison

The discipline that should be maintained within Ecuadorian prison centers means that objects of everyday legal use outside are strictly prohibited within. However, if there is one thing that persists as a dangerous criminal activity, it is contraband: this is the motor and basis for all other internal criminal activities, such as drug trafficking and extortion. Contraband is well-known and even promoted by the correctional officers, who receive specific fees for bringing in and delivering prohibited objects to prisoners. Without any control and in open contradiction with regulation, these guards are the primary and worst smugglers. They are unaware of their actions' effects, which, beyond formal illegality, cause fights and deaths. However, they consider it appropriate to receive illegitimate money as payback for their dangerous work in their mindset (UNODC, 2012, p. 13).

2.3. What objects are usually smuggled?

In a broad or generic sense, drugs include alcohol, tobacco, cocaine, heroin, and other hard drugs. A case taken at random among a series of interviews with ex-offenders is surprising: on one occasion (not incredibly strange), an ex-offender bought a 30-dollar bottle of whiskey from a guard for 160. This was to culminate a celebration that had lasted five days, smoking marijuana, acquired from “sorcerers,” and drinking cane liquor obtained from the prison shopkeeper, plus the tobacco bought in the same store. According to the testimony, the drug dealers coordinated with the guards to pass the substances and sell them inside the prison. This rotund business was also used to entangle minor offenders in massive crimes, such as murder, as punishment for failure to pay debts (Rincón Moreno, et al., 2008, p. 46).

Drugs are easy to obtain. For 1 or 2 dollars or higher prices, depending on the type of narcotic, it is possible to get hold of small amounts of marijuana, cocaine, base, bazuco, heroin, and even H. The circulation of these substances within the centres is crucial since the uncontrollable dependence created by consumption renders prisoners unable to protect themselves from manipulation. There is no system to distinguish addicts from non-addicts. It could be considered that the initial error consists of trying to solve a problem of sociological origin with legal and punitive action. It aggravates prisoners’ condition and the illusion of freedom in the indiscriminate consumption of psychotropic substances. (Rincón Moreno, et al., 2008, p. 45).

Cellphones. There are no outlets or switches in the new penitentiary centres since electronic devices such as televisions, computers, and cell phones for personal use are prohibited. It is not a rule that is followed, however. One way or another, prisoners get cell phones to talk to their relatives and their lawyers; or, frequently, to organize and direct criminal

activities, such as hired killers and drug trafficking. A 200 or 250-dollar cellphone price can be ten times more or even up to \$5,000 inside the prison. These objects thus become precious goods among prisoners. Most strikingly, they make it possible to communicate with prisoners in other social rehabilitation centres.

There is frequent communication between prisoners from different prisons. When a new prisoner enters the centre, the rest of the prison population is already aware, demonstrating the robust network of corruption and crime that transcends the bars. This includes all the consequences, positive or negative: whoever was protected from certain prisoners or groups will be safe in the jail to which he is transferred. On the other hand, prisoners who bring problems will have their days numbered no matter how often they change location. All this is handled through phone communication.

Moreover, Gil (2019) said:

If it is difficult to “hate the sin and love the sinner”, it is equally difficult to tolerate some offenders and not others. For this to be possible, the average citizen would have to invest some of his or her time in the detailed reflection that distinguishes not only between types of crime but also between each case of offence, taking into account the circumstances that qualify the facts, the interplay of mitigating and aggravating factors. (p. 19)

Another “advantage” of the cellular is the possibility of planning escapes. The prohibition of cell phones in the hands of prisoners results from the latter. As we have seen, however, smuggling (protected or encouraged by criminal guards) circumvents these prohibitions.

Weapons are likewise smuggled. Drugs are a motive, cell phones are how everything is planned, and weapons are the tool to consummate illegal acts. These tools are varied and unique. They range from forks stolen from dining rooms or shaving razors to actual knives and revolvers hidden in coves behind the walls or on cell floors. This depends on the pavilion type or the class of the prisoner. The quality and type of weapons existing in a pavilion were thus very different. In the area's housing, the most privileged prisoners were housed. Some came to have weapons and a "guard service," provided by the prison hitmen. Other prisoners had the means barely to obtain anything beyond commonly used utensils, which were adapted as weapons (Losa, 2017).

3. POST PRISON

For Foucault (1976, p. 114-115), prisoners immersed in solitude reflect criminal actions and punishment. Only living the sanctions for their crime prisoners learn to hate them. If their soul is not yet ravaged by evil, remorse will come to assault them while in isolation. The criminal's re-adaptation is not requested under the exercise of common law; but rather by the individual's relationship with his conscience and with that which can illuminate them from within (UNODC, 2013, p. 43).

A sentence of fifteen or twenty-five years is a significant blow to a person. If not able to focus correctly, the person can be drawn to adverse decisions.

In their testimonies, prisoners have recognized that good therapy is the first thing they needed. The first help that someone condemned to prison should receive allows them to accept their reality best to strengthen their structure and remember that all is not lost. Although the years may seem endless, productive activities, visits from loved ones, and constant psychological support can help reform the prisoner's

personality which is continuously emphasized by modern criminal law: achieving reintegration, rather than an ongoing sense of resentment and revenge.

3.1. Rehabilitation or Reaffirmation?

In criminal policy, the foundation of prisons' existence is social rehabilitation; their success cannot always be affirmed. In prison, corruption and violence discourage prisoners and create constant mistrust, which causes an almost hostile living environment. At times, prisoners cannot even relax for fear of revenge, paybacks, and murders committed within the prison. These occur insight of and sometimes with the authorities' impassivity, who, for a small sum, are often willing to look the other way. The actions and decisions taken by prison authorities at times force us to reflect if they are qualified for this task; or perhaps necessary to restructure the system with a new, more qualified staff who are honest and aware of the social and personal gravity duties (Moreno Torres, 2019, pp. 148-147).

The ex-prisoner's ability to return and adapt to society depends entirely on the prisoner and the reasons they find out. Many of them wind up convinced of their abandonment and, in the end, have no interest in leaving these four walls. They do not feel that they lost their freedom. They have no interest in that category of rights and liberties, as they have nowhere to go. They do not know anyone, nor do they know how things are on the outside. They thus prefer life in this hostile environment: the only environment they know and, apparently, the only one in which they can survive. There are testimonies from prisoners who say that their family vanishes when they go into prison. If they stay with them, their wives are unable to deal with more than three years of separation.

This progressive abandonment leads prisoners to become entangled with drug trafficking networks and other

connected crimes, such as extortion and contraband. This allows him to feel useful once again. The money obtained also allows for the consumption of drugs that provide an escape from reality. A vicious circle thus begins that leads young people who make a mistake into an absolute debacle. The path towards disaster begins with simple jobs: alert services, small-scale theft, and, finally, murders and extortion. This may end up in a whole school of crime. Making a name for the prisoners who will then be recruited by the mafias, drug traffickers, and caporales for different purposes, none of which are lawful. These activities place people in a world where it is complicated to leave without the express will do so and without genuine opportunities for another way of life (Romero Miranda, 2019, pp. 48-50).

Reaffirmation and reinsertion lie in the prisoner's will, self-esteem and habits. While they claim that the prison is an actual school of crime is not far from reality—since, in effect, it brings together all types of infractors in a single space, allowing for a dangerous symbiosis—it is the prisoner who decides which path to take and which destiny to forge. Inside, whoever offers an opportunity may also be the one to vanish whenever the utility or benefit ceases to exist. On the other hand, prisoners who learn to perform a trade, abstain from drug use, and strive—without moving away from or resenting society—to assume their wrongs, while aware of their dependence on a rotten system, can overcome the violence they confront every day and leave with hope.

3.2. Reintegration of Prisoners in Society

To motivate reintegration into society and to alleviate the shortcomings of prison authorities and guards, a few filtering and evaluation mechanisms were instituted. One was the so-called “House of Trust.” This was a kind of antechamber to society, in which prisoners about to complete their sentences

had a controlled approach that was closest to the external reality. The aim was for the individual to do work and make purchases. Behaviours were evaluated to understand the prisoner's degree of adaptation. The usefulness was only as statistical data, however. Regardless of the prisoner's response, he was nonetheless released.

Those who cannot adapt to social life become repeat offenders since they do not find the interest or desire to leave the penitentiary. They feel unable to rehabilitate themselves. They think that they no longer have opportunities in a society that has moved on, so they prefer to remain ignorant. Lacking friends and family, home, and employment opportunities, they come to see their only exit as committing a crime to stay in the only environment they know in prison.

The social isolation experienced by prisoners impacts them so we can say that the proper punishment for a person deprived of liberty is not only to fulfill their sentence behind bars; instead, it begins now reentering society after so much time away. Only the consolation of religion remains. It is rapists who most seek out God. Nevertheless, there are also desperate situations; many convicted of rape are not, in fact, guilty. The criminal and judicial structure itself is what operated against these offenders of crimes they did not commit: a fight with a partner who, opportunely advised by others, initiated a process from which it was impossible to retract. The State's threat of prosecuting the reporter of rape, for mocking justice, ends in a long sentence, embittered by injustice (Vázquez Martínez & Bazán Mayagoitia, 2019, pp. 106-111).

CONCLUSIONS

There is an atmosphere of violence in detention centres, and both prisoners and custodians cause it. Also, there are specific environments of camaraderie.

However, drug trafficking inside the prison negatively conditions the social reintegration of addicts to drugs. Prisoners do not receive adequate treatment and thus continue to move deeper into criminal activities: they can rob, kill and prostitute themselves to obtain drugs, which is their only means of forgetting their reality and, in cases of addiction, combating withdrawal syndromes.

Until the new penitentiary plan, there was no distinction between the prisoners' crimes, behaviour, or aggressiveness. In this way, the entire center's security was affected. Cells for all types of crimes are shared, whether against the Public Treasury, against life, or private property.

The lack of education reduces opportunities for people to perform lawful activities when they leave prison or opt for self-improvement. It motivates criminal activities. Also, it prevents them from visualizing the real impact of their actions, and an environment conducive to crime is formed. It is offered as a response to coercion and the consequent perspective of authority as an enemy.

Violence is daily inside prisons. It is part of the center's shared culture, although it allows for a gradation. Violence by guards is especially severe because they rely on their authority, and control over everything, and, even in the opinion of former convicts, they present themselves above everyone else and violate prisoners' rights. The caporales, the most respected prisoners and representatives of the prison community, exercise repressive violence to maintain their power over prisoners. Finally, there are continuous fights over the most varied issues among the common criminals, killing for hire, and the extortion requested by the other groups mentioned.

Drug trafficking and extortion exist and operate within prison centers. However, they occur differently in each space.

For example, in pretrial detention centres, extortion is the most popular business since there is money there. For a loan of 1 or 2 dollars between prisoners, a quota of up to 50 to 70 dollars can be charged. Drug trafficking occurs more easily inside the jails since that is where it is possible to draw in the prisoners so that, unable to pay their debts, he “works” at the creditor’s orders, carrying out murders or robberies.

Now of reinsertion, the house of trust is instituted to ease into life on the outside. At least tendentially, the teaching received in workshops and the opportunities to pursue a university career are also facilitated. Without a doubt, this opens various doors. Today, prisoners can even carry out entrepreneurship projects inside the center and continue these as challenging and remunerated jobs once they are freed. Together with the social participation in prison work, this is an excellent opportunity to find new meaning in society and a dignified way of living, away from crime, drugs, and penitentiary centres.

REFERENCES

- Aguirre, A., León, T. and Ribadeneira, N. (2020). Sistema penitenciario y población penalizada durante la Revolución Ciudadana (2007-2017). *URVIO. Revista Latinoamericana de Estudios de Seguridad*, (27), pp. 94-110. doi.org/10.17141/urvio.27.2020.4303
- Alós de Moner, R., Martín Artiles, A., Miguélez Lobo, F. and Gibert Badía, F. (2009). ¿Sirve el trabajo penitenciario para la reinserción? Un estudio a partir de las opiniones de los presos de las cárceles de Cataluña. *Revista Española de Investigaciones Sociológicas (REIS)*, 127 (1).
- Alvarado, A. (2019). Organizaciones criminales en América Latina: una discusión conceptual y un marco comparativo para su reinterpretación. *Revista Brasileira de Sociologia*, 7 (17), pp. 11-32.

- Baratta, A. (2006). *Criminología y sistema penal*. (Compilación in memoriam). Buenos Aires: Euros Editores S.R.L. Retrieved from: <https://colectivociajpp.files.wordpress.com/2012/08/criminologc3ada-y-sistema-penal-baratta.pdf>
- Cabrera Forneiro, J. (2005). Nuevas drogas, juventud y prisión. *Revista de estudios de juventud*, (69).
- El Universo. (24th March, 2013). Cárceles inseguras, están dominadas por mafias que extorsionan *El Universo*. Retrieved from: <https://www.eluniverso.com/2013/03/24/1/1422/carceles-inseguras-estan-dominadas-mafias-extorsionan.html>
- Castillo, M. (2017). *Miedo, control social y política criminal*. Madrid: Dykinson S. L.
- Cuesta Arzamendi, J. L. (1982). *El trabajo penitenciario resocializador*. Caja de Ahorros y Provincial de Guipúzcoa.
- Foucault, M. (1976). *Vigilar y castigar*. Paris: Editions Gallimard. Retrieved from: <https://www.ivanillich.org.mx/Foucault-Castigar.pdf>
- Giacomello, C. (2013). *Género, drogas y prisión: experiencias de mujeres privadas de su libertad en México*. México: Tirant Lo Blanch.
- Gil Villa, F. (2019). La función social punitiva en Iberoamérica. Circunstancias globales y locales. *URVIO Revista Latinoamericana de Estudios de Seguridad*, (24), pp. 10-25. <https://doi.org/10.17141/urvio.24.2019.3762>
- Hulsman, L. and Bernat de Celis, J. (1984). *Sistema penal y seguridad ciudadana, hacia una alternativa*. Barcelona: Editorial Ariel.

- INEC. (2019). *Boletín técnico N°02-2019-ENEMDU*. Retrieved from: https://www.ecuadorencifras.gob.ec/documentos/web-inec/EMPLEO/2019/Marzo/Boletin_mar2019.pdf
- Jácome, A. I. (2005). *El Monstruo de los Andes: Aproximación Psicoanalítica a un caso de asesino en serie*. (Trabajo de Titulación). Pontificia Universidad Católica del Ecuador: Quito, Ecuador.
- Losa, G. (16th September, 2017). Ingreso de celulares a cárceles, un negocio que se vale hasta de niños. *El Observador*. Retrieved from: <https://www.elobservador.com.uy/nota/ingreso-de-celulares-a-carceles-un-negocio-que-se-vale-hasta-de-ninos-2017916500>
- Manzanos Bilbao, C. (1998). Salir de Prisión: La otra condena. *Revista de Servicios Sociales*, 35, pp. 64-70.
- Moreno Torres, A. I. (2019). El delito como castigo: las cárceles colombianas. *URVIO, Revista Latinoamericana de Estudios de Seguridad*, (24), pp. 134-149. Retrieved from: <https://revistas.flacsoandes.edu.ec/urvio/issue/download/171/210>
- Moreno, C. and Guerra, N. (2018). Consecuencias Psicológicas del Encarcelamiento de Larga Duración y Propuestas de Mejora. *Conference: XI Congreso (Inter)Nacional de Psicología Jurídica y Forense, At Granada*. Retrieved from: https://www.researchgate.net/publication/326649827_CONSECUENCIAS_PSICOLOGICAS_DEL_ENCARCELAMIENTO_DE_LARGA_DURACION_Y_PROPUUESTAS_DE_MEJORA

- Oficina de las Naciones Unidas Contra la Droga y el Delito. (2012). *Delincuencia Organizada Transnacional en Centroamérica y el Caribe: Una Evaluación de las Amenazas*. Viena: ONODC. Retrieved from: <https://www.acnur.org/fileadmin/Documentos/Publicaciones/2016/10436.pdf?view=1>
- Oficina de las Naciones Unidas Contra la Droga y el Delito. (2013). *Prevención de la Reincidencia y la Reintegración Social de Delincuentes*. Nueva York: UNODC. Retrieved from: https://www.unodc.org/documents/justice-and-prison-reform/UNODC_SocialReintegration_ESP_LR_final_online_version.pdf
- Quinatoa Tacuri, G. E. (2017). Análisis económico de la política penitenciaria - Propuesta de sistema penitenciario privado. *Revista Facultad De Jurisprudencia*, 1 (2). <https://doi.org/10.26807/rfj.v1i2.21>
- Redacción Justicia. (27th October, 2015). Privados de la libertad encuentran en el arte una forma de ser libres. *El Telégrafo*. Retrieved from: <https://www.eltelegrafo.com.ec/noticias/judicial/12/privados-de-la-libertad-encuentran-en-el-arte-una-forma-de-ser-libres>
- Rincón Moreno, S., Vera Remartínez, E., García Guerrero, J. and Planelles Ramos, M. V. (2008). Consumo de drogas al ingreso en prisión: comparación entre población española y extranjera. *Revista Española de Sanidad Penitenciaria*, 10(2).
- Romero Miranda, A. (2019). Prisionización: estructura y dinámica del fenómeno en cárceles estatales del sistema penal chileno. URVIO, *Revista Latinoamericana de Estudios de Seguridad*, (24), (pp. 42-58). Retrieved from: <https://revistas.flacsoandes.edu.ec/urvio/issue/download/171/210>

- Sancha Mata, V. and García García, J. (1987). Tratamiento Psicológico-Penitenciario. *Papeles del Psicólogo*, 30. Retrieved from: <http://www.papelesdelpsicologo.es/resumen?pii=325>
- Vásconez, A. (2006). *Proyecto: Diagnóstico del Sistema Penitenciario. Cárcel, Mujeres y sobrevivencia*. Ecuador: FLACSO. Retrieved from: http://www.flacso.org.ec/docs/carcelmujeres_avasconez.pdf
- Vázquez Martínez, A. E. and Bazán Mayagoitia, N. D. (2019). Justicia restaurativa y reintegración social: retos procedimentales y estructurales. *URVIO, Revista Latinoamericana de Estudios de Seguridad*, (24), pp. 98-113. Retrieved from: <https://revistas.flacsoandes.edu.ec/urvio/issue/download/171/210>
- Vives Antón, T. (1996). *Fundamentos del sistema penal*. Tirant lo Blanch.
- Zaffaroni, E. (2015). La filosofía del sistema penitenciario en el mundo contemporáneo. *Revista Themis*, 35, pp. 179-191. Retrieved from: <https://dialnet.unirioja.es/descarga/articulo/5109535.pdf>
- Zambrano Pasquel A. (1994). *Cárcel y drogas*. Guayaquil: Edino.
- Zambrano Pasquel, A. (2009). *Política Criminal*. Lima: Jurista Editores.

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