

# Organized Crime Behind Bars

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## INTRODUCTION

While the Charlie Hebdo attacks in Paris in January 2015 unsurprisingly erased the memory of the previous evening, when television viewers<sup>1</sup> had seen how the inmates of Baumettes prison were posting their exploits on Facebook<sup>2</sup> flourishing drugs and wads of cash, they also seem to have made people forget just as quickly that these attacks only occurred because of serious societal shortcomings—most notably that the perpetrators had been radicalized, specifically, in prison.

Prison crime may be considered as one of the protagonists in what has been termed the “Contemporary Criminal Menace.” In France it is equally as serious as other forms of organized criminal activity, with one difference—the subject is simply not discussed. It is taboo. Yet another “French exception” that seems to have rendered the current Minister of Justice (among others) willfully ignorant, leading her to declare before the Law Commission of the National Assembly<sup>3</sup> that it was “not desirable to share criminal information from prisons with the intelligence community.”

She is undoubtedly right. How, after all, could it possibly be useful to know precisely what is happening in our prisons or to cross-check this information? It's a well-known fact that nothing really happens inside, well, no real wrongdoing... It's also undoubtedly why Rédoine Faïd, a robber arrested in June 2011 and who claimed to have become a reformed character, escaped from Lille-Sequedin prison on April 13, 2013, less than two years later, using “only” handguns and explosives and taking “only” four guards as hostages.

The images of his escape were made public, much to the dismay of prison officers “shocked” by their broadcast on TV channels M6 and TF1. The Justice Minister, Christiane Taubira “questioned” and expressed “concern” over video footage “highlighting criminal acts likely to undermine the dignity of prison staff,” forgetting, perhaps, that a number of serious questions remain unanswered.

Is France soon to witness criminal acts comparable to those we have watched unfold in the United States in recent times?

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<sup>1</sup> BFM TV, January 6, 2015 <https://www.youtube.com/watch?v=ugkBXt6iCpE>

<sup>2</sup> Facebook account *MDR o Baumettes* (“Baumettes lol”).

<sup>3</sup> March 31, 2015

On October 7, 2008, Texas Senator John Whitmire, chairman of the Senate Committee on Criminal Justice, received a call which, he said later, “made me horribly afraid.” “I know the names of your daughters, a voice said to him, I know how old they are; I know where they live.” The voice went on to provide precisely that information—their surnames, first names and addresses.

The person who uttered these phone threats was at least a double, and probably four-time murderer. He was at the time in a Death Row cell in Polunsky Prison,<sup>4</sup> southern Texas. He was in theory under close guard, yet Richard Tabler had managed to terrify one of the most powerful politicians in the state using a smuggled mobile phone.<sup>5</sup>

Among the panoply of contemporary criminal threats, one is particularly insidious and unappreciated, and that is the crime that abounds within prison walls.

The laws of all countries provide for the deprivation of physical liberty for specific reasons, with penalties to be served in prisons.<sup>6</sup> These custodial sentences<sup>7</sup> serve to punish and correct the convicted person if possible and prevent them from further harming society. Yet in prisons around the world, we see astonishing events unfold, and ever more frequently. We see elaborate trafficking, bloody battles; individuals already imprisoned for many years being tried and convicted anew, inside.

A general trend towards leniency and compassion, often in the name of atonement, has led to the establishment of spaces of freedom, both intellectual and physical, inside prisons, in the cells and the common areas. Thus, we see prisoners studying, for example, an activity that is perfectly aligned with one of the stated purposes of sentencing. Others, however, take maximum advantage of this generosity. The general increase in prison population density generates a promiscuity which complicates surveillance and control, while the increasingly collective nature of crime predisposes the prison population to coalesce into groups.

In prisons, the natural propensity of individuals to congregate together is enhanced. Where survival in a closed environment requires both discretion and a capacity to react to immediate violence, it also calls for gregarious cohesion and discipline. These skills develop according to the pace of life and with time. Each day allows the inmate to adapt to the environment and its repressive mechanisms. “Prisoners have twenty-four hours a day to figure out how to beat the system,” as one prison administrative official has remarked.<sup>8</sup>

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<sup>4</sup> Southwest of Livingston, Texas.

<sup>5</sup> Beiser, Vince. “Prisoners Run Gangs, Plan Escapes and Even Order Hits with Smuggled Cellphones.” *Wired*, May 22, 2009.

<sup>6</sup> According to a generic terminology: Guinchard Serge and Thierry Debard. *Lexique des termes juridiques*, 14th edition. Paris: Dalloz, 2003, 457.

<sup>7</sup> Decoq, André. *Droit pénal général*. Paris: A. Colin, 1971, 380.

<sup>8</sup> Brian Parry, Deputy Director of the California Prison Administration, quoted by the Santa Rosa Press Democrat, April 24, 2001.

The conditions are reinforced by a general lack of commodities and services, a situation which confers a disproportionate level of power upon those in a position to satisfy these needs.

Thus we see, in almost all prisons around the world, groups which often transform into genuine criminal power structures, either created inside, often under the guise of self-protection, or having been re-established on the foundations of prior membership of criminal organizations. They may also come together around religious proselytism with activist aims.<sup>9</sup>

Elaborate organizational structures gradually divert the penitentiary purpose to serve their own ends and, through a perverse logic, also extend their capacity for harm outwards, beyond the prison walls. These organizations, ubiquitous and comparable, are indicative of a deep, little-known and poorly accepted dysfunction—one in which the triple function of the deprivation of liberty is no longer served.

These organizations, which are a particular form of organized crime, belong to what have been called the “protagonists” of the Contemporary Criminal Threat. They constitute a specific criminal threat, which challenges the effectiveness of the sentence, and thus our penal philosophy as a whole: it has been dubbed the “Threat of Prison Criminality.” It raises a legitimate concern and calls for serious study.

We intend to show here the extent of the phenomenon, using significant examples. We shall develop an understanding of the principles generally implemented in the establishment and functioning of these entities. We shall also examine the damage, the pathogenesis of this threat of prison criminality in society at large.

## **I - SYMPTOMATOLOGY OF PRISON CRIMINALITY**

**A** worldwide, contemporary, and expanding phenomenon, the threat of prison criminality is not some immaterial notion. It is constituted of people and the organizations they have created. It is therefore necessary to conduct a symptomatic approach in the first instance which, without being exhaustive, will reveal the existence of the threat and its brutal reality.<sup>10</sup> We shall note that most often we are dealing with identifiable associations, created within the prison world, or re-establishing themselves inside and putting down roots there. They distort the meaning of the prison sentence and disrupt the normal functioning of the institution, within which and beyond which these groups conduct criminal activities of all kinds.<sup>11</sup> These organizations have been called “Criminal Prison Gangs.”

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<sup>9</sup> Research into this particular phenomenon, now known by the name of Prislam (Prison-Islam) in the United States, but which can be found elsewhere, merits a specific study. It will only be referred to here through some symptomatic epiphenomena.

<sup>10</sup> While the study of criminal societies may sometimes be based on observation, this is rarely possible in the prison world. We must therefore rely on documents, the veracity of which is not always possible to ascertain, even though many are sworn statements; others, coincidentally, are revealing.

<sup>11</sup> The California prison administration gives a definition of Prison Gangs as “Any association or group of three or more people who share a name, sign or identification symbol, and whose members or

## A - France: an Exception or Willful Ignorance?

In March 2015, an inmate escaped from the semi-open quarters of Baumettes prison by climbing over the fence. He escaped from the precinct but was still within the confines of the prison perimeter. It is thought he was on a mission to retrieve a package sent from outside. Another prisoner filmed the scene with his mobile phone...

Elsewhere, on November 18, 2013, a guard at Pontet prison near Avignon called the *gendarmes* from his watchtower after spotting two men near the perimeter wall. The men, one aged seventeen and the other twenty-two, were arrested. The first, who had crossed the barbed wire fence, told the *gendarmes* he had already thrown seven parcels over the fences for prisoners out exercising.

For the most part these packages contained alcohol. Near the second, the police found a number of plastic bags in the grass. They contained fifty-two packages in all, waiting to be sent over the fence. In them were several mobile phones, 100 grams of cannabis, screwdriver tips, one wrench, alcohol, and some meat, among other things.

This is not an isolated incident, and the problem takes various forms. In March 2003 a car theft ring, called “extensive” by police involved in the investigation, was organized and led by a criminal boss at the time incarcerated in Saint-Quentin-Fallavier prison (Isère, France).<sup>12</sup> Stretching as far as Marseilles, activities included homejackings<sup>13</sup> and carjackings.<sup>14</sup> These were carried out by gang members from the roughest no-go areas of Grenoble turning to serious organized crime.<sup>15</sup> Although behind bars, the gang’s boss was running this large-scale gang operation smoothly from his cell using a mobile phone, a situation familiar to prison staff in many countries of the world,<sup>16</sup> and which in France is undoubtedly neither an exception, nor this a unique case.

The prevalence of mobile phones in French prisons no longer surprises anyone. For example, on February 12, 2004, in response to persistent rumors of the existence of a loose firearm in a prison at Nanterre, a systematic search succeeded in finding no fewer than fifteen mobile phones.<sup>17</sup>

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associates practice or have practiced individually or collectively on behalf of the association or group, two or more acts including preparation, organization, threats, financing, illegal acts or acts of rebellion described as serious in accordance with Section 3315 of the California Code of Regulations.”

<sup>12</sup> “Le Figaro”, March 20, 2003.

<sup>13</sup> In French, “*Saucissonage*”—the act of entering a home against the will of its occupants and extracting property, valuables or actions under threat and/or violence—in this case vehicle keys.

<sup>14</sup> Taking an occupied vehicle by violent means.

<sup>15</sup> As for all criminal activities, again, we can only consider those for which there is prima facie evidence—which are known and therefore have been discovered. For that reason they have probably been stopped, sometimes even brought to justice. This in no way signifies that similar activities—and others—are not ongoing in the same places or elsewhere. All indications rather suggest that there has been an increase and diversification of criminal activity in prisons.

<sup>16</sup> For example Beiser. *Prisoners Run Gangs...*

<sup>17</sup> *Le Parisien*, February 13, 2004.

According to Bruno Hauron, deputy assistant to the chief of security in the prison system management at the time, “the mobile phone is, above all, an extremely useful tool in planning an escape—in the past, prisoners sent letters with coded messages, or signals from the prison windows to their accomplices outside. With a mobile phone, they can instruct the getaway motorcyclist waiting at a certain place, report their position within the prison, or order tools to be delivered to them.”<sup>18</sup>

The use made of the mobile phone in Saint-Quentin-Fallavier and in many other prisons, reveals a far more serious problem—that at least one organized entity, and maybe others in other French prisons, are working from within the custodial system and radiating to the outside world. According to the staff cited above, the organization must have benefited from internal complicity obtained, as one might fear, through corruption and threats.

The dismantling of a drug trafficking ring in Marseilles and Salon-de-Provence, announced on September 30, 2009, found that it had been directed from inside the Baumettes prison. This was also the conclusion reached by the judge during the trial of another drug trafficking organization in the 15th *arrondissement* of Marseilles, which ended on September 28 of that same year. Once again, operations were directed from prison using mobile phones.<sup>19</sup>

For one former prisoner, Abdel Hafed Benotman, author of two books on his time inside, corruption is rife in French prisons. “In a lot of jails there are teams of two or three prison guards operating more or less like gangs in uniform. They start off very simply, with a light touch, putting out feelers and slowly but surely building links and contact networks... Others are in it for the fascination inspired by the biggest gangsters inside. They can hand out any number of sweeteners—free girls and booze are always on tap for the right guys in the bars and clubs they own.”<sup>20</sup> This, at least, is the story that transpired from the case of two guards from the Ajaccio custodial center, convicted in 2003, and who, according to the Public Prosecutor of South Corsica<sup>21</sup> had been involved in “organized corruption.”

Now, where there is “corruption” there is also the corruptor, and the “organized” nature of the said corruption implies the existence of organized groups in at least two French prisons. When the escapes we have already spoken of are taken into account, prepared as they were with care, clearly employing the necessary means, connections and close coordination between internal and external agents, the conclusions that follow are inescapable.

On October 9, 2004, “*Le Gominé*” a notorious gangster imprisoned at La Santé prison, escaped from a clinic in Paris where he had been taken for a medical examination. Le Gominé is an armed robber whom DNA tests have also implicated in a number of rapes. In early September, a police officer who interviewed him with

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<sup>18</sup> *Le Figaro*, February 2, 2004.

<sup>19</sup> Trossero, Denis. *La Provence*, October 3, 2009.

<sup>20</sup> *Le Figaro*, February 2, 2004.

<sup>21</sup> *Libération*, September 24, 2003.

regard to this secondary criminal activity said that five mobile phones had been found in his cell the day before his transfer. This no longer appears any great surprise as far as French prisons are concerned, although five does seem rather a lot. What is perhaps more alarming is that his cell had already been thoroughly searched just one week previously...

In April 2004, an individual born in Corsica, strongly suspected of terrorism, was incarcerated. His telephone calls had been under surveillance, and activity was noticed on his line even in the days following his arrival at La Santé prison—he began to call his wife regularly. The police listened attentively and, in addition to information they were able to gather concerning the case in hand, they also obtained enough information to arrest a prison guard who had been paid some € 800 to bring the mobile phone in to him.

At the beginning of March 2007, the case of Boubacar Ba, also nicknamed “El Hadj”, “Papa” and “The Old One,” came before the 16th Chamber of the Paris Criminal Court. As a recidivist, he faced up to twenty years’ imprisonment. Guinean by origin, and sixty years old, he had been convicted twice under other identities. He comes into the scope of this study as the leader of an international cocaine trade, once again run by mobile phone from within the walls of La Santé prison.

In August 2004, Ba was imprisoned for “the export of 2 kg of cocaine” to Belgium. Far from ending the trafficking, his detention gave his business a tremendous boost. For the President of the Court—naïve or willfully ignorant?—this was “the most puzzling paradox that we had to judge in this matter.”! Using nothing but his mobile phone, Boubacar Ba had established a complete trade route from South America to Switzerland and back via France. His system was highly developed. Sometimes the drugs would be shipped by container to Cotonou, in Benin, where Ba's family handled the redirect logistics. Most of the time, however, the merchandise would be sent directly from Bogota to Paris in suitcases, which would then be conveyed to Switzerland, from where they would return, full of banknotes.

The bags traveled alone; Colombian accomplices at the airport<sup>22</sup> were responsible for labeling them and loading them aboard. Alerted by a “short message,” their Parisian recipients needed only to identify them when the aircraft landed and take them out of the airport. Each suitcase would contain several dozen kilos of high purity cocaine. Between August 2004 and February 2005, nearly 93 kg—\$5.2 million worth—was seized, according to customs.

The cocaine’s itinerary was well prepared. In Bogota, the suitcases were placed in the hold of the aircraft by Boubacar Ba’s contacts, probably the *cartelito* “Norte del Valle” that “held” the airport.

Alerted no later than three days before sending, Ba would mobilize his team, telling the Colombians who their contact in France would be, and to whom photographs and registration numbers of the baggage in question should be sent. When the plane landed at Charles de Gaulle, Paris, a handler took care to extract the bag and pass it on to

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<sup>22</sup> Boubacar Ba had links to *Norte del Valle*, the organization with “control” of Bogota airport at the time.



another accomplice in charge of a vehicle authorized to circulate within, and leave, the airport zone.

To reassure the drug traffickers, Boubacar Ba would designate what was termed “human security” from among the members of his network in Colombia. If the drugs were lost, the Colombians were empowered to take their revenge by eliminating this person. This seems to have happened. A suitcase was seized by customs, and in retaliation the Colombians executed their hostage, whose body was discovered a few months later on the outskirts of Bogota. When another consignment was stolen, this time in France, the network meted out correctional measures to the thief, probably torturing him until he returned the drugs and “disappeared” into the wild.

Denounced by one of his own “mules” in February 2004, Boubacar Ba was immediately wire-tapped. Investigators discovered a traffic with multiple ramifications, involving several international “delegates” in Holland, Switzerland, and Benin. Most of his accomplices, identified one after another, were former prisoners who knew Ba in prison.

During his trial, the “Papa” acknowledged having been the boss of several “teams” instructed “to organize the import of large quantities of cocaine from Colombia” He was sentenced to twelve years in prison. In his cell in Meaux, then Val-de-Reuil, he continued his activities after lights-out, making dozens of phone calls to France, the Netherlands and Africa. He even managed to hide the fact that he was languishing behind bars from his contacts.

And in 2008 he would begin all over again, organizing traffic from these same prison cells.

In December 2011, the Paris Criminal Court examined his case for three weeks. The prosecution demanded eighteen years imprisonment, a minimum of two-thirds to be served, to be followed by permanent exclusion from French territory, as a Guinean national. It seems he had little chance of seeing his four wives, his eighteen children and sixty-seven grandchildren ever again.

More recently...

After six months of investigation, the criminal police in Agen, a town in the southwest of France dismantled a cocaine and ecstasy trafficking network being managed from a prison at Eysses.

Seven people were arrested. 1.1 kilograms of cocaine, 5,000 ecstasy pills and 15,500 Euros were seized. The network’s boss, born in 1979, had been locked-up for a previous case involving some 5 kg of cocaine. He oversaw the network from his cell where he had a number of mobile phones, which he changed regularly to avoid detection. His brother, born in 1989, was among those arrested.

Finally, there is another symptomatic fact we may consider. In November 9, 2010 it was reported that a search of certain cells at Muret Prison<sup>23</sup> (in the Haute-Garonne

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<sup>23</sup> Muret detention center, located in the southern suburbs of Toulouse, was commissioned in 1966. It houses some 625 inmates on long sentences, with a total of 634 places. It has 15,000 m<sup>2</sup> of workshops with modern equipment, including CNC machines used in particular in the manufacture of parts for the aerospace and furniture industries.

département) led a prisoner to run, apparently trying to get rid of a package. The package contained € 12,000 in notes and a 3G mobile phone chip. A strip-search of this individual, who is serving a sentence of eighteen years, also found a quantity of hashish. The UFAP and the SPS, the two unions representing prison guards in France, indicated that the money found was part of a “fairly large-scale drug and mobile phone trafficking operation inside the establishment.” For other commentators, it was probably linked to the “intensification of traffic, and the re-establishment of gang structures inside the prison walls.” It was revealed at the same time that there had been a violent fight between gangs from different buildings just a month previously, after which a number of knife injuries were treated.

The State Prosecutor at Toulouse, clearly playing down all these facts, said that, “it would be a little too soon” to draw the conclusions that were inevitably drawn, stating that he was waiting for the results of the police investigation.

However, the affair has already led to the indictment of three civilian foremen from the workshop where the inmates work.

Already in 2008, a search in the same detention center led to several individuals being taken into police custody, including another civilian foreman and a janitor, allegedly involved in a huge mobile phone and money trafficking operation. Seeking to minimize the affair, the Prosecutor recognized only that a judicial investigation had been open “for some time” and that this was a “long-term” investigation, only recently switched to its active phase.” The unions, however, state that “an inordinate amount of money, mobile phones and even pedophile images” were passing around inside the establishment.<sup>24</sup>

**All these examples must lead one to wonder just how far things will go inside our prisons if the problem isn't taken seriously.**

The proselytizing and recruitment of inmates by terrorist organizations is another reality from which France is not immune. It is a subject of great concern of which people have started to become aware, but which seems to have been dropped almost as soon as discussion started.

The events of January 2015 brutally brought the problem home. We need not go over those details again, but we may look at another example in this regard. Saïé Bourada, born in Burgundy in 1970, is a terrorist linked to the Paris attacks of 1995. Sentenced in 1998 to ten years in prison, he was to pass most of his sentence in a new facility built in 1989, in a small town in Normandy, and which housed a thousand inmates considered “non-hazardous.”

While serving his time, Bourada managed to convert a dozen of his fellow prisoners to the simplistic version of Islam known as Salafism, convincing them to follow him in what he believed to be a Jihad. Samir, the murderer, Kaïs the rapist, Stéphane the gangster... French or not, Muslims or not, Bourada spoke to them and often converted them. His style was to make simplistic comments on verses of the

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<sup>24</sup> *Trafic de téléphones portables et d'argent dans une prison toulousaine*. Europe 1 (radio station), broadcast 4.45 pm, September 11, 2008.



Qur'an, using his basic Arabic. It is well known that radical preachers always schematize their religious teaching under the pretext of returning to the sources; in fact, it is most often an extreme reduction of Islam, far from the tenets of the religion itself.

In prison, Bourada formed a group, *Ansar al-Fath*.<sup>25</sup> Using smuggled mobile phones, he called his former accomplices, those of the 1995 attacks, to try to convince them to follow him, like his cellmates.

Released in 2004, Bourada went to Egypt under the pretext of studying Arabic. He was arrested again in 2005, suspected of terrorist activities with his fellow prisoners of *Ansar al-Fath*, sending jihadis to fight in Iraq and planning attacks in France, on the model of the London bombings.

According to anti-terrorism agencies, French prisons are fertile ground for Islamists to recruit potential terrorists. Numerous proselytes<sup>26</sup> operate within the French prison system, and more than 10% are converted, from a prison population of 60,000 detainees, including 2,000 classified as “dangerous.” Within this population, prisoners accused of terrorist activities appear less active in proselytizing than are common criminals of Muslim origin, although this may be due to the more rigorous supervision to which they are subject.

Today Islam is the largest religion in French prisons. It is therefore perhaps not surprising that Islamist groups form inside, where extremists actively engage in recruiting with the immediate goal of swelling their ranks in Europe and elsewhere.

These Islamist recruiters in French prisons, sometimes dubbed “*les barbous*” (the bearded ones), are often over thirty years of age with a certain level of education, especially in the sciences. They are thus older and better educated than their recruits. They contact other inmates during group activities, circulating copies of the Koran, books and cassettes. They show great devotion and harass their peers into respecting Ramadan and religious days. Very often, they manage to usurp the true Imams, insufficient in number to minister to the whole French prison system. They thus proclaim themselves the only representatives of Islam. Walking around prison with their prayer mats under their arms, even in otherwise prohibited areas, some even take on the role of Muezzin, announcing the hour of prayer and calling the faithful. The prison guards may even call upon these so-called imams to prevent or to calm tense situations, a compromise that serves to strengthen their authority.

In the context of the French prison, radical Islam, Islamism, Salafism, and Tabligh grow and prosper—the ground is fertile for the emergence of new terrorists, a phenomenon illustrated by the recent story of Mohammed Merah (a petty criminal who attacked police and soldiers in Toulouse in 2012 because of French involvement in Afghanistan) and exacerbated by the emergence of the Syrian problem.

Finally, we may examine the administrative side of the equation. On March 10, 2015, it was reported that a guard at Borgo prison had been arrested. She was accused of having brought between twenty-five and fifty mobile phones in to two inmates over

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<sup>25</sup> The “Partisans of Victory.”

<sup>26</sup> Some 200 individuals, according to sources.

the course of six months. Purchased for between 80 and 100 Euros, the phones were sold at 400 to 500 Euros. Two prisoners were accused of selling them on, inside the prison—Simon G. and Pierre-Antoine P, sentenced in December 2013 to three years for criminal conspiracy. The sister of one of the detainees involved, along with a former inmate, Rudolf G. were also arrested.<sup>27</sup>

Shortly thereafter,<sup>28</sup> a guard at Laon detention center was arrested on suspicion of drug trafficking and theft inside the establishment. He may have had accomplices among the detainees and other colleagues. Two handguns were seized at his home. He had joined the staff at Laon prison in 2011 and held union responsibilities.

The facts reported here are what doctors might call a symptomatology of the threat of prison criminality, that is to say, “that which reveals a condition.”

This symptomatology legitimately allows us to consider that prison gangs, or at least real structures, exist in France, as they do in other countries, which we will shortly discuss.

The brutal manner of Rédoine Faïd's escape should perhaps prompt some serious reflection rather than a few jeremiads and the setting up of a psychological support unit here and there. The symptoms indicate a very worrying situation which, as in many other countries, calls for thought and very specific action. Yet despite these and other examples, despite the contacts they have, despite numerous requests, and despite what they know to be happening, the Ministry of Justice and the prison authorities manage to observe total silence on the subject. We are faced, as ever, with the notion of the “French exception” which believes that “nothing happening elsewhere can happen in France.”

Madame Taubira, the Minister of Justice (*Garde des Sceaux*), as I revealed at the beginning of this discourse, goes so far as to say that “the Department of Justice being the ministry responsible for the protection of freedoms, must not find itself in a 'confusion of categories' by having the power to prescribe the direct implementation of intelligence-gathering techniques.”

These words were spoken at her hearing by the Committee on Legislation of the National Assembly on the bill relating to intelligence gathering, on Tuesday, March 31, 2015.

She went on to say that it is “undesirable, after consideration, to integrate information from prisons with that of the intelligence community,” concluding “Integrating prison information with that of the intelligence community would place us at odds with the constitutional obligations of the Department of Justice, namely the constitutional guarantee of the preservation of freedoms” and, heaven forbid, “The Ministry of Justice would end up prescribing intelligence techniques. This is not a service currently exercised by prison staff.”

All this is undoubtedly because there is absolutely nothing troubling going on in the French prisons system, and it is definitely not important to know if it is

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<sup>27</sup> *Corse Matin*, March 10, 2015

<sup>28</sup> *L'Aisne nouvelle*, March 25, 2015

anyway, nor to share information, much less cross reference it in any attempt to prevent irreparable consequences.

Let us turn to some more examples, non-exhaustive of course, this time from other countries.

## **B - South Africa, Pioneer in the Field**

In South Africa, the threat of prison criminality has existed since the early twentieth century. Gangs are present in all the country's prisons, most notably in a structure called the "Number."<sup>29</sup>

According to the "Jali Commission" of Inquiry,<sup>30</sup> named for its chairman, "the prison administration has lost its ability to exercise control" and in many prisons criminal organizations have "become the law."<sup>31</sup>

The authorities are unable to ensure the safety of prisoners in custody. Beyond the general disorganization in the running of the prison, these gangs are often responsible for violence and homicide. For many years, one punishment handed out by gangs in South African jails to prisoners who stepped out of line was to have them raped by one or several henchmen with AIDS, a ritual known as the "slow puncture."<sup>32</sup> The cause of the slow death being considered "natural," the murder would not be recorded in the statistics for prison violence, even though it was long evident that deaths from this disease within the South African prison system had grown far faster than in the population at large.

This situation could, perhaps, have been avoided. In September 1912,<sup>33</sup> a meeting of prison directors, convened by the Ministry of Justice, adopted a resolution which stated that in order to fight against prison gangs, it was necessary for membership to be a punishable offense in itself. For unknown reasons, these measures were never implemented.

The Number is not a prison gang by origin. Its members are an extension of the "criminal culture" of the outside world, originating in bands of thieves who ravaged the

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<sup>29</sup> Gangsters call themselves "Numbers" because historically, South African organizations took numbers as identifiers, the highest of which may not exceed 28. When they have a name, it is incidental.

<sup>30</sup> Commission of Inquiry into prisons chaired by Judge Thabani Jali: Commission of Inquiry into Alleged Incidents of Corruption, Maladministration, Violence or Intimidation in the Department of Correctional Services Appointed by Order of the President of the Republic of South Africa in Terms of Proclamation No. 135 of 2001, as Amended. South Africa Prisons Ministry, November 2006.

<sup>31</sup> According to Dr. Willem Schurink, testifying before the Jali Commission. *Cape Argus*, February 19, 2003.

<sup>32</sup> According to the Director of prison inspections, Gideon Morris, testifying before the Jali Commission (Reuters, 22 November 2002). See also: Maclennan, B., "Slow puncture; death sentence for Prisoners," November 20, 2002 ([www.iol.co.za](http://www.iol.co.za)).

<sup>33</sup> State Archives, Department of Justice, Vol 144, No. 1 issue: 31,778,112, quoted in Van Onselen, C., *Regiment of the Hills*, unpublished. See Haysom, Nicholas. *Towards an understanding of Prison Gangs*. Republic of South Africa: University of Cape Town Institute of Criminology, 1981, 15.

mining towns of the Transvaal. Legend and reality, mythology, rituals and symbols<sup>34</sup> are intertwined in its history, although opinions differ on how its “culture” truly developed.

All opinions agree, however, on the role of an individual known as Nongoloza,<sup>35</sup> and the oral tradition relates that the gang's origins date back to a group of bandits known as the Ninevites, (a name taken from the inhabitants of Nineveh, in Mesopotamia, “heathen idolaters, denying God” according to the Bible).<sup>36</sup> These bandits left their native lands for Johannesburg, where they scourged a growing city, stealing from mine owners and their employees. Other gangs, including the “26s,” claim that everything started before even that, in around 1830, when a certain Paul Mo Basa, a notorious robber was later joined by two rival gangs, those of Kilikijane and Nongoloza.

According to this version of the legend, Kilikijane and Nongoloza each had his own gang. Nongoloza operated at night while Kilikijane ruled the day. Organizing his members according to a military hierarchy, Nongoloza created the largest and most notorious gang in Southern Africa. Certain members claim that its goals had become political and economic, as they only stole from the white oppressor. In reality, black people were just as often his victims, especially in the immigrant townships that were springing up everywhere.

The Ninevites thus became a formidable criminal organization, bringing the art of fraud, theft and robbery to a peak. Many of them were thrown in prison, Nongoloza among them. He made it his mission to maintain the loyalty of the Ninevites incarcerated in prisons of the Witwatersrand and in other cities of the Transvaal.

While stories of the origins of the Number call upon both myth and reality, their criminal activity in South African prisons is very real indeed. The organizations posing the greatest problem for the prison administration system are three in number, all highly organized. Because Nongoloza was known for having sexual relations with other men—something the Kilikijane gang would not tolerate—the Ninevites split into two gangs, the 27s and the 28s. In contrast to these, the 26s were formed in prison.

**The 28s.** This is the most direct descendant of the Ninevites and is the largest of the Number gangs. Its main goals are based on food, wyfies<sup>37</sup>—the “boy-wives” —and fighting against abuses of power by the prison administration. Like the other Number gangs, the 28s claim that membership is voluntary and that they do not recruit members already owned by other gangs. While the youngest members earn their colors as wyfies, the eldest are the soldiers. The leaders are entitled to their own wyfies chosen from among the new arrivals, while other members are free to have sex with young recruits.

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<sup>34</sup> The arcane and finely observed military and judicial hierarchies of the 28s and the 27s are precisely those invented by Nongoloza and described in the life testimony he dictated to a prison warden in 1912. For Nongoloza's life testimony. Department of Justice, Annual Report for the Year 1912, 237–240.

<sup>35</sup> His real name was Mzuzephi Mathebula. See Haysom, *Towards an Understanding of Prison Gangs*.

<sup>36</sup> Ninevites, the inhabitants of Biblical Nineveh (a city in Mesopotamia, today Mosul, Iraq). Bible books Nahum and especially Jonas recount opposition between Ninevites, idolaters and pagans, and the chosen people of Israel, who worshipped Jehovah.

<sup>37</sup> Boy-wife, often the youngest prisoners, who serve as “women.”

Promotion is earned through knowledge of the gang's rules and acts of bravery.

**The 27s:** Legend has it that the gang was created by seven dissidents from the Nongoloza gang, horrified by the practice of taking wyfies. This gang was once extensive, but scarcely exists in most prisons today.<sup>38</sup> Its objective is to maintain peace between the Number gangs and make rules establishing relationships between them. It “renders justice by revenge and sheds blood where blood has been shed.”

**The 26s:** Six inmates saved Kilikijane, detained in solitary confinement in Point Prison (Durban), by passing him bread and salt through a crack in the door. Thus was created the third “camp”<sup>39</sup> of prisoners, formed under the condition set by Nongoloza, that their name (number) would be lower than the others and that no fourth “camp” would ever be formed.<sup>40</sup>

Since its formation, the emblem of the 26s has been the Kroon,<sup>41</sup> believed to bring wealth.

Its members live in “luxury” obtained by theft<sup>42</sup> of property, money and dagga<sup>43</sup> from other inmates and by bringing products of value into the prison. It is forbidden for them to speak with representatives of the prison administration without permission, except to make a complaint or demand. Members can never resign, and when they “retire”, they can never join another gang. Sexual relationships between members of the gang are prohibited.

Other smaller and more localized gangs exist alongside the Number gangs, who are generally enemies. This is especially the case of the Big 5 gang,<sup>44</sup> the Airforce,<sup>45</sup> the Desperados<sup>46</sup> and other minor gangs.<sup>47</sup>

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<sup>38</sup> Except in Cape Province.

<sup>39</sup> Synonym for gang.

<sup>40</sup> Steinberg, Jonny. *Nongoloza's Children: Western Cape Prison Gangs during and after Apartheid*. Monograph written for the Centre for the Study of Violence and Reconciliation, July 2004, 10.

<sup>41</sup> Crown, a coin in the mythology of the Numbers. Used as a gambling chip.

<sup>42</sup> “Collect your Blood,” *The Witness*, February 4, 2005, article in which it is suggested that “thieving” should be the motto of the 26s.

<sup>43</sup> Locally produced cannabis.

<sup>44</sup> Created in the 1950s, their main objective was to aid escapes but when their leader, Masondo, was killed in an escape attempt, the gang decided to work with members of the Correctional Services. Members of this gang do not observe solidarity, which may be regarded as the cornerstone of the prison code. The Big 5s are also reputed to wear rubber boots called ganders with which enable them to deliver violent blows to their adversaries.

<sup>45</sup> The main objective of this gang is to escape from prison. Members of this gang hold that, unlike some of the other gangs, membership is voluntary. Promotion within the gang depends on the number of escapes or escape attempts made. One of their modus operandi is to start a fight between two gangs to distract the prison guards. Homosexual relationships are prohibited. Communication with Correctional Services members is restricted to complaints or requests, as they fear that discussion may lead to exposure of gang secrets. See *Collect your Blood*.

<sup>46</sup> Recent, unusual and limited to the Cape, almost exclusively composed of colored prisoners. See “Manual for visitors to independent prisons.” (Section 85-1 Correctional Services Act 111 of 1998, 1998), Office of the Judge-Inspector, Judicial Inspectorate of Prisons in South Africa.

<sup>47</sup> Such as the Forty Thieves, Spy 13, Fast Eleven, Flick Styles, Boek 30's, Shy Boys, Fast Twelve, Black Power etc. Haysom, *Towards an Understanding of Prison Gangs*.



## **C - USA: An Alternative Form of Organized Crime**

**A**fter ten years of proceedings, a trial began on April 6, 2015 in Denver, Colorado, placing some of America's most notorious gangsters on the stand.<sup>48</sup>

The boss of the Mexican Mafia in the Administrative Maximum Facility (ADX), Florence, Texas,<sup>49</sup> Silvestre “Chikali” Mayorqui-Rivera, stands accused of having fatally beaten Manuel “Tati” Torrez, a member of the Mexican Mafia Hard Core, transferred from California. The case dates back to April 21, 2005 and the events occurred during an exercise period in the prison yard.

Chikali faces life imprisonment for first degree murder. His accomplice Richard “Chuco” Santiago, also serving a life sentence for a similar crime, risks the death penalty. The accused are being tried separately.

Chikali and Torrez should never have been in the yard at the same time without guards in the immediate vicinity. The response teams were slow to arrive, after having mobilized to the wrong area. By the time of their arrival Torrez was dead. It was learned that the whole scenario was a trap which backfired against Torrez—a premeditated and revealing act, which should not have been allowed to happen in one of the most closely supervised American prisons.

What Americans call “prison gangs” are structured criminal networks whose activities extend around the federal prison structure and across state boundaries. The gangs also operate in the outside world, via members released from prison. They usually return to their home communities and reconnect with the gang to which they belonged. They act as representatives of the prison gangs and recruit members of street gangs to carry out criminal acts on their behalf.

Prison gangs control, among other things, the distribution of drugs within prisons. They now also have a dominant influence over their distribution in the street in certain areas, especially through the links they maintain with the Mexican cartels, which ensure a continuous supply.

Of the five national-level prison gangs, two have members or partners in at least two foreign countries. Prison gangs are well organized and governed by a code and established rules, rigorously applied by the gang leaders.

Regional prison gangs, confined to the prison systems of no more than one or two states, represent a more modest, although growing threat, as ever more links with drug suppliers are forged. The largest “regional” prison gang operates in Texas.

Local or state gangs, especially those located along the border between the United States and Mexico, have long had links with Mexican cartels, and can be among the most dangerous. On April 11, 2014, members and associates of the Texas Mexican Mafia, including one “general,” were sentenced to long prison terms for their roles in drug trafficking and racketeering. At Del Rio, Javier Guerrero, 24, was sentenced to three consecutive life sentences “with a supplement of 210 months” for racketeering in prison and attacking a guard. Meanwhile, in San Antonio, “general” Robert “Lil Bit”

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<sup>48</sup> *Denver Post*, April 6, 2015.

<sup>49</sup> United States Penitentiary, Administrative Maximum Facility (ADX)



Carreno was sentenced to 300 months in prison, along with eight other people, for selling 48 kg of heroin, bringing in revenue of \$750,000 for the gang between December 2009 and July 2011. He also ripped the nose off a guard as he awaited another verdict. The conviction of prisoners is commonplace.

On June 9, 2002, Mariano “Chuy” Martinez, Los Angeles boss of the Mexican Mafia,<sup>50</sup> the *Eme*,<sup>51</sup> the most formidable prison gang in the United States, was sentenced to life imprisonment. In order to establish his authority, he ordered three murders and sponsored a dozen others from his cell.

On May 22, 2000, Gustavo Gino Colon,<sup>52</sup> one of the “brains” of the Latin Kings,<sup>53</sup> was also sentenced to life imprisonment while incarcerated. What for? As in the case at Saint-Quentin-Fallavier, he ran a drug trafficking ring by mobile phone from the high security Menard prison in Illinois,<sup>54</sup> where he was already serving a heavy sentence.<sup>55</sup> This leader, who until then enjoyed a privileged status, to the extent that he even had a key to his “room” and had meals served to him by his henchmen,<sup>56</sup> ran a network covering the whole of Illinois, managing his “business” and also ordering executions outside the prison walls.<sup>57</sup>

Does this easy permeability between prisons and the outside world represent any kind of paradox? The answer is no, as we shall see later. In any case, the domination is real. At the end of September 1993, the Mexican Mafia imposed a “truce” on all Hispanic gangs in Los Angeles, outlawing the practice of drive-by shooting<sup>58</sup> as “detrimental to business.”<sup>59</sup> To the surprise of observers,<sup>60</sup> the order<sup>61</sup> was scrupulously respected.

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<sup>50</sup> Formed in 1956 to 1957 in a California prison, the Deuel Vocational Institute (DVI) in Tracy. This prison gang is also known as the Gang of Gangs. Outside California, the Mexican Mafia is present in Arizona, Colorado, Florida, Hawaii, Illinois, Kansas, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wisconsin, and Mexico. Nonetheless, only some 300 members and around 900 associates are suspected. The National Gang Threat assessment, 2009, considers that it has authority over between 50,000 and 75,000 Sureños gang members.

<sup>51</sup> The letter “M” in Spanish, 13th letter of the alphabet. The number “13” is a reference to the Gangs of Southern California and, by extension, all those standing behind the *Eme*.

<sup>52</sup> Also called “Lord” Gino.

<sup>53</sup> Or the “Almighty Latin King Nation,” a gang from Chicago, which first appeared in the 1940s and is among the largest in the United States.

<sup>54</sup> Some of his calls were recorded. *Chicago Tribune*, September 5, 1999.

<sup>55</sup> Chester, Illinois, United States.

<sup>56</sup> Colon, still wearing the “uniform” of his gang, enjoyed great freedom of movement and had the key to his “room” where his meals were served to him by his cronies. Steve Macko, Emergency Response and Research Institute (ERRI), Special Report, May 12, 1997.

<sup>57</sup> Including that of a guard at Stateville Correctional Center (near Joliet, Illinois), not proven, in 1989. See below.

<sup>58</sup> An operation in which other Gangsters are shot at from a moving car, often causing serious “collateral damage” and therefore an increased police activity in the area concerned.

<sup>59</sup> Lopez, Robert J. and Jesse Katz “Mexican Mafia Tells Gangs to Halt Drive-Bys.” *LA Times*, September 26, 1993.

<sup>60</sup> It so happened that the author was in Los Angeles at that time and conversations he had with police revealed that they were extremely doubtful that this decision by the *Eme* could have any effect in the street.

<sup>61</sup> Here is the text of the handwritten manifesto of the Mexican Mafia: “To all, young and old, members

Acquiescence? Intimidation?<sup>62</sup> In the neighborhoods concerned, drive-by shootings are rare to this day.<sup>63</sup>

This control of the street can take other forms. On January 16, 2004, the San Diego (California) Sheriff's office issued a security bulletin to its personnel, according to which imprisoned high-ranking members of the Eme had ordered members of the Mesa and Center Street gangs to attack police officers and members of the Sheriff's office, wherever they came into contact with them and whenever they were armed. Any Eme gang member not obeying was to be "taken care of."

On October 15, 2004, the email network of an association of American police officers distributed "serious" vigilance information to its members. Imprisoned leaders of the Aryan Brotherhood, an extensive prison gang, had ordered, from their cells, the execution of five California police officers or members of their families, to be selected at random, in retaliation for an operation carried out against the gang a few weeks previously. This kind of extraordinary threat is taken seriously, and is far from isolated. Prison crime can take other forms. Take for example what is now called "Prislam" in the United States. A number of proselytizing groups have appeared, often successfully converting prisoners from all backgrounds, and belonging to all types of communities. One may consider that, initially, Islam was used in prisons by certain people as a means of obtaining special facilities, this being said with all respect due to that religion. It would seem that non-Muslim prisoners are able to exploit the practice of Islam, with its daily congregational prayers and dedicated facilities, to thwart the surveillance of the guards for criminal purposes. This is undoubtedly not true everywhere, but it certainly appears in the reflections of Kody "Monster" Scott.

In his book, "Monster"<sup>64</sup> Kody Scott, an Original Gangster of the Eight Tray Crips of Los Angeles, says that when he was placed in the Youth Training School (a prison for young offenders located in Chino) in 1983, Islam was not widespread. But when it came to preparing an "operation" with the twenty-three other prisoners in his gang, the only place they could meet without drawing the attention of guards was the room reserved for the Muslim faith.<sup>65</sup> Monster Kody assiduously followed the devotions and ended up converting to Islam, taking the name Sanyika Shakur. He is now a member of the New African Movement, and is engaged in political activism.

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of Latino Street Gangs, the power inside the walls clearly states that all acts of violence will now be considered a lack of respect for the *Eme* and all those enforcing peace in your neighborhoods. If you choose not to respect the truce you will pay with your life. If you have a problem with a rival, you must fix it with him. We have to respect each other, otherwise we will never be united or represent a true power in our cities. I- Respect the Eme. II- Respect the elders. III- Respect the truce."

<sup>62</sup> *Los Angeles Times*, October 1, 1993.

<sup>63</sup> Perhaps also because the Eme truce directive allowed walk-up shootings to continue *Gang Beat*, 12, 4, (Summer 2001).

<sup>64</sup> Shakur, Sanyika (alias Kody Scott). *Monster, the autobiography of an L.A. gang member*. New York: Atlantic Monthly Press, 1993.

<sup>65</sup> Shakur. *Monster*, 209.

By August 2005, California Federal Attorney Debra Yang indicted Kevin Lamar James,<sup>66</sup> a member of the Crips, sentenced to ten years in prison for armed robbery and locked up since 1996 in Folsom, things were somewhat different. James was the founder, in 1997, and leader of an Islamist prison gang, the *Jam'iyyat Ul-Islam is Saheeh* (JIS),<sup>67</sup> which the FBI suspected of planning attacks in the south of the state.<sup>68</sup> For the deputy director of public relations, John Miller, “this terrorist organization was the closest to succeeding operationally since 9/11.”<sup>69</sup> The members of this gang mainly converted to Islam in prison—a good example being that of Jose Padilla,<sup>70</sup> the man behind the “dirty bomb” of 2002. James pleaded guilty in December 2007 and has since admitted that the attacks had been prepared by JIS and financed by money from armed attacks against official buildings and Jewish interests in southern California.

The Muslim prison population is around 20%, and most are African-Americans converted to Islam in prison, where gangs represent a greater danger than terrorism. Nonetheless, in 2006, a report by Homeland Security warned that every “radicalized” prisoner is a potential recruit for terrorism, and called for action to be taken before an attack occurs.

## D - Latin America

### 1 - Brazil: Hybridization

In Brazil, the *Primeiro Comando da Capital* (PCC)<sup>71</sup> reigns supreme over prison life, above all in the São Paulo region.<sup>72</sup> This organization was created by eight prisoners<sup>73</sup> after a football match on August 31, 1993 in the Taubaté high-security prison, São

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<sup>66</sup> As well as Levar Haney Washington, Gregory Vernon Patterson and Hammad Riaz Samana, of Pakistani origin.

<sup>67</sup> Association for authentic Islam.

<sup>68</sup> Testimony of Donald Van Duyn, Deputy Director of Counterterrorism, FBI, appearing before the Senate (<http://www.fbi.gov/congress/congress06/vanduynd091906.htm>); testimony of William Bratton, Chief of Police of Los Angeles in the House of Representatives (<http://www.investigativeproject.org/documents/testimony/276.pdf>) Harris, Robert. “Kevin James and the JIS conspiracy.” *Frontline*, October 10, 2006.

<sup>69</sup> [www.historycommons.org/entity.jsp?entity=jam\\_iyyat\\_ul\\_islam\\_is\\_saheeh\\_1](http://www.historycommons.org/entity.jsp?entity=jam_iyyat_ul_islam_is_saheeh_1)

<sup>70</sup> Or Abdullah al Muhajir or Muhajir Abdullah, a member of the Maniac Latin Disciples gang of Chicago, converted to Islam in prison.

<sup>71</sup> The capital of the State of São Paulo, São Paulo. The PCC was later known as the “Party of crime” and also 15.3.3 (order of the letters in the Brazilian Portuguese alphabet).

<sup>72</sup> This is not the only prison organization in Brazil, there are also the “CDL,” the “Satanic Cult,” the “Dragons,” and especially the *Comando Vermelho* (Red Commando), one of the principal Rio gangs, founded in jail between 1969 and 1975. In August 2008, one of its leaders, Fernando Da Costa, aka “Beira-Mar”, 40, was sentenced by a court in Rio to six years in prison for “association with criminals for drug trafficking purposes.” Sentenced with him were several of his accomplices, also members of the *Comando Vermelho*. Beira-Mar is a major drug godfather in Rio. Sentenced in 2005 to 18 years in prison, he continued to head the network from his cell. *Ultima Instancia*, August 15, 2008

<sup>73</sup> Misael Misa Aparecido da Silva, Wander Eduardo Cara Gorda Ferreira, Antonio Carlos Roberto da

Paulo (known as Piranhão).<sup>74</sup> The political motivation was evident—the PCC was formed to “fight oppression in the prison system of São Paulo” and “avenge the deaths of 111 prisoners, victims of the repression of October 2, 1992” at Carandiru.<sup>75</sup> The Chinese *taijitu* symbol, representing the Yin and Yang, was chosen as their emblem, “a way to balance good and evil with wisdom” according to the founders of the PCC.

In February 2001, Carlos Ambrósio Idemir Sombra became the most prominent leader of the organization, which referred to itself as “the Syndicate” at the time. The gang was initially quite unobtrusive, but then Sombra used a mobile phone to organize and coordinate one of the largest prison revolts in history. 27,000 inmates simultaneously took control of twenty-nine prisons and kept 14,000 people<sup>76</sup> hostage for twenty-seven hours. Although sixteen detainees were killed, it was ample demonstration to the country’s authorities of the power of the PCC to mobilize. Five months later, Sombra, also known as “Father” was beaten to death at a Piranhão by five members of a more highly criminalized faction of the PCC in search of power. This was duly seized by Césinha and Geleião, founders of the PCC and originators of an alliance with the *Comando Vermelho*, one of the major criminal organizations in Rio de Janeiro.

From the maximum security facility at Bangu, in which they were both incarcerated, the two leaders organized attacks against public buildings and used terrorist methods to intimidate the prison authorities. Considered too violent, they were removed from power in November 2002.

The organization was then taken over by Marcos “Marcola” Herbas Camacho, also known as the “Playboy.”<sup>77</sup> He immediately put a bounty on the heads of his predecessors for betrayal to the authorities and for founding a dissident group, the *Terceiro Comando da Capital* or TCC.

Marcola, like the others, took a hard line against officials of the authorities, and the PCC was suspected of killing two judges in 2003,<sup>78</sup> including Antônio José Machado Diaz,<sup>79</sup> director of the Penitentiary Readaptation Center (CRP),<sup>80</sup> the most secure prison in the country. For sponsoring this crime, Marcola was sentenced to twenty-nine years in prison. The PCC also announced among its objectives, its intention to generate and use the uprisings in prisons to “demoralize the government” and “destroy the CRP.” The leaders of the PCC give their orders using mobile phones brought into

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Paixão, Isaías Esquisito Moreira do Nascimento, Ademar Dafé dos Santos, Antônio Bicho Feio Carlos dos Santos, César Césinha Augusto Roris da Silva and José Geleião Mârcio Felício

<sup>74</sup> The “Great Piranha.”

<sup>75</sup> The military police stormed the detention center and killed all the prisoners of Pavilion No. 9.

<sup>76</sup> Guards and visitors.

<sup>77</sup> Sentenced to 44 years in prison for drug trafficking and attacks using firearms, he has been inside since 1999. His eclectic tastes are demonstrated by the literature found in his cell: *The Art of War* by Sun Tzu, *The Prince* by Machiavelli and biographies of Che Guevara.

<sup>78</sup> Two judges specialized in the fight against organized crime were murdered in the month of March 2003 in Brazil. The PCC was the prime suspect. *Financial Times*, March 23, 2003.

<sup>79</sup> Marcola was sentenced to 29 years in prison for ordering the murder of Judge Antônio José Machado Diaz in São Paulo in March 2003. AP November 13, 2009.

<sup>80</sup> In the district of Presidente Bernardes, São Paulo, Brazil.

the prisons by henchmen or sympathizers, either obeying orders or willing to render services for money. Not only phones make their way into prisons, but also drugs, weapons, prostitutes and food. Since its show of force, the PCC has been politicizing its proclamations and is implicated in the assassination of judges and the funding of escapes.<sup>81</sup> The authorities appear to be overwhelmed.

On April 22, 2004 another rebellion in the Brazilian prison of Porto Velho came to an end. Competition between two rival gangs led to five days of violence, the deaths of nine people and 170 taken hostage. A thousand inmates controlled all the buildings. In addition, three tunnels were discovered and destroyed: this indicated the preparation of a mass escape, probably the origin of the feud between the prison gangs.<sup>82</sup>

In June 2005, a riot at the CRP ended with the deaths of five prisoners—undoubtedly traitors to the PCC, whose heads were displayed on spikes on the roof. In December of the same year, twelve different operations targeted buses and police. The final count was 19 dead and 20 wounded.

In May 2006, as ever from their cells using mobile phones, the leaders of the PCC, under the direction of Marcola, directly challenged the São Paulo authorities in response to their plan<sup>83</sup> to destroy the PCC by splitting its leaders up and getting rid of them. Three hundred separate attacks were executed simultaneously against public buildings and police stations, public transportation and banks. Seventy prisons suffered riots. For several days, the region experienced unprecedented pressure in a climate of near civil war. 43 policemen and 91 attackers were killed (170 people in total according to some sources); sixty buses were burned.

Since these events, the PCC has been monitored more closely, especially in the prisons holding its most important leaders. As a result of this pressure and losses incurred, the PCC later had difficulty meeting its expenses. Wire taps made in September 2006 revealed difficulties providing the “social services” usually available to the families of its imprisoned or dead members, especially as recruiting to rebuild its numbers required it to halve the “dues” levied on its members.<sup>84</sup> The PCC has also been forced to decentralize parts of its command structure to compensate for the loss of some leaders and the more stringent containment measures imposed on others.

More recently, it seems that the PCC has turned to other ambitions—it is seeking no less than representation at the Brazilian parliament. Police reportedly intercepted a conversation between Daniel Vinicius “El Ciego” Canonico, a Marcola spokesman and a lawyer for the organization.<sup>85</sup> The strategy of the PCC appears to be the funding of

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<sup>81</sup> In São Paulo, the number of escapes rose from 552 in 1999 to 1023 in 2000. However, they were not always successful: On November 8, 2003, more than 80 prisoners who tried to escape through tunnels in São Paulo were met by the police as they came out. A number of others died of suffocation in the tunnel.

<sup>82</sup> AP, April 22, 2004.

<sup>83</sup> Presented at a confidential meeting and immediately communicated to a lawyer for the PCC by a sympathizer.

<sup>84</sup> See below.

<sup>85</sup> *El Pais*, April 3, 2008.



certain election campaigns and influencing votes in at least ten states of the country, particularly through the families of imprisoned members and their “associates” outside. In the words of this lawyer, the PCC is sufficiently powerful and influential to win parliamentary representation, and he goes so far as to compare the gang to the IRA and Sinn Fein.

In February 2014 it was reported, according to police intelligence, that the PCC was planning to have Marcola sprung from jail. Imprisoned in Presidente Venceslau prison, Marcola and three other leaders of the CPC (Barbara Claudio da Silva; Celio Marcelo da Silva, known as “Bin Laden” and Luiz Eduardo Marcondes Machado, known as “De La Bela Vista”) planned an escape by air. A commando helicopter was to arrive in the colors of the Military Police, to take away the four men in an armored pod. Another helicopter, equipped with a machine gun, was to ensure the protection of the first aircraft. A small plane was waiting to take the bosses to Paraguay. The authorities initially considered transferring those involved in the plan to a prison with a strict disciplinary regime, but the PCC is said to have threatened to disrupt the inauguration of the World Cup in San Paulo on June 12, 2014. Some observers, however, think that this affair may have been exaggerated at a time when elections were about to take place.

Since then, according to the Brazilian intelligence services, the PCC has made a number of agreements with Hezbollah,<sup>86</sup> which is very active in the “tri-border area” between Argentina, Brazil and Paraguay. In exchange for protection of their members imprisoned in Brazil, Hezbollah facilitates the trafficking of arms and explosives to the PCC. This agreement was concluded in 2006, notably through a travel agent called Farouk Abdul Hay Omairi, regarded as the coordinator of Hezbollah in Brazil. He was sentenced in 2007 to 12 years in prison for drug trafficking. He has been out on parole since 2012.

## 2 - Venezuela: Extreme Violence

September 17, 2013 saw a battle between gangs which left sixteen people dead in the Venezuelan prison of Maracaibo, known as “La Sabaneta.” This was a conflict between *pranes*<sup>87</sup> for control of the different prison wings. The battle began when Edwin “El Mocho” Soto, head of the gang *El Tren del Norte*, and thirty of his men knocked down a wall to invade the territory of another gang.

Equipped with bulletproof vests, firearms, grenades and Molotov cocktails, Soto's men forced their rivals to surrender then slaughtered them all. *Pran* Ricardo Moreno had his heart cut from his chest, his brother Engelbert Moreno, another *pran*, was also killed, while a third brother, Ronald Moreno had his eyes gouged out. Engelbert Anez, another prisoner, was castrated and had his ears cut off. A third *pran*, Jobel Valenciano was completely dismembered. Photos of the massacre were then

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<sup>86</sup> *O Globo*, November 9, 2014.

<sup>87</sup> *Pran*, pl. *pranes*: prison criminal gang leader.



circulated on social networks. Since then, “El Mocho” Soto has been *El Gran Pran de Maracaibo*. By January 2013, battles between gangs had caused the deaths of sixty-one inmates.

### 3 - Honduras, El Salvador: Barbaric Competition

A “ticking time bomb” is how the El Porvenir prison, was described by José Edgardo Coca, president of the Association of Prisoners at this establishment. This was his analysis when eighty members of the Mara 18<sup>88</sup> were transferred to the prison in February 2003; “La Mara<sup>89</sup> is unmanageable” he declared, and indeed Mario Roberto Cerrato, leader of the Mara managed to injure him using a pistol<sup>90</sup> on April 5th. This event caused running battles between the two gangs, which were then suppressed with extreme violence by the authorities—sixty-eight dead in total, including sixty-one members of the Mara. The Deputy Minister of State Security, Armando Calidonio was to declare “it is incredible that nothing happened the other 364 days of the year.”<sup>91</sup>

Since then, twenty policemen and soldiers have been sentenced to between three and thirty years<sup>92</sup> for the bloody suppression of the El Porvenir prison battle. “The involvement of police and army was shown to be part of a policy of extermination of young people involved with the Maras,” said the judge of the court of La Ceiba, which retained charges of murder, attempted murder and violation of the duties of a public official. The Human Rights Court prosecution revealed in November 2004 that the police had supplied weapons to the prisoners who had led the mutiny. Similar accusations have been made in other countries.

Tensions and violence also flared in El Salvador where the Mara 18 and MS 13 pursue their street war in prison, often in the most barbaric way. This was the case in the maximum security prison of Apanteos, near the city of Santa Ana. According to the Prosecutor for Human Rights, Beatrice Alamanni, “it was a bloody massacre—heads and feet could be seen under the rubble inside the cells.” Twenty-one people were killed, often decapitated or disemboweled with makeshift weapons. Photographs corroborate these claims.

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<sup>88</sup> A Central American offshoot of the 18th Street gang. Started in Los Angeles in the mid-1960s, it is one of the most powerful gangs in the US with around 50,000 members and associates. Hispanic in origin, it was the first gang to accept members from all backgrounds.

<sup>89</sup> “The Gangs of Central America are called *Maras*, a term inspired a species of highly aggressive ants [marabuntas], which attack in swarms.” *Crackdown on Gangs Brings Mexico Violence*, AP, December 10, 2003.

<sup>90</sup> Which was never found.

<sup>91</sup> *New York Times*, May 20, 2003.

<sup>92</sup> In June 2008.

## E - Europe

### 1 - Italy

Contrary to the reputation the mafia once had of abandoning its criminal activities and avoiding attention while in prison, the Italian police have shown that mafia bosses pursue their activities from inside, using their wives, parents, friends and subordinates to transmit instructions through signs, gestures or messages,<sup>93</sup> allowing their organization to function. This permeability is well known, but more structured organizational forms exist in Italian prisons too.

La *Nuova Camorra Organizzata* (NCO), the most dangerous camorra federation<sup>94</sup> between 1970 and 1980, was created within the prison system by Raffaele Cutolo, an individual who has spent most of his life in prison.<sup>95</sup> Cutolo built his organization by helping young men, mostly inexperienced and poor, to survive in prison. He then strengthened it by setting up a system of financial aid to prisoners and their families, based on “taxation” of the criminal activity of released affiliates.

In parallel, Cutolo led the *Nuova Camorra Organizzata* down an avenue of ultra-violence, giving it a near monopoly in a large number of prisons, which it ruled through intimidation and murder. It was a classical system of “carrot and stick” but also of corruption, given that Cutolo had the power to select the cells and jails his members would be sent to, in order to better develop his power structure. He himself enjoyed virtually free use of the prison director's office telephone. Ultimately it was the arrogance and paranoia of Cutolo himself, particularly his irrational use of murder, even within the ranks of his own organization, along with the onslaught of the *Nuova Famiglia*<sup>96</sup> and the police, which led the NCO to ruin.

### 2 - UK

Every year thousands of detainees are beaten, bullied or intimidated by increasingly numerous and violent gangs that develop as the prison population grows. Gangs engage in all sorts of illegal activities—drug trafficking, gambling, assault and murder. Some have become so powerful that they bring in revenues of hundreds of pounds a week to their members, set aside for release or used to improve life inside the prison. The prison administration has been overwhelmed by the arrival of the drug and gang culture that has penetrated its institutions.

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<sup>93</sup> Called *pizzinis* like those found in large numbers in the cache of Bernardo Provenzano when he was arrested in 2006.

<sup>94</sup> *Camorra*: a criminal organization originally from Naples (Italy) and Campania. Raufer, X. *La Camorra, une mafia urbaine*. Paris: La Table Ronde, 2005.

<sup>95</sup> Behan, Tom. “See Naples and die.” *The Camorra and organized crime*. London, New York: I.B. Tauris Books, 2002.

<sup>96</sup> A rival federation which, at that time, united all the most important families of the Camorra.

In Liverpool,<sup>97</sup> one of the largest prisons in England (1400 inmates), drugs and brutality are so commonplace that some prisoners prefer never to leave their cells. Detainees interviewed described drugs as either “easy” or “very easy” to obtain, and 30% of drug tests have been shown to be positive, an even higher rate than in other prisons. During the summer of 2004, seventy-three assaults involving the use of weapons were recorded against other inmates. Often prisoners on cleaning duties will disconnect cell alarms and surveillance cameras, preventing guards from watching certain places within the prison. Intimidation and threats are commonplace and extend out to the families<sup>98</sup> of other inmates.

In April 2015, one former manager in the British Prison Service, Peter Hiett,<sup>99</sup> revealed a number of serious cases of extreme failure that he had witnessed during his career. He was forced to retire in January 2014 after attempting to denounce some particularly shocking practices. His revelations concerning events in the juvenile prison in Feltham, in the suburbs west of London, are terrifying and alarming. No fewer than forty-eight different gangs continue their territorial disputes within the walls of this facility; some manage to control entire wings, to the extent that staff do not dare to enter. Peter Hiett claimed that guards organize fights between inmates in rooms specially equipped to ensure that injuries are not too serious; he was once required to report a female guard for having sex with a teenager, jailed for murder, in his cell.<sup>100</sup> His closing remark was to the effect that all statistics concerning the establishment were systematically revised downwards. Elsewhere he denounced the gang microculture within the facility: “We are transforming our youth into far worse criminals than they were ever going to be when they arrived. They are incarcerated for minor offenses and are transformed into drug traffickers”

The use of mobile phones (thrown over the perimeter wall and picked up by prisoners allowed to work near the wall under instructions from the gangs) has allowed the creation of extensive drugs networks inside. The criminal underworld of Liverpool is highly organized, and wouldn't let a little matter like being in prison put a stop to its business.

The authorities of Shotts prison in Scotland placed one detainee, James McDonald, 35, in solitary confinement, accused of leading a drug and weapons trafficking network from his cell. McDonald was sentenced in May 2008 to life imprisonment, with a minimum tariff of 35 years. A similar sentence was handed down to his accomplice Raymond Anderson, 47, for a murder and two attempted

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<sup>97</sup> Travis, Allan, and Eric Allison. “Prison Overwhelmed by Gang Culture.” Section on a report made by Chief Inspector of Prisons, Anne Owers. *The Guardian*, January 18, 2005.

<sup>98</sup> Thompson, Tony. “Gangs Bring Terror and Death to Jails.” Section on Cathy James, governor of Walton prison. *The Observer*, January 23, 2005.

<sup>99</sup> *Daily Mirror*, April 11, 2015.

<sup>100</sup> Emma Beard sent love letters and intimate photographs to Danny McLean, 18, sentenced to 15 years in prison for stabbing Shakilus Townsend, 16, in 2009. She was sentenced to 12 months in prison. Married Woman Prison Officer who had Sex with Teenage 'Honey Trap Killer' in his Cell is Jailed for 12 Months. *Daily Mail*, December 7, 2010.

murders. Anderson was moved to another prison after boasting that “more people work for me than the chief warden” at Shotts.<sup>101</sup>

The same situation prevails around the country. Two main types of prison gangs responsible for violence have been identified. First are those who import ongoing street conflicts between gangs for control of territory into the prison. The other type is those who feed racial tensions, exacerbated by the emergence of white supremacists as in the United States.<sup>102</sup> Many murders are attributable to such racial conflicts. Other conflicts originate entirely in prison, the classic example being a “lack of respect” toward gang leaders.

The situation has improved somewhat, with opportunities for education and work available to inmates. Nevertheless some forty percent of them prefer to remain idle. It is hoped that the measures taken will help in the fight against the proliferation of gangs and drug trafficking in prison<sup>103</sup> but questions remain while it is easier for an inmate to sell drugs than to work or learn.<sup>104</sup>

Some prisons are more sensitive than others, depending on their specialty. As such, Full Sutton prison is where the most important drug lords, terrorists and gangsters with extensive resources on the outside are sent (a number have been transferred from Whitemoor since the discovery of a large stash of mobile phones in that prison). Here the exercise areas have been covered with mesh to prevent helicopter escapes, at least two of which were foiled in 2005.<sup>105</sup> Conversely, Wakefield is reserved for serious sex offenders with no significant financial means and whom nobody wants to help.

### *Islamist Fundamentalism and Prison*

In 2006, Muslims in UK prisons numbered more than 8,000—6% of British nationality— representing 11% of the prison population; 25% were serving sentences for drug trafficking. Since then, the number of Muslim prisoners has skyrocketed, in part because of terrorism, but mostly because of the large number of criminal offenses committed by illegal immigrants and young British Muslims.

Taking advantage of the facilities granted to religious groups in prison, some form their gangs in these places, avoiding the attention of prison management, and gradually taking control of the prison. Muslim inmates at the high security Whitemoor

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<sup>101</sup> *Daily Record*, November 30, 2009.

<sup>102</sup> Thompson, Tony. *Gangs Brings Terror And Death To Jails*. Section on Kimmett Edgar, Director of Studies of the Prison Reform Trust. *The Observer*, January 23, 2005.

<sup>103</sup> Travis, Allan, and Eric Allison. “Prison Overwhelmed by Gang Culture.” Section on Phil Wheatley, Director General of the Prison Service. *The Guardian*, January 18, 2005.

<sup>104</sup> Travis, Allan, and Eric Allison. “Prison Overwhelmed by Gang Culture.” Section on Juliet Lyon, Prison Reform Trust. *The Guardian*, January 18, 2005.

<sup>105</sup> O'Hara, Kate. Article on a report by Deputy Director of the Prison Service, Peter Atherton. *The Yorkshire Post*, April 13, 2005.

<sup>106</sup> Including Saajid Badat, the accomplice of Richard Reid, the shoe bomber.

prison,<sup>106</sup> accounting for a third of the 500 prisoners, created a climate of fear and insecurity both for guards and other detainees<sup>107</sup> to the extent that upon arrival, non-Muslim prisoners were warned by the management of the existence of these gangs, and of the growing tensions between the guards and black and ethnic minorities.<sup>108</sup> The guards are reluctant to suppress offensive behavior by the minorities for fear of being accused of politically incorrect attitudes, or being sanctioned for racism or Islamophobia. The inevitable laxity resulting from this leads surreptitiously, but inexorably, to control of the prison by the gangs. One entire wing is today considered unsafe, and the guards go there reluctantly.

The government considers that the guards at Whitemoor should receive specific training on Islamic culture, to better understand the prisoners and have joint meetings for discussion on prison life and other more general topics. In another prison, guards were forbidden to wear the cross of St. George on their uniform ties, to avoid offending the sensibilities of Muslim detainees.

Most Muslims are detained for reasons unrelated to terrorism, but they spend their time alongside other prisoners with links to Al-Qaeda—and thus the prison system has become a recruiting ground for Islamic fundamentalists. This threat of radicalization is not only affecting British prisons, but other European countries, the USA, and Australia besides.<sup>109</sup>

### *3 - Czech Republic*

“The prison problem is, in my opinion, a time bomb; Czech prisons are controlled by the Russian Mafia and the occurrence of a serious incident is only a matter of time.” These are the words of Marie Benesova, former State Prosecutor General.<sup>110</sup> She added that during her time as a lawyer, a client had told her that in the prison at Bory, Plzen, inmates were able to obtain “everything they wanted”—telephones, drugs, sex and alcohol. In exchange for money, of course.

The threat is taken very seriously in the Czech Republic under the authority of a ministerial Interior Justice committee. The fight against prison gangs is jointly entrusted to the “Security Intelligence Service” (BIS) and the “Organized Crime Investigation Unit” (UOOZ) in close cooperation with the prison administration. Upon taking office as Minister of Justice in July 2002, Pavel Rychetsky,<sup>111</sup> declared that “putting these prison gangs in their place” would be the first of his tasks.

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<sup>107</sup> McNally, M. *Muslim Gangs Taking Over British Prisons*. Report, Whitemoor Prison, June 1, 2008.

<sup>108</sup> Black and ethnic minority.

<sup>109</sup> For example, Perry, M. “Australia breaks up Muslim Prison Gang.” Reuters, April 23, 2007.

<sup>110</sup> *Mladá fronta DNES*. July 24, 2002.

<sup>111</sup> Current President of the Constitutional Court of the Czech Republic. Minister of Justice from 2002 to 2003.

#### 4 - Scandinavia

The Scandinavian countries have long considered themselves the champions of a humane approach to imprisonment and the treatment of prisoners.<sup>112</sup> However, today we see barbed wire surrounding high security facilities, where ten years ago there were no fences at all.

For Swedish officials, this situation is a direct consequence of prison gang activity<sup>113</sup> including groups called the *Brödrskapet* (or the “Wolfpack Brotherhood”)<sup>114</sup> and the Original Gangsters. They are responsible for drug trafficking and pervasive violence, among other things. The “Original Gangsters” (OG) gang was created by Denho Acar in Gothenburg in 1993. Born in 1974, he arrived in Sweden with his family in 1985. Acar was convicted of armed robbery in 1994. He took advantage of his stay in prison to recruit new members and forge ties with the *Brödrskapet*. The OG has some one hundred members, mostly in the Gothenburg area, involved in affairs of extortion, robbery, drugs and murder. The gang was in conflict with the Bandidos MC and the Naserligan gang.<sup>115</sup> In 2006, Acar fled Sweden to avoid prosecution for arson. He carried out his military service in Turkey<sup>116</sup> while continuing to lead his gang via contacts with men he trusted.

In Sweden, there had never been a murder in prison until 1993, when a prisoner was stabbed in a maximum security area. Between 1993 and 2003, five other murders were committed<sup>117</sup> and today violence is endemic in prisons; this explains the increasingly harsh measures that the authorities have taken, albeit reluctantly. In August 2008, the Swedish magazine *Expressen*<sup>118</sup> published a list of thirteen criminals thought to be the main organized crime bosses in Sweden. Among them were four prison gang members: Geoffrey Kitutu, 34, leader of the Original Gangsters, already convicted of drug and weapons offenses; Jeremy Kazcynski, 25, leader of the “15-7” gang,<sup>119</sup> linked to the Original Gangsters, who was arrested in July 2009 for drug trafficking, but already known to the authorities for assault and robbery; Pasi Kopra, 35, Chairman of the Wolfpack Brotherhood, sentenced to life imprisonment for an attack on a Public Prosecutor, and Denho Dano Acar. The latter recently had his residence permit revoked by the Swedish immigration authorities and his new situation may change the direction of the Original Gangsters.<sup>120</sup>

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<sup>112</sup> Fouche, Gwladys. “Where convicts lead the good life.” *Global Post*, October 19, 2009.

<sup>113</sup> First, the extension of outside groups, such as outlawed motorcycle gangs, mainly the Hells Angels and the Bandidos, now supplanted by bands of immigrants from the suburbs of major cities, according to a Prison Service and Parole Board report from 2001.

<sup>114</sup> The largest prison gang in Sweden.

<sup>115</sup> Composed of Macedonians and Albanians.

<sup>116</sup> He kept his original nationality.

<sup>117</sup> Karl Ritter. AP, June 8, 2003.

<sup>118</sup> *Expressen*, August 29, 2008

<sup>119</sup> 15th and 7th letters of the alphabet, O.G.

<sup>120</sup> *Expressen*, October 17, 2009.



In Finland, the authorities have identified seven local criminal organizations posing serious security problems. Among them is one prison gang called MORE.<sup>121</sup>

#### F - Turkey

The “high security” prison at Kartal, Istanbul, serves as headquarters for various criminal groups, as has been revealed by two letters written by mafia boss Alaattin Cakici, a former member of the Grey Wolves,<sup>122</sup> to two leaders of the *Karagümrük Gang*<sup>123</sup> Nuri and Vedat Ergin<sup>124</sup>. The Ergin brothers had “sent” a mobile phone to Alaattin Cakici, as a gift. In his letter of thanks, Cakici proposed to share the same cell with the Ergin brothers, “to organize our affairs more effectively.” Cakici also complained that the isolation he had experienced during his incarceration in France<sup>125</sup> had made it “impossible to take care of his criminal enterprise in Turkey.” He therefore proposed an alliance with leaders of the Karagümrük gang.

These letters were later published by lawyers for the Ergin brothers, angered by rumors of conflict between the two mafia clans. The authorities found the mobile phone in Çakici's cell and confiscated it. Two weeks later, the guards found yet another. To avoid an escalation of the conflict, the prison administration then transferred Çakici to Kandira Prison in Kocaeli.<sup>126</sup>

#### G - New Zealand

In 2001 Dean Waka Nathan, 42, member of the motorcycle gang Highway 61, was jailed for life in Christchurch prison for the murder of a member of the Black Power gang. He was charged with drug trafficking from his cell and pleaded guilty. His business involved methamphetamine and cannabis movements between Auckland and Christchurch. Eight other people were arrested in this affair, dubbed Operation Fudge.<sup>127</sup>

The criminologist needs, therefore, to analyze this very specific threat, of which we have laid out the symptoms, in order to alert the parties involved, and explain to them the genuine risk of destabilization that these prison gangs pose today in the already fragile prison world. Serious reflection on our penal philosophy is clearly required.

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<sup>121</sup> *Me Olemme Rikollisten Eliittiä* (We are the criminal elite), *Helsinki Times*, November 12, 2009.

<sup>122</sup> One of the most important criminal groups in Istanbul. See Raufer, X. *Le grand réveil des mafias*. Paris: JC Lattès, 2003, 279.

<sup>123</sup> Raufer. *Le grand réveil des mafias*, 280.

<sup>124</sup> Tuncay Ozkan, *Radikal*, March 2000.

<sup>125</sup> From August 1998 to December 1999. His arrest revealed links with the Turkish intelligence service and with politicians, bringing scandal down on the government and the the resignation of many ministers.

<sup>126</sup> Around 80 miles east of Istanbul.

<sup>127</sup> *New Zealand Herald*, September 25, 2009.

## II - PRISON GANGS: ANATOMY OF THE THREAT

Although different from one prison system to another, prison gangs have, by necessity, a shared anatomy and a number of characteristics in common. Although we could, in a typological manner, distinguish between those that are created in prison on criminal foundations, those re-created in prison based on external structures, and those whose purpose is activist proselytism, we shall not take this approach here.

It is generally considered that prison gangs are highly selective, and demand absolute loyalty; they operate under codes, and adopt a hierarchical structure, dividing tasks and applying a military-style discipline. They employ violence and corruption systematically.

### A - Selective Membership

Accession to a gang rests on selection made by the hierarchy of the organization. While specific criminal skills are generally required, ethnic criteria are often decisive.

This is the case in the US where the principal prison gangs were first created along ethnic lines: Latin Americans created the Mexican Mafia, African Americans created the Black Guerrilla Family,<sup>128</sup> whites, the Aryan Brotherhood,<sup>129</sup> and Puerto Ricans,<sup>130</sup> La Neta, each of which had its turn enjoying a near monopoly over its ethnic group.

Competition and pre-incarceration gang membership significantly increased the numbers of prison gangs. Under the pretext of escaping the domination of the Mexican Mafia, but also to compete with them, other Hispanics, for example, founded *Nuestra Familia*, reserved for Hispanics from Northern California.

To break free from the philosophical-political constraints of the Black Guerrilla Family, other African-American gangs emerged in prisons, their organizations based on pre-incarceration membership of Street gangs with the generic denominations Bloods and Crips.<sup>131</sup> These prison gangs call themselves the Consolidated Crip Organization

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<sup>128</sup> Founded in 1966 in the California State Prison, San Quentin by a former member of the "Black Panthers", George L. Jackson. First known as the "Black Family" and the "Black Vanguard," it mutated into the BGF in 1971, when Jackson was killed, with two other detainees as they attempted to escape on August 21 of that year. His successor, James "Doc" Holiday (sic), formerly one of the leaders of the "Symbionese Liberation Army," gave the gang its final name.

<sup>129</sup> Appeared in San Quentin in the early 1960s. See below, "Codes of Conduct."

<sup>130</sup> Formed in 1970 in Puerto Rico, the gang first tried to stop the violence between inmates in Rio Pedras prison. It rapidly adopted a "cultural" and above all political image. The Neta's members in general belong to the revolutionary group "Los Macheteros" which campaigns for the independence of Puerto Rico and against the "colonialism" of the United States. They are principally found in prisons in the eastern United States.

<sup>131</sup> Bloods and Crips, originally from Los Angeles, are now spread across the United States. Within these "criminal faiths," gangs are not only autonomous but often rivals outside the prison. "Today... Crips are the number-one killer of Crips." Shakur. *Monster*. This is not the case within the prison system.

and the Blue Note Crip Organization (founded by Stanley Tookie Williams<sup>132</sup> and J. Pup King), as well as United Blood Nation and Bloodline. After several unsuccessful attempts to unite prisoners from the Crips or Bloods,<sup>133</sup> these are the most successful. These groups readily turn to Africanisms, using, for example, Swahili<sup>134</sup> words in their rules of conduct. They take the Mau Mau<sup>135</sup> as their reference and sometimes even the Mungiki.<sup>136</sup>

Others gather under an Islamic entity, for example *Ansar al-Muhammad* (AEM).<sup>137</sup> This group was founded by a certain Elmore Willie Brown, and became known to the public and the police force in 1993, when some of its members were arrested for rape, armed robbery and homicide.

Brown died in 2000, and the gang's hierarchy has since been collegial. The development of AEM in prisons was very fast. Considering themselves as “warriors,” AEM members usually have a strict dress code, shaved heads and rigorous behavior.

Previous membership of political or terrorist groups may also promote amalgamation, consolidation and joint action in prison, under a kind of “prisoners of war” mentality. Such was the origin of the *Neta* in Puerto Rico.

Born on the streets, gangs are reconstituted within prisons as fast as their members are jailed. This has particularly been the case for Street Gangs from Chicago, the Latin Kings and the Gangster Disciples.<sup>138</sup> For these two gangs, both of whom employ strong symbolism<sup>139</sup> and maintain a very hierarchical organization,<sup>140</sup> the fact that many of their leaders are doomed to end their days inside won't get in the way of their continuing criminal activity.

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<sup>132</sup> Founder of the Crips in 1970 with Raymond Lee Washington (shot in 1979). Tookie aroused wide controversy until his execution in December 2005. He campaigned in prison against gang crime, wrote books on the subject and made a very public series of acts of atonement—he was even proposed for the Nobel Prize... It was only later learned that he was a founder and one of the leaders of the Blue Note Crip Organization.

<sup>133</sup> For example, after an investigation involving several services, twenty three men and five women, members of the Bloods gang Tree Top Piru (TTP Bloods or Tree Top Pirettes for women) were indicted on February 25, 2008 in Baltimore. This gang, created in 1999 in a detention center in order to organize mutual protection against other inmates, is directly related to the Piru Bloods of Compton, California. The defendants are accused of five murders, armed robbery, drug trafficking, weapons possession and witness intimidation. Initiation rites included committing a violent crime (assault, robbery or carjacking) and submitting to a beating by other members. Members are primarily recruited in the prisons of Maryland. Steve Willock, leader of the gang, took office from his prison cell between 2000 and 2003.

<sup>134</sup> One of the major languages of Africa spoken from the East coast (Kenya, Tanzania) to the Great Lakes region and the eastern Democratic Republic of Congo.

<sup>135</sup> An anti-British rebellion movement in Kenya, active between 1952 and 1960.

<sup>136</sup> A politico-religious-criminal group in Kenya, banned by the government, which considers itself the heir to the Mau Mau.

<sup>137</sup> The Servants of Muhammad.

<sup>138</sup> Also known as the Black Gangster Disciples, Black Gangster Disciple Nation, and the Brothers of Struggle.

<sup>139</sup> Essentially a crown with five points for the Latin Kings and a three-pronged fork for the Gangster Disciples.

<sup>140</sup> The leaders are “Kings,” “Dukes,” “Counts” etc.

The criteria for recruitment have also evolved according to the intensity with which groups have been repressed. Nuestra Familia, which originally recruited its members openly and carried out its activity in prisons conspicuously, has been confronted with active federal prosecutions, threatening its survival.

Membership may also be based on a community of skills or focus of interest. The Number gangs in South Africa are not based on ethnic criteria, but are distinguished by their purpose, which others must respect. The 28s, for example, protect and organize the “camp” and manage the *wyflies* who must perform the “housework”; its combat units “use blood and poison” The 26s “find money, and steal money with patience and cunning.” The 27s “enforce the codes.”

The Big 5 “cooperates with the authorities to try to obtain maximum benefits” while the prime purpose of the Airforce is to organize collective escapes. Two prison gangs stand out for their “hours of business,” based on tradition: The 28s, the “men of the night” are symbolized by a setting sun, while the 26s operate by day and “shall never draw blood after nightfall” except in self-defense. Their symbol is a rising sun.

Despite these differences, the Number cooperate in certain tasks. Among the most important are:

Education, for members to acquire the knowledge, experience and equipment required to adapt to their prescribed roles, and to progress in the hierarchy of their gang;

Security: by which gangs mean the protection of their members against outside danger. Members are prepared to defend the territory of their gang with their lives if necessary. Many inmates join the first gang that promises them security;

The satisfaction of physical, psychological and social needs: the Number work to obtain favorable positions within the prison in order to acquire and store desired products such as food, tobacco, drugs, and alcohol. Gangs also provide their members with camaraderie, status, protection and, in the case of the 28s, homosexual relations.

These prison gangs recruit from newcomers by entrapment or other forms of coercion, with an eye on inmates with desired qualities or skills.<sup>141</sup> Not belonging to a gang exposes a prisoner to beatings, rape or stabbing.

## B - Loyalty

**L**oyalty to the group is expressed almost everywhere by the formula “Blood in, Blood out.” The conditions for entry are bloodshed or killing. Membership is for life.<sup>142</sup> Any betrayal, or any attempt to quit the gang, lead to the only penalty in force in most criminal organizations, which is death.<sup>143</sup>

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<sup>141</sup> Haysom, *Towards an Understanding of Prison Gangs*, 30. He states that while membership is “voluntary,” some join the gang because they have been raped and prostituted, or expressly to escape this fate...

<sup>142</sup> Venter, Z. Just get it over with and give me my life, November, <http://www.iol.co.za/news/south-africa/just-get-it-over-with-and-give-me-life-1.31222>.

<sup>143</sup> The “Constitution” of Nuestra Familia, Article 2, paragraph 5, states that “... the death penalty will be automatic for any *familiano* who betrays, shows cowardice or deserts.” Cited in the indictment of Nuestra Familia members, April 13, 2001.

“From today, you are no longer a *frans*. You're a 28. You do not insult your brothers. You do not wrong them. You never do anything that might harm your camp [gang]. And if you desert, you will do so at the price of your own blood.”<sup>144</sup> This was corroborated by a “general” of the Airforce Gang of South Africa, before the High Court of Pretoria. Francois Van Staden,<sup>145</sup> 39 at the time, had been incarcerated for the first time at fourteen years of age and had spent most of his life in prison. He admitted having “executed” one of his “soldiers” who had behaved as a “rat” He revealed to the authorities that his “superior” had a pass, which opened all the doors of the facility. “We charged him with treason. There is only one sentence and that is death—he poisoned our organization. That was my role” said Francois Van Staden. He had to wait three years before the “execution” could be carried out as the victim, who felt threatened, had been transferred to another facility.

Note that although he considered himself leader of the gang in his prison, he recognizes that he would have been killed himself if he had not carried out the sentence, and that he even regarded the victim as a close “friend.” He added, showing the Court the “flag” tattoo of the gang on his ankle: “The only way out of the gang is in a coffin.”<sup>146</sup> As an illustration, a cleaner at the juvenile detention center in Pollsmoor prison, formerly a leader of the 28s, subsequently worked with the center's administration to report potentially dangerous situations. He was stabbed by inmates who saw him as a “sell-out, to be eliminated.”<sup>147</sup>

The expression of loyalty and fidelity required of members is also a form of protection of the organization against attempts at infiltration by undercover agents or informants. The blood criterion for membership removes any doubt about the applicant, and confirms his credibility in the eyes of the leaders: “...when a member has killed, he will not reveal to the authorities acts of violence he has seen.”<sup>148</sup>

Initiation rites always involve violence. One inmate describes his recruitment to the 28s thus: “I answered the question correctly then they told me that to join the gang I had to stab a white guard. They told me when the knife would come, how I should go about it and what I should do next.”<sup>149</sup> Under these conditions, as long as the perpetrator is neither arrested nor recognized, this act definitively binds him to the organization for which he did the deed.<sup>150</sup>

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<sup>144</sup> Steinberg. *Nongoloza's Children*, 22.

<sup>145</sup> iafrica.com, November 19, 2002.

<sup>146</sup> South African Press Association (SAPA), November 19, 2002.

<sup>147</sup> Correctional Services Portfolio Committee, Department of Regional Commissioners, Briefings August 27, 2004 (<http://www.png.org.za/docs/2004/viewminute.php?id=4372>).

<sup>148</sup> Walker, Robert. *Gangs Or Us*. 2003. [www.gangsonus.com](http://www.gangsonus.com)

<sup>149</sup> Steinberg. *Nongoloza's Children*. 28.

<sup>150</sup> Maughan, Karyn. “Gang Initiation Drove Man to Edge of Reason.” *Cape Argus*, March 26, 2004.

## C - Hierarchical Structure

For reasons of cohesion, discipline and secrecy (sometimes with the opposite effect), prison gangs operate according to hierarchies and chains of command in the military mold. Some even have ranks and are divided into units. Right from the outset, Nuestra Familia adopted a military structure with a system of ranks—generals, captains, sergeants and soldiers. However, this structure, meant to ensure efficiency and discipline, proved to be a weakness for the organization by revealing its organized nature and showing the scope of its ramifications beyond the territory of a single State. NF thus fell within the scope of the RICO law,<sup>151</sup> and has been subject to federal prosecution. Following this, NF was obliged to change, dividing into an “official” structure called *Nuestra Raza*,<sup>152</sup> operating both inside and outside the prisons. The surviving core of leaders sank into a strictly prison-based twilight, while maintaining overall control. The recruitment criteria were then changed. The “classic” prisoner in search of protection is led toward *Nuestra Raza*, while only the “professionals,” hardened prisoners trained in discretion, almost always based on blackmail,<sup>153</sup> can join *Nuestra Familia*.

The militarized model has thus shown its limits and internal contradictions with the requirement of secrecy: *Nuestra Familia* was severely affected, almost destroyed, because each level knew the names of its superiors and subordinates along with the overall objectives of the organization. When it was rebuilt, it adopted a partitioned structure, better able to guarantee its security. It has an “intelligence service”, the Regimental Security Department.... it appears that military references are difficult to shake off.

This pyramidal structure is also found elsewhere, for example in one of the major Taiwanese triads,<sup>154</sup> the *Tien Dao Man*,<sup>155</sup> which originated in a prison intended for the rehabilitation of prisoners through “military training.”<sup>156</sup> From there, this prison gang developed its criminal activity throughout the island's prison world and well beyond its walls. Strongly hierarchical, in the image of the Chinese triads, but perhaps also because of its origins, *Tien Dao Man*<sup>157</sup> was formed of six “territorial”

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<sup>151</sup> Racketeer Influenced and Corrupt Organizations Act (RICO): An important legal instrument in the fight against organized crime in the United States. This law allows a criminal group to be prosecuted as such for committing crimes but also for its purpose—organized crime—alone. The notion of “racket” (necessary for the implementation of this Act) includes the following offenses: death threats, kidnapping, clandestine gambling, arson, theft, robbery, extortion, corruption, forgery, bribery, obstruction of justice, racketeering (in the strict sense), prostitution, drug production and dealing.

<sup>152</sup> “Our race,” to signal its Chicano origins. Its “official” name is the *Carnales Estructura Norteña* (Brothers of the Northern Structure), commonly known as the Northern Structure.

<sup>153</sup> To join, the candidate must commit a murder under orders. The sponsor knows the culprit, and through intimidation, ensures his loyalty.

<sup>154</sup> Along with the Bamboo Union, the Four Seas and the Pine Union.

<sup>155</sup> Also the “Tiendaomeng.”

<sup>156</sup> October 1986, at the Green Island Penitentiary.

<sup>157</sup> Officially disbanded in 1999 “at the request” of the Taiwanese Minister of Justice. *Taipei Times*, November 11, 2001.



divisions and a general staff, presided over by the presumed boss of the organization.<sup>158</sup> Each subdivision had a boss, a deputy, captains and assistant captains. The number of “soldiers” in each of the subdivisions was unlimited.

Also quasi-military in their hierarchical organization are the Prison Gangs of South Africa, whose members wear imaginary colored “uniforms,” hoist flags and respectfully salute each other. The fictive uniform is given to the new member at his induction ceremony: “I give you your uniform. You have a pair of white sandals. Your socks are also white, with the emblem of 28 embroidered inside and out. You wear a white shirt and a white belt with a silver buckle. You have a white tunic with two buttons, with the emblem of 28 embroidered on the inside and out. Your tie is green. Your jacket is white, also with two buttons, the first open, because you belong to the gang day and night, the second closed as a sign of discipline. You have a white beret with a silver badge engraved with a hammer and a handkerchief.”<sup>159</sup>

The hierarchy of the 28s is rather complex: officers are called “No. 1,” “judges” have eight stars, “generals” six, “colonels” four, transmission specialists, also called “number-one captains” three, “doctors” have six bars—three gold and three silver, etc. When an “officer” is transferred to another prison, he identifies himself by revealing his “uniform”—by describing in detail what he is supposed to be wearing. Each grade has a specific mission, technically defined.

Conversely, the “hard core” of the Mexican Mafia in California has no known formal hierarchy,<sup>160</sup> reproducing rather the “galactic” structural model of the Hispanic Gangs of East Los Angeles. Its leaders base their power on brutality, fear and the “respect” they inspire in the *carnales*, and the charismatic hold they exert upon them.<sup>161</sup> Their “status” is based on the crimes they have committed and their reputation; any “progression” is dependent on the violent acts they have committed. In most prisons one, sometimes two of the leaders of the Eme, are recognized as such and revered by all inmates.<sup>162</sup>

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<sup>158</sup> Presumed to be Lo Fo-Chu, a former independent elected legislator, imprisoned in Green Island when the group was created. The Tien Dao Man claims him as one of theirs, and his name is quoted extensively in connection with shady dealings by the Taiwanese press. Lo Fu-chu was arrested in February 2002 after being added to the most-wanted list the previous January. He was sentenced on September 26, 2003 to four years in prison for corruption, fraud, breach of trust, usury, misappropriation of funds, forgery and the use of forgeries. *Taipei Times*, September 26, 2003.

<sup>159</sup> Steinberg. *Nongoloza's Children*, 22

<sup>160</sup> In some states, notably in the Texas branch of the organization, it seems that “ranks” have existed for some time. “Jury convicts Texas Mexican Mafia Sergeant in Racketeering Case.” U.S. Department of Justice, U.S. Attorney’s Office, Southern District of Texas. Press Release, May 23, 2003.

<sup>161</sup> In July 2009 the author of this article met “Boxer” Rene Enriquez, a “repentant” member of the *Eme*, formerly a high-ranking official within the organization, and author of *The Black Hand* (Harper Collins, September 2008). Besides an obvious charisma, he showed evidence of education, well-constructed verbal discourse and a clear vision of the activity of the *Eme*, which revealed a sophisticated and effective system. It was thus possible to gain a genuine understanding of the influence of these leaders over their subordinates within the organization.

<sup>162</sup> This falls into an “elitist” logic, reminiscent of the Russian *vory v zakones*. See An Exception, Prison Culture in Russia.

## **D - Code of Conduct**

All prison gangs operate under a more or less formal code of conduct with rules given the status of “philosophical” principles. Adherence to this code is always manifested by a solemn oath of loyalty.

In the US, not all prison gangs have adopted the same model. The Marxist-Leninist Black Guerrilla Family is probably the most politicized US prison gang. The objectives of the BGF are “to eradicate racism, fight to maintain dignity in prison and overthrow the government.” The BGF demands an oath of loyalty inspired by both Mao Zedong and the Bible, glorifying brotherhood and giving special status to group cohesion.<sup>163</sup>

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<sup>163</sup> If I should ever break my stride, and falter at my comrades’ side, This oath will kill me. If ever my world should prove untrue, should I betray this chosen few, This oath will kill me. Should I be slow to take a stand, should I show fear to any man, This oath will kill me. Should I grow lax in discipline, or in time of strife, refuse my hand, This oath will kill me. Long live comrade George Jackson! Long live the Black Guerrilla Family

<sup>164</sup> With reference to the letter “N,” 14th letter of the alphabet, for North.

1. All Nortenos will strive for a better education, respect and social status of equality. This includes and goes beyond acquiring any incentives and privileges to which an inmate is entitled.
2. All Nortenos will take a strong positive attitude toward aiding and assisting all those of Latindescent, as well as any other minority group worthy of our cause. It is our duty to work together in harmony and unite those forces in alliance with us to reach our set goals.
3. All Nortenos will do everything within their reach and capability to acquire mainline status, for these are the grounds we must secure for our fellow Nortenos and all those who live for the cause to have a strong establishment pinta to go to, without the threat or interference of the opposition.
4. In order to continue our struggle with far less difficulties, there shall be no tolerance created by internal confrontation, individualism or homeboy favouritism. No Norteno will spread false rumors or negative gossip about a fellow Norteno, and at no time will a Norteno attempt to take advantage of, or disrespect, a fellow Norteno’s ruca or familia. To do so will result in serious repercussions.
5. All Nortenos will acknowledge and respect the authority in charge at all times. No Norteno will feel inferior to one who holds rank or position. Nor will a Norteno holding rank or a position of some type feel superior to his fellow Nortenos because of his status.
6. And all data pertaining to a new arrival shall be reported through its proper channels immediately. See Household Procedures, especially that which endangers a life or is contrary to the cause.
7. At no time will a Norteno endanger the life of a fellow Norteno. There shall be no fighting amongst Nortenos, nor shall any cowardice dealing with the K-9 or enemy be tolerated. To do so will be dealt with accordingly.
8. No Norteno will lie or boast about his status. Be he rank or file, he will pay high regard to his physical and mental wellbeing and will always strive to better himself and become more aware and educated in all aspects relevant to the accomplishment of our set goals.
9. Should a Norteno be transferred from one facility to another, it is his sole duty to establish a branch in in union to procedures set henceforth and work hand-in-hand with other Nortenos at said facility and in parallel with other pintas.
10. Every chapter and stronghold of Nortenos will keep track of all enemies and enemy activities behind enemy lines.

Nuestra Raza, the “legal face” of Nuestra Familia, applies a fourteen-point manifesto<sup>164</sup> written by its highest officials, who intend to keep a very tight control over those they mastermind. The Diamond Tooth, later known as the Bluebird gang, became a fully-fledged prison gang in 1968<sup>165</sup> as the Aryan Brotherhood. Only one profession of faith is known of in its rituals, that which urges its members to brotherhood, pride and loyalty.<sup>166</sup> We also know that the AB is led by a pyramid of triumvirates at national and state level.

While the Mexican Mafia has no formal constitution, it nevertheless imposes specific rules. A document seized in 1996 during a search of cells contained a kind of “code” consisting of twenty-nine rules to be observed by the *Sureños*,<sup>167</sup> the prison population over which the Eme holds sway. This code is practical in nature, in contrast to other more political or philosophical codes.

Its provisions range from forbidding “brothers” to fight among themselves, the obligation to exercise at least 30 minutes every day, precautions to be taken when telephoning, the allocation of cells, and the circulation of intelligence to the terms of payment for clandestine goods. The rules are inculcated to newcomers and strictly observed; they even provide for a three strikes<sup>168</sup> penal system copied from precisely the principle that led so many members of the Eme to end up in jail, with one small difference—a third offense is, as always in this world, punishable by death.

The Gangster Disciples have a centralized and hierarchical structure, not only having a long written constitution, but also codes and rules for membership and behavior; they regularly circulate “memos” in the prisons they dominate, often “reminders of the rules.” They also use “application forms” which applicants must fill out in great detail in order to have their background checked out.

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11. It is each Norteno’s responsibility that is aware of our struggle to teach and school all those destined for the pinta. No Norteno should enter the pinta blind or without knowledge of our struggle behind the walls.
  12. A Norteno will protect and defend his household to the fullest, no matter the circumstances or consequences. This means closing ranks with fellow Nortenos during battle. To abandon such responsibilities will be considered as an act of treason.
  13. A Norteno leaving for the streets is encouraged to assist his fellow Nortenos behind the walls in whatever form or fashion he may choose. This is not mandatory but is a step towards the elite circle of dedicated Norteno Soldados.
  14. A Norteno shall stay abreast of all new laws, policies and procedures. No portion of this format is to be misinterpreted or abused for personal gain. To do so will be considered as an act of treason.

<sup>165</sup> That is to say when, in the eyes of the prison authorities, it has attained a “sufficient” level of organization and capacity for harm, which goes beyond the simple level of “disturbance.”

<sup>166</sup> “An Aryan brother is without a care/He walks where the weak and heartless won’t dare/And if by chance he should stumble, and lose control/His brothers will be there, to help reach is goal/For a worthy brother, no need is too great/He need not but ask, fulfillment’s his fate/For an Aryan brother, death holds no fear/Vengeance will be his, through his brothers still here.”

<sup>167</sup> Hispanics from Southern California originally, and by extension all those in the rest of the United States, identify with the Eme.

<sup>168</sup> Three Strikes and you’re out, US laws removing from society third offenders, those considered as “professional criminals,” with the imposition of a very long sentence.

While the rules are usually in written form in US Prison Gangs, they are transmitted by oral tradition in South Africa. Despite the antiquity of these organizations, their original values seem to have remained intact. Each one has its disciplinary code, provisions for various punishments, symbols, hierarchical organization and specific modes of promotion.<sup>169</sup> Finally, the historical interface between the various gangs also seems to have persisted. Among these rules, there is one that demands use of the Number's prison language, called *Sabela*. The "Mambozas"<sup>170</sup> decide when to teach *Sabela* to a new prospect, and "it is a long and painful process."<sup>171</sup> "Your 'blackboard' [teacher] will speak *Sabela* day and night. During your first two months in the gang, you will receive no visits, neither read nor write letters nor read books. You must focus on the gang, and if you are too slow to learn, you are punished severely. If you cannot seem to remember something that you were taught, you are stripped and placed under cold water in the shower until your memory comes back."<sup>172</sup>

The PCC in Brazil has a code.<sup>173</sup> It was discovered when copies were found on two members arrested during the events of 2006. It consists of seventeen sections specifying the organization of the group and its activities. It reveals the relationship between the gang and the *Commando Vermelho* in Rio. The code, which calls for a "war without truce and without borders until final victory," provides for the "death penalty" for any breach of the rules as laid down; it ends with a political affirmation, "Freedom, Justice and Peace."

## E - Violence and Intimidation

“**T**hese gangs extort, steal, use and sell drugs. There are always ten of them to attack one inmate. They use terror to persuade others to give them their property, their money, everything they own; they set fire to the cells of those who resist them and barricade their own to protect their “goods.” They make weapons and beat other inmates. Every week, three in five detainees request protection—at least as many again are soundly beaten or stabbed. The guards are afraid to pass through the corridors housing these violent prisoners. Do not let those you speak to underestimate the phenomenon of prison gangs and their criminal activities.”<sup>174</sup> A prisoner's letter to the Secretary of Prisons in New Mexico provides an example of the influence prison gangs have on prison life.

This same violence is corroborated by a member of the Texas Mexican Mafia,<sup>175</sup> sentenced to sixty years at the age of 17: “When the Gang recruited me in 1990, the

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<sup>169</sup> Haysom, *Towards an Understanding of Prison Gangs*.

<sup>170</sup> The “forties,” a sort of council of elders, not criminally active in prisons.

<sup>171</sup> Steinberg, *Nongoloza's Children*, 24.

<sup>172</sup> Steinberg, *Nongoloza's Children*, 24.

<sup>173</sup> *Estatudo do PCC* (in Portuguese): <http://www1.folha.uol.com.br/folha/cotidiano/ult95u22521.shtml>

<sup>174</sup> News & Opinion. “Making Prisons Safe.” *Albuquerque Weekly Alibi*, June 14, 1999.

<sup>175</sup> Also known as the *Mexikanemi*, meaning “long live the people of Mexico.” The Texas branch of the Eme, enjoying a certain autonomy and a separate organization, in particular awards ranks.

Texas Mafia became my God. It had started this violent and murderous war with the Aryan Brotherhood. My penchant for violence and brutality quickly gave me a place in the gang and I got a reputation throughout the prison system in Texas pretty quick. By 18, I'd been promoted to lieutenant, after being in on one serious punishment of another prisoner who had talked about the Texas Mafia to outsiders... At 20, I had reached the rank of captain in one of the deadliest prison gangs. I was totally contaminated by their way of thinking... I was sent to the McConnell Unit in Beeville, Texas, later known as the "hate factory." In that corrupted world gangs ruled. Violence, rape, murder, homosexuality and extortion were a way of life. It was paradise for me. At McConnell, I began to build my own system of perverse and violent power. At my discretion, men were bought, sold, prostituted or beaten. This power blinded me so much I really started to believe I could take on the system and win."<sup>176</sup>

In a closed universe, violence and intimidation are the weapons of choice for prison gangs. They compromise the safety of other inmates and that of the prison staff. The whole institution and its surroundings are concerned.

We have seen how extreme violence led the Nuova Camorra Organizzata to ruin. Yet this is the usual way of gaining power, both individually and collectively, within the prison world. It is also the normal mode of conflict resolution, even in its most perverse forms such as the slow puncture method mentioned above.

In December 1972, the murder of Rudy Cheyenne Cadena,<sup>177</sup> charismatic leader of the Mexican Mafia in Chino prison<sup>178</sup> resulted in thirty murders in the prison world in the following weeks.<sup>179</sup> This "vendetta" is still ongoing and, according to experts, has caused more than a thousand deaths over the years within the prison system and in the streets.

Violence between members and non-members is common in South Africa, while violence within a gang is exceptional and only occurs in specific circumstances, where a member has breached the code. For example, although the 28s and 26s frequently oppose each other, a certain respect remains. None, for example, would authorize an inmate who committed an offense against a member of another gang to join their own gang before the wrong had been righted.

In this context, the ability to fight and the nature of the crime committed confer a status within the prison with a threefold objective:<sup>180</sup> it demonstrates the passage from boyhood to manhood; it is used to mark the boundary between the space of the gang and that of the guards; finally, it divides inmates into men and *wyflies*.

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<sup>176</sup> Smedley, Henry. *My Life in Prison Gangs*. Denver, CO: Bible Advocate Press, 2000.

<sup>177</sup> The character of "Cheyenne" inspired the 1992 Edward James Olmos movie "American Me." Shot in the district of Ramona Gardens, East LA, the movie cost the lives of several people who agreed to advise its producers, including a social worker, Ana Lizarraga (killed June 14, 1993), because certain scenes offended the Mexican Mafia. Olmos himself was the victim of threats and blackmail.

<sup>178</sup> Seventy miles east of Los Angeles.

<sup>179</sup> *Gang Beat* 12, 4, Summer 2001.

<sup>180</sup> Steinberg. *Nongoloza's Children*.

Violence may be controlled or spontaneous. For example, on January 4, 2015, while he was assaulting a guard as part of his initiation rite in the South African prison at Blandvlei,<sup>181</sup> northeast of Cape Town, a detainee was killed by other guards.<sup>182</sup> In retaliation, it seems, nine guards were then attacked and injured with knives by inmates at Darkenstein prison,<sup>183</sup> twenty-five miles to the west. The attackers were all members of Number gangs, the 26s, 27s and 28s.

Violent acts occasionally serve other objectives. Prisoners have been known to attack guards just to stay in prison. These rare incidents are not related to the activities of prison gangs or any initiation rite, but are rather the result of the extreme poverty in which detainees would find themselves if they left prison. For them, despite the deprivation of liberty, the living conditions and the abuses they face, prison is the lesser evil.<sup>184</sup>

Violence also serves to punish. Besides the slow puncture, mentioned above, which is a recent introduction, the Number chastise their own members in less serious cases with a punishment previously used by prison staff, called the “carry-on.” Whoever is at fault is made to stand, shirtless, arms raised. The punishment squad forms a circle around him, and when one of them calls “Up” the others beat his chest with socks containing blunt objects.

Due to its slow recovery from the operations carried out in 2006, the PCC seems to have returned to its preferred methods, threatening or killing prison guards to intimidate the authorities in order to gain concessions.<sup>185</sup> Such has been shown by arrests made in 2007, like others before them. Three people were arrested on February 7 of that year in possession of the names and private addresses of twenty prison officers, of whom ten worked in Presidente Bernardes prison, where Marcola, supreme leader of the PCC is held. The suspects were members of the PCC, with a mission to assassinate these guards in reprisal for the recent transfer of PCC leaders from a less secure prison to the Bernardes Penitentiary Rehabilitation Center. The murders were not carried out, those who were to commit them were arrested—no doubt the authorities were warned by wire taps—but everything indicates that the violence persists. If the plan had succeeded, no one, neither authorities nor the PCC itself, can imagine what the consequences might have been.

### III - PRISON GANGS: PATHOGENESIS

**T**he pathogenesis of prison gangs has three aspects.

First, they hold the power of life and death over individuals within the closed prison world, according to their own criteria and rules that differ depending on the institution, the security measures in place and the country.

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<sup>181</sup> At Worcester, Cape Province.

<sup>182</sup> IOL News, January 23, 2015.

<sup>183</sup> At Southern Paarl, Cape Province.

<sup>184</sup> Joseph, Norman. “Inmates Attack Warders to Stay in Prison.” *Cape Argus*, May 14, 2004, 8.

<sup>185</sup> Steinberg. *Nongoloza's Children*, 15.



Secondly, these groups organize and manage the traffic upon which life inside the prison is based. Everything has a price inside—both people and things. Almost everything is in short supply, and every possession becomes an instrument of power. The control of drugs, cigarettes, alcohol and sex by prison gangs confers far higher authority than any legitimate governance.

Finally, communication with the outside world, largely facilitated by modern technology,<sup>186</sup> but still working through intimidation and corruption, allows the leaders of these gangs to manage their criminal “businesses” from the inside.

Tightly protected, these individuals have the best means of persuasion possible, the choice between money and death, *plata o plomo*, according to the Colombian saying from Escobar’s time. It has led inexorably to the influence of prison life extending ever farther beyond the prison walls into society at large.

## A - Inside

**B**orn in the prison world and enjoying a guarantee of sustainability, prison gangs will prevail even in establishments where, in theory, security—control and isolation—is strongest.

### 1 - Control of Prison Life

In all prisons in the world, any newcomer is immediately challenged and judged. His behavior from the first moment will determine his entire sentence. He can face up to it and fight, pay for protection, or become a slave. He may also be required to provide “proof” of his previous criminal activities, which will be carefully checked. Unless he has proven support or his own means, the prisoner cannot hope to avoid the dead weight of prison logic: he must either belong to an organization or be exploited by it.

The prisoner with no gang membership or who cannot pay the price of his protection becomes a slave. The only rule is that of the strongest. The need to seek a place in the group and to submit to its “laws” is therefore an imperative; failure to respect these carries only one penalty and that is death.

An anecdote may show the control that prison gangs are able to exercise and the competition they engage in, one against the other. Ian Huntley, the killer of two ten year old girls in Soham, near Cambridge, England, was sentenced and imprisoned in December 2003. In May 2004 a rumor was heard that he had become the subject of a competition between two prison gangs. The winner was to be the gang who executed him after disfiguring him by scalding, as an expression of contempt. Bets were widely placed at Wakefield Prison, passions raged about which of the two gangs would win. According to a prisoner interviewed by a newspaper (one wonders how),

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<sup>186</sup> See box “Mobile phones and prisons.”

“it will be surprising if Huntley is still alive in a year.”<sup>187</sup> He is still alive at the time of writing. It appears that certain informants, exchanging information for favors, warned the authorities, who were very keen to avoid a repeat of the January 2004 “suicide” of Harold Shipman, the famous “Doctor Death.”<sup>188</sup> The affair was taken extremely seriously. Huntley's guard was doubled and placed on high alert. He was eventually transferred to another facility.

The impact of prison gangs on the inmate's life is proportional to the ambient violence of the institution, itself a function of the “security level” of the prison. Paradoxically, prison gangs are more present, more powerful and more violent where “security” is the highest, and control the strictest. Conversely, they have less influence in open prisons.

The leaders of prison gangs often enjoy various privileges, as much in terms of their comfort inside as in access to the facilities they need to pursue their criminal activities, as we saw in the case of Raffaele Cutolo, head of the Nuova Camorra Organizzata.

According to the country concerned, the era in question, and the particular circumstances, governors and prison administrators have often considered prison gangs to be stable elements with which business might be done. They have seen in them a guarantee of peace for their institution, a way to avoid the kind of violent incidents that might cast a cloud over their careers.

In Brazil, Colombia, Venezuela and Honduras, the tradition is for directors of penitentiaries to entertain relationships with prisoners' associations—at least with the most “legitimate” among them—but this has tended to disappear with the advent of the trafficking and violence associated with more recently emergent groups.

In the US, one of the leaders of the Latin Kings, Fernando Zayas, nicknamed Prince Fernie, imprisoned for a triple murder, worked as a plumber and painter in Stateville prison, a position that allowed him to move freely throughout the facility, maintaining contacts and developing his trafficking networks. Robert Big Lowe, a leader of the Gangster Disciples, would only move about in prison with his bodyguards and always carried a leather briefcase, the contents of which remained a mystery to everyone. He had his own cook and two cells, one for living, one for storage of food and goods smuggled in from outside. Why all this? Big Lowe was feared by the prison administration—he was believed to be behind a riot that had killed three guards.<sup>189</sup>

When the cell of Ernest “Smokey” Wilson, another leader of the Gangster Disciples, was searched, they found “a mobile phone, four batteries, thirteen bottles of luxury cologne, a mini-TV, an electric iron, two kettles and a portable washing

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<sup>187</sup> *Daily Mirror*, May 24, 2004.

<sup>188</sup> BBC News online <http://news.bbc.co.uk/2/hi/uk/3391897.stm> BBC News online <http://news.bbc.co.uk/2/hi/uk/3391897.stm>

<sup>189</sup> At Pontiac, in 1978, according to M. Heltsley, former member of the prison administration, quoted in the ERRI Special Report, 1997. Lowe shares this reputation with Larry “King” Hoover, cited below. See Knox, George W. *The Gangster Disciples: a gang profile*. Peotone, IL: National Gang Crime Research Center, (Published on the Internet), 2000.

machine”<sup>190</sup> and “no-one” could understand how they might have gotten into his cell. With increasing regularity, precision electronic scales for weighing drugs are found in cells, an extremely useful device in constant use.

In institutions where prison gangs hold sway, they eventually end up governing all aspects of daily life—what prisoners eat, at what time and in what place they are to sit in the refectory, who will have the least harsh or the most tedious tasks, who will have money and luxurious clothes, who will live and who will die. All this and much more falls under the direct remit of the gangs.

For the US prison officers union, prison governors who grant privileges to the leaders of prison gangs and turn a blind eye to their activities dangerously discredit the authority structure and destabilize the entire population of the institution. This is even more the case when negotiations and long-standing agreements have resulted in “acquired rights” for prison gangs. To restore order and discipline requires a change of governance and a total restructuring of the institution.<sup>191</sup>

Far, then, from being stabilizing or mediating agencies, prison gangs contribute enormously to disorder and violence within prisons, through their criminal practices, the climate they create and the gross human rights violations inflicted upon the great majority of inmates. While keeping the common title of Prison Gangs, American experts now rank them in a particular category, to highlight the specific threat they represent, imposing the term “Disruptive Groups”<sup>192</sup> to better characterize their destabilizing nature.

Prison staff, as well as prisoners, are threatened by the activity of prison gangs. Guards may be led to participate in criminal activities, be it voluntarily or otherwise, or may themselves be victims.

For a guard, voluntary participation is to be guilty of collusion with a group—providing alibis, facilitating certain activities or certain acts of violence, being paid for silence or assistance. Involuntary participation involves a guard ignoring some wrongdoing or being willfully negligent to ensure a peaceful life for himself.

Wherever prison gangs exist, guards are potential victims. They are threatened, harassed, sometimes sexually abused and even murdered. In the US, the situation has degenerated so far that 70% of penitentiary institutions now train their staff to manage the specific hazards associated with the gangs and teach them how to behave with their members.<sup>193</sup>

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<sup>190</sup> Emergency Response and Research Institute (ERRI), Special Report, 1997.

<sup>191</sup> In June 1994, for example, the prison guards union at Pontiac, Illinois, complained that the directors of the institution had signed agreements with the gangs. They demanded a “zero tolerance” policy to ensure their security in carrying out their duties.

<sup>192</sup> According to the Texas Commission on Law Enforcement: “Any group of prisoners which represents a threat to the physical safety of other inmates as a result of its nature and its activities.” ([www.tcleose.state.tx.us](http://www.tcleose.state.tx.us)). The term Security Threat Groups is also used, but rather to describe groups that are not yet fully organized into Prison Gangs.

<sup>193</sup> Knox, George W. “A National Assessment of Gangs and Security Threat Groups (STGs) in Adult Correctional Institutions: Results of the 1999 Adult Corrections Survey.” *Journal of Gang Research* 7, 3 (2000), 1–4.

In early 2003, a guard at Cameron prison, Texas, was removed from his post and charged with having brought drugs inside. In his version of events, a gang member had “threatened him with reprisals if he failed to obey orders.” Also suspended was the head of security of the prison, who declared at his subordinate's trial that: “Members of the Texas Syndicate<sup>194</sup> threatened me with death [...] they try to manipulate everyone. If we give in on a detail they immediately go further, demanding larger and larger concessions. Then they make sure you know you're a coward for backing down, they blackmail you, threaten your job. I heard this often.”<sup>195</sup> According to the prison hierarchy, however, most staff do not yield to threats, and affairs like that of Cameron are only “isolated cases of people looking for a quick profit.”

Collusion with the prison gangs caused by greed can totally corrupt the staff of an institution. In Texas again, in 1994–95, the police dismantled a prison gang known as the Blue Bandana,<sup>196</sup> responsible for violence and trafficking within the prison environment. The group was composed solely of prison guards.

Control of prison life by the gangs also involves extortion and “protection.” Cells are often “taxed” according to various criteria—ethnic, linguistic or corresponding to particular types of crime. Drug addicts prefer to be remote from guard posts while certain inmates want to be close to TV sets if there are any. All commodities or “comforts” have a price, fixed by the gang with jurisdiction over it.

For members of the *Primerio Commando da Capital* in Brazil, this tax is replaced by a relatively modest monthly fee—50 Reals for those in prison and 500 for those outside.<sup>197</sup> Those who cannot pay are often tasked with high-risk missions such as attacks on the police to satisfy their debt. This “tax” allows the “union,” which keeps a permanent treasury of at least a million dollars, to organize escapes and pay lawyers, but also to help sick inmates, and escaped or released prisoners and their families. It is a genuine cooperative organization which reflects its growing “politicization.”<sup>198</sup>

In the United States, prisoners not belonging to a gang are often termed “neutrons.” Prison gangs levy a “tax” of 10–50 dollars per month on them just to have the “right” to live in prison. Again, certain dangerous tasks are imposed upon them—smuggling drugs into the prison or hiding the gang's weapons<sup>199</sup> in their cells. They are

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<sup>194</sup> One of the oldest Hispanic prison gangs, limited to the state of Texas and ranked second behind the Mexican Mafia by the Texas Department of Criminal Justice.

<sup>195</sup> *Brownsville Herald*, April 4, 2003.

<sup>196</sup> In the “McConnell area” of Beeville prison, Texas. “In Texas Prisons, it's Hard to Tell Who your Enemies Are.” *Austin Chronicle*, April 28, 2003. Also, see the *People's Tribune* (Online Edition), 22,14, April 3, 1995. Corroborated by Smedley, *My Life in Prison Gangs*.

<sup>197</sup> Respectively \$28 and \$280 (rate on January 2010). These contributions have been halved since 2006.

<sup>198</sup> The PCC, from being a “Union” became the “Union of the Marginalized” in 2001.

<sup>199</sup> In the prison world, anything can become a weapon, and the ingenuity of prisoners is highly developed: “A ‘paper pole’ is a conical tube fashioned from paper, tightly rolled and sealed with tape, stuffed with toilet paper to make it hard, and fitted with a sharp point (from a ballpoint pen or a disposable razor, for example). It is delivered by hand, or launched with a piece of rubber stretched taut into a powerful slingshot. Paper poles can be fired across buildings from one block of cells to another. Inmates will fashion a makeshift knife, or shank, out of almost anything...” *Austin Chronicle*, April 28, 2003.

often prostitutes. A neutron from Menard Prison, for example, was stabbed by an enforcer<sup>200</sup> from the Latin Kings because he refused to conceal a weapon. Another was regularly raped for refusing to join the gang.

To better control prison life, gangs practice a division of labor according to the skills of their members and their objectives. Some act as security officers, others gather intelligence (about other gangs, the administration, and the activities of the justice department and the police). Others are in charge of physical training, while some oversee landline telephones and reserve their use for members of their organization.

How can the power that gangs hold over the prison population be explained?

The punishment they deal out—notably death—is always more severe than that legally employed by the legitimate authority of the institution. The prisoners are under no illusion that the nominal protection the prison administration is supposed to afford them has any meaning whatsoever.

The intimidation of inmates may go far beyond the prison environment. It is said, for example, that the 28 gang in South Africa “cries for eighty years.” This is meant to convey that “nobody is beyond the reach of its vengeance.”<sup>201</sup> The gang has a reputation for relentlessly hunting down traitors, which helps keep a tight rein on those who might be tempted to testify against it.<sup>202</sup>

Despite their proven pernicious nature, some still consider this kind of “intermediate body” to be useful or even desirable. In an article in 2014, entitled “Prison Gangs and the Community Responsibility System”<sup>203</sup> professors Garrett Roth<sup>204</sup> and David Skarbek<sup>205</sup> proposed to “forget the outdated image of violent and racist thugs coming together to rob the weakest...” According to them, prison gangs are “vital elements of social cohesion... allowing violence to be kept at manageable levels and creating a stable environment in which an economy based on contraband can develop.”

This economic and behaviorist approach seems to forget the reality and daily life of those who, imprisoned for small crimes, see their lives ruined forever.

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<sup>200</sup> A gang member charged with enforcing gang rules.

<sup>201</sup> On December 10, 2003, a future “soldier” of the 28s passing through the initiation phase, appeared before the High Court in Cape Town. He was accused of killing the mother of his child and his neighbor, a boy of eight, to show his determination to the gang. The mother of the girlfriend of the alleged murderer, who wished to testify, suffered intimidation for eight months by “unidentified” individuals. “No witness, no procedure,” they told her. She is currently part of a witnesses protection program, and lives anonymously far from her original home. *Cape Argus*, December 10, 2003.

<sup>202</sup> Nonetheless, South African law requires prisoners to appear before the courts when they are summoned, refusal being punished by two additional years. The law also provides for placement in a “safe” prison. Haysom, *Towards an Understanding of Prison Gangs*.

<sup>203</sup> Roth, M. Garrett and David Skarbek. “Prison Gangs and the Community Responsibility System.” *Review of Behavioral Economics*, 1, 3 (2014), 223–243.

<sup>204</sup> Oberlin College, Department of Economics.

<sup>205</sup> King's College London, Department of Political Economy.

## 2 - Trafficking

Alongside violence, trafficking is the other arm of the command structure in jail, as “traffic is power.”<sup>206</sup> Inside, in an environment of deprivation, everything is trafficked, organized and controlled by criminal gangs. Certain prison gang leaders become veritable captains of industry from their prison cells. They create and maintain strong and lucrative black markets in drugs, alcohol, and tobacco. They organize gambling and prostitution—they even open restaurants in prisons. Imprisonment appears to be absolutely no obstacle to the pursuit of lucrative criminal activities.

Of these, the trade in tobacco has the longest tradition. It has often been at the origins of prison gangs themselves. The Tien Dao Man triad began its business by monopolizing the cigarette market in the prisons of Taiwan. Anyone wanting to smoke in prison had to deal with members of the triad. Cigarettes were cut in half and re-rolled to make two slimmer smokes. A pack of 24, the price of which they doubled, became a pack of 48; they thus quadrupled their income by selling them individually.<sup>207</sup>

In the US, recent “politically correct” bans on smoking in prisons have given cigarette trafficking a whole new lease of life. Any forbidden commodity sees its market value rise. For specialists like Cory Godwin, president of the association of Florida prison administration investigators, “banning smoking in prisons was simply crazy—who ever thought it could do anything but strengthen the gangs?”<sup>208</sup>

Today, the largest prison trade by far involves drugs. Beyond the huge profits made, the drug is in itself a tool of domination. The traffic causes bloody conflicts between gangs and worsens the natural instability of the prison world.

One report<sup>209</sup> emphasizes how widely available drugs are in Pollsmoor detention center, Cape Town. Some are brought in by staff, others by the prisoners themselves, especially when escorted by police to the court cells. In 2004, nine staff members were arrested for drug trafficking.

The prices of drugs vary at Pollsmoor, but in general, methaqualone<sup>210</sup> and crack cost twice as much as they do in the street. There are several reasons for this. First, smuggling drugs into prisons comes with a risk (getting caught) and is expensive (bribing the guards). Secondly, dealers can only sell inside with the permission of the gangs, who levy a large commission, shared between its members. The profit margin needs to be very high. Finally, drugs are rare in prison, and demand almost always exceeds supply.

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<sup>206</sup> Cory Godwin, quoted by Tiffany Danitz, “The Gangs Behind Bars,” *Insight on the News*, September 28, 1998, 1–3.

<sup>207</sup> *Taipei Times*, November 11, 2001.

<sup>208</sup> Quoted in Danitz, *The Gangs Behind Bars*.

<sup>209</sup> Report of the White Paper Committee on Prison Services during their visit to the juvenile detention center at Pollsmoor on October 15, 2004. (<http://www.pmg.org.za/docs/2004viewminute.php>).

<sup>210</sup> A drug that appeared in the early 1980s and became very popular in South Africa, with the common names “mandrax,” “quaaludes” or “ludes.” It has “relaxing, euphoric and aphrodisiac effects.”



Richard Valdemar, a sergeant specializing in prison gangs at the Los Angeles Sheriff's Department, has calculated the tonnage and cash turnover associated with heroin trafficking in the prison of Los Angeles County,<sup>211</sup> an institution for prisoners in transit, awaiting trial or serving short sentences. Heroin is probably the least used drug in California since a number of poisoned batches were distributed around twenty years ago. Nonetheless, even given the above conditions, those who control this traffic make a substantial profit. Here are Valdemar's figures:

Average population on any given day:	18,639 prisoners
Heroin addicts ( $\pm$ 10% of prisoners):	1,864 prisoners
Detoxed ( $\pm$ 2% of addicts):	-38
Total active heroin addicts on any given day:	1,826 prisoners
Minimum daily dose of heroin:	0.01 g per user
A total each day of:	18.26 g heroin
An annual consumption of:	6664.9 g (6.7 kg)
Value of one gram:	\$ 80 on the street
	\$ 240 in jail
In one year, for this prison, heroin dealing <i>alone</i> yields a minimum of some:	\$ 1,600,000

More than 6.5 kg of heroin is a considerable quantity. The quantities and cash traded for marijuana and cocaine are undoubtedly much higher. For example, Jimmy Delgado, a “sergeant” of the Texas Mexican Mafia, was convicted of “conspiracy, racketeering and trafficking” after dealing more than 5 kg of cocaine in the Texas prison system.<sup>212</sup> These are huge amounts considering the system is meant to be “closed,” and proves the extraordinary resourcefulness of gangs in prison.

In 1995, 25% of inmates in US high security prisons were drug addicts. The figure is probably higher today.<sup>213</sup>

How do drugs make their way into prison? The complicity of corrupt guards is, of course, vital, but the wives and friends of detainees are often involved, as well as “associates” of the criminal groups—sometimes, too, women organized in gangs.<sup>214</sup> These women are often used as “mules,” who are either voluntary, threatened or paid. They are better equipped to hide drugs about their person and are often under less suspicion than their male counterparts.

<sup>211</sup> Valdemar, R., California Prison gangs information sheet, California Gang Investigators Association, 2003.

<sup>212</sup> He is also accused of three murders. US Department of Justice, US Attorney's Office, Southern District of Texas, press release, May 23, 2003.

<sup>213</sup> Emergency Response and Research Institute. Unfortunately we were unable to find more recent figures.

<sup>214</sup> For example, a subgroup of the Gangster Disciples recruited young schoolgirls called the “Sisters of Struggle” or the “Intellectual Sisters.” They serve as logistical support to imprisoned members of GD. The female subgroup of the Latin Kings is, of course, called the Latin Queens.

A May 2009 report<sup>215</sup> from the New Jersey Corrections Department revealed that insufficient checks on street gang membership when hiring prison staff had resulted in a system of corruption that allowed guards and visitors alike to bring all manner goods and objects into prison, and in very large quantities. One guard was found to have brought “incalculable” quantities of methamphetamines into the institution where she worked.

In California, “dozens of employees in recent years have been dismissed and arrested for their allegiance to gangs.”<sup>216</sup> In 2009, for example, the prison intelligence services discovered that one prison guard was the wife of a member of the Mexican Mafia.

In Brazil carrier pigeons were trained to bring drugs to PCC members in Marilia prison, São Paulo state. An increase in drug seizures in the cells had alerted the attention of staff who were mystified as to how the traffic was getting in.

At one of his trials, it was learned that Larry King Hoover, one of the main leaders of the Gangster Disciples was managing one of the most successful cocaine distribution “companies” in the United States from prison. According to Thomas Dart, the President of the Commission in charge of prisons in the House of Representatives, Hoover was far more effective working from his cell, with its guaranteed security,<sup>217</sup> than he ever was after his release.

This is not surprising. According to reports from the Illinois prison administration,<sup>218</sup> referring to “highly placed” sources, “prison gangs have absolute control over Stateville prison, and the guards are terrorized. If they dare to stop the friends or family of gang members smuggling stuff in, the gangs produce photographs of their homes, their wives, and their children.”<sup>219</sup>

According to these same sources, Lawrence K. appeared on a hit list drawn up by the Latin Kings<sup>220</sup> of thirty “bad” guards who were simply doing their job without giving in to threats or letting their integrity be compromised;<sup>221</sup> they were therefore impeding the gang’s activities. Lawrence K., thirty years of age, was therefore murdered shortly after the appearance of a letter to staff threatening death if they refused to “facilitate” the gang’s business. Among the Latin Kings, this type of execution must be ordered or

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<sup>215</sup> *Gangland Behind Bars: How and Why Organized Criminal Gangs Street Thrive in New Jersey's Prisons and What Can be Done About it*. State of New Jersey Commission of Investigation, May 2009.

<sup>216</sup> California Department of Corrections and Rehabilitation, Special Service Unit; telephone interview, January 6, 2010. In *Gangs Infiltrating Law Enforcement and Correctional Agencies*, Intelligence Report, National Gang Intelligence Center, January 15, 2010.

<sup>217</sup> Hoover was once attacked by a homosexual named Nissan who wanted to humiliate him. He managed to stab him two or three times before Hoover's bodyguards intervened. Knox, *An Introduction to Gangs*.

<sup>218</sup> Knox, *An Introduction to Gangs*.

<sup>219</sup> Knox, *An Introduction to Gangs*.

<sup>220</sup> Their “blacklist” of people to be eliminated.

<sup>221</sup> “K. was the type of guard who came to work to do his job, he was young.” Knox, George W. Gang profile: The Latin Kings. Peotone, IL: National Gang Crime Research Center, (Published on the Internet), 2000.

controlled by a senior leader—yet, to date, none of them has been charged. According to testimony from members of the gang who knew of the affair, Lawrence K. was probably murdered on the direct order of Lord Gino (Colon). K. and other guards reportedly found cocaine in Colon's cell. Such a brazen affront would have been unforgivable and Lawrence K.'s execution “before the day is out” would have been ordered.<sup>222</sup>

Another object, psychologically as important as drugs and coveted as much, is the weapon. Depending on the country and the level of sophistication of the institution involved, the nature of weapons differs. In South America guns are commonplace while knives are preferred elsewhere—but anything is possible, anywhere.<sup>223</sup> All prison gangs are involved in the trafficking of weapons; sometimes they form an alliance against the administration. Some prison gangs have members specialized in the supply and hiding of arms.

Besides drugs, weapons and cigarettes, any commodity may be traded in the prison world according to opportunity and resources. Each phase of the traffic is always under the control of the prison gangs, increasing their influence and power.

Prison gangs are not the only ones to take advantage of traffic inside. Guards are involved too. In Grootvlei,<sup>224</sup> four inmates got their hands on a mini video surveillance camera and filmed the guards<sup>225</sup> selling alcohol and drugs,<sup>226</sup> pimping out “sex slaves,” and even providing a firearm (loaded) to a prisoner.<sup>227</sup> The most brutal scene in their movie showed a prisoner having sex with a minor who had been “delivered” to his cell by corrupt guards. The “Grootvlei Four,” all condemned to heavy sentences, had taken care to film themselves negotiating drug deals with the guards. They then handed the cassettes<sup>228</sup> to the governor of the facility<sup>229</sup> who forwarded them to the Jali Commission. The case was a national scandal. The guards were suspended immediately and the governor was transferred<sup>230</sup> one week later. The leader of the Four, Gayton M., was released on parole two years before the end of his minimum term.<sup>231</sup> All four were sentenced to death by the 26 gang.<sup>232</sup>

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<sup>222</sup> Knox. *Gang profile: The Latin Kings*.

<sup>223</sup> The administration of the Pontiac facility (Illinois) has never found three firearms on which it received information.

<sup>224</sup> At Bloemfontein, South Africa.

<sup>225</sup> Around twenty in number. South African Press Association (SAPA), June 19, 2002.

<sup>226</sup> The specialty of one guard, who had a luxury car and a comfortable home, was the supply of brandy. He was selling ten to twenty bottles per week and earning extra income of some \$1,700 per month. *Dispatch Online*, July 16, 2002.

<sup>227</sup> *Prison Warders Filmed Selling Drugs and Sex*. South African Press Association, June 19, 2002, citing the South African Broadcasting Corporation (SABC).

<sup>228</sup> Two and a half hours in total.

<sup>229</sup> The four inmates were placed under special protection on the same day. As soon as word got out, one of them suffered two assassination attempts.

<sup>230</sup> SAPA, June 26, 2002.

<sup>231</sup> SAPA, February 28, 2003.

<sup>232</sup> According to Marius Engelbrecht, a “Major” of the 26s, “They will die in prison, there is no safe place for them—not in any prison in the country.” Minutes of the Jali Commission, Bloemfontein Supreme Court, June 28, 2002, 743.

### 3 - Corruption

Corruption often begins with relationships between prisoners and guards becoming “too close.” In the UK, nearly a thousand employees are suspected of being compromised. For remuneration, they have agreed to bring mobile phones and drugs into prison, and to facilitate the transfer of detainees from one prison to another, according to a 2006 report.

Despite numerous reports indicating cases of corruption, no sanctions have ever been imposed by the administrative hierarchy. “What was presented as a handful of isolated cases of corruption is actually the emerging face of a huge iceberg of dishonest practices. In short, [the prison authorities] find themselves accused of institutional corruption at the national level.”<sup>233</sup> The administration has been forced to recognize the existence of “a small but significant minority of unscrupulous agents”<sup>234</sup> but suggests that a decline in drug abuse and the number of escape attempts proves the integrity of the majority of guards. This ignores a rate of absenteeism so high among these very guards that the Prison Service is considering no longer paying sick leave.

In South Africa, in addition to the many elements that demonstrate the extent of the phenomenon, a UN team studying corruption has shown that among the different types of malpractice in which South African prison guards engage, trafficking is involved in 13% of investigations.<sup>235</sup>

One of the most disturbing discoveries among those made by the Jali Commission was how an official at Grootvlei prison was not only selling *dagga* and methaqualone to detainees, but even allowing them to come to his own home to buy them.

One prisoner told the Commission how he could earn around 450 Rand<sup>236</sup> per month selling methaqualone on behalf of his guards, and how he was enlisted because he had no relatives or visitors.

However subtle and well-organized such traffic may be, it would be virtually impossible without corruption. Those gang leaders tasked with “public relations” meet officials of the institutions discreetly and forge agreements to further their members' interests over those of other prisoners; this is even the specific function of the Big 5 Gang within the South African prison system. The arrangements do not only offer a way to live together. The huge profits made by all prison gangs make bribery of prison staff, often poorly paid, very easy.

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<sup>233</sup> Mark Leech, director of *Prisons Handbook*, the annual guide for the British penal system, Belga News Agency, July 31, 2006.

<sup>234</sup> Phil Wheatley, Director General of the Prison Service, Belga News Agency, online since July 31, 2006.

<sup>235</sup> Painter-Morland, Mollie. *Final Consolidated Report - Focused Assessment of Anti-Corruption Capacity within the Department of Correctional Services*. Pretoria, Republic of South Africa: United Nations Office on Drugs and Crime, 2004.

<sup>236</sup> \$61 in January 2010.

Without the active participation of guards<sup>237</sup> in the traffic, the availability of food, drugs and money within the prison would be severely restricted. One prisoner tells of an exchange between an inmate and a member of the prison staff: “If you have money you can buy anything, and if you got the guard right, you can send him out for cartons of cigarettes. If you make them happy you can even get them to bring you some Nando's<sup>238</sup> or whatever. To guard [young offenders], you need a lot of money, you have to sell stuff [to pay them]. There are many boys who sell drugs or dagga, all these things, and the police sell everything going.”<sup>239</sup>

In the US, during the trial of “King” Hoover, mentioned above, a guard admitted that, like other colleagues, he earned between 500 and 1000 dollars a day bringing drugs into the prison. He added “every gang has its appointed guards—usually chosen from among those working in the visiting area, where drugs are handed over.” This witness added, unsurprisingly, “If anyone talks, he puts his life in real danger.”<sup>240</sup> This is on top of the substantial loss of “remuneration.”

King Hoover's corruption appears to have reached even greater proportions. According to an informant: “When Mike Lane was director of the Illinois prison administration,<sup>241</sup> he'd often call in at Vienna<sup>242</sup> and walk a while in the courtyard with Hoover. Lane had had Hoover moved to the institution. Rumors said someone outside put an envelope containing cash into Lane's hands through some third parties. Whoever they were, they changed all the time, like they were some kind of circuit breaker.”<sup>243</sup>

In a Nevada<sup>244</sup> high security prison, guards have been corrupted by members of the Aryan Warriors. Involved in drug trafficking inside the prison, these guards allowed gang members to use mobile phones to call outside. They also helped them pass messages between them. One of the opponents of the gang was killed after guards left the door of his cell open. Sixteen officers of the Nevada Prison Service (out of a total of 1,800) were specifically named by members of the gang at their trials.<sup>245</sup>

In Maryland, the police, the DEA and the prison authorities conducted an operation to dismantle organized trafficking in state prisons. Twenty four people were charged, mostly members of the Black Guerrilla Family, but also a number of prison staff.

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<sup>237</sup> “I was paid to help inmates escape.” Words of a guard in the *Cape Times*, April 1, 2004, 4. A former guard at Johannesburg Prison [Kgukutli Louis Pobe] told the Jali Commission how he and some of his colleagues collaborated to facilitate the escape of prisoners, how he was paid for this, and for remaining silent about complaints of theft.

<sup>238</sup> A fast food chain.

<sup>239</sup> Gear and Ngubeni. *Daai Ding*, 68.

<sup>240</sup> Tyson, Ann. “Prison Threat: Gangs Grab More Power.” *The Christian Science Monitor*, 89, 160, July 15, 1997, 44.

<sup>241</sup> Transferred to another, non-penitentiary branch of the administration in 1999.

<sup>242</sup> Vienna Correctional Center, Vienna, Illinois.

<sup>243</sup> Knox. *Gangster Disciples*.

<sup>244</sup> Ely State Prison, White Pine County.

<sup>245</sup> *Las Vegas Sun*, May 25, 2009.

The network was accused of introducing narcotics (heroin and ecstasy), weapons, mobile phones, tobacco and even champagne into several prisons in Maryland. Thirteen searches were conducted and seizures were made in sixteen cells in six different prisons. One former guard, another still working at the prison and a kitchen worker at the Metropolitan Transition Center in Baltimore were arrested along with another guard at the Maryland Correctional Institution in Jessup.<sup>246</sup>

In Brazil, escapes reached a peak in July 2001. One hundred and six prisoners escaped together from Carandiru prison in Sao Paulo, through a tunnel. It was the largest multiple escape ever recorded. But not all attempts succeed. On November 8, 2003, more than eighty inmates trying to escape through tunnels, again in São Paulo, were greeted by police at the tunnel's exit—although they fared better than a number of their co-escapees who died of asphyxiation underground. In more spectacular style, some breakouts involve armed attacks, inside the prison or on prisoner convoys.

A survey of these escapes has shown that they were organized and funded by prison gangs, particularly the PCC. An escape attempt typically costs between 4000 and 8000 dollars per person, most of which is used to bribe the guards.

Escapes are also used to strengthen the organization. According to recent information from the Paraguayan police, an upsurge in robberies of cash transportation trucks, banks, and ATMs in the East of the country is attributable to a gang largely made up of Brazilian PCC members.<sup>247</sup>

In June 2014, eleven members of the gang escaped from the Brazilian Foz de Iguaçu prison. In another escape from the same prison, four months later seven PCC members got away to Paraguay. All eighteen criminals are thought to have joined the Paraguayan gang of Amado Ramon Benitez, a specialist in armed robberies.

## **B - Outside**

**P**rison gangs are born and proliferate in prison, but their criminal activities do not stop at the prison walls. Just as contacts are needed outside to bring the objects of trafficking in, in many countries, “business” in the free world is managed by bosses in prison.

### *1 - The Management of Criminal Business from Inside Prison*

Management of criminal activity in the outside world relies on communications. While the mobile phone is today undeniably the most practical means of achieving this, and while its use is growing everywhere, possession is not always easy to hide. The authorities are increasingly vigilant, and techniques for scrambling signals over a limited area are being developed, although they are not always appreciated, nor easily implemented.

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<sup>246</sup> US Department of Justice, April 16, 2009.

<sup>247</sup> ABC Color, Paraguay. April 12, 2015.



According to legislation and the level of security of the institution, inmates may have access to traditional telephones or even computers, or they may resort to primitive communication methods, which are often very effective.

While it may seem extraordinary, the external activities of prison gangs are often carried out from those prison areas in which isolation is the strictest. Prisoners in these zones run no or virtually no risk. “Thanks to a secure environment, they no longer have to worry about being stabbed or challenged by a fellow prisoner, but can manage to send orders to the outside world. Because their organization is so sophisticated, they know that if a subordinate outside fails to obey, another will eliminate him.”<sup>248</sup>

“Kites,”<sup>249</sup> in the jargon of US prison gangs, or *wilas*<sup>250</sup> for their Hispanic counterparts, are handwritten messages, finely inscribed on tiny pieces of paper. Originally, they were folded to form a square or diamond shape, with a yarn tied to one corner, hence “kite.” The yarn was a security measure for retrieving the message in case of emergency during its journey from cell to cell. This obsolete but efficient means of communication, was used by the leaders of Nuestra Familia imprisoned in the high security wing of Pelican Bay prison<sup>251</sup>—where each inmate is isolated—to carry out criminal operations throughout northern California.

Written in lower case, and usually encoded, *wilas* are still frequently used, as authentication of the originator is often a requirement in criminal affairs. Again, official visiting hours serve to channel these messages, which can also be concealed in complex drawings. According to Cory Godwin, already quoted above: “It is a mistake to think that just because someone is locked up, he finds himself isolated, cut off from the world. They go right on influencing events. It’s only very recently the authorities realized that what was going on in prisons could affect what was happening outside and vice versa.”<sup>252</sup>

Among the orders sent out by Nuestra Familia, were *contracts* on traitors or enemies, guidelines on how to collect dues from drug deals and retaliate against rival gangs. In a message intercepted by the police, one of the leaders of Nuestra Familia in Pelican Bay, Javier Zubiarte, convicted of murder,<sup>253</sup> ordered one of the leaders of a Street Gang in East Bay<sup>254</sup> to kill an enemy in Sonoma County.<sup>255</sup> In another, he asked him to set up a new chapter of Nuestra Familia in Sonoma.<sup>256</sup>

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<sup>248</sup> Joseph McGrath, Director of Pelican Bay prison, quoted by the Santa Rosa Press Democrat, April 21, 2001.

<sup>249</sup> Kite, named either after the bird of prey (*Milvus* family, *Accipitridae*) or the toy because a rope can be used to circulate the message.

<sup>250</sup> Spanish slang for *Aquila*, “eagle.”

<sup>251</sup> Security Housing Unit (SHU)

<sup>252</sup> Cory Godwin in Danitz, *The Gangs Behind Bars*.

<sup>253</sup> Of Joseph Littlewolf Lincoln, in 1995.

<sup>254</sup> Southeast of San Francisco bay.

<sup>255</sup> Over sixty miles north of San Francisco bay.

<sup>256</sup> Santa Rosa Press Democrat, April 22, 2001.

“It's not easy, said the Director of Pelican Bay, Joseph McGrath,<sup>257</sup> to admit the intense level of communication between these notorious leaders and the outside—it's how they keep their criminal activities going.” Difficult to accept, perhaps, yet the highest level of security technology was for a time being totally defeated by little pieces of paper... are we sure this isn't still the case?<sup>258</sup>

While the medium seems unsophisticated, these communications are highly effective. Sometimes the prisoner would write the message with his own urine on the back of an innocent document sent in the mail. The recipient could read the secret message by heating the paper—a well-known procedure. Inmates also use what they call “ghost writing” where a sharp object is used to write on the inside of a carefully unfolded envelope, made of kraft paper a little thicker than normal. If well done, the relief should not be detectable outside. The envelope is glued up again and used normally, and the recipient reveals the text by gently rubbing a pencil over it. The text code used by Nuestra Familia in Pelican Bay consisted of a dialect derived from Huazanguillo, the ancient Nahuatl Aztec language.

The investigation into the activities of Nuestra Familia leaders at Pelican Bay, named Operation Black Widow, lasted from 1997 to 2001, cost \$5 million and mobilized (in the greatest secrecy), the FBI, the Department of Justice and several Northern California police departments. In total, twelve men and one woman were charged, and their networks, sophisticated and effective, were dismantled. Six of the leadership's members were in prison. The operation uncovered at least fifteen murders around Santa Rosa,<sup>259</sup> and gave some insight into the Nuestra Familia structure in Sonoma, and its layered associations with members out on parole and in subservient street gangs.

The Mexican Mafia controls most of the drug traffic in the Hispanic neighborhoods of East Los Angeles from within the prison system, but also through its links with the 18th Street gang. The “Merit” of this solid domination dates back to the 1970s and a guy named Joe *Pegleg* Morgan. At sixteen, he began his life as a gang member by receiving a sentence of forty years in prison for murder. Despite this serious handicap to his early career Morgan managed to succeed, through control of drug traffic in prison and the methodical use of violence, in acquiring such power over street crime that he became, in the second half of his life, one of the most charismatic leaders the Eme ever had... while he was still in prison<sup>260</sup>.

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<sup>257</sup> Santa Rosa Press Democrat, April 22, 2001

<sup>258</sup> While it was noted that a leader of the Bloods, incarcerated in a prison in New Jersey, had ordered the execution of a witness by means of an SMS, assassinations generally require explicit authentication of the order-giver. *Probers say Bloods Gang leader Ruling From Behind Bars*, nj.com, November 19, 2008.

<sup>259</sup> In California, north of San Francisco.

<sup>260</sup> *Pegleg* was detained in Corcoran State Prison (California); he died of liver cancer in November 1993.

The prison roots of the Tien Dao Man differentiate it from other triads in Taiwan—it is described as “mixed” by local experts<sup>261</sup> because, alongside its illegal casinos and prison trafficking, it also has legal activities in the outside world. Its situation is unique in its attempt to remain legal while being entirely founded on triad money. Profits from legal business are in their turn used to help the criminal group. This “legality” remains relative. One of the charges brought against the “spiritual leader” of the triad, the recently convicted former independent parliamentary representative Lo Fu-Chu was that of “misappropriation of funds.”<sup>262</sup> He was sent to prison for four years. Does anyone truly expect his criminal activities to cease—much less his legal dealings?

In Britain, according to criminal intelligence services cited in a judgment of 2009,<sup>263</sup> the Gunn brothers, Colin and David, leaders of the Bestwood Cartel of Nottingham and both in prison, continued to lead their group and organize their trafficking from their cells. Colin logged onto his Facebook account daily, allowing him to communicate directly with hundreds of people. By January 29, 2010, he had 565 “friends,” prisoners like him or members of his gang, signing his messages with the very martial motto of the gang: “Chin Up, Chest Out”. Although their use is prohibited, he almost certainly had the use of a smartphone.

## 2 - Prison Gang Control over External Criminal Groups

That prison gang members are bound by a lifelong oath is a universal rule. When they are released, or escape, they are fully expected to remain loyal to the group, especially to members left behind in prison. They most often do so, while at the same time resuming their criminal activities.

Those who “betray” the gang after their release or escape know they will be caught by the “law inside” on the fateful day they find themselves back in the prison system, or perhaps even before.

It is this relentless logic that largely explains the domination of prison gangs over the criminal population of the street—groups and individuals alike. In prison, there is simply no escape from their punishment. The penalties applied by the prison gangs are far more summary than those of the judicial system, and betrayal is always punishable by death.

Since 1993 the Mexican Mafia has imposed a “tax” on all sales of drugs to Hispanic street gangs in Southern California, designed in principle to help the Sureños in prison, a logic common to all prison gangs. Some Maravilla<sup>264</sup> gangs, ostensibly under the authority of the Eme, have refused to pay the tax, considering themselves

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<sup>261</sup> “In Taiwan, we divide criminal organizations into four types—temporary groups, local gangsters, local organizations and mixed groups. The Tiendaomeng belongs to this category of mixed groups.” Yang Tzu-ching, former officer of the criminal investigation bureau. *Taipei Times*, November 11, 2001.

<sup>262</sup> *Taipei Times*, September 26, 2003.

<sup>263</sup> Sunday Times, January 31, 2010.

<sup>264</sup> Generic name of Hispanic gangs in East LA.

under no obligation to share their deals with the Mexican Mafia. To maintain its authority in the street the Eme started circulating a regularly updated list of recalcitrant individuals, called the Green Light.<sup>265</sup>

Appearance on this list for non-payment of the tax amounts to a death sentence. The Eme has given all Hispanic gangs, without distinction, a green light; to carry out the sentence as soon as it recognizes any of the individuals concerned, despite the truce in force between the Hispanic gangs, imposed by this same Mexican Mafia.

It controls many Sureños gangs nonetheless. For example, the Azusa 13, based in Azusa, Los Angeles County, whose leader had been sentenced to death. Led by members of the Mexican Mafia<sup>266</sup> out on parole in the city, the Azusa 13 embarked on a sequence of violent actions between 1999 and 2004, including many homicides. It was mainly responsible for collecting the “taxes” from drug dealers operating in the area. According to the Police, the real boss giving the orders was Jack “*Jocko*” Padilla, a leader of the Mexican Mafia, imprisoned in a high security cell in California.<sup>267</sup> Another example is that of the Puente 13 gang of Los Angeles County. Rafael Munoz Gonzales, alias “Cisco,” was arrested for trafficking methamphetamine, cocaine, marijuana and oxycodone<sup>268</sup> in Los Angeles, Seattle and in the states of Alaska, Arizona and North Carolina. Cisco is best known for being a renowned member of the Mexican Mafia. Released from prison in 2007, he immediately took control of the Puente 13 gang,<sup>269</sup> which nevertheless has only some twenty members. These two examples illustrate the exclusive hold which prison gangs have over street gangs, exercising direct control over them.

As the operating machinery of prison gangs is to be found in a closed and secured environment, it necessarily recruits and forms its personnel within the prison, from among prisoners. Upon their release, these new leaders take their gangs in hand using the same means and connections as the prison gangs themselves. The reverse also occurs when members of a gang naturally re-establish the gang structure within the prison compound.

When US authorities decided to fight this threat, they split the leaders up and sent them to different prisons... resulting in their rapid metastatic domination of most of the country's institutions! In this way the prison gangs have extended their influence over the majority of American gangs and even those of other countries.

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<sup>265</sup> This practice of drawing up Most Wanted Lists like the FBI, seems common. Nuestra Familia regularly publishes the names of the ten individuals it most wants to eliminate. Killing one of them contributes to rapid promotion.

<sup>266</sup> Gabriel Downer Aguilar and Robert Thumper Ramirez.

<sup>267</sup> *Los Angeles Times*, March 26, 2008.

<sup>268</sup> Oxycodone or oxycodon: semi-synthetic opiate manufactured for nearly a century from thebaine, a component of opium. It was designed to relieve the pain of trauma in war. It is found in commercial products such as Supeudol, Oxy-IR and OxyContin in which the proportion of the active substance is even greater. Its misuse has been observed since the 1990s in the United States and Canada, where it is a major public health problem. Oxycodone dependence is extremely strong, comparable to heroin.

<sup>269</sup> Associated Press, March 14, 2008.

Today the Mexican Mafia, the archetype of a prison gang, is often seen as a gang in itself, thanks to its grip on street gangs in general and its national and even international influence.

A similar phenomenon can be observed elsewhere. When a new inmate arrives in prison, the first question is always “who are you?” In the prisons of South Africa, he answers that he is, for example, a “soldier” of the *Gazi* line of the 28s.<sup>270</sup>

A new trend was observed in the late 1980s. Some new arrivals were hesitant in their replies, their use of Sabela was questionable, and their knowledge of the Nongozola myth was approximate at best—all indicating they were not “true” 28s, and probably knew nothing about the organization.

The interrogation would continue as follows:

- “Where did you become a 28?
- Hawston - a small fishing village 100 km from Cape Town
- But there is no prison in Hawston, said the *ndota* (prison gang member).
- I was not recruited in prison, said the newcomer. I was recruited by the *Rooidakke*.<sup>271</sup> I was given a job to shoot someone. They said that to get into the *Gazi* line of the 28s, you have to shed blood. They said once I made the kill, I would be a 28.”<sup>272</sup>

The *Ndota* was baffled. Nothing so incongruous had been heard before in a prison.

Why did the prison gangs begin to encroach on the street? There are several hypotheses. Since the 1970s, there have always been informal and casual relationships between prison gangs and street gangs. At that time, the latter extorted money from neighborhood stores in exchange for protection, creamed off part of the income from liquor stores, levied “transit” taxes on cabs crossing their territory, and mutilated anyone who dared to work without their permission.

The two largest street gangs in Cape Town were the Scorpions and the Born Free Kids. In prison, the Scorpions generally joined the 28s,<sup>273</sup> while the Born Free Kids joined the 26s.<sup>274</sup> This was nonetheless only a superficial relationship. The walls separating the prison from the streets were sacred, and it was inconceivable that the 26s or 28s would be acting on the outside. In the same way, the Sabela language makes no distinction between non-Number prison gangs (Big 5, Airforce etc.) and street gangs—they are all part of the “fourth camp”<sup>275</sup>; they do not exist, even their tattoos are called *vuil papiere*, “dirty paper.”

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<sup>270</sup> The “Gold Line”. The 28s are subdivided into two parallel hierarchies, two “lines.” The Gold Line is the “soldiers”—the men, and the Silver Line is the “*wyfies*”—the “women.”

<sup>271</sup> *Rooidakke* — “Red Roofs.” A street gang known to the late 80s and early 90s.

<sup>272</sup> Steinberg. *Nongoloza's Children*, 39–40.

<sup>273</sup> A Scorpion would be made to approach the 28 “to extract the venom from its tail.”

<sup>274</sup> 277. The 26s and the Born Free Kids were *chicos*, “good looking, well dressed.”

<sup>275</sup> See above.

This situation began to change in the late 1980s as the imagery and rituals of the prison appeared in the streets—vulgarized, fragmented, widely and rapidly adopted. By the early 1990s, street gangs began to use the prison as a metaphor to justify their relationship with their victims. While throughout most of the twentieth century prisoners had imagined their prisons like the vast plateaus of nineteenth century Natal,<sup>276</sup> young people from the townships saw their neighborhoods as prisons, each lot representing a kind of cell in which the streets gangs are the *ndotas* and the shopkeepers they extort are the *frans* who must “pay for the air they breathe” like the “*frans* behind bars.”

Street gangs thus monopolized the prison universe—its metaphors, its nomenclature and its logic—and impregnated the ghettos with them. This was the consequence of recruitment by members after their release, at the end of their sentence.<sup>277</sup> Those recruiting outside nonetheless had held no high rank when in prison and therefore had no authority to initiate new members, especially not outside. For these reasons, external recruits were systematically beaten and isolated upon arrival in prison. Some time later, “external recruits” such as Jackie Lonti, leader of the *Americans*, became rich and powerful. The situation then changed, despite opposition from many former members of the Numbers referring contemptuously to the interpenetration between the street and prison as “those who brought the fourth camp inside the four corners.”

In the late 1990s, two of the largest gangs, the *Firm* and the *Americans* had adopted the full ritual of the Number,<sup>278</sup> and by the early 2000s, the *Firm* even began to call itself the 28s. Their leaders called themselves “generals” and named their captains, sergeants and judges.

Relationships have become closer. A recent study revealed that today real leaders of the 28s manage the *Firm*, while members of the *Americans* have brought methaqualone<sup>279</sup> into prison with the help of the 26s. The prison gangs and the street gangs have unified their culture, one which glorifies the ideal of being a gang member, respected for the degree of one’s violence and disregard for the law.<sup>280</sup> The constant turnaround of incarcerations and releases creates a flow which carries this culture,

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<sup>276</sup> Joining the 28s was seen as “a Homeric journey through a forest wilderness.”

<sup>277</sup> Steinberg tells that in 2002 in Mitchells Plains (a township of Cape Town) he met a recently joined member of a gang in his neighborhood, the Jolly Killers, previously unknown.

- “I had some questions for him and he agreed to answer, provided I pay a third party in advance. A week later, I called to find out how his research was going.

- I will not do it, he said. I’m a 26. My job is to steal.

- That’s stupid, I replied, it wasn’t difficult, and if you’d have done it you would have earned a lot more money. He laughed scornfully.

- You do not understand. I’m a 26. It’s my duty.

- Who made you a 26? I asked.

- The leader of the Jolly Killers went to prison. He became a 26, he said. When he came out, he made us all 26s.” Steinberg. *Nongoloza’s Children*.

<sup>278</sup> The “Americans” adopted the rituals of the 26s and the Firm, those of the 28s.

<sup>279</sup> Joseph, Norman. “Gang Boss Gets Triple Life for Naughty Murders.” *Cape Argus*, March 25, 2003, 7.

<sup>280</sup> Department of Community Safety, *Provincial Gang Strategy*, April 2003, 3.



especially the myths of the Number, inside and outside of prisons. Associations of gangs formed outside persist inside and vice versa.

This osmosis between the prison and the street is well illustrated by the Smotriachtchii<sup>281</sup> in Russia who, still today and even when free, ensure that the customary rules of the prison still govern the parallel economy and the relationships between criminal groups.

## A MENACE TO SOCIETY

**T**he few examples we have been able to give and many more besides, along with the analysis we have made of them, reveal the gravity of the problem of prison gangs: Trafficking, corruption, extreme violence, escapes, and osmosis between criminal groups in and out of prisons, often replacing legitimate authorities, all demonstrate little-known and inadmissible flaws in the prison system as we understand it in states under the rule of law.

Prisoners have rights. This is the contract with those constrained to serve a custodial sentence. Yet these rights are systematically violated by prison gangs, in some cases to the ultimate extent, where the prisoner's life is forfeit. This is probably the most alarming aspect of the existence of these organizations, and the most inexcusable fault of those who remain silent or who tolerate their existence.

When a prison gang controls a prison from inside; when it is free to manage its “business” inside; when it tortures or executes other detainees; when the prison becomes a “criminal University” for any gangster desirous of education, promotion and prestige... just what role is this prison actually playing in society?

Today, we see in most countries around the world that even where the freedom of prisoners to come and go is strictly curtailed, their destructive influence is scarcely, if at all, affected.

Careful observation of prison gangs in many of the world's prison systems reveals a universal capacity to work around the constraints of imprisonment and to overcome isolation. They all yield profits enabling them to corrupt whomever they see fit; they will not hesitate to intimidate prisoners and prison staff alike, nor to eliminate those who oppose them.

In the final analysis they murder with impunity. The dominant logic of repression, in states considering themselves to be under the rule of law, is based on a criminal philosophy best qualified as autistic, tirelessly recycling gang members to the world they engulf and destroy, which endlessly regenerates them anew.

Although an emergent criminal phenomenon, prison gangs threaten the foundations of life in society. The question that must be faced is whether they are the only ones who stand guilty of this state of affairs?

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<sup>281</sup> Literally, “one who watches”, who plays the role of judge, treasurer, mediator etc.

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