Attack by Comando Vermelho prison gang
Rio de Janeiro, November 2010

Counterproductive Punishment:

Prison Gangs and the Invisible Erosion of State Authority

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States' attempts to regain legitimate authority (more incarceration) can strengthen these criminal networks.

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- **Implication for me: Beyond some point, further increases in punishment only undermines state authority.**

Background

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- 2001: "Mega-rebelião" in 21 prisons.
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- **2001-2006, prison population doubles**

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- Day 4: Attacks stop abruptly.
- Now controls retail drug trade in SP. Peacefully!

Rio: The Red Command

- 1970s: Comando Vermelho (CV) forms in Rio's prisons.
- 1980s: Expands out to take over favela-based drug markets.
- 1985 – Present(?): Sustained opposition to state forces.

USA

- Southern California: La Eme, "Mexican Mafia" (Skarbeck 2011)

- Northern California:
  La Nuestra Familia

- Texas: Barrio Azteca
- USDOJ 2010: Retail drug trade along SW Border now controlled by prison gangs.
- Unique capacity to organize retail drug markets?

Central America: Las Maras

Maras form in LA, move to CA via deportation.

Mano dura transforms local gang culture.

Extortion networks organized from prison.

> "Before [Mano Dura] began it was different. We hadn't gotten to seeing things collectively. The system has united us. . . like it or not, we cannot look at things individually, because they haven't treated us individually, nor have they pursued or locked us up individually"
>
> –Imprisoned *mara* leader in El Salvador. (Quoted in Miguel Cruz 2010).

El Salvador: A Mara Truce

- 2012 truce: Murder rate cut in half
- Maras enter open negotiations with the state.

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- Segregation by gang:

Benfica prison riot, May 2004.

CV prisoners kill 30 rival gang members, 1 guard.

Segregation by Gang

CARCERAGEM MASCULINA (A)

DATA : 27/07/09 HORA : 11:15h

BASE	CV	3ºC	ADA	NEUTRO	SEGURO	FAXINA	PA	TOTAL
NEVES	242	—	—	—	284	38	32	596
PAVUNA	70	10	—	—	50	19	—	149
GRAJAÚ	86	09	—	—	40	15	—	150
TOTAL								895

TOTAL G

TOTAL GERAL DO EFETIVO CARCERÁRIO (A+B+C)

BASE MESQ	BASE S.G.	PONTO ZERO	TOTAL
143	115		258

Polinter Headquarters, Rio de Janeiro, RJ, 2009

Segregation by Gang

Neves Jail, São Gonçalo, RJ, July 2009

The Demand for Order

Demand for Resistence

- Jan. 2013: grave prisoner abuse in Santa Catarina, Brazil

- **Wave of attacks on busses and police similar to PCC's.**
- **Primeiro Grupo Catarinense – Founder spent time in a "PCC prison"**

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- **If true, PGs *depends* on high incarceration rate.**

Model

$\tau \in \mathbb{R}^+ =$ Tax (lump sum)

$j \in \mathbb{R}^+ =$ Pain of incarceration

$y \in \mathbb{R}^+ =$ Expected profit from criminal activity

$\alpha \in [1, \infty^+) =$ Inside reward

$\beta \in [1, \infty^+) =$ Outside reward

$\gamma \in \mathbb{R}^+ =$ Inside sanction

$\delta \in \mathbb{R}^+ =$ Outside sanction

M's Action	**Join/Pay**	**Defect**
Pr(Jail)	$\tilde{\pi}$	π

Outcome variable: τ^*,
Largest possible imposition on outside members

Test Effects of Policy on PG Strength

State sets policies ρ_θ that affect j, π and $\tilde{\pi}$ jointly:

Table 1. Policy Experiments

Policy	Description	Effect on Severity: $j'(\rho)$	Effect on Certainty: $\pi'(\rho)$ and $\tilde{\pi}'(\rho)$
ρ_S	Hardening	+	0
ρ_C	Pure Crackdown	0	+
ρ_C^O	Crackdown + Overcrowding	+	+
ρ_C^K	'Swift and Certain' Crackdown	−	+

Hardening strengthens gang if $\alpha > \frac{\tilde{\pi}}{\pi}$

i.e. gang already consolidated.

Crackdowns: Degree of targeting $(\tilde{\pi}'/\pi)$ is critical

More Certainty Less Severity

Model: Findings

In general, more punishment → less crime.

But, more punishment → stronger prison gangs if:

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- Crackdowns poorly distinguish prison gang affiliates on the street from those who disobey.

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'Stronger': better ability to recruit and coordinate actions of outside actors.

Evidence and Discussion

Incarceration Increased Dramatically

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n-Fold Increase in Prison Population [Period]	6.50 [1980 – 2002]	8.12 [1990 – 2012]	4.86 [1990 – 2012]	2.62 [1992 – 2012]

Conditions Worsened Too:

Occupancy Rates	196% (2007)	179% (2012)	299% (2012)	128% (2010)

Crackdowns Were Untargeted

- Largely driven by anti-gang laws and sweeps.
  - California: STEP Act (1988)
  - El Salvador: Mano Dura (2003), Super Mano Dura (2005)
  - São Paulo: Hardline, anti-*bandido* discourse

PGs Had Power Within Prison

All three: Segregation by gang affiliation

US: FBI files, court cases, etc..

ES and SP: Synchronized prison rebellions

Projection of Power Revealed

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Nicaragua: a True Negative Case

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The Danger of Missing Data:

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São Paulo's Underworld and the PCC

- Empirical debate: Maybe demography (Goertz and Kahn), but probably PCC too (Mello and de Lima).
- Ethnographic evidence: *lei do crime* detected in periphery by 2003.
- "Debates": Parellel justice provision.

The *Mara* Truce in El Salvador

The greatest violence-reduction policy of all time?

Impacts: Crime vs. Authority

Increased Incarceration →

	Impact on: Crime & Violence	Impact on: State Authority
Incapacitation & Deterrence	-	+
Criminogenic Effects	+	-

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So Crime and Violence is a reasonable proxy for State Authority / Rule of Law

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Criminogenic Effects		+	-
Criminal Governance	Increase Drug Sales	+	-
	Reduce Turf War	-	-
Parallel Power	Forced Protests	+	-
	Order Provision	-	-
Orchestrated Violence	Signal & Punish	+	-
	Pacts & Truces	-	-

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Greater Coercive Power on Streets

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Crime & Violence no longer good proxy for State Authority / Rule of Law

Counterproductive Punishment?

	Individual Effects (via incapacitation & deterrence)	Collective Effects (via prison-gang coercive power)
Impact	Authority-restoring	Authority-eroding
Visibility	High	Low
'Returns to scale'	Diminishing returns	Increasing returns

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Gracias!
Obrigado!
Thank you!

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Incarceration Increased Dramatically

Raphael (2103): Increases in probability of incarceration and time served

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→ **They sometimes use that power to lower crime rates.**

Further Questions

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But…

- Prison gangs uniting in hunger strikes
- Anti-state violence?

Replication

Many examples:

- CV → PCC → PGC and now PCM (Maranhão)
- Eme → Familia Nuestra, BGF, etc.
- Eme → MS-13 and M-18

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Consolidation and projection as technology and human capital

Individual vs. Collective: Visibility

1. Individual effects: high visibility
    1. Immediate or short-term impact
    2. There is data!
    3. Well-theorized
2. Collective, gang strengthening effects: Low visibility
    1. Less immediate
    2. Hard to measure?
    3. Poorly-theorized

Individual vs. Collective: Increasing Returns

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2. Negative collective effects may be increasing returns:
    1. Positive feedback: effects are increasing in α.
    2. Focal point effect: gang establishes authority among local DTOs, reduces turf war, "good" equilibrium.
    3. Corruption also Multiple EQ, tipping point game.