The Function and Origin of Prison Bureaucracies in a Mexican and a US Prison

Institutions matter. This has become conventional wisdom for political scientists who conceive of institutions as equilibriums of decisions made by individual rational actors.¹ For instance, it is argued that the relatively rich civilizations of the Aztec and Inca devolved into the relatively poor Mexico and Peru of the 20th century because European colonizers imposed “extractive institutions” in the 16th century, whereas the relatively poor North American Indian tribes of the 16th century became the rich United States in the 20th century because European colonizers imposed a set of “institutions protecting private property.”² Britain might have become economically dominant globally in the 18th and 19th centuries in part because in the Glorious Revolution of 1688, Parliament was able to impose institutions protecting private property and regularizing expropriation on an otherwise capricious and predatory Crown.³

Samuel Huntington, in his 1968 classic Political Order in Changing Societies, put institutions at the center of analysis. An institution is a valued, stable and recurring pattern of behavior.⁴ For instance, the Mexican political institutions governing the selection of national leaders in the 20th century yielded exceptionally regular results by Latin American standards. No Mexican president stayed in power for more than one term at any point after the Mexican Revolution, and the Mexican military never assumed national power. In contrast, Bolivian political institutions governing the selection of national leaders in the 20th century have yielded arbitrary and ultimately destabilizing results. Victor Paz Estensorro won presidential elections four times between 1951 and 1985 and Bolivia suffered military dictatorships between 1964 and 1982.

⁴ Samuel P. Huntington, Political Order in Changing Societies (New Haven: Yale, 1968), 12.
In Huntington’s conception, institutions both determine specific outcomes and are themselves the result of specific historical processes. An illustration of the latter are four historical differences that shaped the political institutions in Mexico and Bolivia. First, the widespread violence of the Mexican Revolution of 1910-20, in which 3% of the population perished, left a war-weary public unwilling to engage in mass political violence. In contrast, the Bolivian Revolution of 1952 was relatively bloodless, leaving different factions eager to engage in festering political violence during the subsequent decades. Second, Plutarco Elias Calles, the George Washington of Mexico, displayed exceptional leadership in his decision not to seek reelection, thus setting a precedent for future Mexican politicians. In contrast, Estenssoro displayed no such selflessness. Third, Mexico’s proximity to the US provided an external foe against which to rally modest nationalist sentiments, ameliorating the otherwise corrosive internecine feuds. In contrast, lacking a similarly credible external enemy, Bolivian politics devolved into regional factions based on the urban centers of La Paz, Sucre, Cochabamba and Santa Cruz. Fourth, the architects of the Bolivian political system were never able to subordinate autonomous social forces, such as the military, while Mexico’s leaders were. For instance, Calles himself was a military man, and assuming the mantel of civilian leader, he was able to control the military based on his knowledge of it. In contrast, the ascendant urban intellectuals of the Bolivian Revolution sought civilian control of the armed forces, but were at a loss as to how to accomplish this in practical terms because they were unfamiliar with the military. Institutions in this sense were both independent and dependent variable.

This chapter compares the institutional structure and function of two state prisons, one in the United States and one in Mexico and further identifies three factors in the historical development of prison bureaucracies that gave rise to these institutional differences. Lieber Correctional Institution is one of 25 prisons in the 22,000 inmate South Carolina state correctional system. Lieber is a maximum security prison in a rural area relatively close to the urban center of Charleston, and it houses about 1,400 male inmates and has a staff of about 330. The Centro de Readaptacion Social Varonil Santa Martha Acatitla (CERESOVA, referred to as “Santa Martha” or “Santa Martha Oro”) is one of 10 prisons in the

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5 Ibid., 308-34.
45,000 inmate Mexico City correctional system. Santa Martha is a medium and maximum security facility housing about 1,800 male inmates and has a staff of about 530. This chapter is based in part on 78 interviews conducted in 12 prisons in the United States and in Mexico from August 2012 to June 2014 (see Annex 1).

Lieber, in many qualitative respects, is run more effectively than Santa Martha, and some portion of the difference in performance is likely due to organizational structures. The institutions defining these organizational structures have in turn evolved out of historical causes unique to the United States and Mexico.

Lieber is one of eight prisons receiving the Level 3 rating, the highest security rating in the South Carolina Department of Corrections system. In reality, Lieber and Lee Correctional Institution, a maximum security prison in rural Bishopville, receive the most dangerous inmates in the state. “We get the doo-doo,” said one guard at Lieber. Lieber houses South Carolina’s death row and also lacks special needs populations, which are considered easier to manage, found in other Level 3 prisons. For instance, the maximum security Broad River Correctional Institution in Columbia, SC, houses a special dialysis unit. The proximity of Lieber to the metropolitan center of greater Charleston has exposed its management team to heightened media scrutiny. In 2014 the Post and Courier, Charleston’s principal newspaper, ran a three-part series focusing on the deficiencies in the South Carolina prisons’ care for mentally ill inmates.6 Lieber has had serious security incidents in the past. In 2012 inmates in the Ashley dorm, a housing unit with inmates with lengthy sentences, overpowered guards took control of the unit in a riot that lasted about 5 hours.7 In 2009, two inmates repeatedly stabbed a prison guard at Lieber.8 One manager at Lieber said, “Imagine. The inmate is someone who was a non-functioning member of society.

8 Schuyler Kropf, “Corrections Officer Hospitalized after Stabbing at Lieber,” The Post and Courier (December 2, 2009).
At least out there, they are mixed with others. Here, you have put 1,400 of them together. Now you put all together in one place.” Another manager said, “Lieber is at the top. It’s a Level 3. You have to perform. Some [individuals working as guards would] get bored at lower level institutions.”

Yet despite such external and internal perceptions of disorder and violence, Lieber is relatively orderly, clean and well run. Lieber carries the name of Francis Lieber, the German liberal thinker who translated Alexis de Tocqueville and Gustave de Beaumont’s *On the Penitentiary System in the United States and Its Application in France* \(^9\) and who spent many years of his career at the University of South Carolina in Columbia. The prison was built in 1986 and has a non-descript style of architecture that characterizes other prisons built in the state at the same time. Driving up, one pulls into a large, unevenly graded gravel parking lot. Lieber has no iconic guard towers, but the dominance of its surrounding double perimeter chain link fences with rolls of razor wire lining the tops leaves no doubt as to its purpose. The contraband officer, Sergeant Jones\(^10\), is my guide on a walking tour of the facility. Inside, five identical dorms line a grassy courtyard. The dorms have a brick veneer, and one can see inmate’s books and personal belongings in some of the windows. The dorms have a triangular footprint that encompasses two identical two-story wings set at a ninety degree angle to one another, and a common area and guard box between the two. The common areas of the dorms are clean and orderly, and each has two microwave ovens that inmates share. Other large rectangular buildings house the cafeteria, administrative offices, the religious services building, and prison industries. Concrete sidewalks run alongside the buildings and crisscross the yard. Several internal fences divvy up the large internal yard, and guards man the doors that one passes through to move from one area to another. Lieber’s facilities are not as immaculate as those of Perry or Broad River Correctional institutions, model prisons in South


\(^{10}\) All names used are pseudonyms.
Carolina. Its paint is chipped in areas, some metal surfaces are rusted, and cafeteria chairs have unsightly worn tennis balls placed on their legs. But its facilities are far from dilapidated, and many signs of careful maintenance are present. The grass in the yard is neatly cut and edged. In the main security checkpoint that one passes through to enter the facility, there is a full length mirror with a check list of items for employees: “uniform neatly pressed”, “shirt buttoned”, “pants tucked in to boots”, etc. The main entry to the warden’s office and other central administrative offices have a carefully arranged shrine that displays institutional awards and certifications, pictures from (literally) intramural sporting events, inspirational sayings, and an open Bible.

Human movements and interactions reflect the orderliness of the built environment. Inmates move from building to building in lines, and no one cuts across the grass of the yard. All inmates wear identical tan jumpsuits with “SCDC” printed in black on the backs of the garments. The exception to this rule is the one in approximately thirty inmates who wears a pink jumpsuit, indicating his status as a sex offender. Mingling with inmates entering a building, one can hear an inmate mumble something to a guard. “Fuck you,” the guard growls back at him. This is evocative of a similar interaction at Broad River. At that prison, a female guard assigned to the educational unit barked out orders to prisoners entering the hallway without permission: “Get back!” she thundered. The inmates grudgingly complied. The education director showed deference to her judgment. “She knows,” he said. “We [educators] rely on security. As lay people we are tempted to say, well… Why don’t you… But, no. They know. Miss Whitman knows.”

Santa Martha “Oro” prison is a specialized unit in Mexico City’s prison system. Santa Martha houses about 1,800 male inmates who are relatively young, between the ages of 20 and 30, and who have relatively modest sentences, usually up to 10 or 15 years. Prison officials segregate this population from older inmates or inmates with longer sentences under the belief that the younger inmates might by this means avoid contamination that contact with hardened criminals could bring. Santa Martha also houses a completely segregated maximum security unit, “El Diamante” (“the Diamond”), housing inmates with long sentences and a history of antisocial behavior within the prison system. Santa Martha (called ‘Oro’,
or ‘Gold’) and El Diamante share some administrative structures and have partially duplicated administrative structures. The principal focus of this chapter is the administrative structure of Santa Martha “Oro”.

Santa Martha (both “Oro” and “Diamond”) are physically at the center of a massive prison complex in the sprawling lower middle class neighborhood of Santa Martha Acatitla in Mexico City. Walking briskly from the Acatitla subway stop through Delegacion Ixtapalapa (Ixtapalapa neighborhood) to Santa Martha prison one wends through neighborhoods with numerous guard dogs, Christian shrines, unaccompanied youths smoking marijuana and the occasional helpful bakery owner. Arriving to a major thoroughfare, Eje 8 Sur, one sees massive concrete walls that extend continuously for multiple city blocks and iconic guard towers. The complex that Oro and Diamond are embedded in also contains the Penitentiary of Mexico City, the unit for male inmates with the longest sentences, and the Centro Femenil de Readaptacion Social Santa Martha Acatitla, one of two prisons for female inmates. The female unit has a non-functioning ‘roundhouse’, a distinctive circular structure based on Jeremy Bentham’s Panopticon design. The male only Penitentiary is the oldest unit in the Mexico City system. It was completed in 1957 as a replacement for the famous Lecumberri prison, which operated in the city from 1900 to 1976. Jorge Fernandez Fonseca, former chief of surgery at the Penitentiary, wrote that when he arrived in 1963 he was “surprised at his first impression of a medical unit that was well staffed by courteous, professional individuals, and a hospital complex that was itself brand new and modern.”

The Mexican federal prison administration, the Organo Administrativo Desconcentrado Prevencion y Readaptacion Social (OADPRS), build the physical structure now occupied by Santa Martha “Oro” and “Diamond” adjacent to the Penitentiary in 2003, but for obscure reasons ceded its operation and management to the government of Mexico City bureaucracy that manages prisons, the Subsecretaria de Sistema Penitenciario del Distrito Federal.

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Touring Santa Martha “Oro” is a jarring experience. Passing through the guard kiosk at the street entrance, one traverses a large mottled concrete courtyard to an imposing series of ramps and a tall metal canopy that shelters the checkpoint at the entry to the complex. Depending on the time of arrival, one might see one or two unaccompanied women arriving for an overnight conjugal visit with small suitcases in their hands. Passing the checkpoint, one immediately enters the Santa Martha administrative offices. These are typical white collar worker offices, undistinguishable from other public offices in many Latin American countries, with the exception that one will see a uniformed officer occasionally and views from windows are obscured by external horizontal metal blinds integrated into the structure of the building (it is not clear without outside knowledge that these are prison bars).

To enter into “population”, the area of the complex inhabited by inmates, one leaves the office building through a series of elevated and semi-enclosed walkways until arriving at the final guard post that allows entry to the facility. As with other prisons, freestanding dorms dominate the center of the complex. Santa Martha’s dorms are four story units with four identical wings and a footprint that resembles an “X” from above. Large open grassy courtyards separate the units, and sports fields are adjacent to the courtyards. The grass is uncut in many places and worn in others. One wends his way around the complex on a concrete pathway system built directly on the courtyard and enclosed in tall chain link fences with razor wire at the top. Inmates, staff and visitors alike walk down these narrow and enclosed walkways. Some inmates mull around in the pathway system, others walk purposefully to and for, and yet others congregate in open grassy areas around the dorms or in the common areas below the dorms. One former federal prison executive who transferred to the Mexico City prison system said disparagingly of the pathway system at Santa Martha, “It is unsafe. One walks down the pathway (“el kilometro”, “the kilometer”) and encounters inmates.” He further notes the physical structure is deficient, either by design or by maintenance. “There are sharp pieces (puntas) of glass. There are detached, sharp pieces of metal.”

The squalid state of the dorms in Santa Martha “Oro” could not contrast more with that of the orderly and clean dorms of Lieber. Ascending the stairs from the ground level, which by architectural
convention in Latin America is not inhabited as the “planta baja” (ground floor), to the first floor one sees trash in the unlighted stairwell and in the hallways of the wings. The pungent odor of marijuana is in the air. In a similar prison in the Mexico City system, one sees inmates scamper to put on shirts, mandated by regulation, when a tour and guards come through. An inmate put out a cigarette, also prohibited by formal rules, when my group, which included the chief of security, walked by him a second time.

Inmates were tan colored street clothes of every imaginable quality, level of cleanliness and design. On this day in Santa Martha “Oro”, I was accompanied by two social workers and an hour into the walking tour a security detail, two uniformed officers dispatched by the director (i.e., the warden), caught up to us. In July 2014, corrupt officials released from Santa Martha seven inmates who should have remained in custody.\footnote{Arturo Sierra and Manuel Duran, “Aceptan corrupción, pero ¡no proceden!” Reforma (July 10, 2014).}

What accounts for the obvious contrast in the level of performance between Lieber and Santa Martha prisons? Some variables are relatively easy to eliminate from consideration. The staff to inmate ratio does not seem to be determinative. Figure 5.1 shows Lieber and Santa Martha in comparison to four other institutions. Five out of the six have inmate to staff ratios of 3:1 or 4:1, including Santa Martha. The inmate to staff ratio might be determinate in extreme cases, such as the Mexico City prison “Reclusorio del Oriente” (Prison of the East), which has a 13:1 inmate to staff ratio and security problems. But this crude numeric indicator does not provide a compelling explanation for the differences between Santa Martha “Oro” and Lieber.

[Figure 5.1 about here]

The inmate population, resources, culture and ideology plausibly explain some of the difference, but dramatically different institutional structures likely play a stronger role in determining management outcomes. In this instance, institutions are represented by the organization of on-site personnel, most accurately conveyed through the two prisons’ organizational charts. Both are hierarchical organizational structures with an on-site warden/director and with subordinate managers of similar units (security, social
work, administrative/budgetary, etc.). Both prisons (and virtually all prisons) allocate a preponderance of manpower to the security or custodial function of the prison, in part because this function is central and in part because it is the only unit in the bureaucracy that must function on a 24 hour basis, thus tripling the number of human resources needed to staff it. The institutions’ organizational structure is representative of similar institutions in the respective state prison systems.

Despite these similarities, Lieber and Santa Martha have organizational structures that differ fundamentally along three dimensions. First, Lieber allocates more resources to the security function than does Santa Martha. Second, Santa Martha employees a corporatist form of organization that affords great autonomy to a number of functional units. The effect of this corporatist structure in Santa Martha is to weaken the function of the security unit relative to the functions of other units. It also weakens the director’s authority relative to that of his counterpart, the warden in Lieber. Third, the vocational backgrounds—if not the social backgrounds—of the individuals occupying the director or warden position are different. In both countries, virtually all wardens or directors have worked their way up from lower level positions in the prison. But in the institutions toured in the US, the warden originally came either from the security unit or from the social work or rehabilitation unit. In Mexico, by contrast, the director virtually never comes from a security unit.

Figures 5.2 and 5.3 show the organizational structures of Lieber and Santa Martha.

[figure 5.2 about here]

[figure 5.3 about here]

There are several notable points of contrast. First, security elements dominate Lieber’s organizational chart. About 75% of its staff of 331 are uniformed security guards, whereas only slightly more than 50% of Santa Martha’s staff are security guards. These ratios of security staff to total employees generally hold up when one compares other prisons in the South Carolina and Mexico City systems. For instance, slightly less that 50% of the staff of 950 in the enormous 12,000 inmate “Reclusorio del Oriente” in Mexico city are security staff, while about 80% of the staff of about 360 in Columbia’s Broad River Correctional Institution are security personnel. The quality of the security staff
in all probability accentuates these numerical differences. One prison director in Mexico City complained, “When something [i.e., a security incident] happens, some guards run the other way.” In contrast, guards gravitate toward disruptions in Lieber. One meeting with the major in charge of security in Lieber ended when he received a call. “Something’s happening over in Stono [dorm],” he said, and hurried away.

Second, Lieber’s organizational structure is centripetal while that of Santa Martha “Oro” is centrifugal. Lieber’s organizational structure fuses security, social work and general administrative functions across two internal pillars, security and operations, both of which report directly to the warden; in contrast, Santa Martha’s organizational structure features four functional pillars—security, social work, administrative, and legal—that report both to the on-site director of the prison and to the executive director of the functional units, who are based in headquarters. One autonomous functional area, legal, exists in Santa Martha and similar Mexican prisons, but is essentially absent in Lieber and similar US institutions. This institutional structure tends to enhance the power of the director of security in Lieber, who reports to one of only two assistant wardens, the warden for operation.

The security function of Lieber, with its 246 security staff, dominates the operational branch, which has 35 other employees. The assistant warden for operations has only to compete with the assistant warden for programs for the warden’s ear, and the assistant warden for operations is the mouthpiece amplifying the security director’s preferences. For instance, conjugal visits were ended in the early 2000s in the South Carolina system because of the security threat they posed. Conjugal visits present a major challenge in controlling contraband and are subject to abuse by prostitutes and their inmate clients. Even when not subject to abuse, these visits dilute security staff, which has to be more gender equal to accommodate the female searches that are part of the process. Security units disliked these visits, and their opinions no doubt carried weight in this policy debate in South Carolina in the 1990s when the practice ended.

In contrast, social workers’ concerns are represented by the social warden, the educators and the pastors on staff. While in theory social workers’ preferences are not mutually exclusive with the
preferences of security units, in practice the two perspectives can and do conflict. Social workers believe in the potential rehabilitation of every inmate, called the ‘corrections model.’ Corrections proponent Ellis MacDougal wrote, “Many will say that the system called Corrections does not work, so we should return to the fundamental punishment model—a view that has never worked in our society.” But they are wrong because it is possible under the right conditions to “establish a system that can impact the offenders committed to it…” One 30 year veteran and social warden interviewed believed that there should be “more focus on rehabilitation” in prisons. He condemned the wholesale cutting of social programs in South Carolina prisons in the 1990s and praised their reinstitution in the 2000s. He mentioned a program in which inmates focus on satisfying the needs of an orphanage in Haiti. “They need [to learn] to think about someone else.” And others should show the inmate compassion: “The inmate needs to know he is not just a rock doing time.” This social warder rejects the notion that one must choose between security and rehabilitation. “Some say strong security or bleeding heart,” but he went on to argue that the population is more compliant if inmates have social programs to engage in.

Security personnel agree in principal that programs that keep inmates busy and “lower the temperature” in the dorms are good. But they often disagree with social workers and other specialists on specific rehabilitative or inmate policies. For instance, one security director criticized changes to the mental health policy for potentially suicidal inmates. Longstanding policy was to confine such inmates in a ‘lockdown’ cell, a single occupant cell usually used for anti-social inmates, until the crisis had passed. The new policy would be to leave the inmate in general population, but to assign a security detail to him on a 24/7 basis until the crisis had passed. This would be done to avoid the humiliation on the part of the inmate for being confined in the ‘lockdown’ unit. However, in the opinion of the security director, this was clearly an impractical and ill-conceived policy, one that took needed security resources away from assignments that would have them backing up other guards and protecting inmates. When such policy differences between security staff and social workers exist, the institutional structure of Lieber and other

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13 Ellis MacDougal, “Corrections has not been Tried,” Criminal Justice Review (March 1, 1976), 64, 69.
prisons like it strengthens the voice of the security unit and allows these units to win more policy debates than they would otherwise.

While the inclusion of non-security functions, such as medical services, in the “operational” branch enhances the stature of the operations warden, and by extension the security unit, the inclusion of non-social worker functions, such as facilities maintenance in the “social” branch likely has the opposite effect on social workers. Managing practical day-to-day items needed to keep the institution running—for instance trash collection and food services—likely acts as a curb on the lofty rhetoric of rehabilitation conveyed in the MacDougal article.

Leiber’s organizational structure promotes a balance between security and rehabilitation policy preferences. In contrast, Santa Martha’s organizational structure promotes the ascendance of the “technical” unit, the unit that is responsible for social programs at the expense of other units, including security.

This is not to say that security is not central to Santa Martha “Oro” and other prisons in Mexico. It is. Institutions visited allocated around 50% of their personnel to security and some allocated more. The security imperative is so overwhelming for on-site personnel that it cannot be ignored. The security director at Santa Martha “Oro”, a pudgy, well-groomed and well-mannered uniformed officer, said, “Security is the backbone [of this institution].” One training manual for prison security personnel in Guanajuato dedicated eleven out of fifteen units to security or security related themes.

Yet the security unit in Santa Martha “Oro” and other prisons must compete with the ‘technical unit’, an autonomous unit staffed with psychologists, social workers, criminologists, and some anthropologists. It is difficult to underestimate the influence of the technical unit within Santa Martha and other prisons like it. In interviews with security personnel, technical unit staff interject answers for security members.

Interviewer to security director: “What are the most changes you have seen in your 35 years in penitentiary sector work?”
Technical unit worker: “Training in human rights…”

Security director: “Some have gone to the United States to receive training. The [Mexican] federal prison workers have gone. [We are given] trainings in inmate extraction, handling fights, riots, controlling disturbances, leadership (directors).”

This influence is the product of four factors: the number of employees in the unit, their relatively high education levels, control of certain non-defined functions, and the autonomy that they enjoy through the corporatist structure of the organization. First, a full 21% of Santa Martha’s staff (109 out of 529 employees) is assigned to the technical unit, whereas the functions of educator, pastor and prison industry employees in Lieber, the basic analogues of the technical unit, comprise about 4% (13 out of 331) of Lieber’s staff. Review of other institutions’ organizational charts suggests that these are representative figures. Reclusorio del Oriente (Prison of the East) allocates about 17% (168 out of 983 employees) to the technical unit, whereas Perry Correctional Institution assigns about 3% of its staff to the functions of teaching (3 permanent certified teachers), 3 pastors, 1 physical education specialist and about 5 prison industries managers out of 351 total employees. This analysis might underestimate the human resources dedicated to rehabilitative functions such as counseling, work and education in the US institutions because of the use of part-time employees or external groups that do pro bono work. For instance, college professors from Greenville, SC organize and run a program called Writer’s Block, an inmate creative writing program, in Perry Correctional Institution, but they do not appear on its organizational chart. This type of adjunct relationship does not exist in the Mexican institutions. Yet the proportions are so overwhelmingly higher in Mexico that the generalization holds up: Mexican institutions place substantial human resources in their technical unit compared to analogous functions in the US institutions.

Second, personnel in the technical unit is highly educated relative to personnel in other units. Psychologists, teaching specialists (‘pedogogos’), social workers, philosophers, and lawyers all have the functional equivalent of a college education. Mexicans express this with the phrase “tiene profesión”
(they have a profession). A very conservative estimate is that about 50% (54 of 109) in the technical unit at Santa Martha “Oro”, including 9 medics and nurses that report to the unit’s director, have a college degree or higher. Most in the security unit have a level of education of “primary”, that is to say, a high school degree. In the sister institution, Reclusorio del Oriente, the administrative unit estimated the following percentages of personnel that have a college level education in each of its units: Technical unit (80%), Legal Unit (80%), Security (2-3%), and Administration (10%). Interviews with security personnel corroborate this analysis. Moonlighting is common among security personnel in both Mexico and the US. The jobs that Mexican guards work during their off hours (they work a 24 hour ‘on’, 48 hour ‘off’ cycle) are a proxy for education level: taxi driver, construction worker, family business employee (e.g., sundries shop, metal shop, car repair, etc.), and farmer. Mexican institutions concentrate highly educated individuals in two units: the technical and the legal.

In contrast, Leiber’s organizational chart shows that highly educated individuals are spread between the operational and social pillars. Highly educated medics report to the same operations warden that the security unit reports to. Relatively lowly educated facilities maintenance and services employees report to the same social warden that the highly educated educators and pastors report to. In sum, the concentration of intellectual resources in the technical unit in Mexican institutions cannot help but amplify its voice in the institution relative to that of the security unit.

Third, many secondary functions are concentrated in the technical unit in Santa Martha while these same functions in Lieber are spread among different units. Medical services, classification of prisoners, and management of inmate grievances are important but secondary functions that might be placed in various parts of the organization. Santa Martha “Oro” concentrates all three of these functions in the technical unit, thus increasing its human resources and clout within the prison. In contrast, the classification and medical units in Lieber reports are placed with the operations warden, which also oversees security. The inmate grievance adjudication function is handled by the warden’s staff. None of these three functions resides with the closest analogue to the technical unit in Santa Martha, which is the social warden in Lieber. A fourth function, liaising with external visitors for tours is handled differently.
The technical unit in Mexican institutions is the point of contact for a visitor from the outside entering the institution, and a handler from the unit accompanies the visitor at every stage of the entry into the physical structure or accompanying interactions with staff. In contrast, at Lieber and similar institutions in the US, a uniformed security staff member is the principal point of contact. The security staff member might be a contraband officer, as at Lieber, or a ‘key warden’, as at Perry Correctional Institution, or a line Sergeant, as at Broad River. But it is always a uniformed member of the security staff who controls the specifics of an external visit in the US institutions.

The specific nature of these functions enhances the technical unit’s influence because they are functions that require high levels of education and are prestigious (as in being the guide for an external visitor). This is to say, the inclusion of personnel responsible for kitchen maintenance under the supervision of the social warden at Lieber only moderately increases that unit’s influence by increasing its personnel, but because of the very specific nature of the function, which is non-glamorous, the net effect on the social warden’s position is not as great as it would otherwise be. In contrast, supervising the grievance inmate process, receiving external visitors, and classifying inmates increase both number of human resources supervised by the technical sub-director in Santa Martha and add to the prestige of the unit. Through the concept of specificity, the institutional literature distinguishes among different functions based on how inherently measureable they are in terms of performance. For instance, it is more difficult to develop metrics to rate the performance of a high school guidance counselor than to develop metrics to rate the performance of an auto mechanic, though both jobs are important to society. The basic insight here is that different functions in an organization are inherently different in terms of prestige, measurability and other characteristics.

Fourth, observations of corporatism in Latin American institutions are legion among analysts, and the specific form of the corporatism as it exists in the bureaucracy of Santa Marth and other prisons in Mexico enhances the influence of the technical unit. Richard Morse in his classic interpretation of the region “The Heritage of Latin America” wrote, “the larger society is perceived in Latin America as composed of parts which relate through a patrimonial and symbolic center rather than directly to one another. A national government operates not as a referee among dynamic pressure groups, but as a source of energy, co-ordination, and leadership for occupational groups and syndicates, corporate units, institutions, social estates, and geographic regions.”15 This is partially correct in describing the function of the bureaucracy of Mexican prisons like Santa Marth. Each of the units in Santa Marth—technical, security, legal, and administrative—conceives of itself as a discrete unit with its own identity, resources and autonomy. But in contrast to Morse’s conceptualization, coordination of the units does not come from a “patrimonial center”, which in this case if the analogy were complete, would be the director’s office in Santa Marth. In fact, the technical unit dominates the other units, including not only security, but also the director’s office (described below).

Nothing illustrates the autonomy and influence of the technical unit in this corporatist scheme more than the policy debate over conjugal and family visits. Family and conjugal visits are an inalienable right of Mexican prisoners, and the technical unit is the guardian of these rights. ‘Technicos penitenciarios’ and other workers from the technical unit shadow security personnel to assure that inmates’ families and spouses have access to them at appointed hours. Family visits of up to four hours are permitted up to four times a week in some Mexican prisons, and conjugal visits can take place once per week from either 9:00 PM to 8:00 AM or from 10:00 AM to 6:00 PM. Conjugal visits take place in a relatively well appointed private cell with a shower, TV, bed and decorations. According to the director

of security at Santa Martha “Oro” some security guards dislike conjugal visits because these visits are hard to manage. Husbands and wives enter into conflict, and the guard, who is responsible for security, must resolve the conflict. Family members can be quarrelsome. Another prison director complained of the quantity of family visitors his institution received in one week: 10,000. This was down from a previous high of 20,000. This director related the story of a dispute between two inmates during a family visit. One was dancing with the wife of another inmate, and the two came to blows over this. It was in this same prison that one inmate killed another with a handgun smuggled in a few weeks before this interview. Despite concerns by security personnel and some directors, neither has been successful in achieving a reduction or other security-enhancing policies with regard to family and conjugal visits. This was not the case in South Carolina, in which security elements allied with a new state director in the mid-1990s to eliminate entirely the conjugal visits. Facing no organized, cohesive and autonomous group such as the technical unit in Mexican prisons, reformers were successful in their efforts to end conjugal visits.

But it is the specific nature of corporatism as it exists in Mexican prisons that enhances the influence of the technical unit compared with the security unit and other units. Two facets are important in explaining the influence of the technical unit in this scheme. First, the director’s position in Mexican prisons is weak. Second, organization in terms of educational background creates an imbalance in policy debates.

Mexican prison directors are extraordinarily weak compared with US prison directors. Figure 5.3 shows that the technical, security, legal and administrative sub-directors report not only to the prison director, but also to an executive director for their functional area in the headquarters office. Each effectively has two bosses. In an interview in one state prison in Mexico, a sub-director for the legal unit clarified that her first boss was the director of the prison (present in the room), and that her second boss was the executive director for the legal pillar of the corporatist structure in system headquarters. In doing so, she called attention to the fact that no such relationship exists in for instance Lieber prison in the US.
The Mexican institutions enhance the power of the sub-directors vis-à-vis the director’s office in the event that policy preferences differ.

In contrast, US wardens have much more power to implement policies free of concern from policy preferences of independent technical or legal pillars. For instance, wardens in the US, not their home offices, determine which outsiders have access to their institutions. In Mexico, one requests permission to tour a facility from the director of the state system, who works closely with the executive directors for technical, legal, security and administrative pillars. In Mexico, an off-site executive technical director can grant access to a prison; in the US, a warden can unilaterally grant or deny access to his prison. If the office of prison director of the Mexican prison mentioned above had more influence in policy decisions, family and conjugal visits would have been curbed, if not eliminated.

Second, corporatism in Mexico at the national level has traditionally yielded a system of checks and balances of functionally different but otherwise similar pillars. In contrast, the pillars of the prison system are weighted very differently. The staff in the security pillar generally have less education and are not drawn from elite sections of society in comparison to the staff of the technical or legal units. over the director’s office or the security unit.

Regarding corporatism at the national level, the Mexican Revolution replaced a decadent political order dominated by the church, military, and landowners. Each of these sectors was urban, upper class, and excluded the major new social groups created by rapid socioeconomic development of the late 19th century. After the Mexican Revolution, political leaders such as Plutarco Elias Calles and Lazaro Cardenas created a vertically integrated corporatist system with agrarian, labor, popular and military pillars. Each sector was headed by an unrepresentative and small elite, but the pillars were also popular and therefore coequal. For instance, the National Autonomous University of Mexico (UNAM) was founded in 1910. It grew to be a massive urban institution headed by a cosmopolitan elite and with substantive inclusion of the masses. Through its daughter institutions such as the National Institute of

16 Huntington, Political Order, 318 ff.
Penal Sciences (INACIPE), UNAM has intellectually shaped the prison sector and has channeled innumerable working class individuals into the functionally related prosecutor’s office. In contrast, the Heroico Colegio Militar, Mexico’s West Point, has existed since the 18\textsuperscript{th} century. It too has an elite core and, by the very nature of the military mission, mobilizes mass populations. But in the aftermath of the Mexican Revolution, the UNAM and the Heroico Colegio Militar represented separate but coequal pillars in the national system.

In the prison system, however, some pillars are simply much more powerful and institutionally grounded than others. The social and educational composition of the pillars of the corporate units in Mexican prison bureaucracies, such as those of Santa Martha prison, creates highly unequal pillars. While the security unit possesses autonomy, it lacks the intellectual resources to effectively express its policy preferences when these differ with those of other units. For instance, it appears that the escape of seven inmates from Santa Martha in July 2014 originated in the legal unit, the unit whose principal responsibility it is to verify the court-determined release dates of inmates.\footnote{Sierra and Duran, “Aceptan corrupción.”} It is not clear that there were irregularities in the legal unit, but it is certain that the security unit, which bears the principal responsibility for preventing escapes, could not conceivably challenge the authority of the on-site legal unit at Santa Martha prison. In contrast, Lieber has no on-site legal analogue. Release decisions are made at headquarters and communicated to the warden’s office where checks and balances between legal and security units can be accomplished more effectively. The national level corporatism emerging from the Mexican Revolution produced coequal units that checked one another; in contrast, the corporatism of prison bureaucracies in Mexico produced a tyranny of the educated.

This inductive analysis of checks and balances in the Mexican and US prison bureaucracies serves as a cautionary note to institutional theorists who propose deductive and abstract theories of institutional incentives. Political scientists distinguish between \textit{decisive} political institutions in which decisions can be made quickly and by a concentrated decision-making authority, and \textit{resolute} political
institutions in which the status quo tends to be maintained and changes are harder to implement. Two characteristics determine whether an institution is decisive or resolute: the number of veto points and the diversity of policy preferences of the actors. All things being equal, more veto points and more diverse policy preferences lead to a more resolute political system, in which checks and balances reign. Yet it is not enough to just have one or the other. A system with many veto points but a complete uniformity of policy preferences will tend to yield a decisive, not a resolute political system. The same is true of a system with a variety of policy preferences, but few veto points. A diversity of policy preferences (called “separation of purposes”) must interact with multiple veto points (called “separation of powers”) for checks and balances to obtain. For instance, ___.

The only problem with this theory is that it does a terrible job of describing the institutional dynamics of Mexican prison bureaucracy as it exists in reality. Figure 5.3 shows that a typical Mexican prison theoretically has five veto points, or five separate units with power, resources and autonomy. These are the director’s office, the security unit, the technical unit, the legal unit and the administrative unit. There are a diversity of policy preferences among groups, as described above. Yet the result is not a resolute system of checks and balances, but a highly decisive system dominated by the orthodox policy preferences of one unit: the technical unit. In fact, it is actually the fusion of powers in the organizational structure of the US prison bureaucracy that produces a more resolute set of institutions characterized by checks and balances.

The third major characteristic that differentiates prison bureaucracies such as Lieber from those such as Santa Martha is the professional training of wardens. Wardens in the US institutions came to the position from both a security unit route or from a social worker route. For instance, the warden of Perry Correctional Institute in Pelzer, SC, holds a masters degree in social work from the University of South

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Carolina. He describes his job as that of a principal in an elementary school and compares his work as warden to that of his wife, who is in fact a principal at an elementary school. The warden at Lieber Correctional institution is a military veteran and former prison guard at Lieber. The warden of Broad River Correctional Institution in Columbia, SC too began as a security guard. In contrast, none of the directors interviewed in the Mexico City system came to their job by a military route. The director of Reclusorio del Oriente was a lawyer by training. The director of the Santa Martha “Oro” was an educator by training. He had started in the prison sector 37 years ago, and had spent 6 years on hiatus as a teacher. The director of Altiplano federal prison was an economist by training who had hoped as a young man to work as an analyst at CIDE, the prestigious think tank in Mexico City. The recruitment of personnel to the director or warden position reinforces the differing emphases described above: US institutions emphasize security, while Mexican institutions emphasize education, inmates’ rights, and cultural activities.

What are the historical origins of the different prison bureaucracies, as described above? There are three likely historical differences that led to different institutional configurations in US and in Mexican prison bureaucracies. First, the fusion of powers in the US prison bureaucracies is likely the due to the heritage of older Tudor institutions of governing that are characteristic of most US governing institutions but absent in Mexican institutions. US institutions fuse power by creating multiple functionally similar units with autonomy and power. In contrast, European institutions (and in this case, Mexican institutions) create functionally distinct units with autonomy and power in a rational division of labor. Second, Mexico has traditionally been, and in many ways still is, a class-based society, while the US has been much more egalitarian. The class-based organization of society in Mexico provided an auspicious environment for institutional units that replicated and reinforced class divisions. Third, modern Mexican bureaucracy developed out of the crucible of the Mexican Revolution in the early 20th century. In contrast, the US prison bureaucracy developed out of the peacetime Progressive Movement of the late 19th century. Unique historical circumstances surrounding the formation of professional
bureaucracies in the two countries led to differences in the organization at the level of the individual prison.

First, the creation of modern government in complex society required the centralization of power in a modern state, often historically at the expense of feudal estates. This process took place in England and on the Continent in the 16th and 17th centuries, and later in the US in the 18th and 19th centuries. Along with the centralization of power in the modern state came a necessarily increasingly complex functional specialization as dedicated administrative, legal, judicial and military institutions replaced older feudal institutions that combined all of these functions under the aegis of the feudal lord. The European pattern of modernization tended to imbue the new dedicated modern institutions with their own power and autonomy along with their functional specialization. This dispersion of functions among relatively specialized institutions, in turn, also encouraged inequalities in power among institutions. For instance, the legislative or law-making function carried more power than the administrative or law enforcement function.

In contrast, in the US medieval ideas of government associated with the Tudors were influential long after they had been shunned by the England. The ideological rejection of British principles of government in the American Revolution intensified this endorsement of older Tudor institutions, which were simpler and did not have a very advanced differentiation of functions. In Tudor government, a single function was often dispersed among several institutions. In this sense, government was constituted by fused functions. In Tudor England, the Parliament, Crown, and other institutions each performed many of the same functions, though they had their own autonomous sources of power and resources. 19

The haphazard distribution of functions across the operational and social pillars of Lieber’s organizational chart clearly show the Tudor institutional logic of fusing functions, while Mexico’s neat separation of functions into discrete units of technical, legal, security and administrative reflects the European and British models. We do not yet have the institutional history of how the European ideas of rational organization specifically influenced the development of prison bureaucracies in Mexico, but it

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likely came through the influence of Jeremy Bentham’s thinking. Bentham was extremely influential for Mexican intellectuals in general, and prison reformers specifically. Bentham’s ideas of the application of rational scientific principles to the organization of society directly affected the criminal justice sector in Mexico through Spanish translations of his works, *Tratados de legislacion civil y penal* (1822) and *Teoria de las penas y de las recompensas* (1826).\(^{20}\) The National Institute of Penal Sciences (INACIPE), influential for the prison sector, has a “Jeremy Bentham” conference room. INACIPE’s headquarters features as the centerpiece of its foyer a glass encased copy of *Discuro sobre las Penas contrahido a las leyes criminales de Espana para Facilitar Su Reforma*, by Manuel de Lardizabal y Uribe, an 18th century philosopher and in the words of one Mexican penologist, “the Jeremy Bentham of Mexico.” As noted before, the Lecumberri Prison, built during the dictatorship of Porfirio Diaz, was based on Bentham’s panopticon design.

Second, Mexico is a class based society in a way that the US simply is not. Felipe Calderon in a talk at the Woodrow Wilson Center in Washington, DC, in March of 2011 noted that Mexico started out the 20th century with a literacy rate of about 20%, and that his country’s development progress at the start of the 21st century should be judged against this historical perspective.\(^{21}\) He was right. Mexico had a literacy rate of 32% in 1910, and that of the US was 89% in 1900.\(^{22}\) In contrast, Alexis de Tocqueville contrasted the seigniorial tradition of France with the conditions of equality in the United States.\(^{23}\) It is more nature for a class based society to organize itself in the manner that Mexican prison bureaucracies have, putting most of the highly educated individuals in two units (technical and legal) and putting


\(^{21}\) Felipe Calderon, speech at Woodrow Wilson Center, Washington, DC (March 10, 2011). Accessed, 7/13/14: https://www.youtube.com/watch?v=7OM1-5fwjPc

\(^{22}\) Author publication.

individuals with lower levels of education in security and administration. In contrast, this sort of class based segregation cuts against the logic of institutions in the US.

Finally, modern public administration was the product of the peacetime Progressive Movement.\textsuperscript{24} Demobilized veterans from the Spanish American War, such as August Vollmer, founder of modern police training in the University of California at Berkeley in the 1900s, were at the forefront of law enforcement professionalization.\textsuperscript{25} It was about this time that politically appointed wardens were replaced with professional wardens, many no doubt with military backgrounds. For instance, before 1901 the Louisiana prison system was a “patronage mill”, but the creation of a class of “professional penologists” displaced much of the influence of the old political class, leading by some estimations to an improvement in the humane treatment of inmates.\textsuperscript{26} The military tradition in US prisons antedated the professionalization of the sector by at least 100 years. In the 1820s, Elam Lynds, former US army official, was an influential and practical leader in the penitentiary movement in New York. He led the Auburn Prison in that state, and with a band of loyal inmates he built New York’s famous Sing Sing prison.\textsuperscript{27}

In contrast, modern public administration in Mexico was the product of the amazingly destructive Mexican Revolution.\textsuperscript{28} Military professions were discredited. Many of the heroes and Martyrs of the


\textsuperscript{26} Mark T. Carleton, Politics and Punishment: The History of the Louisiana State Penal System (Baton Rouge: Louisiana State University, 1971), 194-5.

\textsuperscript{27} See Tocqueville and Beaumont, On the Penitentiary System, 199.

\textsuperscript{28} See Guillermo Kelley, “Politics and Administration in Mexico: Recruitment and Promotion of the Politico-Administrative Class,” Technical Papers Series, Office for Public Sector Studies, ILAS (Austin, TX: University of Texas at Austin, 1981), 4, for a note on the creation of merit based bureaucracies in Mexico.
Mexican Revolution, such as Francisco I. Madero, spent time in prison as political detainees, decreasing the legitimacy of the prison sector in the eyes of the public. Military influence was present in the development of US prison systems in ways that if was not permitted in Mexico.

If institutional structure determines a substantial part of the difference between US prisons and Mexican prisons, this variable is nonetheless unlikely to explain the difference in performance among the six Mexican prisons observed. Some, such as the state prison in Salamanca, Guanajuato, are relatively well run, while others, such as the Annex to the Reclusorio del Oriente in Mexico City, face challenges. Institutional structure is unlikely to be the primary difference between these Mexican prisons because all have the same basic structure. What other variables might cause some prison bureaucracies to be well run and others not? We turn to a consideration of the Guanajuato prison system to try to determine this.
### Annex 1
Institutions Included in the Study

<table>
<thead>
<tr>
<th>Facility</th>
<th>Location</th>
<th>Security Level</th>
<th>Type</th>
<th>Approx. number inmates</th>
<th>Date of Toured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Altiplano</td>
<td>Almoloya Jaurez, Estado de Mexico, Mexico</td>
<td>Administrative/Maximum</td>
<td>Federal</td>
<td>750</td>
<td>August 9, 2012</td>
</tr>
<tr>
<td>Lieber Correctional Facility</td>
<td>Ridgeville, SC, USA</td>
<td>Maximum</td>
<td>State</td>
<td>1,400</td>
<td>July 2013</td>
</tr>
<tr>
<td>Al Cannon Detention Centre</td>
<td>Charleston, SC, USA</td>
<td>Medium</td>
<td>County</td>
<td>1,000</td>
<td>July 2013</td>
</tr>
<tr>
<td>Arlington Jail</td>
<td>Arlington, TX, USA</td>
<td>Temp. holding facility</td>
<td>City</td>
<td>40</td>
<td>December 24, 2013</td>
</tr>
<tr>
<td>Reclusorio Oriente</td>
<td>Mexico City, Mexico</td>
<td>Maximum/Maximum</td>
<td>State</td>
<td>12,000</td>
<td>January 9, 2014</td>
</tr>
<tr>
<td>‘Center for the Execution of Penal Sanctions-Oriente’</td>
<td>Mexico City, Mexico</td>
<td>Medium</td>
<td>State</td>
<td>300</td>
<td>January 10, 2014</td>
</tr>
<tr>
<td>Broad River Correctional Institution</td>
<td>Columbia, SC, USA</td>
<td>Maximum</td>
<td>State</td>
<td>900</td>
<td>February 20, 2014</td>
</tr>
<tr>
<td>Perry Correctional Institution</td>
<td>Pelzer, SC, USA</td>
<td>Maximum</td>
<td>State</td>
<td>955</td>
<td>June 4, 2014</td>
</tr>
<tr>
<td>Lieber Correctional Facility</td>
<td>Ridgeville, SC, USA</td>
<td>Maximum</td>
<td>State</td>
<td>1,400</td>
<td>June 5, 2014</td>
</tr>
<tr>
<td>Penal Guanajuato</td>
<td>Guanajuanto, Guanajuato, Mexico</td>
<td>Medium</td>
<td>State</td>
<td>400</td>
<td>June 24, 2014</td>
</tr>
<tr>
<td>Penal Salamanca</td>
<td>Salamanca, Guanajuato, Mexico</td>
<td>Medium</td>
<td>State</td>
<td>300</td>
<td>June 24, 2014</td>
</tr>
<tr>
<td>Santa Martha Acatitla “Oro” CERESOVA</td>
<td>Mexico City, Mexico</td>
<td>Maximum/Maximum</td>
<td>State</td>
<td>1,833</td>
<td>June 26, 2014</td>
</tr>
<tr>
<td>Institution</td>
<td>Location</td>
<td>Type</td>
<td>State</td>
<td>Capacity</td>
<td>Date</td>
</tr>
<tr>
<td>-------------</td>
<td>----------</td>
<td>------</td>
<td>-------</td>
<td>----------</td>
<td>------------</td>
</tr>
<tr>
<td>Santa Martha Acatitl “Diamante”</td>
<td>Mexico City, Mexico</td>
<td>Maximum</td>
<td>State</td>
<td>369</td>
<td>June 26, 2014</td>
</tr>
<tr>
<td>Reclusorio Oriente</td>
<td>Mexico City, Mexico</td>
<td>Maximum/Medium</td>
<td>State</td>
<td>12,000</td>
<td>June 27, 2014</td>
</tr>
<tr>
<td>‘Center for the Execution of Penal Sanctions-Oriente’</td>
<td>Mexico City, Mexico</td>
<td>Medium</td>
<td>State</td>
<td>300</td>
<td>June 27, 2014</td>
</tr>
</tbody>
</table>
Figure 5.1
Comparison of Inmate to Staff Ratios in Six Prisons

<table>
<thead>
<tr>
<th>Institution</th>
<th>Year</th>
<th>Inmates</th>
<th>Staff</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Broad River Correctional Facility, Columbia, SC, USA</td>
<td>2014</td>
<td>956</td>
<td>351</td>
<td>3:1</td>
</tr>
<tr>
<td>2 Model Prison, Lucknow, Uttar Pradesh, India¹</td>
<td>1986</td>
<td>377</td>
<td>120</td>
<td>3:1</td>
</tr>
<tr>
<td>3 Santa Martha &quot;Oro&quot;, Mexico City, Mexico</td>
<td>2014</td>
<td>1,833</td>
<td>500</td>
<td>*</td>
</tr>
<tr>
<td>4 New Jersey State Prison, Newark, NJ, USA²</td>
<td>1958</td>
<td>1,200</td>
<td>300</td>
<td>4:1</td>
</tr>
<tr>
<td>5 Lieber Correctional Institution, Ridgeville, SC, USA</td>
<td>2014</td>
<td>1,424</td>
<td>325</td>
<td>4:1</td>
</tr>
<tr>
<td>6 Reclusorio Oriente, Mexico City, Mexico</td>
<td>2014</td>
<td>12,580</td>
<td>982</td>
<td>13:1</td>
</tr>
</tbody>
</table>

*Adjusted down from 529 for resources shared with "Diamond" unit.


Figure 5.2
Lieber Correctional Institution Organization Chart
Total staff: 331
Total inmates: 1,400

warden

10
warden's staff

assistant warden for operations

2
pastors

4
educators

26
medical

9
classification

248
security elements

7
prison industry

22
support services
Santa Martha “Oro”
Total staff: 529
Total inmates: 1,833
Table of Contents

I. Laws and Regulations
II. Human Rights
III. Penitentiary Security and Control Techniques*
IV. Physical Conditioning*
V. Legal Use of Force
VI. Personal Defense*
VII. Military Instruction in Controlled Movement*
VIII. Control of Penitentiary Disturbances*
IX. Arms*
X. Use of Anti-Riot Equipment*
XI. Transportation of Inmates*
XII. Driving Police Vehicles*
XIII. Managing Technology (e.g., personal computer)
XIV. Radio Communication*
XV. First Aid*

*denotes a security related training theme

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