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Rethinking Prisons in the Americas & the Consortium and Human Rights Practice

Abstract:

This paper proposes a methodology of prison management ("prison governance") based on the idea of the detention center as community—a political space with diverse actors and groups. Based on a decade-long, radical and successful experience in the largest maximum-security center in Peru, prison governance, the suggested model, recognizes incarcerated persons as both subjects and agents.

Prison administration in the Americas tends towards two extremes: in one, prison authorities maintain complete control over detained. This model is quite costly and often involves violence and intimidation by prison guards and/or special police forces. At the other extreme, one finds abdication by authorities of their responsibility and tacit or express acquiescence in 'inmate self-rule,' generally imposed by the most violent and dangerous gangs or groups within a given jail, prison or system of prisons. The clearest consequence of this mismanagement has been the loss of thousands of lives in prison riots over the past few decades.

This paper posits a radically different model for Latin American (and US) prisons. Based on the successful experience in Peruvian detention centers over the decade 2010-2020, we propose the concept of prison governance, rather than prison administration, as the guiding principle for reform. Prison governance, in stark contrast to prison administration, understands the prison environment not as an area to be controlled, but rather as a community—a political space with diverse actors, groups, and organizations. Prison governance thus recognizes that those in detention centers are not only subjects but also agents. The agency that detainees exercise can be used to form organizations with dangerous, criminal objectives, or it may be oriented towards cooperation with rights-respecting authorities to jointly improve living conditions, rendering them decent and life in detention bearable.

Based on the success of the Peruvian model and a review of other experiences in Latin America, the article contends that the most promising model for the Americas (and, likely beyond the hemisphere) is one based on governance that centers on dialogue with the actors directly involved, as well as the controlled incorporation of detainee organizations within the framework of management that respects human rights.