

## The new prisons in Ecuador: an environment for the reproduction of complex crime

### *Las nuevas cárceles en Ecuador: un ecosistema para la reproducción del crimen complejo*

**Daniel Pontón**

Instituto de Altos Estudios Nacionales, Ecuador

[daniel.ponton@iaen.edu.ec](mailto:daniel.ponton@iaen.edu.ec)

<https://orcid.org/0000-0003-2608-396X>

**Received on:** 19/05/2022 **Revised on:** 01/07/2022 **Accepted on:** 11/07/2022 **Published on:** 01/09/2022

#### ***Abstract***

*The current crisis of the penitentiary system in Ecuador based on the massacres recorded in recent years has generated a great concern of the national and international community. Despite being a multicausal problem, it is necessary to point out that prisons in Ecuador have been created in a dangerous “environment” for the reproduction of complex criminality. In this sense, through a combination of qualitative and qualitative techniques, this research seeks to analyze the contributing factors that have allowed the infrastructure of Ecuadorian super-prisons to become an adaptive and dangerous criminal ecosystem that currently shows new and alarming forms of violence between 2019 and 2021. It is argued that the onslaught of drug trafficking, criminal policy, self-government and the social dynamics of the prison system have turned it into an ecosystem with the capacity to reproduce complex crime. Reversing this scenario requires a comprehensive and holistic perspective of the problem that combines transformations of internal and external factors of the Ecuadorian prison system in general.*

#### ***Keywords***

*Gangs, prisons, crime, corruption, ecosystem, government, drug trafficking, violence.*

**Suggested citation:** Pontón, D. (2022). The new prisons in Ecuador: an environment for the reproduction of complex crime. *Universitas-XXI*, 37, pp. 165-190. <https://doi.org/10.17163/uni.n37.2022.07>

## **Resumen**

La crisis del sistema penitenciario en Ecuador como consecuencia de las brutales masacres registradas entre los últimos años ha generado una gran preocupación por parte de la comunidad nacional e internacional. Aunque se reconoce que este problema es multicausal, es necesario destacar que las cárceles ecuatorianas se han constituido en un peligroso “ecosistema” de reproducción de criminalidad compleja. En este sentido, a través de una combinación de técnicas cualitativas y cuantitativas, esta investigación busca analizar los factores coadyuvantes que han permitido convertir la infraestructura de las supercárceles ecuatorianas en un adaptativo y peligroso ecosistema criminal que actualmente muestra nuevas y alarmantes formas de violencia entre 2019-202. Se argumenta que la arremetida del narcotráfico, la política criminal, el autogobierno y la dinámica social del sistema penitenciario lo han convertido en un ecosistema con capacidad de reproducir el crimen complejo. Revertir este escenario requiere una perspectiva integral y holística del problema que combine transformaciones de factores internos y externos del sistema penitenciario ecuatoriano en general.

## **Palabras clave**

Bandas, cárceles, crimen, corrupción, ecosistema, gobierno, narcotráfico, violencia.

---

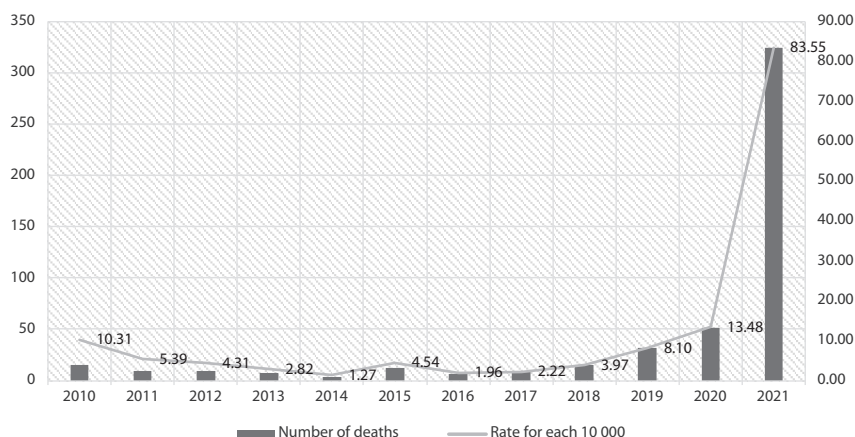
## **Introduction**

Ecuador has been facing an unprecedented crisis since 2019. The violent clashes between criminal prison gangs have left more than 400 dead, shocking the community not only because of their high level of brutality and sadism, but also because of the number of mutilations and decapitations, surprising national and international public opinion. The most serious situation occurred in September 2021 when around 120 people died in the Penitenciaría del Litoral. According to the newspaper *El Universo* (2021), in 2021 around three hundred and twenty prisoners died in confrontation in several prisons in the country. As seen in the following figure, the rate of prison deaths per 10,000 inhabitants exceeded 83 per ten thousand prisoners and is by far the most violent year in the history of Ecuador.

Violence inside prisons has been a growing process not been halted. This has drawn the attention of several national and international human right organizations seeking to stop these massacres with state measures and

several public policy recommendations for urgent implementation in the medium and long term (Asamblea Nacional del Ecuador, 2021; Corte Constitucional de Ecuador, 2021).

**Figure 1**  
*Violence in Ecuador's prison system*



Note. Ministerio de Gobierno (2022).

Various hypotheses have been suggested to explain the penitentiary crisis in Ecuador. The institutional reports and civil society studies agree that the problem is multi-causal. Structural factors such as deficiencies in the provision of social services inside prisons (health, food, cost of living) (Kaleidos, 2021); overcrowding, overpopulation, mega-prisons, self-government, drug policy play a riveting role (IACHR, 2021), among others. On the other hand, there are also explanations regarding the predominance of logics inherent to the penitentiary system such as corruption, social organization of prisons (Kaleidos, 2021); and other more circumstantial explanations such as limitations in the management of penitentiary security, lack of budget (Asamblea Nacional, 2021) not to mention the absence of a social rehabilitation policy (Secretaría de Derechos Humanos, 2022); state non-compliance with constitutional provisions (Corte Constitucional, 2020). Despite all this, it has been pointed out (especially in public opinion) that the crisis has

been caused due to criminal gang confrontations to control illicit businesses, mainly drug trafficking (Plan V, 2021a).

Many of these approaches undoubtedly contribute to a partial understanding of the problem, although it is undeniable the multi-causality of the problem. However, it is necessary to remark these factors have a spatial dimension, contributing to the idea of an “environment” capable of reproducing new criminal dynamics that have led to hyper-violent practices of expression. Albeit the relationship among prison space, violence and criminality is not recent, the current configuration of the new prison infrastructure in Ecuador has become a kind of catalyst for criminal violence and its expansion. Furthermore, a paramount point in the analysis of complex criminality in Ecuador is the current infrastructure of the prison system in Ecuador. How has this environment been spawned? What are its factors?

This research aims to analyze how the new infrastructure of Ecuador’s super-prisons has constituted an adaptive and dangerous hyperviolent environment currently displaying new and reproductive forms of complex criminality projection. It will be argued that, due to the confluence of drug trafficking, prison management, prison self-government and mega-gangs, the current infrastructure of new prisons in Ecuador has become a hyperviolent criminal environment with the capacity of a massive complex crime due to the confluence in that space.

This paper focused on an analysis of the crisis of the prison system in Ecuador and its uncontrollable violence between 2019 and 2021. This time frame will be considered since it is then when a growing upturn in violence got evident; nevertheless, there are multiple factors analyzed that were already considered before this date, such as prison infrastructure, drug trafficking, prison self-government, and prison management, being those the reality to state the concept of criminal environment to show the conditions that have altered the management of this new prison infrastructure in Ecuador, reproducing complex criminal systems with extensive connection levels with the outside world. The unit of analysis will focus specifically on the four largest prisons in Ecuador (Latacunga, Turi, the Guayaquil Regional Prison and, above all, the Penitenciaría del Litoral).

This study, given the clandestinity of the criminal world and the fragmentation and discontinuity of the information, will be based on indicative inferences (scrutiny of indications of anomalous but fragmented facts) (Giménez Montiel, 2012). Consequently, the strategy of analytical triangula-

tion (Espinosa, 2009) will be applied through a combination of quantitative sources (official documents, reports, studies on the subject, regulations, and journalistic sources of research) and quantitative sources of official prison and police statistics. Besides, reports from national and international bodies on the crisis in the penitentiary system will be prioritized. A theoretical reflection on the perspective of prisons as a criminal environment will be presented first. This will be followed by an analysis of the current prison crisis and criminal dynamics in Ecuador. Subsequently, the factors that contribute to this criminal environment in Ecuador will be addressed and, ultimately, the potential for regional reproduction that the prison system contributes to organized crime will be analyzed.

### **Illustration 1**

#### *Analytical framework*



## **Prisons as a criminal environment**

Understanding prisons as a criminal environment requires an ecological approach to the problem of criminality. This refers directly to the old American criminological current known as the “Chicago School”, which led to the creation of an eminently sociological tradition to explain urban criminality now called “common”. This biology-based perspective gained value through the introduction of the spatial variable in explaining crime.

Taking this perspective, these criminal environments are the result of social, individual and environmental factors, adapting and reproducing new criminal realities in contexts of social change and transformation (Downes and Rock, 2011). As for Álvarez and Rodríguez (2018, p. 10), a “criminal environment where legal and illegal actors converge in the same space and form a series of interdependent relationships that alter the existing balance and even trigger hierarchies”. The area or territory is the criminogenic factor, prevailing over individual behaviors; therefore, it has a high capacity to produce new forms of social organization, independently of individual behaviors.

More up-to-date perspectives of this ecological dimension highlight complex criminal practices in fragile social contexts and with limited capacity for state regulation. Hence, the concept of “transgressive ecosystems” has emerged, defined as a socio-spatial construct going beyond structural factors to explain the predisposition of certain areas and human groups to adaptively transform patterns of illegality; new social orders have appeared due to new types of territorial authority, parasitic economies, and social self-regulation. This scheme bases on “interactions between rational agents committed to the logics of capitalization and opportunistic actors, establishing symbiotic and functional relationships between them to negotiate power and mutual benefits” (Bobeá, 2015, p. 80). The change of any factor adaptively alters social interactions in these areas, producing quantitative and qualitative transformations in criminal practices, i.e., a recurrent criminal mutation (Bobeá, 2011).

However, this socio-spatial scheme has been little addressed to analyze prison dynamics. As a natural space of the sanction of illegality, the classic studies of panel studies have focused on the functional idea of prison, being a mechanism to contain crime, or at best to make better human beings (Garland, 1999; 2018). Thus, prison has been a natural space for the etiological claims of the positivist criminologist, but has not been analyzed for the growth, adaptation and transformation of criminal dynamics. The paradoxical idea that prison

is the “university of crime” is eventually a common sense more than a practice of academic analysis. Similarly, the perspective of criminal markets toughening penalties on the transaction of certain prohibited goods brings with it a greater proliferation of criminal profitability (Andreas, 2013), it seems to be an economic affirmation of the paradox of punishment rather than a sociological exploration of how the criminal world expands within these institutions.

Studies on the functioning and space of the prison world can be found in Foucault’s (2008) work on surveillance and punishment, which present the specific technologies of penal power and the rationalities or knowledges arising from these measures. Albeit Foucault’s analysis is a microphysics of power dealing with the evolution of penal institutions and the emergence of modern prisons, it is also a sweeping understanding of the ways power is managed over individuals in modern societies. This scheme of power and violence is the analytical origin of disciplinary societies, being power explicit in physical, anatomical and subjective ways and leading to a gradual process of individual normalization of inmates. However, it is necessary to go beyond the prison system. Foucault (2008) conveyed the need to consider the effects of exogenous variables to the prison system that influence over new social life increase, the scheme of illegality, violence and new types of authority.

One of the approach limitations lies in not considering the adaptive mechanisms of resistance to power, organization, self-regulation and negotiation with authority. The Foucauldian perspective, basically, does not focus on the adaptation, reproduction and transformation processes of illegality and violence in prison institutions.

According to Edwin Sutherland (cited by Pires *et al.*, 2016), prisons would highly be a space of prolific transmission of criminal values and techniques, but these values and techniques cannot be conceived without a complex intersection and juxtaposition of exogenous and endogenous variables bringing the criminal world to life through the prison space. Criminal agency then cannot be conceived without the spatial factor, characteristic of the ecological approach to crime.

## **Violence, prisons and complex crime**

Violence is an inherent characteristic of prisons. Suffering, sorrow, pain, torture and lamentations are part of the dark and silent history of prisons, only

known through the fragmented accounts of journalists, human rights defenders, academics, officials and inmates. In the Foucauldian view, prison is a scheme of surveillance and punishment that look for control and discipline individually to an important spectrum of the population that has transgressed the law (Foucault, 2008). Yet, this type of institutional or “legitimate” violence is not the only one. In reality, an array of illegitimate violence coexists in prisons, ranging from interpersonal violence (aggressions) and criminal violence (murders, extortions), violence of resistance and rebellions and other types of violence, informal extrajudicial institutions, torture, executions, among others. From Galtung’s standpoint (cited by Calderón Concha, 2009), there are also other types of violence, not necessarily physical, such as structural violence (poverty, exclusion, extreme confinement, overcrowding, corruption) as well as symbolic violence (racism, exclusion, machismo, among others). Such violence can come from both external and internal dynamics of the prison system. In general, there is a high interrelation level between these levels and types of violence. In Ecuador, for example, the levels of interpersonal physical violence unfold within the framework of different types of structural and institutional violence typical of the reality of overburdened Latin American prison systems (overcrowding, corruption, human rights violations, prison mobs, among others) (WOLA, 2010). Regarding this, the physical criminal violence referred to in this paper is one more form of prison violence being explained at the same time by other types of submerged violence, such as structural and symbolic. It is important to note the violence related to complex criminality within prisons. In this context, some authors have characterized this phenomenon as a corporate vision of crime, allowing the organizational aggregation of a series of individual interests around illegal economic and power activities (Abadinsky, 2010; Hofmann, 2009; Ruggiero, 1996). Organization, therefore, becomes an essential attribute to analyze the understanding of complex crime, and also a spontaneous way for the criminal to assign a certain order to the anomic and clandestine world of illegal transactions (De León Beltrán and Silva, 2004, p. 7). The aim is to create a sort of protection from public control through corruption, extortion and violence (Gambetta, 1993; Gilinskiy, 2006). No specific type of organization can be attributed. The criminal environment operates under organizational forms (networks, sizes, specialization), diffuses barriers regarding its internal and external boundaries, diversity of leaderships and decision-making capacity (Alvarez and Rodríguez, 2018). This gives the organization a capacity to dominate and adapt to new reproductive logics of crime.



However, violence does not seem to be a desired product of criminal behaviors, but rather an attribute of illegal rationalities that, in the absence of legal regulatory frameworks, peaceful conflict resolution mechanisms and peaceful competition strategies of competition, constitute the possibilities for regulating highly unstable transactions with high levels of interpersonal distrust (Dombois, 1998). Consequently, according to Gambetta (1993), violence is not the final product or merchandise of organized crime (mobs) but an instrument or means with a specific purpose; it is not a specific natural quality of criminal behavior and/or culture, but an attribute (Llorente *et al.*, 2002, p. 177). This type of instrumental and selective violence can be regulatory, i.e. as a conflict resolution mechanism (settling of scores for unfulfilled agreements, deserters, informers); or strategic-competitive, such as the search for displacement of competitors and control of strategic sites (routes, suppliers, control units, authorities, among others). In a higher level of escalation based on the experience of Mexico, Colombia and Central America, communicative violence also arises, by using traditional media and social networks to generate terror among the population, fear of competitors, state officials, among others. Violence ceases to be instrumental and becomes a commodity, tending to become histrionic, emotive, exuberant, and voluminous due to its communicational role in terms of its frequency (pandemic) (Imbert, 2004). Explosive violence is not a direct consequence of complex criminality, but a form of reproduction of its criminal displays and interests. But beyond this patchwork of legitimate and illegitimate violence, it is worth noting that an abrupt and systematic growth of criminal violence in prisons can only be conceived by the alteration of symbiotic relationships of internal and external rationalities in the criminal world; the outcome of a criminal complexification. For the escalation of violence, therefore, it means to understand the idea of “criminal environment”, this time linked to the issue of the prison space and its extensive entailments with the external world.

## **Prison sprawl, infrastructure and violence in Ecuador**

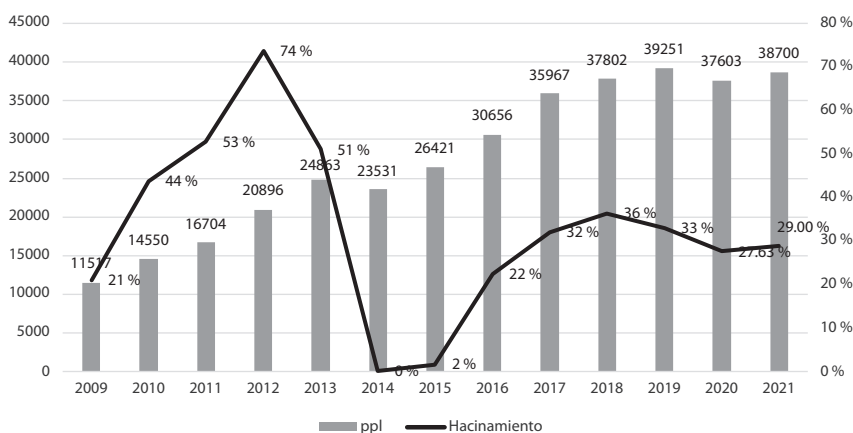
Ecuador expanded its prison infrastructure in 2013 with the aim of overcoming long-standing problems in the penitentiary system, characterized by problems of overcrowding, unsanitary conditions and systematic human rights violations. The main proposals of this intervention were the construction of three

new and modern detention centers (with architectural characteristics of maximum-security prisons) located in the provinces of Cotopaxi, Azuay and Guayas (the new Regional Prison of Guayaquil), as well as the modernization of the old Penitenciaría del Litoral (Littoral Penitentiary). This generated a drastic expansion of the prison capacity from 9,000 places to more than 29,000. This measure was part of a broader strategy promoted from 2011 to harden the penal recourse against crime and address the insecurity crisis (Pontón *et al.*, 2020).

Indeed, since 2011, as shown in the following figure, a systematic increase in the prison population was evidenced. In a decade, the prison population practically quadruples, averaging 40,000 inmates between 2019 and 2021. Such a high and explosive rate has not been recorded since prison statistics have been kept. Overcoming the problem of overcrowding was quickly overtaken as from 2015, the existing infrastructure began to be overwhelmed, once again complicating the management of the penitentiary system.

**Figure 2**

*Prison Population and Installed Capacity in Ecuador 2009-2021*



*Note.* SNAI (2021).

Currently, more than 53 % of the country's prison population is held in these new infrastructures. This has imposed diverse logics of corruption and proliferation of mobs not to mention the creation of large and dangerous criminal gangs. A significant fact is that most murders (almost 90 % of

the total) have been committed in these new centers. More than 65 % of the murders occurred exclusively in the Penitenciaria del Litoral, which is the largest prison infrastructure in the country and the one with the highest level of overcrowding. Therefore, the new infrastructure and overcrowding have contributed significantly to the proliferation of this new ecosystem of complex criminality in Ecuador.

**Table 1**  
*Prisons and levels of violence*

Name	Type of center	City	Total PPI	Effective capacity	Overpopulation	Murders 2019-2021
Male DF-Guayaquil	Remodeled	Guayaquil	8908	5036	76.89 %	287
Male DF RZ8-Guayas	New	Guayaquil	3874	4368	0.00 %	
MIXED DF RSCN -Cotopaxi	New	Latacunga	4927	4600	7.11 %	43
MIXED DF RSCS -Turi	New	Cuenca	2286	2540	0.00 %	41
Mixed CPPL - Guayaquil	Remodeled	Guayaquil	1998	545	266.61 %	
Mixed DF - Santo Domingo	Without any change	Santo Domingo	1841	914	101.42 %	1
Male DF-Esmeraldas	Without any change	Esmeraldas	1640	1110	47.75 %	9
Female DF - Portoviejo	Without any change	Portoviejo	1637	94	1641.49 %	
Male DF - Machala	Without any change	Machala	1284	524	145.04 %	3
Male CPPL - El Inca	Without any change	Quito	1007	959	5.01 %	1

*Note.* Ministerio de Gobierno (2022a), SNAI (2021).

There have been several hypotheses about this problem. However, the suggested hypothesis is that the new infrastructure is directly related to the generation of a complex criminal environment. Notwithstanding, there are other co-factors contributing to this situation. These will be discussed below.

## **Prison violence and self-governance Ecuador**

Violence in prisons has been present in the history of the Ecuadorian penitentiary system, resulting from a long period of structural and institutional violence, and has been related with the outside world (Kaleidos, 2021). However, analyzing the prison social organization scheme and its close relationship with the criminal underworld, it is important from a historical perspective. It is known that prison measures delinquency, because it is an input and an output of urban criminality. Prison, therefore, would become a kind of catalyst for this problem.

Prison violence as a form of informal regulation has been present in the history of Ecuador. In the 1960s, for example, the practices of rustling and piracy on the Ecuadorian coast led to practices of social extermination, often with state acquiescence. The escape law, informally applied by the State at that time to control crime, had a strong interrelationship with the prison world of the time. In the 80s and 90s, when drug trafficking began to be a priority in criminal policy, overcrowding and limited state management began to germinate the emergence of forms of prison self-government ruled by mobs and complex logics of corruption. Prison protests, insurrections resulted in a significant number of murders inside prisons, imposing themselves as an instrumental form of informal regulation of prison life. As a marginal actor in drug geopolitics, drug trafficking was not a major feature of prisons, but the presence of a large number of managers and small-time traffickers inflated the prison population (Núñez Vega, 2006, pp. 46, 47, 56). Drug trafficking, corruption and extortion were criminal practices of self-regulation of the penitentiary government with a high level of state acquiescence.

Large prisons in Ecuador have been quintessential spaces of self-regulation and reproduction of complex criminality. Since the 1990s, the Penitenciaría del Litoral (inaugurated in 1958) and where the largest number of murders and massacres have occurred since 2019, has been repeatedly denounced as a dangerous place dominated by armed prison mobs with wide

influence inside and outside the prison world. As seen in the following image, the presence of mobs inside this prison was already announced in 2008. By 2013, before the inauguration of the new centers, the denunciation is repeated and the occurrence of murders were frequent, although never in the current dimensions.

### **Image 1**

*Penitenciaria del Litoral in Ecuador according to journalistic sources 2008*

## **La cárcel, en manos de bandas armadas**

La cárcel, en manos de bandas armadas

2 de noviembre, 2008 - 00h00

---

En la Penitenciaria persiste el terror después de los cuatro crímenes de internos ocurridos entre el 23 y 26 de octubre pasado, tres de ellos por enfrentamientos entre bandas.

A esos grupos se los conoce como “mafias” y, según internos y familiares, se dedican a extorsionar, traficar drogas, armas y alcohol, e incluso a violar o asesinar a quien no paga el “empeño” (precio que le ponen al detenido recién llegado).

Hoy, no más de cien internos son los “peligrosos” y, dicen, deben ser llevados al pabellón de máxima seguridad.

Eddy Enríquez Saltos y Soledad Rodríguez León habían sido, según los propios internos de la Penitenciaria del Litoral, dos de los directores más carismáticos que había tenido esa cárcel desde el año 2000. Pese a eso, ambos fueron asesinados (7 de julio del 2005 y 27 de abril del 2007, respectivamente) por ‘sicarios’ que –según las investigaciones– habían sido contratados por las “mafias” que lideran los internos que hasta ahora operan en el centro carcelario.

The configuration of criminal dangerousness gradually began to undergo important changes as drug trafficking began to take hold as a criminal practice in the 2000s. Plan Colombia and the tightening of drug policy caused the capture of many dangerous drug traffickers of different nationalities, many of them coming from cartels such as the dismembered paramilitaries

(Bacrim) the rastrojos (heirs of the extinct Norte del Valle Cartel) and the FARC that operated in the border area with Ecuador (Plan V, 2019). From this decade onwards, the growing presence of drug traffickers from Mexico and other nationalities also became evident. Similarly, in the 2000s, a local criminal group called “Los Choneros” involved in common crime activities increased logistical service provider to international drug trafficking utterly armed (InSight Crime, 2021).

## Image 2

*Penitenciaria del Litoral in Ecuador according to journalistic sources 2013*

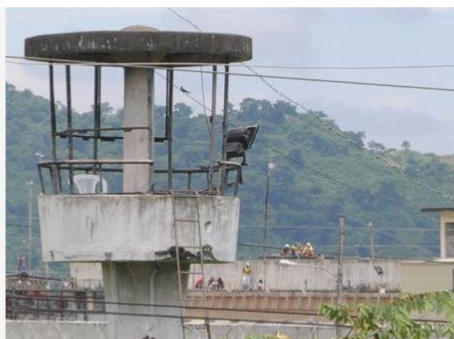
MENÚ

EL UNIVERSO

## La inseguridad y la extorsión persisten en cárceles del país

La inseguridad y la extorsión persisten en cárceles del país

24 de marzo, 2013 - 00h00



Una torre de control de la Penitenciaria del Litoral, en Guayaquil, estaba vacía la mañana del 7 de marzo pasado. Foto: redaccion

Controlan todo lo que ingresa. Disponen quién tiene privilegios para portar armas o pasar la condena en cuartos privados con baño propio y comodidades como televisión, comunicación telefónica o internet. O quién duerme en los pasillos sobre el piso, en medio de hedores de las alcantarillas colapsadas y paredes que sudan humedad.

*Note.* El Universo (2008, 2013).

Journalistic sources indicate that at the beginning of the last decade and resulting from “iron fist” campaign against the criminal boom of Rafael Correa’s government, the group of “choneros” was dismantled when arresting its leaders. However, this criminal organization gradually became the most important group in the penitentiary system. Although disputes with rival criminal gangs have been constant, this group has held an informal prison government with strict and tight control along with groups or gangs such as the “ñetas”. It cannot be denied that the government of the “choneiros” maintained relative calm inside the prisons at least in the first five years of the 2010s (La Posta, 2021) and maintained relative calm in the streets of Ecuador (Córdova Alarcón, 2021).

In 2018, and with the political and institutional changes of Ecuador’s new government, prison governance has undergone significant alterations. More than 75 % of the deaths since 2010 have occurred in these four years. There are different reasons and range from structural, institutional, operational and criminal issues. Importantly, in 2020 the main leader of the “choneros”, Jose Luis Zambrano, was released and months later murdered. This sparked a trail of revenge and executions in 2021, making it the most violent year in Ecuador’s prison history. Currently, there is an increase of criminal gangs in the prisons, disputing the supremacy of the choneros (Plan V, 2021a). There are two penitentiary facilities only in Guayaquil (the Regional Prison and the Penitenciaría del Litoral) with almost 15,000 people. Each of the 12 wings of the Penitenciaría del Litoral is currently run by different criminal groups (the regional prison adjacent to the Penitenciaría is run entirely by the “choneros”) (Primicias, 2021).

It is not about demonizing self-government; practices encourage cooperation and solidarity among defenseless and deprived people in every sense of the word to a large extent. However, their corrupt practices that promote cycles of violence and complex criminality within the penitentiary centers are condemned. Over the last years, the alteration and growth of mob practices of self-government have become hyper-violent and have caused a general crisis of Ecuador’s security system, whose projection has been regional and international. The year 2021 seems to indicate a complex threshold of uncertain nature and supremely complex to resolve.

### **Image 3**

*Prison violence in Ecuador according to international press 2021*

## **Ecuador: al menos 118 muertos en una cárcel de Guayaquil en enfrentamientos entre bandas rivales con granadas y decapitaciones**

Redacción  
BBC News Mundo

29 septiembre 2021  
Actualizado 30 septiembre 2021



*Note.* BBC News (2021).

### **The spread of drug trafficking**

The new cocaine geopolitics has turned Ecuador into an important territory for the collection and export of this substance to international markets (UNODC, 2020). This has triggered an aggressive process of regional criminal expansion, being Ecuador one of the main representatives. Only in 2021, more than two hundred tons of drugs were seized, an unprecedented figure historically unheard (Ministerio de Gobierno, 2022b). The cocaine business continues to be by far the financial engine for the proliferation of organized



crime. Ecuador's geographic advantages and the logistical services offered for the development of this illicit activity in the country are the competitive advantages that the most liberal advocates of an open economy for the country, but this time at the service of illegality. From being a marginal player in the international drug trafficking industry, it has led to the proliferation of powerful criminal organizations, as was the case of "Gerald" (Ecuadorian extradited to the US) leading a criminal organization specialized in stockpiling and transporting drugs with a certain level of autonomy from foreign cartels (Plan V, 2018). His is a legacy for the identity of Ecuadorian drug trafficking that has been replicated by other groups.

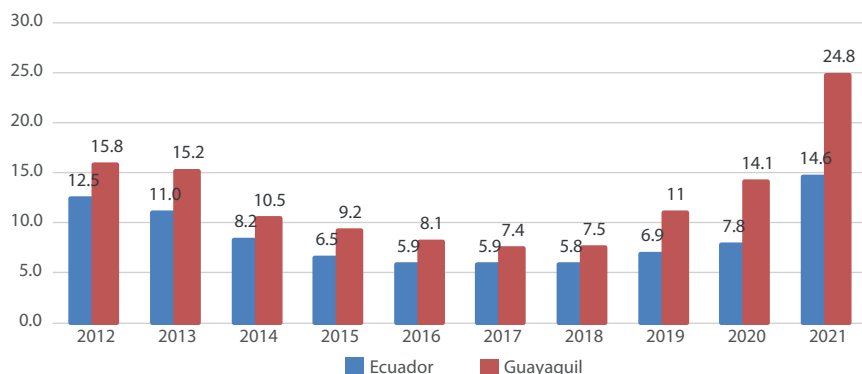
Prison intelligence reports have claimed that international drug trafficking and criminal activities are planned and directed from Ecuadorian prison, partly explaining the bloody disputes between criminal gangs and the violence, given the size of the business. Although there is a constant change, journalistic sources estimate that there are around ten dangerous gangs operating in Ecuador's prisons (Plan V, 2021a). It is known that drug trafficking is financing complex crime (Wainwright, 2016); hence, the proliferation of large and dangerous criminal gangs in Ecuador operating from prisons.

Not only have these disputes occurred inside prisons, but also in the streets. This growth contrasts with a significant decrease in homicides in the last decade, reducing its population from 18 to 5.7 per hundred thousand inhabitants between 2009 and 2017 (Pontón *et al.*, 2020). However, significant increases in this indicator were recorded from 2019 onwards and by December 2021, the rate was again at levels over 14 per one hundred thousand (2,400 homicides in absolute numbers).

Guayaquil has been one of the cities most affected by this crisis of violence and in fact it is the one that has made the greatest contribution to the upturn in homicides at the national level, ranging with a rate of 5.8 homicides per hundred thousand in 2018 to a rate of more than 24.43 % of these deaths are attributed to internal drug trafficking disputes and 70 % to the use of firearms (Ministerio de Gobierno, 2022a). The availability of illicit drug trafficking resources at the hands of small and large-scale drug traffickers is a risk factor fueling different criminal networks that are currently managed from prisons. Consequently, geographically moving this criminal environment from the most dangerous city in the country has emerged as a seductive alternative in terms of public policy. The prison criminal environment in this scenario feeds on this economy and reproduces the polyvalent logics of complex criminality.

**Figure 3**

*Homicide rate in Ecuador and Guayaquil 2012-2021*



Note. Ministerio de Gobierno (2022a).

## Management of the prison system

With the arrival of President Lenín Moreno in 2017, there was a surprise political turn in the political management of security that ended in 2018, with a complete restructuring of the country's security services. This resulted in the appointment of new authorities, institutional and legal reforms and changes in the operating models of security and intelligence institutions with a high level of U.S. cooperation. This political operational change is likely to have altered the management of prison intelligence (unit created in 2015) and therefore impacted the growing prison conflict in Ecuador. At the end of 2018, the Ministry of Justice was eliminated and led to the creation of the Service of Integral Attention to Adult People Deprived of Liberty and Adolescent Offenders (SNAI) demoting this competence to the level of service instead of Ministry. After four years with the report of the Inter-American Commission on Human Rights, it has been proven that this transformation was not adequate as it gave rise to a systematic deinstitutionalization process of the penitentiary system in Ecuador (IACHR, 2021).

However, besides this transformation, the policy of fiscal austerity has complicated the administration and control of this costly infrastructure. With the economic crisis of 2015, the first budget cuts were evident and im-

portant investments such as, for example, the prison training school project and other infrastructure to cease control. There is a chronic problem of a shortage of prison guards inside prisons, currently complemented by the National Police without having the technical and legal capacity to do so. Consequently, the relocation of prisoners according to their dangerousness, proposed by the techniques of the new penology of U.S. criminal criminology (Feely and Simon, 1995), has never been fulfilled considering as well that the pandemic led to an abrupt cut of 80 % of the investment budget in 2020. In general, this lack of budget has led to a systematic weakening of state control of prisons and has actually increased the power of criminal gangs and the trail of illegality through corruption and state acquiescence (Asamblea Nacional del Ecuador, 2021).

There are also serious problems of corruption and mobs that have privatized the management of daily life inside prisons (National Assembly of Ecuador, 2021; IACHR, 2021). Thus, the chronic problem of self-government has also been due to the problem of drug trafficking and a failed management process of a new penitentiary model in these large prisons, thereby aggravating the state's response capacity to manage the penitentiary crisis. Large prisons, drug trafficking and state weakness have undoubtedly been the triggers of this violent criminal expansion.

## **Mega-prisons, mega-gangs and expressive violence**

Famous American criminologist Edwin Sutherland taught that crime is a learning process of criminal values and techniques (Pires *et al.*, 2016). In this regard, having competent subjects in organized crime is one of the main strengths of organized crime (Wainwright, 2016). It seems that the old and hackneyed concept that prison is a “university of crime” is being followed to the letter and this time at the mercy of the proliferation of drug trafficking. In fact, for more than a decade, Ecuador has seen signs of a criminal mutation, whose main component has been the management of international drug trafficking whose teaching center has been “prisons”. Arrests of individuals of different nationalities related to drug offenses suggest that in Ecuador, international criminal networks operate together with local networks to ensure control of the supply of an aggressive and at the same time competitive supply of drugs to various destinations around the world in terms of access

and prices (El Universo, 2011; Plan V, 2019). Based on this, a new criminal dynasty operating in the country for the maritime transport of cocaine to different consumption centers is the main legacy. The criminal innovation misunderstood by many has found a fertile place in prisons for its transmission (Plan V, 2018). Ultimately, Ecuador gradually went from having networks for drug trafficking to having a dynamic local network that directly and autonomously manages the stockpiling, distribution and sale of drugs to different parts of the world. In essence, a new type of criminal organization in the country, unprecedented and with regional and international projection. Regarding criminal know-how and criminal policy, the system has made the old flaws of imprisoning a large number of people for minor offenses. Almost 60 % of the prison population is incarcerated for crimes against property and drugs, many of them from excluded sectors of society. The illicit economy managed by these gangs that control the prisons and wards is estimated to be considerable. According to some newspaper reports, one of the 12 wards of the Penitenciaría del Litoral can produce between US\$10,000 and US\$20,000 a day. The prison business includes the sale of drugs, weapons, cell phones, cell rights, beds, food, and any service (La Posta, 2021). No exaggeration to believe that the Penitentiary itself could move more than 30 million dollars a year for the management of this illicit economy, without considering the external illicit businesses. Everything is controlled by these mega-gangs with an expansive level of corruption of the State.

The entries and exits of this population, part of them recidivists, fulfill the cycle of the criminal career through the revolving door, but this time the problem is not institutional, but social. Drug trafficking and other illicit activities offer subsistence alternatives to the imprisoned population and their families, as long as they guarantee their adherence and fidelity. According to the website Código Vidrio (2021), over 60 % of the prison population is estimated to be part, directly or indirectly, of ten criminal groups inside prisons. The “choneros” alone are said to have more than 12 000 members. This becomes a problem of criminal habitus, and prison seems to be a viable option. The social link of organized crime is its main weapon of protection and perhaps its main weapon of strength. This is the only way to understand why narcoculture is a phenomenon already present in the social ideology of many sectors of the population.

**Table 2***Criminal gangs identified in the Ecuadorian prison system Ecuador 2021*

Bands	Average number of members
Choneros	12 000
Lobos	8000
Lagartos	1000
Águilas	1500
Fatales	800
Tiguerones	1200
Chone Killers	900
Gangsters	200
Pangora	100
Colón Pico	20

*Note.* Código Vidrio (2021).

This reserve army and its criminal wake has had a high interrelation level with the outside world; the most notorious crimes in the country in recent years have been ordered from prisons. This old scheme now seems to be at the service of society, since any dispute or social and/or criminal conflict would be solved through prison intermediation. It is also likely that some of those responsible or intermediaries of some crimes have already been killed in the massacres, thus contributing even more to the trail of impunity. The prison system appears to have played the role of the intermediary agency for hiring hitmen in Colombia during the most fearsome times of the drug trafficking. A large part of the deaths that have occurred in Guayaquil and its area of influence can be explained by these criminal logics promoted from the prisons. Prison violence has contributed to 35 % of the homicides committed in Guayaquil, and 80 % of the deaths on the streets. The history of these mega-gangs and their leaders seems to be circumscribed to the long list of popular social gangs that conventional history literature tell us little about (Hobsbawm, 1983). Therefore, it would not add up to analyze the power of these prison leaders without considering the media

amplification of the mass media and social networks. This situation seems to have been better understood by the prison leaders than by the State itself, generating a war between gangs that is more than drugs, weapons and power; but it is also a communicational and cultural fight. The key to understanding this exuberance of violence, perhaps, can be found in this communicational dispute with other gangs and against the State itself. Its main objective is fear, demoralization and respect. Evil in this regard is also a seductive force, complex and anchored to a cruel, but at the same time seductive, criminal personality. The current prison infrastructure, therefore, is also a space for the reproduction of cultural expressions that have found in violence a complex and dangerous social and regional projection (Plan V, 2021b).

## Conclusions

As shown, the direct effects of the prison crisis in Ecuador have led to unprecedented violence, resulting in disputes between rival gangs. This paper seeks to relate the problem of prison violence in the last four years, leading to an unprecedented crisis in Ecuador's penitentiary and security system, to the criminogenic conditions of the new prison infrastructure, creating an environment for the increase of complex criminality. While it is important to recognize that the factors analyzed are not recent and have been consolidated for many years, it is around the new prison infrastructure and violence where their projection lies. Violence seems to be a phase of the penetration of complex criminality and from pax "mafiosa" theory, it would be comprehensible that it will decrease in the near future. However, there are no winners or losers in the penitentiary crisis let alone peaceful agreements leading to the assumption that it will decrease in the short term. Violence, in this case, seems to have taken on other meanings beyond the instrumental to resolve disputes and criminal conflicts, to a dangerous merchandise with fatal outcomes. It goes without saying that this situation has altered prison governance in Ecuador in recent years. Undoubtedly, the hypothesis of the penetration of complex criminality to explain violence at the institutional and journalistic level in the country seems to be a consistent thesis based on the amount of evidence shown, however, it is necessary to incorporate this concept of criminal environment tied to the problem of the new prison infrastructure for a better understanding of the problem. But this fixation on infrastructure can-

not be understood without the historical presence of prison self-government, the State's inability to manage it and, of course, the prevailing criminal policy of the last ten years. Along with these factors, this paper has attempted to account for the complex and dangerous ecosystem of criminal reproduction. This scenario generates the need to have a broad dimension of the problem facing Ecuador. It does not require patchy or repetitive measures, because as analyzed, there is a high interrelation of factors having subjected the prison system to a deep crisis. Through this "ecosystem" idea, it is important to intervene in an integral way combining elements of social, penitentiary and security policy. The absence of intervention could be as dangerous as criminality itself, with unpredictable social, economic and political consequences. If the proposed figure is an "ecosystem", it is essential to alter the contributing factors and avoid their projection.

## References

- Abadinsky, H. (2010). *Organized Crime* (9th ed). Wadsworth.
- Álvarez, C. E. and Rodríguez, C. A. (2018). Ecosistemas criminales: hábitats para la convergencia y la globalización desviada. *Rev. Cient. Gen.* José María Córdova, 16(24), 1-30 <http://dx.doi.org/10.21830/19006586.352>
- Andreas, P. (2013). *Smuggler Nation. How illicit trade made America*. Oxford University Press. <https://doi.org/9780199746880>
- Asamblea Nacional del Ecuador (2021). *Investigación sobre la actuación de los funcionarios públicos de las y alarmante situación de inseguridad ciudadana que vive el país, por conmoción social por los hechos de conocimiento público* (Issue 13). Comisión de Soberanía y Seguridad Integral.
- BBC News (2021). *Ecuador: al menos 118 muertos en una cárcel de Guayaquil en enfrentamientos entre bandas rivales con granadas y decapitaciones*. <https://bbc.in/3Mqikyv>
- Bobea, L. (2011). *Violence and Democratic Security in the Dominican Republic* (Issue november 1959). Friedrich Ebert Stiftung
- Bobea, L. (2015). Criminalidad compleja, ecosistemas transgresores violentos y estadotropismo en el Caribe. En *Anuario 2015 de la seguridad regional en América latina y el Caribe* (p. 331). Friedrich Ebert Stiftung.
- Calderón Concha, P. (2009). Teoría de conflictos de Johan Galtung. *Revista Paz y Conflictos*, 2, 60-81. <https://doi.org/1988-7221>

- CIDH (2021). *Personas privadas de libertad en Ecuador*. <https://bit.ly/3nxKIJw>
- Código Vidrio (2021). *64 % de presos integran diez megabandas*. <https://bbc.in/3Mqikyv>
- Córdova Alarcón, L. (2021). *¿Qué hacer –y no hacer– para contrarrestar la violencia criminal?* Policy Brief. Programa de Investigación Orden, Conflicto y Violencia. <https://bit.ly/3OSWLHu>
- Corte Constitucional del Ecuador (2021). *Sentencia No.365-18-JH/21* (Issue 365). <https://bit.ly/3y8YOLR>
- De León Beltrán, I. and Silva, G. (2004). *Problemas sociológicos y de tipificación penal relacionados con el crimen organizado*. Área de Crimen y Conflicto 003382, Grupo Método.
- Dombois, R. (1998). Dilemas organizacionales economías ilegales. *Análisis Político*, 33, 14-31. <https://bit.ly/3NIFgbN>
- Downes, D. and Rock, P. (2011). *Sociología de la desviación*. Gedisa.
- El Universo (2008). *La cárcel, en manos de bandas armadas*. <https://n9.cl/1ilov>
- El Universo (2011). *Ecuador se convierte en “Naciones Unidas” del crimen organizado, según la DEA*. <https://bit.ly/3lkdpmP>
- El Universo (2013). *La inseguridad y la extorsión persisten en cárceles del país*. <https://n9.cl/cdgcg>
- El Universo (2021). *Más de 300 reos asesinados a nivel nacional durante enfrentamientos entre bandas delictivas en el interior de centros carcelarios*. <https://bit.ly/3wyYkUV>
- Feely, M. and Simon, J. (1995). La nueva penología: notas acerca de las estrategias emergentes en el sistema penal y sus implicaciones. *Delito y Sociedad*, 6(7), 33-58.
- Foucault, M. (2008). *Vigilar y castigar*. Siglo XXI.
- Gambetta, D. (1993). *La mafia siciliana. El negocio de la protección*. Fondo de Cultura Económica.
- Garland, D. (1999). *Castigo y sociedad moderna*. Siglo XXI.
- Garland, D. (2018). *Castigar y asistir. Una historia de las estrategias penales y sociales del siglo XX*. Siglo XXI.
- Gilinskiy, Y. (2006). Crime in contemporary Russia. *European Journal of Criminology*, 3(3), 259-292. <https://doi.org/10.1177/1477370806065583>
- Giménez Montiel, G. (2012). El problema de la generalización en los estudios de caso. *Cultura y Representaciones Sociales*, 40-62. <https://doi.org/10.28965/2012-13-02>



- Giménez-Salinas Framis, A., de la Corte Ibáñez, L., Requena Espada, L. and Espinosa, M. de J. (2009). La medición y evaluación de la criminalidad organizada en España: ¿Misión imposible? *Revista Española de Investigación Criminológica*, 7, 1-28. <https://doi.org/10.46381/reic.v7i0.41>
- Hobsbawm, E. (1983). *Rebeldes primitivos. Riskesdas 2018* (Vol. 3). Editorial Ariel, S.A.
- Hofmann, K. (2009). The impact of organized crime on democratic governance. *Friedrich Ebert Stiftung Berlin*, 1-9. September,
- InSight Crime (2021). *Balance de InSight Crime de los homicidios en 2021-InSight Crime*. <https://bit.ly/3yLnJfw>
- Kaleidos (2021). *Diagnóstico del Sistema Penitenciario del Ecuador* (pp. 1-52). Kaleidos-UDLA.
- La Posta (2021). *Paz o plomo: ¿Cómo funciona una prisión donde mandan los presos?* <https://bit.ly/3yxG5A6>
- Llorente, M. V., Escobedo, R., Echandía, C. and Rubio, M. (2002). Violencia homicida y estructuras criminales en Bogotá. *Sociologías*, 8, 172-205. <https://doi.org/10.1590/s1517-45222002000200008>
- Ministerio de Gobierno (2022a). *Estadísticas de muertes violentas en cárceles*.
- Ministerio de Gobierno (2022b). *Reporte estadístico de incautaciones de drogas*.
- Núñez Vega, J. (2006). *Cacería de brujos*. Abya-Yala, FLACSO Ecuador.
- Pires, A., Debuyst, C. and Digneffe, F. (2016). Elementos para una relectura de la teoría del delito de Edwin Sutherland. *Delito y Sociedad*, 1(37), 9-40. <https://doi.org/10.14409/dys.v1i37.5540>
- Plan V. (2018). *El lanchero de manta que amasó USD 200 millones en el crimen*. <https://bit.ly/3FVhrvf>
- Plan V. (2019). *Crisis carcelaria en Ecuador: ¿hay influencia de carteles mexicanos?* <https://bit.ly/3lkBNV4>
- Plan V. (2021a). *Alias rasquiña y la disputa por las cárceles: ¿cómo llegamos a la tragedia de decenas de muertos?* <https://bit.ly/3G4eGYz>
- Plan V. (2021b). *Fito, Rasquiña, Junior y la fascinación por los demonios*. <https://bit.ly/3Msj2v3> [
- Pontón, D., Rivera, F. and Amores, C. (2020). *El giro punitivo y la reducción del homicidio en Ecuador, 2009-2018*. Editorial IAEN.
- Primicias (2021). 'Alan', el ex Chonero que abrió la puerta al infierno en el pabellón 5 <https://bit.ly/3Mss8Id>
- Ruggiero, V. (1996). *Organized and corporate crime in Europe: offers that can't be refused*. Dartmouth Publishing Company.

- Secretaría de Derechos Humanos (2022). *Política Pública de Rehabilitación Social 2022-2025*. <https://bit.ly/3a7vORD>
- SNAI (2021). *Estadísticas penitenciarias 2013-2020*.
- UNODC (2020). *World Drug Report 2020*. <https://bit.ly/3OABhiJ>
- Wainwright, T. (2016). *Narconomics*. Debate.
- WOLA (2010). *Sistemas sobrecargados leyes de drogas y cárceles en América Latina*. P. Mentaal and C. Youngers (eds.). WOLA. <https://bit.ly/3Nkk647>