

U4 BRIEF 2024:7

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Series editor  
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## **Corruption as a limit to state capacity: Mobile phones in Peruvian prisons**

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**Overcrowding, limited resources, and systemic corruption hinder Peru's ability to manage its prisons, where mobile phone smuggling thrives. Addressing these issues requires investment in modern technology, robust staff training, and better pay to reduce bribery risks. Comprehensive policies, including alternatives to incarceration for minor offences, can improve governance and curb illicit practices that undermine state control.**

needed to tackle corruption effectively in the prison environment.

- Policy reforms should prioritise investment in the prison sector, provide a comprehensive penitentiary policy that includes effective anti-corruption tools, and explore alternatives to incarceration for minor non-violent crimes.

## **Main points**

- Latin America and the Caribbean experience high rates of violence and crime due to factors such as poor governance, inequality, criminal organisations, and corruption. High crime rates along with government crackdowns have led to prison overcrowding and to significant social and economic costs.
- In Peru, overcrowding, insufficient resources, poor infrastructure, lack of a comprehensive penitentiary policy, and corruption are key challenges that undermine the state's capacity to maintain control over its prisons.
- Mobile phones are smuggled into Peruvian prisons in various ways. Overcrowding and corruption hinder enforcement of existing policies that prohibit inmates' possession and use of phones.
- Current anti-corruption measures in Peru rely on appealing to values, suggesting a need for more context-specific, dissuasive sanctions that can reduce corruption opportunities. Improved processes, up-to-date technology, and better-trained staff are

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## Prisons as a test of state control

A state's capacity is linked to the strength and effective functioning of its bureaucracies and institutions, especially those that provide basic services and enforce regulations.<sup>1</sup> The performance of government agencies depends in part on bureaucratic culture – the incentives, beliefs, and expectations that shape the behaviour of personnel.<sup>2</sup> When illicit practices and corruption become entrenched, this diminishes the state's capacity to carry out its functions.

Across Latin America and the Caribbean, the overcrowding and underfunding of prison systems make it difficult for state personnel to control these closed environments.<sup>3</sup> This allows prisons to become breeding grounds for criminal activities and corruption, which in turn further undermines the capacity of the state to maintain control.

Peruvian prisons are a case in point. Prior research in Peru has shed light on how petty corruption affects relationships in service provision in different government sectors.<sup>4</sup> This U4 Brief explores how corruption shapes relationships between the Peruvian state, in this case prison system personnel, and groups with demands, in this case inmates in two prisons. It shows how corruption, especially in relation to the smuggling and use of mobile phones, further undermines the state's already weak capacity to enforce control through its agencies.

The Brief focuses on the two most populated prisons in Lima, Lurigancho and Miguel Castro Castro. Both are overcrowded, holding 204% and 401% of their capacity, respectively.<sup>5</sup> Interviews with a total of 20 prison administrators, prison guards, experts, and volunteers were conducted in 2016 and 2017.<sup>6</sup> Using the interview findings as a base, we update the picture with current statistical and analytical reports and suggest several avenues for curbing corruption in Peru's prisons.

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1. Giraudy 2012; Soifer 2012.

2. Khemani 2019.

3. Inter-American Development Bank 2019; Penal Reform International 2023.

4. Mujica 2011; Mujica and Zevallos 2016.

5. Instituto Nacional Penitenciario 2024.

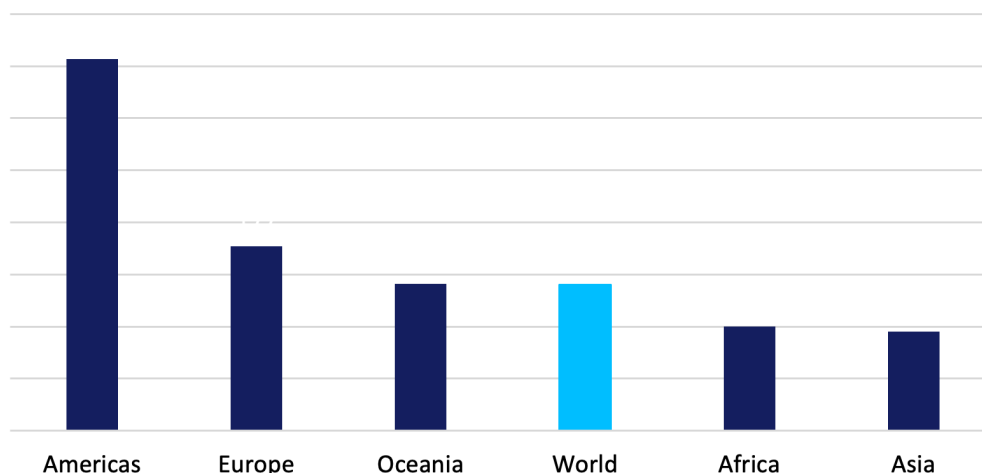
6. Interviews were conducted as part of fieldwork for the author's master's thesis in political science at the Pontificia Universidad Católica del Perú.

## Prisons in Latin America and the Caribbean: Overcrowded and underfunded

The region of the Americas is by some measures the most violent in the world. Taking into account North, Central, and South America, the region has the highest rate of non-conflict-related homicide, 15 victims per 100,000 population.<sup>7</sup> Although trends have fluctuated over the past decade and have diverged among subregions, the regional average is still six times higher than the rates in Europe and Asia. Structural factors that help explain the region's high levels of violence include poor governance and weak government institutions, inequality, the role of criminal organisations in drug trafficking and illicit trade, and corruption.<sup>8</sup>

Likewise, the Americas have the world's highest rate of incarceration. By 2024 there were 357 inmates per 100,000 population, double the rate of the next-highest region, Europe (Figure 1).

Figure 1: Rate of incarceration per 100,000 population (2024)



Source: Fair and Walmsley (2024).

Within this hemispheric context, the Latin American and Caribbean subregion (LAC) stands out for its high crime rates, which impose high costs on countries. On average, crime reduces the gross domestic product (GDP) of LAC countries by 3.5

7. United Nations Office on Drugs and Crime 2023.

8. Van Dijk, Nieuwbeerta, and Larsen 2022; Chamlin and Cochran 2006; Campana and Varese 2018; Croci & Chainey 2023.

percentage points.<sup>9</sup> The cost of maintaining these countries' prison systems is equivalent to 0.4% of their GDP.<sup>10</sup>

In response to high levels of violent crime, governments throughout Latin America have implemented *mano dura* ('iron fist') policies and practices. These typically call for repressive measures against low-level offenders, the reduction or suspension of due process requirements, and heavy-handed deployment of police and military forces for domestic control.<sup>11</sup> For example, *anti-maras* (anti-gang) emergency laws in El Salvador, Honduras, and Guatemala have enabled authorities to round up and prosecute purported gang members based on scant evidence, relying primarily on physical attributes to identify them as gang members.\* Conservative politicians, supported by the media, religious leaders, and the private sector, have played significant roles in the widespread application of the *mano dura* approach. In general, these crackdowns are well received by populations fearful of crime. However, by putting so many people behind bars, these harsh laws also contribute to prison overcrowding and all the problems it entails.

El Salvador provides one of the starkest illustrations. The country is affected by high levels of violence, largely linked to gang disputes and drug trafficking.<sup>12</sup> By 2023, almost 2% of the population, around 100,000 people, had been imprisoned in an attempt to fight crime.<sup>13</sup> These measures had an immediate impact, reducing homicide rates and raising the approval ratings for President Nayib Bukele to over 90%.<sup>14</sup> Politicians across the region have taken note, and some have tried to replicate Bukele's approach.<sup>15</sup> However, this wave of incarceration in El Salvador has also been followed by reports of human rights violations and is seen as potentially harmful to democracy.<sup>16</sup>

Massive overcrowding is one of the main challenges facing the region's prison systems, along with reduced budgets.<sup>17</sup> The latest available data from the World Prison Brief and other sources shows high incarceration rates across most LAC countries (Figure 2).<sup>18</sup> Average occupancy level exceeds official capacity in many countries, especially in Central and South America. Prisons in Haiti, Guatemala,

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9. Jaitman 2017. This estimate (from 2010–2014) includes only certain direct costs of crime – a combination of public spending, private spending, and social costs such as victimisation and imprisonment.

10. Inter-American Development Bank 2019.

11. Muggah, Garzón, and Suárez 2018.

12. Cutrona, Rosen, and Lindquist 2023.

13. Papadovassilakis 2023.

14. Raziel 2023.

15. Freeman and Perelló 2024.

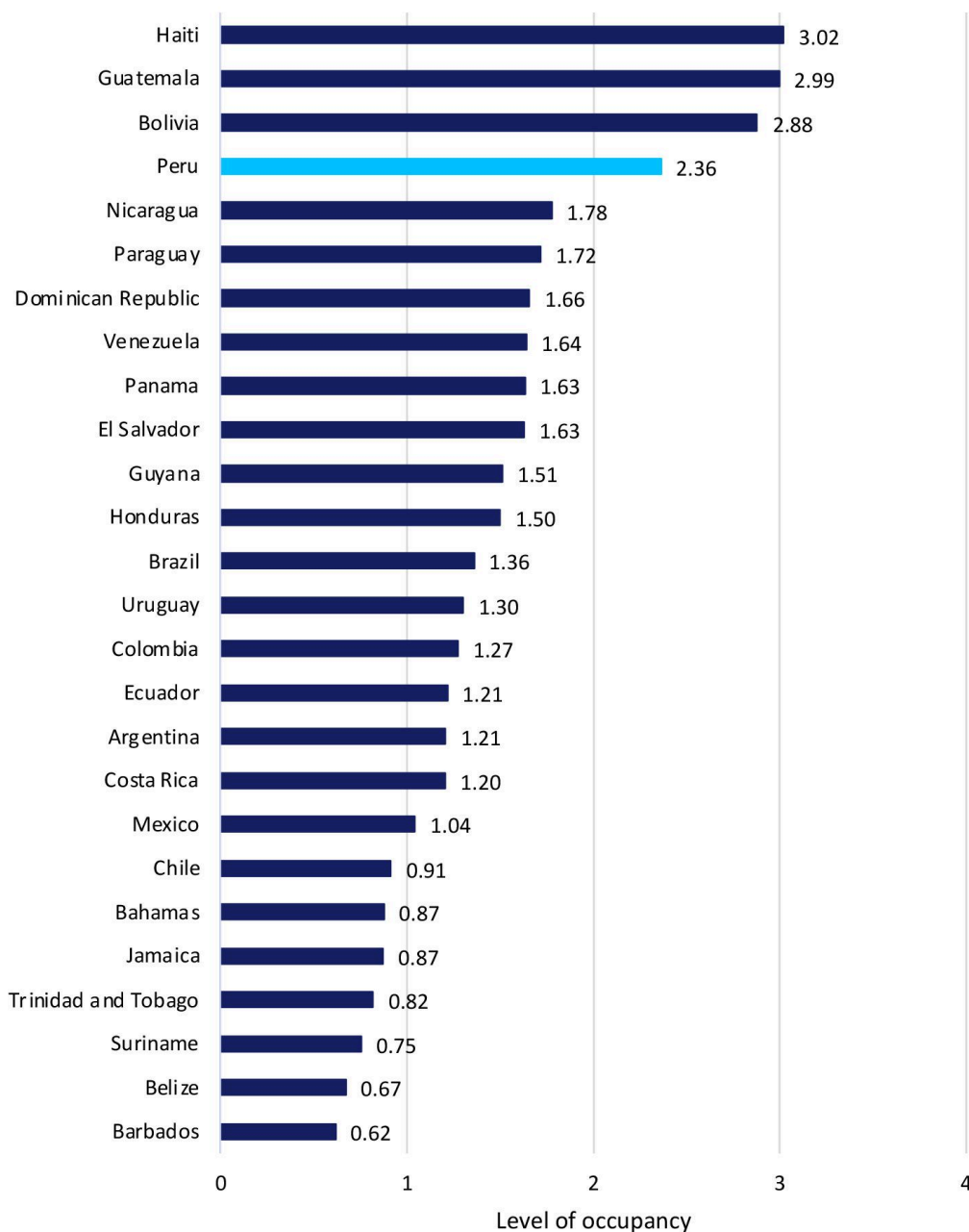
16. Georgetown Security Studies Review 2023.

17. Inter-American Development Bank 2019.

18. The selection of countries in Figure 2 includes only the Inter-American Development Bank's 26 borrowing member countries.

Bolivia, and Peru hold three to two to three times the population for which they were designed.

**Figure 2: Prison occupancy versus capacity in 26 Latin America and Caribbean countries (2023–2024)**



Note: The level of occupancy indicates the number of times that the available capacity is surpassed. Number 1 is the optimal level of occupancy, where the prison system holds as many inmates as it is prepared to accommodate.

Sources: [World Prison Brief](#) (latest available data as of November 2024); United Nations Office on Drugs and Crime, [Prisons & prisoners](#) (for Bahamas and Suriname, latest available data as of November 2024); Instituto Nacional Penitenciario, [Informe estadístico: Agosto 2024](#) (for Peru, latest available data as of August 2024).



The COVID-19 pandemic exacerbated the systemic shortcomings of Latin American prisons. Although many governments took steps during the pandemic to reduce prison overcrowding, there is little evidence that such measures had a significant impact. Early research suggests that prison releases in response to Covid-19 affected less than 5% of the incarcerated population in the region.<sup>19</sup>

Across Latin America and the Caribbean, overcrowding and underfunding have led to prisons rife with criminal activities and corruption. This in turn undermines the capacity of the state to maintain control of its prison facilities. This is the situation in Peru, which has struggled to control corruption in its prisons, particularly around inmates' use and possession of mobile phones.

## Mobile phones in Peruvian prisons

The Instituto Nacional Penitenciario (INPE) is the agency in charge of managing the Peruvian prison system and implementing policies to resocialise and rehabilitate the incarcerated population. State control of criminal activities depends not only on administrative actions, but also on the state's capacity to address demands made by different actors with opposing interests.

In Peru, as shown in Figure 2, the incarcerated population is more than double the capacity of the prison system. As of August 2024, 98,127 people were confined in 69 prisons across Peru. Most were in Lima and the northern regions, where rates of homicides, robberies, and extortions are the highest in the country. Although most inmates have been convicted, more than one-third are still waiting for their trials.<sup>20</sup>

Personal mobile phones are highly valued objects in the prison environment, in Peru and elsewhere. They allow inmates to communicate with the outside world, staying in touch with relatives and friends. Evidence from interviews suggests that a principal reason inmates seek out phones is to maintain contact with their families. Family ties are a crucial part of rehabilitation, and research elsewhere has found that continued contact with family lowers the rate of reoffending.<sup>21</sup> Likewise, phones allow access to digital platforms for education, vocational training, and therapeutic and behaviour change interventions. This can support inmates' rehabilitation in prison and their transition back to society.<sup>22</sup>

However, from the point of view of prison authorities, inmate access to phones also creates many problems, and their unrestricted use and possession are banned in

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19. Romero, Stalman, and Hidalgo Solá 2021.

20. Instituto Nacional Penitenciario 2024.

21. UK Ministry of Justice 2018.

22. United Nations Interregional Crime and Justice Research Institute 2024.

Peruvian prisons.<sup>23</sup> Owning and using a mobile phone is viewed as a status symbol among prisoners, thus exacerbating inequalities within the prison population. Furthermore, the demand among inmates to acquire illicit phones and SIM cards contributes to corruption in the prison environment. Previous research has shown that the prohibition of certain objects creates an informal and parallel economic circuit within prisons. Such a system is possible due to a set of structural conditions, namely weak prison governance, the prison system's inability to fulfil inmates' needs, and the socialisation of both prisoners and guards in a culture of transgression in the search for survival strategies.<sup>24</sup>

Unrestricted access to mobile phones can also increase inmates' ability to maintain ties with criminal networks they were previously involved with. They can send orders from inside, allowing them to plan, direct, or participate in crimes that do not require their physical presence.<sup>25</sup> This jeopardises the prisoners' chances of rehabilitation and makes crime prevention systems outside prisons more susceptible to breaches.

## How inmates obtain phones

Interviewees indicated that phones can be smuggled into prison facilities in four main ways:

- *Through visitors.* This is the most frequent method. Family members, friends, and former associates can hide mobile phones in the food and clothing they bring to inmates, in their own clothing, or even in their bodies.
- *Through security staff.* Guards may allow the entry of phones due to corruption, allowing phone access in exchange for economic incentives. Negligence also plays a role. Agents may fail to perform a thorough screening of visitors given the large crowds that congregate on visiting day and the small number of agents assigned to control entry to the prison.
- *Through suppliers and contractors.* Phones may be smuggled in by individuals authorised to bring food, supplies, or work materials into the prison building.
- *In packages thrown in from outside the prison.* Individuals sometimes throw small packages over the prison fence or wall to a previously agreed pickup spot at a time when it is known that surveillance will not occur.

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23. Article 368-D of the Peruvian Criminal Code, approved by Law no. 29867 (2012).

24. Constant 2014.

25. Quinteros 2023.

## Obstacles to control of mobile phones in Peruvian prisons

While policies and procedures exist to curb phone smuggling, in many cases they are not enforced comprehensively or effectively. Research findings from our two Lima prisons suggest four main factors that make it difficult to control phone smuggling and use. These factors are intertwined and reinforce each other, with corruption as a cross-cutting element:

- *Overcrowding and understaffing.* Having an incarcerated population that exceeds the official capacity of the prison hampers the implementation of security measures, including the monitoring and control of banned objects such as mobile phones. Inmate overcrowding increases the number of visitors who must be screened, while understaffing reduces the number of agents available to screen them. To avoid long queues at entry points, security personnel may take shortcuts such as failing to screen each visitor thoroughly or disabling screening technology. The screening of visitors also offers opportunities for bribery.
- *Poor infrastructure and limited use of technology.* Results from the supervision of prisons in Lima show that not all centres have the same technological tools for security available and in working condition.<sup>26</sup> Interviews consistently highlight the role of up-to-date, working technology in reducing both human error and negligence on the part of security staff. If used appropriately, these tools reduce the extent of discretion in certain interactions, thereby reducing bribery opportunities. However, due to budget constraints, few Peruvian prisons possess the necessary technological tools, such as X-ray machines and/or scanners to screen visitors and packages. Even when these tools are available, security officers sometimes resist using them.
- *Low wages for prison staff.* The ban on mobile phones has led to the creation of an unofficial and separate economic circuit, as these items have inflated value within the confined prison environment. This creates opportunities for security staff to accept bribes in exchange for ignoring, permitting, or facilitating phone access, generating extra income to supplement their paltry wages.
- *Vulnerability of prison staff.* Interviewees highlighted the complex relationship between security officers and the incarcerated population. As both groups often come from similar backgrounds, even from the same community, individual guards and inmates may know each other from their lives outside prison. This familiarity may foster a certain closeness and lead to involvement in corruption,

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26. Defensoría del Pueblo 2018.

either actively or passively. Moreover, security staff, confined within the prison space with potentially dangerous individuals, may choose to overlook phone smuggling and use in order to maintain a precarious peace and reduce the risk of threats and violence from inmates.

## Limitations of current anti-corruption approaches

INPE's policies include measures to prevent and tackle corruption, as shown in Table 1. However, these measures are not part of a comprehensive anti-corruption strategy, and they appear to have limited effect. Interviewees suggested that INPE operates in isolation, lacking strong ties with other criminal justice organizations in Peru and showing little interest in creating synergies that could enhance its capabilities.

**Table 1: Institutional measures against corruption in Peruvian prisons**

Type	Measure	Limitations
	New laws on recruitment and career development for prison staff	<ul style="list-style-type: none"> <li>▪ Lack of political will to implement</li> <li>▪ Lack of economic incentives for staff to avoid corruption</li> </ul>
	Training for security guards	<ul style="list-style-type: none"> <li>▪ Insufficient resources for adequate training programmes</li> </ul>
Prevention	Raising awareness against corruption	<ul style="list-style-type: none"> <li>▪ Limited approaches that appeal only to the ethical or moral values of inmates and security guards</li> </ul>
	Dissemination of sanctions	<ul style="list-style-type: none"> <li>▪ Isolated measure, not part of a comprehensive approach to corruption and smuggling</li> <li>▪ Lack of deterrent effect – sanctions are perceived as too weak to dissuade those who engage in corruption</li> </ul>
Enforcement	Analysis of cases from anonymous tips	<ul style="list-style-type: none"> <li>▪ Isolated measure that cannot be</li> </ul>

Type	Measure	Limitations
	Internal Affairs Office	scaled up ▪ Limited resources and capacity to enforce rules

Source: Based on interviews.

## Recommended ways forward

Prison authorities need better tools to fight corruption, including measures to control the smuggling of prohibited objects, tailored to the risks and constraints the prison system faces. Evidence suggests that anti-corruption measures in the Peruvian penitentiary system are primarily preventive and aim to appeal to the ethical or moral values of those involved.

Dissuasive sanctions should be designed and implemented in a context-specific fashion; sanctions should not only appeal to values but should reduce opportunities for corruption and negligence to occur. Better technological equipment as well as more and better-trained staff are key.

The administration of Peru’s prison system and treatment of the incarcerated population needs to become a priority topic on the public agenda, with a comprehensive approach to investment in the sector. Considering the significant challenge posed by prison overcrowding, policymakers should explore alternatives to incarceration for certain minor non-violent crimes.

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## Keywords

detention – governance – justice sector – law enforcement – prisons – Peru – Latin America – South America

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## How to cite

Loureiro-Revilla, R.; (2024) Corruption as a limit to state capacity: Mobile phones in Peruvian prisons. Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute (U4 Brief 2024:7)

### Publication

First published 20 December 2024

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