

See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/321692117>

The Chilean Government's Attempt to Reform and Close Cárcel Ex-Penitenciaria (CDP Santiago Sur): ¿Mientras más cambian las cosas, más se mantienen igual?

Article in *International Criminal Justice Review* · December 2017

DOI: 10.1177/1057567717739086

CITATION

1

READS

83

2 authors, including:



Jeffrey Ian Ross

University of Baltimore

149 PUBLICATIONS 1,298 CITATIONS

[SEE PROFILE](#)

Some of the authors of this publication are also working on these related projects:



Violence [View project](#)



Understanding Street Culture [View project](#)

The Chilean Government's Attempt to Reform and Close Cárcel Ex-Penitenciaria (CDP Santiago Sur): ¿Mientras más cambian las cosas, más se mantienen igual?

International Criminal Justice Review
2019, Vol. 29(1) 59-89

© 2017 Georgia State University

Article reuse guidelines:

sagepub.com/journals-permissions

DOI: 10.1177/1057567717739086

journals.sagepub.com/home/icj



Jeffrey Ian Ross^{1,2} and Bárbara Barraza Uribe³

Abstract

Over the past decade, many South and Latin American countries have experienced an increase in crime. As a response, these states have experimented with a number of crime control methods. One of the traditional responses has been an overreliance on incarceration. Despite changes in other aspects of the Chilean bureaucracy, the prison system has lagged behind. This study explores the reasons why Cárcel Ex-Penitenciaria (CDP Santiago Sur), located in Santiago, Chile, one of the oldest operating prisons in the country, that houses the highest number of inmates, under deplorable conditions, still remains open. The article reviews the history of attempts to reform and close the facility, in the context of attempts to change national prison policy and practices and why the Penitenciaria still remains operational. It concludes with an examination why attempts to reform the prison facility have largely failed and why it remains open.

Keywords

Central/South America, comparative crime/justice, institutional corrections, corrections, Chile, Cárcel Ex-Penitenciaria

Criminal justice systems are dynamic. In Latin American, for example, many aspects of the criminal justice apparatus have undergone significant changes including increased numbers of police officers hired, an expansion in the number of correctional facilities built, and experimentation with different kinds of sentencing policies and programs. Some keen observers (e.g., Grugel & Riggirozzi, 2012; Sanchez, 2006; Wacquant, 2003, 2004, 2008) have suggested, that in the case

¹ School of Criminal Justice, University of Baltimore, Baltimore, MD, USA

² Criminology, Criminal Policy and Police Science, Ruhr University, Bochum, Germany

³ Gender and Culture Interdisciplinary Center, School of Social Sciences, University of Chile, Santiago, Chile

Corresponding Author:

Jeffrey Ian Ross, School of Criminal Justice, University of Baltimore, 1420 North Charles Street, Baltimore, MD 21201, USA.
Email: jross@ubalt.edu

of Latin America, reforms in the area of criminal justice have been a dominant expression of neoliberal changes in those countries governance. In terms of their correctional systems, many countries in this region have also resorted to lengthy prison sentences and the construction of high-security prisons (e.g., Darke & Karam, 2015; Filho, 2013; Garcés, 2010, 2014a, 2014b; Macaulay, 2007; Ross, 2013) as dubious solutions to deal with real and perceived increases in crime and fear of crime.

It should come as no surprise that jail/prison conditions in South American countries are some of the worst in the world (Abiven, 2014; Anonymous, 2012b). This includes substandard living conditions, insufficient and inadequate food, high rates of medical illness, failure to separate mentally ill prisoners from general population inmates,¹ high rates of suicide, significant incidents of prisoner abuse/violence by correctional officers and other inmates, and lengthy periods of incarceration for pretrial detainees. Numerous international bodies such as Amnesty International, Human Rights Watch, the Inter-American Commission on Human Rights, and the United Nations (UN) Human Rights Commission have criticized these facilities for the previously mentioned problems (Müller, 2012; Ungar, 2003).

Unfortunately, little in the way of reform has been made in improving conditions inside Latin American jails and prisons. A number of *general* reasons explain this state of affairs including differences in correctional policies and practices, variances in the way governments criminalize populations, the growth in correctional facility construction, and the international expansion of a prison industrial complex (Fuentes, 2004).

Changing, reforming, and closing correctional facilities are not an easy task for any state regardless of the level and type of government, country, region, and/or political economic status (Ross, 2016). Resources must be appropriated and typically redirected from other important and competing public/government services. This challenge is not exclusive to Latin American countries.

For example, in 2004 after experiencing a series of embarrassing reports of prisoner abuse at the hands of American military personnel, the U.S. government vowed to close Abu Ghraib prison (Rothe, 2013). It took until 2014 for the Iraqi government to finally padlock the facility. On the other hand, since the election of President Barak Obama (2008), the United States has attempted to close Guantanamo Bay Detention Camp and transfer the remaining “enemy combatants” to the United States (Ross, 2006; Ross & Rothe, 2013). Although the number of detainees has been drastically reduced, the U.S. government has experienced considerable opposition from Congress and the Senate, and communities where the remaining detainees might be transferred. Thus, the facility still remains open. Similar scenarios have been played out with closing Rikers Jail in New York City and the Baltimore City Detention Center (aka Baltimore City Jail).

Efforts to change, if not close, correctional facilities are not a product of the 20th century. The history of prison reform has existed since the construction of the first correctional facility (Morris, 1966). John Howard, in his book *The State of Prisons* (1777), for example, argued for changes in the manner in which England housed individuals convicted of a crime. Most of the analysis of prison reform, however, has been centered on Anglo-American correctional facilities.

In order to better understand why Latin American jails and prisons have in part continued to have poor facilities/conditions, and the slow paced nature of correctional reform, it may be useful to examine, in the form of a case study, a long-standing prison where calls for its reform or closure have routinely been made, but the government has failed to adequately achieve this objective. One Latin American correctional facility that fits these criteria is the Cárcel Ex-Penitenciaría (Centro de Detención Preventivo [CDP] Santiago Sur), hereafter referred to as the Penitenciaría. This correctional facility located in Santiago, Chile, is both one of the oldest operating prisons in this country, region, and the world (completed in 1856) and houses the greatest number of inmates.²

This article examines the history of this prison with a focus on attempts to reform and close the facility and why it still remains operational. In particular, this article reviews when, why, and by

whom reforms of the Penitenciaría have been requested, and for each time, what was the response. In order to accomplish this task, a brief history of the institution is provided, which is embedded in both a review of the history of the Chilean penitentiary system and attempts to reform the criminal justice system in this country. This article takes a grounded theoretical approach (e.g., Glaser & Strauss, 1967). Unlike traditional empirical research, which begins with an established theoretical position, and then searches for appropriate data to test, a grounded theoretical approach starts with the basics of a challenge, examines this in depth, looks for historical continuities, and then arrives at a handful of tentative explanations.

An important issue embedded in this discussion of reform is the potential closure of a prison facility. A jurisdiction can make changes to not only the physical property but also how corrections is practiced inside (i.e., its policies and practices). If over time these reforms prove unsatisfactory, then the jurisdiction can choose to close the correctional facility (e.g., Abu Ghraib and Garcia Moreno). The institution can be also demolished or repurposed.

Why Is This Research Important?

Focusing on the Penitenciaría provides a number of benefits. First, research on this issue may provide some insights into the reasons why the Chilean state has not closed this particular correctional institution. Second, it situates the Penitenciaría (and its current conditions) in the context of the changes that have taken place in the country since Pinochet's dictatorship (1973–1989).³

Third, since the fall of the dictatorship, Chile has slowly attempted to revise its constitution and criminal justice system so that it promotes and protects the tenets and practices of civil and human rights (HR). This is being done at the same time that increases in crime and fear of crime in Latin American countries have been noted not just by criminal justice practitioners, but the news media and public alike (Bailey & Dammert, 2005; Dammert, 2006; Dammert & Malone, 2006). In contrast, during this time, Chile has attempted to reform numerous government agencies and has become a major economic and political player in South American politics.

Fourth, in order for Chile to demonstrate to its citizens, prominent HR organizations, and the rest of the world that it is making progress in criminal justice and HR reforms, it has imported both American and British expertise (Blaustein, 2016). It is unclear if and how this has trickled down to the Penitenciaría.

In general, this article situates the reform of the Penitenciaría in the history of attempts to change government practices, the major political actors, and their responses. In short, this analysis should enable policy makers, criminal justice practitioners, and prison activists to better focus their efforts on prison reform.

Why Focus on Cárcel Ex-Penitenciaría (CDP Santiago Sur)?

There are six interrelated reasons why an analysis of the reasons why Cárcel Ex-Penitenciaría (CDP Santiago Sur) has not been closed should be conducted. To begin with, based on a number of factors (especially ease of access, historical relationships, and significant differences), we decided that this correctional facility would be a good subject for an in-depth case study. As already stated, Chile, and other Latin American countries, are for all intents and purposes considered to be democracies, and their correctional facilities have been placed under national and international scrutiny over the past two decades (Garcés, 2010, 2014a, 2014b; Lessa, 2011), and especially in the case of Chile, amid a context of strengthening of international HR norms pertaining civil society as well as the criminal justice system.

Moreover, the Penitenciaría is a vivid example of the different effects of the Chilean criminal prosecution system and the contradictions of the penitentiary system. The Penitenciaría is an icon of

the traditional Chilean penitentiary model. Not only have living conditions in this facility remained mostly unchanged for the last decade (see, e.g., Centro de derechos humanos Universidad Diego Portales [UDP], 2005; Corte de Apelaciones de Santiago, 2016) but also the challenges associated with the living conditions seem to date from the beginning of the 20th century (León, 1998, 2008). Moreover, the failure to close the Ex-Penitenciaría also demonstrates that Chile has not been able to update its view of the objective behind the prison as temporary place for individuals convicted of a crime, where rehabilitation takes place.

Additionally, although Chile has numerous correctional facilities, there is probably a high degree of consistency among practices in the capital (and largest) city's prison and the ones throughout the country. Thus, the sample under investigation is limited and doable in terms of field research.

The Ex-Penitenciaría is the oldest modern prison and the one that holds the highest number of inmates. Moreover, according to Gendarmerie's official information, in regard to its name, the Ex-Penitenciaría is currently a CDP, that is, the type of correctional facility that is only supposed to receive people in preventive detention still undergoing trial. However, it mainly incarcerates men serving time, and a small proportion of inmates waiting for and undergoing trial, which adds to crowding/overcrowding.

Likewise, the construction of prison facilities is poorly matched to the concentration of the population, in particular both the number of people who live in Santiago and the amount of crime that occurs in this jurisdiction. When looking only at the numbers of individuals convicted of crime and sentenced to prison, it appears that Chile needs more correctional facilities, so, closing the biggest one, without a backup solution for housing would not be a viable solution. On the other hand, there are prisons throughout the country that are below their capacity, and others that are overcrowded.⁴ This is due, in part, to the high rate of incarceration⁵ and also due to the high concentration of population in Santiago.⁶ It is important to note that approximately one third of the total Chilean population lives in Santiago, which represents a very small part of the territory. Furthermore, this is an example of the illogical method by which public goods are allocated in Chile. On the one hand, although correctional facilities are built, some of them are underutilized, while others are crowded/overcrowded, contributing to public frustration.⁷

Method

This study was prompted by the first author's visit to the Ex-Penitenciaría. During this time, he spent the better part of a day observing the tiers, yards, workshops, and medical facilities. This investigator also conducted semistructured face-to-face interviews with Ex-Penitenciaría officers, administrators, planners, the warden, and selected inmates. During his visit to Santiago, he also spoke with criminal justice experts including scholars and consultants, in the field of corrections, either before or after the visits, in order to determine the potential for this larger study. The second author worked for 1 year at the Research and Projects Department of the Public Defenders Bureau (Defensoría Penal Pública). This investigator was tasked with the evaluation of the Penitentiary Public Defense Program.⁸

In addition to firsthand observation that motivated this study, this current effort consists of a review and analysis of publicly available documents such as scholarly research, government reports, reports produced by civil society organizations, and newspaper articles.

Some observers might argue that we don't have the appropriate data to make these insights. Indeed, understanding the decisions of administrators and bureaucrats is difficult and particularly for issue that occurred sometime in the past, but we believe that primarily through that data we marshal important insights can be made.

A Brief History of Penitenciaría

The history of the Penitenciaría is strongly related to the development of the modern Chilean penitentiary system and to criminal justice reform in the country. The building of the Penitenciaría marked the beginning of the modern prison system in Chile.⁹ On July 19, 1843, the approval for the construction of the Penitenciaría de Santiago was passed by the Congress and President Manuel Bulnes (1799–1866). The structure was built in the classic radial panoptic style and is located in the southernmost part of downtown Santiago (the old outskirts of the city, now “swallowed” by the “gran Santiago”).¹⁰ According to the bill that authorized its construction, it was supposed to have 400 cells to hold 400 inmates (Ley s/n, July 19, 1843, Justice Ministry). At first, city government administered prisons, and up to 1871, the military was responsible for the security of prisons, but the administration of these passed from city governments to the Ministry of Justice—through the creation of the Prisons Service (Anonymous, n.d., in Ramírez Barrera, 1998; Cisternas Céspedes, 1997; León, 1998).

A common characteristic in the functioning of the prison during the late 19th century and the first half of the 20th century was the substandard living conditions, mainly due, at first, to infrastructure deficit and later, to overcrowding “since the second half of the past century, overcrowding problems became evident” (León, 1998, p. 161). It is also important to point out that insufficient funding has also been a perennial characteristic of this prison (Anonymous, n.d., in Ramírez Barrera, 1998; Cisternas Céspedes, 1997; Fernández Labbé, 2003; León, 1998).

In 1846, the facility received its first inmates. Because the institution was unfinished and lacked sufficient personnel, four convicts were placed in each cell. The occupation of the unfinished building exposed inmates to humid conditions, poor food, and lack of running water. Although the Penitenciaría was officially declared finished in 1856, it was not until 1872 that the prison had access to sufficient running water (Cisternas Céspedes, 1997, p. 60).

Since the Penitenciaría was organized according to the Auburn model (e.g., silent but congregate), the participation of inmates in work duties was paramount to meet the purpose of rehabilitation (Fernández Labbé, 2003, p. 88). However, the participation of convicts in workshops was not a common situation for most of them. For example, when the building was first occupied, the workshops were not ready and this meant that during this time inmates were subjected to a prolonged lockdown. This situation was still a reality for many inmates in 1852, since two thirds of them were permanently locked in their cells,¹¹ and only about a 100 inmates (of the total 300) could access the workshops. This situation lasted until approximately 1854 (Cisternas Céspedes, 1997, p. 48).

What an Analysis of the Numerous Proposals to Reform Prisons in Chile and the Penitenciaría Reveals

After a review of the historical record, the following discussion attempts to disentangle the complicated efforts to reform the prison system in Chile and with a special focus on the Penitenciaría. The section is organized into three parts: initiatives directed at the country’s prison system that would have an effect on the Penitenciaría, efforts directed at reforming the Penitenciaría, and initiatives directed at closing the Penitenciaría.

Initiatives directed at the country’s prison system that would have an effect on the Penitenciaría. By far, the greatest number of proposals that were advanced and could potentially have had a positive effect on the Penitenciaría was a by-product of efforts to improve the country’s prison system as a whole. Postconstruction of the Penitenciaría, one of the first important events for the prison system was the creation of the first Penitentiary Rules from 1911 (Decreto 2.140, Ministerio de Justicia, August 1 [November 15]),¹² that regulated the organization of prisons and competence requirements of

Gendarmerie officials, as well as the living conditions, security measures, and behavior standards of inmates (León, 2008; Pinto Aguilera, n.d.). The Rules of 1911 stated that every inmate had to work, making it the responsibility of the Director of the Prison to see that all inmates had a job (Article 78, Decreto 2.140, August 1 [November 15]).

At this time, and through the following decades, various reforms were passed aimed at improving the functioning of the penitentiary system, such as the first Penal Procedure Code in 1906 (Ley 1.853, February 19), the Parole Law in 1925 (Decreto Ley 32, March 10), and a new draft of the Penitentiary Rules in 1928 (Decreto 805, April 30, Justice Ministry). However, by the early 1920s once again, overcrowding became an important challenge and funds proved insufficient for their establishment and to keep up and implement changes.

During the 1930s, there was a noticeable increase in criminal activity in the country. In order to deal with this, the government proposed enhancing the severity of punishments, and other kinds of measures that would help in the implementation of existing punishments, *such as giving a bigger budget to the Police, the Investigations Bureau and the Prisons Service ended being postponed or just partially solved* (León, 2003, p. 250; translated by the authors). Already by this time, *the press itself highlighted that the deplorable penitentiary situation had great incidence in the increased criminality* (León, 2003, p. 250; translated by the authors).

Between 1843 and 1940, due to a confluence of factors listed below, an extensive prison building initiative occurred. By the end of that near 100-year period, the country had 81 prisons for male adults (León, 2008, p. 383). It is unclear, however, if these correctional facilities were being underutilized.

In 1941, Torres Armstrong sent the Ministry of Justice “Proyecto de Ley para la Defensa Social” (Social Protection Bill Draft). Among its provisions were attempts to enhance the rehabilitation character of the prison, by promoting workshops and schooling, and better separation of inmates based on their mental and physical health, age, and recidivism level. It would have been implemented by the building of special prisons for minors, seniors, and physically ill and mentally ill inmates. This would include first-time inmates being held in correctional houses, as more dangerous ones would go to prison. However, due to budgetary restrictions, lack of technical and professional personnel and an outdated vision centered on the severity of punishments as deterrents of crime, they were not implemented (León, 2003, pp. 265, 276–277; Torres Armstrong, 1941).¹³

Meanwhile, increased criminality in the wider Chilean society saturated the prosecution system. This produced a perception of inefficiency of the criminal justice system due to the long time that the prosecution processes took and the resulting number of unresolved cases resulting from this (León, 2003, p. 248). By the 1950s, the procedure law was modified to make the prosecution process faster (Ley 11.256, July 16, 1954 and Ley N° 11.625, October 4, 1954), hence, making the criminal justice system more effective (León, 2003, pp. 261, 272).¹⁴ All in all, the long time that it took to process cases led to individuals charged with crimes spending lengthy time in pretrial detention.

1960s Changes in administrative responsibility for managing prisons in Chile. During the 1960s, selected Chilean academics became concerned with the problems of the prison system. The negative effects of the criminal prosecution system of the time, the poor infrastructure of prisons and the substandard living conditions, overcrowding, low number and poorly prepared security personnel, and shortage of rehabilitation activities (workshops, schooling), among others, were highlighted (González Berendique, 1967, p. 88). In 1960, the National Direction of Prisons, was renamed the Prisons Service, and its oversight shifted from the military to the Ministry of Justice (Decreto con Fuerza de Ley 189, March 25, 1960), a relationship that prevails until today for this body, which is now called Gendarmerie. Since the 1960s and up to the late 1970s, prison professionals and prison guards carried out the administration of the country's prisons.¹⁵

In 1964, a group of experts from the Institute of Criminological Studies¹⁶ proposed a bill to reform the criminal prosecution code. It was aimed at speeding the criminal cases, reducing the amount of crimes that were left unpunished due to the strict proofs framework that was operating, and equating punishments with crimes, by increasing penalties for crimes against people, which were low in comparison with crimes against private property (Various authors, 1964). This bill did not pass in the National Congress.

On the other hand, in 1965, the Basic Rules for The Implementation of a National Penitentiary Policy were passed (Decreto N° 3.140, December 14, 1965, Ministry of Justice). These were based on the former legislation and on the participation of Chile in the first UN Congress on Crime Prevention and Criminal Justice held in Geneva in 1955 and the passage of the Standard Minimum Rules for the Treatment of Prisoners.¹⁷

On May 21, 1971, in his address to the National Congress, President Salvador Allende reviewed the governments actions during 1970 and presented the plan for 1971. Included in this plan were initiatives for penitentiary reform, in which, resources would be invested in prison repairs, training for officials of the Prisons Service, and workshops would be enhanced (Allende, 1971). These laws made Gendarmerie more responsible, in nominal terms, for the treatment of inmates, but, once again, the problem is that they are a set of Rules for Gendarmerie, and not a law.

The Pinochet dictatorship of 1973–1989. On October 10, 1973, General Augusto Pinochet came to power in a military coup. During the time of his rule, systematic HR abuses were carried out. Not only were prisons used to detain people, but the National Stadium was also used. According to one report,

Within days, thousands of these detainees were transferred to the Estadio Nacional. It is estimated that a week later there were 7,000 prisoners held there, . . . Over the course of the next three months, some 40,000 men and women were imprisoned. Some of them were tortured and executed. (Wood, 2016)

The Junta Militar reformed the bureaucracy, declaring all personnel, with the exception of the Judiciary and Comptrollership, as part of military staff, so they were no longer given civil service protections and could be easily fired (Corporación Nacional de Reparación y Reconciliación, 1996, p. 50). In terms of its effect on the prison system, even though “the Army itself remained aloof from the prison, treating it as a <<civilian>> branch of the administration” (Hathazy, 2016, p. 181), prisons were used by the military for the repression of political prisoners, and as torture and execution sites and as hubs for the distribution of prisoners among concentration camps and clandestine detention centers (Corporación Nacional de Reparación y Reconciliación, 1996). According to Manuel Contreras, former head of the Dirección de Inteligencia Nacional, the dictatorships’ secret police, “Everywhere people was detained (. . .) detainees were taken to the headquarters [clandestine detention centers]; not to prisons because the constitution forbade it” (Contreras, 2013, pp. 3:53–4:19).

Moreover, during this time, the “Chicago Boys,” a group of Chilean economists trained at the University of Chicago and disciples of Milton Friedman, who were supported by the Junta Militar, proposed programs for the modernization of prisons, and *medidas alternativas* (i.e., community-based sanctions, like community service, fees, etc.), in order to reduce the cost of prisons and maximize rehabilitation benefits of alternative measures (Hathazy, 2016; Silva, 1991). These proposals may be seen in the 1978 Plan for the Ministry of Justice. In it, the penitentiary reform measures are the production of studies to assist in the implementation of prevention policies and to understand the effect of socioeconomic conditions on crime, studying the penitentiary population, modernizing the statistical records through the use of computers and a unified database, promote the Education and Work Centers (Centros de Educación y Trabajo,¹⁸ CET) and the conversion of the

Penal Colonies into these types of prisons, updating the activities of the CETs according to regional needs, the drafting of a Parole Act and its trial implementation in the Metropolitan Region, and the creation of Centros Abiertos (Open Centers¹⁹). Moreover, reforms regarding the improvements of criminal justice for minors were also proposed (Gobierno de Chile, Presidencia de la República, 1977). These proposals were implemented but faced “important limitations in practice. (...) Overcrowding in the late 1980s and the expansion of prisons rendered treatment impossible” (Hathazy, 2016, p. 182). During this time, the prison population rapidly increased, going “from 14,726 in 1980 to 25,250 in 1989” (Hathazy, 2016, p. 182).

During the dictatorship, more prisons were built throughout the country. For example, in 1974, construction began on the *Unidad Judicial Carcelaria* (Judicial Prison Unit) of Villarrica as well as the Maullín prison. During this year, several prisons were repaired as well (Ministerio de Obras Públicas, 1975). Later, in 1981, the building of the San Miguel and the Puente Alto prisons was underway (Ministerio de Obras Públicas, 1982). In 1982, the Centro de Cumplimiento Penitenciario Colina I was built (Corte de Apelaciones de Santiago, 2016, p. 8). It is unclear if the building of these structures had an effect on prison overcrowding and/or conditions at the Penitenciaría.

However, in order to legitimize the model and the changes introduced by the Military Junta,²⁰ a commission to draft a new constitution (i.e., Comisión Ortúzar) was summoned and in 1980 the controlled (and fraudulent) plebiscite took place, resulting in the approval of the text. This is the constitution that prevails until this date,²¹ with modifications to its most authoritarian norms (de la Fuente, 2010; Garretón, 2010; Solimano, 2012, p. 36).

In terms of judicial rights, the original draft of the 1980 constitution guaranteed the right to life and to physical and psychological integrity of all people, that no one should be subject to unlawful coercion, the right to personal freedom (hence just being detained by judicial order), anyone should have equal right to access the justice system (it assured the providing of legal assistance in case of need), the right to be judged by an impartial court, and to be presumed innocent until proved guilty and the independence of the Judicial Branch. Moreover, it stated that the Executive and Judicial branches would be organized according to *leyes orgánicas*, that is, organizational laws. However, it did not dictate any norms regarding the administration of the penitentiary system and/or the treatment of inmates and detainees in it (see Decreto de Ley 3464, August 11, 1980).

Post-Pinochet changes in prisons. In 1990, Chile returned to a democratic regime. Despite this major political change, the correctional logic that prevailed during dictatorship, including the public policies related to prisons, became increasingly centered on security due to a series of escapes and increasing rates of criminal victimization (Centro de derechos humanos UDP, 2009; Hathazy, 2016, p. 183). These policies translated into plans for building more prisons and implementing harsher laws for the commission of crime. During this time, civil society organizations (e.g., CONFRAPECO²² and CODEPU²³), academic (e.g., Asociación de Política Criminal, Centro de derechos humanos UDP), and Think Tanks (e.g., Libertad y Desarrollo, Fundación Paz Ciudadana) began to study and inform government authorities about the problems of the prison system. In 1991, the low Chamber of the House of Representatives formed a special commission to investigate these claims, but its reports were kept from the public and its recommendations not implemented (Centro de derechos humanos UDP, 2009; Hathazy, 2016).

In 1993, a new prison regulation was passed (Decreto N° 1.771, Ministry of Justice), and later modified in 1998 (Decreto 518, May 22, 1998, Ministry of Justice, retrieved from www.bcn.cl), becoming the rules that organize the prison system today. These rules, which are concordant with constitutional and International Human Rights standards, set parameters regarding the organization of prisons in terms of administrative authorities, living conditions, and treatment of inmates. Nevertheless, these regulations still had a sublegal character.²⁴ Up to this date, there is no law that regulates how sentences should be executed. Different regulations pertaining to prisons and inmate

administration are scattered through different legal codes, such as the *Constitución*, the criminal code, criminal procedure code, and the organizational code of courts and many HR standards are included in them, but mostly regarding international treaties, such as the Universal Declaration of Human Rights (UDHR), the Covenant on Civil and Political Rights (CCPR), and the Covenant Against Torture and Other Degrading Treatments. However, when it comes to the protection of imprisoned persons, the norms contained in instruments such as the Standard Minimum Rules for the Treatment of Prisoners, they are included in sublegal instruments (Carnevali & Maldonado, 2013; Roa Orellana, 2013; Valenzuela, 2005).

2000–2005 Reforms to criminal prosecution system. Between 2000 and 2005, Chile implemented a reform to its criminal prosecution system. This process aimed at modernizing the system and reducing the workloads of the highly overburdened courts, thus accelerating criminal procedure processes. Through it, an adversarial one replaced the traditional inquisitorial system. This change was implemented not only to relieve the system but also to reduce the high rates of pretrial imprisonments. Again, in Santiago, this would mean less people would be awaiting trial at the Penitenciaría. With the implementation of the reform, the number of pretrial imprisonments decreased from 48.5% of total imprisonments in 2000 to 24.0% in 2007 (Duce & Riego, 2009, p. 178). Also, the length of trials was reduced, resulting in an acceleration of judicial outcomes, which had an effect on the amount of people receiving sentences, and an increase in the rate of imprisonment.²⁵

In the meantime, between May 2000 and November 2005, criminal victimization in Chile passed from 30.8% to 37.7%, reaching its highest point on October 2003 (40.8%; Fundación Paz Ciudadana, 2006). From 2006 to 2014, the rate decreased from 38.4% to 25.0% (Fundación Paz Ciudadana, 2015). Nevertheless, reports increased in the period between 2000 and 2005 from 218,481 to 407,000 (Fundación Paz Ciudadana, 2006), while in the period from 2006 to 2014 they increased from 409,903 to 496,118. Also, increasing rates of perceived criminality prevail in the period from 2000 to 2014, ranging from a 24% of interviewed people considering that crime was one of the three main problems in the country in 2000 to 50% in 2014 (Fundación Paz Ciudadana, 2015).

Plans to increase jail capacity. In this context, and with the salient problems of prison conditions at hand, in 2000, a new policy regarding jails was approved by the Ministry of Justice, with the purpose to increase the total penitentiary capacity by 16,000 spaces. It was implemented by the Ministerio de Obras Públicas or MOP (Ministry of Public Works) and depended on the financing, by the Chilean government through the same Ministry, of private prison firms for building and managing 10 prisons throughout the country.²⁶ This plan was based on the French system of public–private association in prisons, and the design, build, operate and transfer model would be applied. It was hoped that this policy would reduce overcrowding and improve conditions for the prisoners, with the added benefit that this would be accomplished by “taking the most of the private sector concerning the efficient management of scarce resources in the program’s different stages, thus allowing to liberate public resources for other socially profitable uses” (Libertad y Desarrollo, 2012, p. 4). In order to accomplish the aforementioned objectives, 10 prisons were planned, separated into four groups; at the same time, Gendarmerie’s budget was increased (Centro de derechos humanos UDP, 2005, p. 23). With the first three groups, the state would pay the licensee for every inmate received. However, the implementation was not devoid of problems, especially regarding costs and negative effects on entrepreneurs who had traditionally provided public prisons with educational and cultural activities as means for rehabilitation of inmates (see Cámara de Diputados, Legislatura 355a, Sesión 11va, miércoles 4 de abril de 2007).

In 2005, the yearly report about HR in Chile produced by the Human Rights Center of Universidad Diego Portales commented on the living conditions in Ex-Penitenciaría. It stated “one of the main consequences derived from the deficient hygienic conditions of bathrooms and cells is the

existence of illnesses, infections and vermin, which are almost perceived by inmates as a natural part of the penitentiary environment” (Centro de derechos humanos UDP, 2005, p. 34; translated by the authors). Inmates provided detailed descriptions of a widespread presence of bugs and vermin (Centro de derechos humanos UDP, 2005, p. 36). It was clear that nothing significantly had changed regarding prison conditions.

Concesiones: The public–private associations plan. As a result of the public–private associations plan (*concesiones*), between 2005 and 2011, eight new prisons (of the 10 originally planned) were built and started operating. At the time of the writing of this article, the remaining two have not been built (Miranda, 2015). Since 2005, increasing rates of incarceration were seen in the country, thus adding more pressure to the prison system. A critical point in the recent penitentiary history of Chile was the period between 2006 and 2010, in which the imprisoned population saw an increase of 44.9% versus a 10.8% between 2000 and 2005 (Morales, Muñoz Correa, Welsch Chahuán, & Fábrega Lacoa, 2012, p. 6).²⁷ However, even with these reforms, the total number of inmates remains greater than the total capacity of prisons. In February 2016, the total penitentiary population in Chile was of 47,792 people distributed along the 90 prisons in the country. This contrasts with the total capacity recorded in 2012, which was for 40,425 inmates (Gendarmería de Chile, 1998). It would be logical to assume that the reform of the criminal prosecution system and the building of new prisons would improve the situation of the overcrowding of prisons in Chile.

The building of prisons has taken much longer than expected, in part due to the renegotiation of contacts with licensees and to difficulties in finding suitable land to build prisons (Anonymous, 2015; Canales & Castillo, 2010; Miranda, 2015). It is important to highlight that the problems with licensees had an effect on the program of concession of public works as a whole, which led to the modification of Law 20410 that regulated public–private associations (Ibarra-Coronado, 2011, pp. 209–212). At the same time, the inmate population has grown exponentially, so the amount of space needed has not been met in a timely manner. In addition, measures regarding benefits for convicts to be reintegrated into society in stages have been applied in an irregular fashion.²⁸ This way, overcrowding has remained as a crucial problem for the Chilean prison system, which contributes to other problems such as living conditions, health, and security issues (Carnevali & Maldonado, 2013; Valenzuela, 2005).

Moreover, in terms of contracts and costs, after the opening of the first group of prisons planned in the public–private association agreement (*concesión*), licensees demanded the renegotiation of contractual terms, thus increasing the costs of building and for each inmate. What started as a cost-effective means for the government to provide more prisons, turned out to be in average 3 times more expensive than the public model (Arriagada Gajewski, 2012, pp. 24–25; Centro de derechos humanos UDP, 2008; Dammert & Díaz, 2005; Fundación Paz Ciudadana, 2013). According to Dammert and Díaz (2005), in 2005, the average daily cost per inmate in the public system was of US\$11 compared to US\$35 in the public–private agreements. This higher cost per inmate translated at first in facilities with better living conditions than the public ones, but in the long run were still below international standards and did not prove effective to solve the long-standing problems of the whole system: overcrowding, lack of rehabilitation policies, substandard living conditions, torture, and degrading treatments (Anonymous, 2010; Arriagada Gajewski, 2012, p. 25; Becerra Benavides, 2016, p. 199; Centro de derechos humanos UDP, 2009; Instituto Nacional de Derechos Humanos, 2010).

Nevertheless, according to Decrees from the Ministry of Justice, from 1994 to 2004, we found instructions to build 11 prisons using only public funds, and the eight concessions prisons were constructed between 2005 and 2011. Moreover, under the public–private system, only closed penal facilities have been built, whereas the state has taken on its own the building of structures focused on rehabilitation (between 1996, we found decrees instructing the building of eight CETs—Education

and Work Centers, open, semiopen, and closed—and for 25 social reinsertion centers, which are facilities for the treatment of people punished with alternative measures, that do not contemplate imprisonment [see Article 20, Decreto 518, Ministry of Justice, August 21, 1998]).

Impact of 2010 fire at San Miguel Prison. In 2010, a fire at San Miguel Prison, led to the death of 81 inmates. Consequently, in 2011, the Ministry of Justice announced an important investment in modern sprinkler systems for prisons throughout the country (Agüero, 2011). This included a roof-top sprinkler system for the Penitenciaría. In 2014, after a criminal tribunal concluded that the prison system was to blame for the deaths in custody, the new Minister demanded a record of prisons equipped with proper safety and emergency equipment, since they only had an account of 22 jails that met these requirements (Ministry of Justice, 2014; O'Neill, 2014).

This incident brought to public attention once again the substandard living conditions of inmates, in particular the crisis of overcrowding. As a response, the government began planning the implementation of recommendations to reduce the overcrowding of prisons, made by different actors, such as the Inter-American Commission on Human Rights in 2008, a special commission for the Penitentiary Reform in 2010, and the Appeal Court year after year. A central part of the discussion was centered on the solution of the increasing incarceration rates.

The measures proposed, however, did not cover all of the shortcomings of the penitentiary system. An example of this could be seen by the lack of a law regulating the enforcement of incarceration penalties, and effectively regulating the daily operation of prisons so that it works according to constitutional norms and international HR standards (Arriagada Gajewski, Rochow, & Centro de derechos humanos UDP, 2015; Carnevali & Maldonado, 2013; Valenzuela, 2005).²⁹ Regarding this, it is important to point out the Penitentiary Public Defense Program, developed by the *Defensoría Penal Pública*. This began as a trial program in 2009 in the Coquimbo Region, as a cooperation program with the Agencia Española de cooperación internacional para el desarrollo (AECID; Spanish Agency of International Cooperation for Development). Due to success in its trial version, it was implemented in other three regions, becoming a regular program of the Defensoría through its official approval by the Ministry of Justice (N° 2014 and N° 2103, 2011). This program consists of providing imprisoned persons with legal assistance so they know their rights and may file requests for benefits, regarding their well-being, and claims, among others (Salinero Rates, 2014). At the time of the writing of this article, this program operated in six regions of the country (Defensoría Penal Pública, 2016). The government hoped that agency would relieve some of the burden of overcrowding in prisons including that which exists in Penitenciaría (Table 1).

Initiatives directed at reforming the Penitenciaría. Less numerous, but not inconsequential, have been the numerous efforts to improve living and working conditions in the Penitenciaría. To begin with by the late 1890s and early 1900s, the Penitenciaría's administration focused on the correct implementation of workshops, so that the objective of the penitentiary could be achieved (Anonymous, n.d., in Ramírez Barrera, 1998, pp. 81–99). In the early 1900s, the new Director of the Penitenciaría, Rafael B. Gumucio organized a Committee of Experts to study the workshops' private administration and to propose improvements to the Ministry of Justice.³⁰ The resulting recommendations were implemented by subsequent decrees that forced licensees to pay a fair wage to inmates and a determined amount to the state for each inmate used in the workshop. During this time, Director Gumucio oversaw many infrastructural improvements, regarding sanitary conditions by enlarging the windows of the cells to enhance air circulation, the quality of food, giving inmates uniforms, improvements of gardens, and other dispositions regarding health services for inmates, which were not fully carried out due to a backlash from the government of the time (Anonymous, n.d., in Ramírez Barrera, 1998, pp. 99–101).

Table 1. Initiatives Directed at the Country's Prison System That Would Have an Effect on the Penitenciaría.

Year/Date	Proponent	Proposal	Rationale Behind the Proposal	Response
1843–1940, 1974, 1981, 1982, 1994–2004	Ministry of Justice	Building of prisons	<ul style="list-style-type: none"> • Overcrowding • Infrastructure deficit • Substandard living conditions 	<p>Building of 81 prisons for male adults between 1843 and 1940</p> <p>Building of the Judicial Prison Unit of Villarrica in 1974</p> <p>Building of the San Miguel and Puente Alto prisons in 1981</p> <p>Building of Colina I prison in 1982</p> <p>Building of 11 prisons using public funds between 1994 and 2004</p>
2005–2011	Ministry of Justice, Ministry of Public Works	New policy regarding jails with the purpose to increase the total penitentiary capacity by 16,000 spaces	<ul style="list-style-type: none"> • Infrastructure deficit • Overcrowding • Substandard living conditions • Penitentiary units built do not fit the actual needs of the penitentiary population 	<p>Public-private associations plan to build prisons: implemented by the Ministerio de Obras Públicas or MOP (Ministry of Public Works) and depended on the financing, by the Chilean government through the same Ministry, of private prison firms for building and managing 10 prisons throughout the country, of which 8 were built between 2005 and 2011</p> <p>Penitentiary Rules of 1911</p> <p>Penal Procedure Code in 1906</p> <p>Penitentiary Rules of 1928</p>
1906, 1911	Ministry of Justice	Laws and decrees to set and organize a criminal prosecution system and a Penitentiary System	<ul style="list-style-type: none"> • Lack of rules and norms organizing a criminal prosecution system and a Penitentiary System 	

(continued)

Table 1. (continued)

Year/Date	Proponent	Proposal	Rationale Behind the Proposal	Response
1965, 1993 (1998)	Ministry of Justice	1965 the Basic Rules for The Implementation of a National Penitentiary Policy were passed (Decreto N° 3.140, December 14, 1965, Ministry of Justice):	<ul style="list-style-type: none"> Based on the former legislation and on the participation of Chile in the first United Nations Congress on Crime Prevention and Criminal Justice held in Geneva in 1955, and the passage of the Standard Minimum Rules for the Treatment of Prisoners 1998 Rules that organize the prison system today. These rules, which are concordant with constitutional and International Human Rights standards, set parameters regarding the organization of prisons in terms of administrative authorities, living conditions, and treatment of inmates but have a sublegal character. 	1965 Basic Rules for The implementation of a National Penitentiary Policy Penitentiary Rules of 1993 (modified in 1998)
2000–2005	Ministry of Justice	Modernizing the system and reducing the workloads of the highly overburdened courts, thus accelerating criminal procedure processes. An adversarial system proposed to replace the traditional inquisitorial system.	<ul style="list-style-type: none"> Saturated prosecution system Overcrowding Substandard living conditions Penitentiary units built do not fit the actual needs of the penitentiary population 	<p>Criminal prosecution system reform (2000–2005):</p> <p>With the implementation of the reform, the number of pretrial imprisonments decreased from 48.5% of total imprisonments in 2000 to 24.0% in 2007 (Duce & Riego, 2009, p. 178). Also, the length of trials was reduced, resulting in an acceleration of judicial outcomes, which had an effect on the amount of people receiving sentences and an increase in the rate of imprisonment.</p>

(continued)

Table 1. (continued)

Year/Date	Proponent	Proposal	Rationale Behind the Proposal	Response
2009	Public Defense Bureau, Ministry of Justice	Penitentiary Public Defense Program, Defensoría Penal Pública	<ul style="list-style-type: none"> • Overcrowding • Substandard living conditions • Lack of reinsertion and rehabilitation measures 	<p>This program consists of providing imprisoned persons with legal assistance so they know their rights, and may file requests for benefits, regarding their well-being, and claims, among others (Salinero Rates, 2014). At the time of the writing of this article, this program operated in 6 regions of the country (Defensoría Penal Pública, 2016). Approximately 6,000 inmates were pardoned</p>
2012	Ministry of Justice	Pardon Bill of 2011	<ul style="list-style-type: none"> • Overcrowding • Lack of reinsertion and rehabilitation measures 	<p>Implemented changes to alternative measures to imprisonment, such as using electronic monitoring (Biblioteca del Congreso Nacional de Chile, HL 20.603).</p>
2012	Ministry of Justice; Prosecution Bureau (Fiscalía), Public Defense Bureau (Defensoría Penal Pública)	Changes to criminal law giving chance to “replace” incarceration with other types of punishment	<ul style="list-style-type: none"> • Overcrowding • Substandard living conditions • Lack of reinsertion and rehabilitation measures 	<p>This included a rooftop sprinkler system for the Penitenciaría In 2014, after a criminal tribunal concluded that the prison system was to blame for the deaths in custody, the new minister demanded a record of prisons equipped with proper safety and emergency equipment, since they only had an account of 22 jails that met these requirements (Ministry of Justice, 2014; O’Neill, 2014)</p>
2011	Ministry of Justice	Investment in modern sprinkler systems for all prisons (after the fire at San Miguel Prison in 2011)	<ul style="list-style-type: none"> • Insufficient security measures in prisons • Substandard living conditions 	<p>This included a rooftop sprinkler system for the Penitenciaría In 2014, after a criminal tribunal concluded that the prison system was to blame for the deaths in custody, the new minister demanded a record of prisons equipped with proper safety and emergency equipment, since they only had an account of 22 jails that met these requirements (Ministry of Justice, 2014; O’Neill, 2014)</p>

In 1912, state-managed workshops were reinstalled in the Penitenciaría and this made the prison economically productive for the state. With the money collected for the administrative expenditures, new cells were built and repairs were made (Anonymous, n.d., in Ramírez Barrera, L., 1998, pp. 106–107).

By 1935, there were about 1,200 inmates in the prison, which now had expanded to 950 cells. At this time and by 1940s, claims of overcrowding and lack of sufficient funding by authorities of the Penitenciaría became more common than in the previous decades (Anonymous, n.d., in Ramírez Barrera, 1998, pp. 136–164).

1994–1995 Creation of independent prison facility and the building of high-security prison. In 1994, a part of the Penitenciaría where the most dangerous inmates were held was administratively separated from the prison and turned into an independent facility (Decreto 353, Ministerio de Justicia, May 10, 1994). Also, in 1995, as a response to the prosecution, sentencing, and incarceration of high-level administrators during the Pinochet regime, the government constructed the Centro de Cumplimiento Penitenciario Punta Peuco, similar in design to high-security prisons. In addition, in 2004, during President Lagos' administration, another special prison, Centro de Cumplimiento Penitenciario Cordillera, was built, and located in the Telecommunications Command of the Army, in Santiago.³¹ It is unclear how the construction of these correctional facilities alleviated overcrowding and addressed security concerns at Penitenciaría.

Within this plan, the most direct impact on the Penitenciaría was the building of the prison CDP Santiago 1, which is adjacent to the former. Upon the opening of the facility, 2,568 inmates were transferred from the Penitenciaría (Anonymous, 2007a), as well as 275 from San Miguel prison (Anonymous, 2007b). The government of the time hoped that this measure would relieve overcrowding in the Penitenciaría (Pérez, 2007). However, this effort did not have a lasting effect, since inmates were later transferred from Santiago 1 to the Penitenciaría, contributing to the overcrowding. For example, on November of that same year, a group of Judges advised to not approve the transfer of inmates from Santiago 1 to the Penitenciaría (Anonymous, 2007c) and in the 2015 semestral visits report, a transfer of this type that had actually taken place was strongly rejected by the Appeals court of Santiago (see Appeals Court of Santiago, 2016b).

In 2011, Felipe Bulnes Serrano, Minister of Justice at the time, prohibited the entrance of more inmates to the Penitenciaría as a means to avoid further overcrowding (Anonymous, 2011c). This was coherent with the previous recognition by the Supreme Court of the total collapse of prisons (Anonymous, 2011a). In addition, Bulnes redistributed 1,200 inmates from the Penitenciaría over 4 months (June to September 2011). According to news sources, these measures helped minimize overcrowding in the Penitenciaría (Anonymous, 2011e). However, this transfer had a negative effect Colina I and Colina II prisons (North from Santiago), by placing more than 500 inmates in these establishments, thus producing a 50% deficit in security officials (Anonymous, 2011d). In addition, Bulnes introduced a bill to pardon approximately 6,000 inmates throughout the system. This bill (Law 20588) was passed on June 1, 2012 (Anonymous, 2012a). Also, a new prison from the concesiones plan was inaugurated in Concepción in November 18, 2011 (Anonymous, 2011f).

During this time, the President Sebastián Piñera introduced two amendments to the bill that had been originally sent to Congress in 2008, which implemented changes to alternative measures to imprisonment, such as using electronic monitoring (Biblioteca del Congreso Nacional de Chile, Historia de la Ley 20.603).

Despite these measures, most of them taking place between 2008 and 2012, many bills have been passed that increase penalties for different types of crimes, thus increasing types of behaviors punishable with jail (Bustamante, 2011; Centro de derechos humanos UDP, 2014; Consejo para la reforma penitenciaria, 2010, pp. 40–41; Mera & Centro de derechos humanos UDP, 2012). These measures have been called the “short-term anticrime agenda” (Agenda corta antidelincuencia),

which can be summarized as a set of populist measures to fight crime that respond to increasing perception of crime in society. Overall, this agenda has worked against efforts to treat the penitentiary crisis (Durán & Dagnino, 2010).

In 2012, the new Ministry of Justice changed the threshold for measuring the maximum capacity of Chilean prisons, allowing for more inmates to be received into concession prisons, without the licensees having to pay punishment fees for overcrowding (Anonymous, 2013; Saavedra, 2012). This reduced overcrowding in terms of figures, but not in practice (Rojas, 2012). In theory, this practice would provide some relief in terms of overcrowding of the Penitenciaría, since more inmates could be taken to private prisons.

At the same time, changes to the criminal law were passed, giving the chance, under certain conditions, for people to “replace” their incarceration sentences with other types of punishment, such as parole, community service, and electronic monitoring. This came as a response to the increasing incarceration rates and to many bills that had been passed to increase the amount of crimes/felonies that would receive incarceration—with disregard to their seriousness (Centro de derechos humanos UDP, 2014; Mera & Centro de derechos humanos UDP, 2012).

On December 14, 2015, the total number of inmates reported in the Penitenciaría was 5,154, out of which 5,011 (97.2%) were serving sentences and 134 (2.8%) were pretrial detainees. Also, 666 (12.9%) were reported to suffer chronic illnesses. In terms of access to sentence rewards for people serving time, 114 (2.3%) inmates were granted these measures, detailed as controlled exit into the free environment (16; 0.3%), weekend leave (19; 0.4%), and Sunday leave (79; 1.7%; Appeals Court of Santiago, 2016a, p. 1).

2016 Release of the semester visit to prisons. On February 2016, the Appeals Court of Santiago released the report of the semester visit to prisons.³² Similar to the previously mentioned 2005 yearly report by the Human Rights Center of the University of Diego Portales, that brought widespread attention to deplorable prison conditions, regarding the Penitenciaría (Table 2), it said:

The number of inmates that sleep stacked, one on top of each other, in minimal spaces, with no ventilation and no natural light, in unhealthy conditions, with presence of bedbugs and other parasites, just to mention superficially the magnitude of the problem (. . .). (Appeals Court of Santiago, 2016b, p. 218; translated by the authors)

Initiatives directed at closing the Penitenciaría. Approximately two initiatives can be discerned that had as their primary purpose the closing of the Penitenciaría. The first was in 1958 by Eduardo Torres Armstrong, the former General Director of the Prisons, who sent a penitentiary reform proposal to President Jorge Alessandri Rodríguez. It included a specific recommendation to demolish the Penitenciaría and erect in the same plot a modern prison and crime and minors courts (Torres Armstrong, 1958, p. 19). This plan, however, was not considered by the government of the time, due to technical and budgetary restrictions (León, 2003, pp. 265, 276–277; Torres Armstrong, 1958).³³

The second was in 2011 when the Ministry of Justice contracted with Altegrity Risk International, an American-based consulting agency, to analyze and restructure Chile's prison system (Arriagada Gajewski, 2012, pp. 25–26). Their final report described the situation of prisons in Chile in harsh terms, while at the same time criticizing the investment in the concesiones system. They found serious shortcomings in terms of the systems that Gendarmerie had for counting the penal population³⁴; detainees were wrongly classified, since the system that Gendarmerie uses is outdated and most of the inmates are termed as “high risk” when in reality only a 7% belong to this category, so, penitentiary units built do not fit the actual needs of the penitentiary population, lack of

Table 2. Initiatives Directed at Reforming the Penitenciaría.

Year/Date	Proponent	Proposal	Rationale Behind the Proposal	Response
Early 1900s	Rafael Gumucio, Director of the Penitenciaría	Organized a Committee of Experts to study the workshops' private administration and to propose improvements to the Ministry of Justice	<ul style="list-style-type: none"> Lack of achievement of the objective of the penitentiary 	Correct implementation of workshops
Early 1900s	Rafael Gumucio, Director of the Penitenciaría	Infrastructural improvements	<ul style="list-style-type: none"> Substandard living conditions 	<p>Enlarging the windows of the cells to enhance air circulation</p> <p>Improving the quality of food</p> <p>Giving inmates uniforms</p> <p>Improvements of gardens</p> <p>Other dispositions regarding health services for inmates</p> <p><i>Not fully carried out due to a backlash from the government of the time</i></p>
1912	Penitentiary Rules of 1912	The Rules of 1911 stated that every inmate had to work, making it the responsibility of the Director of the Prison to see that all inmates had a job (Article 78, Decreto 2.140, August 1 [November 15])	<ul style="list-style-type: none"> Salient problems of infrastructure Overcrowding Substandard living conditions Lack of achievement of the objective of the penitentiary 	<p>State-managed workshops were reinstalled in the Penitenciaría and this made the prison economically productive for the state. With the money collected for the administrative expenditures, new cells were built and repairs were made (Anonymous, n.d., in Ramírez Barrera, 1998, pp. 106–107).</p>
1994	Ministry of Justice	Administrative separation of most dangerous inmates from the Penitenciaría	<ul style="list-style-type: none"> Overcrowding Infrastructure deficit The Penitenciaría did not fit the actual needs of the penitentiary population 	Functioning of the Unidad Especial de Alta Seguridad (special high-security unit)
2011	Minister Bulnes	Prohibition of entrance of more inmates to the Penitenciaría	<ul style="list-style-type: none"> Overcrowding Substandard living conditions 	Prohibition of entrance of more inmates to the Penitenciaría

(continued)

Table 2. (continued)

Year/Date	Proponent	Proposal	Rationale Behind the Proposal	Response
2011	Minister Bulnes	Transfer of inmates from the Penitenciaría to Colina I and Colina II	<ul style="list-style-type: none"> • Overcrowding 	<p>Distribution of 1,200 inmates from the Penitenciaría over 4 months (June to September, 2011). According to news sources, these measures helped minimize overcrowding in the Penitenciaría (Anonymous, 2011e). However, this transfer had a negative effect Colina I and Colina II prisons (North from Santiago), by placing more than 500 inmates in these establishments, thus producing a 50% deficit in security officials (Anonymous, 2011d)</p>

Table 3. Initiatives Directed at Closing the Penitenciaría.

Year/ Date	Proponent	Proposal	Rationale Behind the Proposal	Response
1958	Eduadro Torres Armstrong, General Director of Prisons	Demolish the Penitenciaría and erect in the same plot a modern prison and crime and minors court (Torres Armstrong, 1958, p. 19)	<ul style="list-style-type: none"> • Overcrowding • Lack of sufficient funding • Ineffective in terms of rehabilitation 	Not considered by the government of the time, due to technical and budgetary restrictions
2011	Altegrity Risk International/ Ministry of Justice	Shut down the Penitenciaría and rebuilding a new unit in its place	<ul style="list-style-type: none"> • Penitentiary units built do not fit the actual needs of the penitentiary population • Lack of rehabilitation and reinsertion measures • Salient problems of infrastructure • Overcrowding • Substandard living conditions 	In 2013, with new presidential elections at hand, the report was dismissed and the recommendations not followed

rehabilitation and reinsertion measures, among the salient problems of infrastructure, which translate into overcrowding and substandard living conditions (Álvarez & Ramírez, 2013). Also, the original plan was to expand Altegrity's job into the construction of four prisons, to increase the amount of beds to 11,000. Moreover, according to information uncovered by the Centro de Investigación Periodística (Investigative Journalism Center), a Chilean online newspaper specializing in investigative journalism, the Ministry planned on shutting down the Penitenciaría and rebuilding a new unit in its place. This consulting developed into a prisons plan (Anonymous, 2011b). However, with the elections in 2013, the report was dismissed and the recommendations not followed (Table 3).³⁵

Discussion

In general, since 1990, penitentiary reforms have lagged behind the development of Chilean democracy. According to Garretón (2010), Chilean democracy is an incomplete democracy, which operates as a “democratic situation” rather than a real democracy (Garretón, 2010, p. 117). This is mainly due to legal constraints found in the constitution. Moreover, penitentiary reforms have focused on the building of public infrastructure rather than in the improvement of the existing ones.

Chile has signed and ratified most UN hard law instruments (i.e., binding legal agreements) pertaining to HR, such as the UDHR, the CCPR, and the International Covenant on Economic, Social and Cultural Rights, among others.³⁶ This country has implemented in its domestic penitentiary policy most of the norms contained in the UDHR, CCPR and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT), and its Optional Protocol. These may be found in the constitution, *Código Penal* (criminal code), *Código Procesal Penal* (criminal justice procedure code), and in the *Reglamento Penitenciario* (Penitentiary Norms). However, in terms of the rights of imprisoned persons, there is a set of soft law instruments approved by

the General Assembly of the UN (Chile being a member state), such as the Nelson Mandela Rules, which have not developed into treaties and/or covenants yet (Boyle, 1998; Chinkin, 1989; Gowland Debbas, 1998). So, even though Chile has an ethical commitment to the dispositions in these, it has not engaged in stronger legal obligations under these norms.

The development of HR protections in Chile has progressed similar to that which has occurred in other countries coming out of an authoritarian and abusive government. For example, in 1988, the CAT was ratified by Chile. In this year, Pinochet's dictatorship was still in power, so it was ratified with observations and reserves, which were reversed in 2004. However, the adherence to this instrument helped nongovernmental organization (NGO's) and other civil society members to foster mobilization for justice in the case of the systematic HR abuses occurred during dictatorship, as well as advocating for the respect of HR in the Chilean society (Hafner-Burton & Tsutsui, 2007). Since 1990, Chile has increasingly expanded its HR protection legal framework by signing and ratifying treaties and by the implementing domestic institutional changes such as the creation of the National Institute of Human Rights in 2009 and the *Programa de derechos humanos* (HR Program) at the *Ministerio del Interior y Seguridad Pública* (Interior and Public Security Ministry) in 1997.

Nevertheless, this protection framework has not been expanded in the same way toward numerous constituencies including imprisoned persons (Becerra Baeza, 2016; Instituto Nacional de Derechos Humanos, 2010). Moreover, there is a lack of political will to include soft law norms into the internal legal system, but, as seen in other arenas, it could take some time until these rights are promoted by the Instituto Nacional de Derechos Humanos and other NGO's and civil society organizations, which have constantly advocated for the expansion of the HR discourse beyond crimes against humanity (Boyle, 1998; Chinkin, 1989; Gowland Debbas, 1998; Hafner-Burton & Tsutsui, 2007).

Unlike debates in American prison siting and reform, it does not appear as if the Not In My Backyard phenomena has come up in any debate surrounding the Cárcel Ex-Penitenciaría. The neighborhood in which the correctional facility currently exists would now be best described as a middle class. The prison is within walking distance from the Centro de Justicia, a modern style court building, and across the street from the Military Stadium (a recreational sports facility for members of the military) is located. Next to the Penitenciaría is a high and maximum security prison, and close by the prison CDP Santiago 1, operated by a private prison firm. Also nearby are some old industrial storage facilities. While the prison was originally built in a remote part of the city, a vibrant neighborhood has grown up around the structure. We could not find documentation indicating that members of the community believed that the prison is an eyesore, nor is it somehow negatively affecting real estate prices.

Conclusion

Both popular cultural depictions and scholarly analysis portray jail and prison conditions in most Latin American countries to be dis/similar to those in most advanced industrialized countries. Understanding the factors that prevent reform and closure of particular institutions in particular which kinds of reforms have been proposed and which ones have been adopted/rejected in order to improve conditions is necessary if we are to improve the conditions of those held behind bars not only in Chile, other Latin American countries, but other countries that have shifted from dictatorship to democracy.

Since the design, building, and completion of the Cárcel Ex-Penitenciaría in 1846, there have been numerous proposals and some attempts to change selected aspects of the facility. In many cases, change was frequently proposed, but for various reasons rarely implemented. New policies, practices, laws, nor public private partnerships had much of an effect on reforming the prison. The nominal changes mentioned from 1930 to 1971 took place within the context of an expansion of

political and civil rights in the Chilean society that was steady until 1973 (de la Fuente, 2010, p. 181).³⁷ Also, this expansion took place at the same time the state became active as an economic promoter of industrial production (de la Fuente, 2010, p. 182). Although many changes have been made to the criminal justice system and prison regulations, none of these have had as their main objective the reform of or closure of the Penitenciaría.

In general, there are at least five *possible* reasons why the Penitenciaría has not been closed. These are presented from least to most important. First, *the Penitenciaría is located beside the judicial center*. This is similar to many American cities where the city jail is often located beside or near the courthouse usually separated by a catwalk or a basement hallway. Thus, it facilitates the transfer of individuals who are on trial or are convicted but participating in sentencing hearings from the Court to a lock-up facility.

Second, *the government bureaucracy managing corrections is relatively inefficient*. As mentioned, there are correctional facilities throughout the country that are being underutilized, while others such as the Penitenciaría are historically overcrowded.

Third, in many other countries, *Corruption in Government* is often a logical explanation for the slow pace of change in policies and practices. In post-Pinochet Chile, however, the possibility of corruption hampering the closure of the Penitenciaría does not seem to be a factor (Balán, 2011; Siavelis, 2000).³⁸

Fourth, both an actual *increase in crime* and public fear over the past two decades (Olavarria-Gambi, 2007) have led to a pressure for the government to utilize prisons as an appropriate sanction for individuals who break the law. Thus, despite the deplorable conditions at the Penitenciaría, the government may be reluctant to reform this correctional facility, otherwise they may face ridicule by oppositional groups, incur the wrath of the electorate, and have to spend more money.

Fifth, closely connected to the inefficiency of the Gendarmerie is *the slow pace of change* among the bureaucracy which has historically been an impediment to change. This is as true since the building of the prison and continues in the post-Pinochet era as has been noted by many political observers. According to Oxhorn (1994),

Despite the Aylwin government's pledge to address the social debt inherited from the military regime, there have been few changes in the day-to-day lives of many people—who perhaps had unrealistic expectations about what a return to democracy would mean . . . Similarly, the pace of democratic reform has been slow in key areas. For example, Pinochet remains a very vivid reminder of the power that the right and military still exercise (p. 752).

He also notes that “While people are frequently frustrated by the pace of change and the lack of popular participation, they are unsure about how to express such frustration” (p. 755).

Finally, and most importantly, it does *not appear as if there is enough popular and political will to make the necessary changes to the prison system*. To the best of our knowledge, with the exception of the numerous historical examples of calls for reform, no elected politician has demanded that the Penitenciaría be closed. Additionally, no surveys of the general public about their attitudes toward incarceration in the Penitenciaría have been done, where a question specifically about the prison has been asked. Also, perhaps there is no will because there is no suitable infrastructure yet that could receive the amount of inmates from the Penitenciaría if it was closed.

Despite the presences of critical junctures (Capoccia & Kelemen, 2007; Collier & Collier, 1991), like the Reform to the criminal prosecution system (2000–2005), the Concessions Plan (2005–2011), and the fire at San Miguel Prison (2011), that significant changes including the possible closure of the Penitenciaría would have occurred. This however did not seem to be the case. If one could suggest a theoretical framework that might explain why little has changed, that could directly

account for the lack of political will to close the Penitenciaría, we would probably have to rely on the path dependence explanation (Pierson, 2000). This idea suggests that it is very difficult to change policies and practices even if the current state of affairs is not working. There are too many factors that make it difficult to change the way carceral institutions are run and thus workers, managers, and leaders ultimately prefer to maintain the status quo.

In order to examine this subject more deeply, to determine more precise reasons why proposals were ignored or not implemented, future research could involve interviews with additional key stakeholders in the correctional administration were interviewed in order to determine the state of conditions both in Cárcel Ex-Penitenciaría (CDP Santiago Sur) and other carceral facilities in Chile, methods used to monitor these conditions, and the reforms that they have experimented with. This could be done to more accurately determine the source of the ideas, which entities proposed them, what kind of difficulties the government has had been trying to implement them, and the success of those policies and practices.

Declaration of Conflicting Interests

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The authors received no financial support for the research, authorship, and/or publication of this article.

Notes

1. The authors use the words inmates and convicts interchangeably.
2. The Gendarmerie (the government agency responsible for running the prison system in Chile) has a daily estimate of inmates incarcerated in correctional facilities. They “count heads” in each cell but do not have a more sophisticated way of identifying the prisoners. Occasionally prisoner swaps occur, facilitating the escape of inmates. This practice involves someone else taking a prisoners’ place, for different reasons (money, hierarchical relations, etc.).
3. One would assume that with the increasing focus on addressing human rights violations in Chile, that the prison might be significantly reformed and/or closed.
4. For example, in 2015, prisons in Aysén and Magallanes had more gendarmerie officials than inmates in the facilities, at the same time that in Antofagasta a prison was reported to be holding only eight inmates, in contrast with another in the same region holding 1,312 convicts (Olivares, 2015).
5. Based on International Centre for Prison Studies, “World Prison Population List,” Chile has a rate of 240/100,000 persons incarcerated and is ranked 50 of 223 countries in the world. Downloaded June 22, 2016.
6. According to dispositions in the criminal law, guarantee courts have jurisdiction in certain neighborhoods defined by law (Article 16, Ley 7421, Aprueba el Código Orgánico de Tribunales). When they hear the reasons for detaining people, they determine whether they should be kept in preventive detention or not.
7. This is a phenomenon that is not only visible regarding prisons in Chile but also with schools and hospitals in this country.
8. The reader should keep in mind that this is not an ethnographic study. The visits and personal experience were simply the impetus for doing this research.
9. For a history of penal practices during the early years of the Chilean state, see, for example, León (1998, 2003, 2008), Becerra Benavides (2016), and Hathazy (2016).
10. The area is now rich in historic heritage. For example, nearby is Beaucheff (the School of Engineering) of the Universidad de Chile (built in 1842), also the Club Hípico (built in 1869), which is the historic horse track, as well as the well-known Parque O’Higgins (built in 1843), a very important park due to its historic role as a training center for the Military before the building of the Military School as well as for being the

traditional venue for the celebration of the national independence holiday and the traditional military parade to celebrate this event.

11. That is, 24 hr a day, 7 days a week.
12. This is the date by which this law is traceable in the Library of Congress, but the date it has in the writing is August 1.
13. It is important to note that this proposal, both in its drafting as a bill and as a plan addressed to President Alessandri Rodríguez, was highly paternalistic in terms of the presence of the state in low-income people's lives: Even though it proposed a series of social protection measures, it also contained dispositions to policy daily lives and to define behaviors considered deviant at the time (such as laziness) as psychiatric pathologies, needing state intervention (Torres Armstrong, 1941, p. 1958).
14. By the 1950s, about 60% of crimes committed were due to alcohol consumption. Because of this, legal changes were introduced to restrain alcohol consumption in the population by limiting its availability and by increasing penal sanctions for alcohol-related felonies and crimes. In addition to the further criminalization of alcoholism, vagrancy was enhanced as a crime (León, 2003, p. 260).
15. For a history of the Gendarmerie (i.e., correctional officers), see for example, Pinto Aguilera (n.d., pp. 3–5).
16. Part of the National Direction of Prisons.
17. They made Gendarmerie more responsible, in nominal terms, for the treatment of inmates, but, once again, the problem is that they are a set of Rules for Gendarmerie, and not a Law.
18. The Centros de Educación y Trabajo are semiclosed prison facilities that are mainly focused on providing inmates with education and work skills.
19. The Centros Abiertos (Open Centers) are prison facilities with reduced security measures that hold and monitor people who are serving time under alternative measures, such as nighttime imprisonment, conditional remission of the sentence, and parole.
20. One of the biggest changes that took place during the dictatorship was the implementation of the Neoliberal economic model (de la Fuente, 2010; Huneus, 2000; Solimano, 2012, pp. 22–34).
21. The Lagos administration made several amendments to the constitution in 2005, and as of 2016 a new constitutional process is taking place, through which citizens' participation is promoted, but it will not be binding regarding the demands that may arise from it.
22. Confederación de familiares y amigos de presos comunes.
23. Corporación de promoción y defensa de los derechos del pueblo.
24. It is a formal instruction and does not have the same strength than a law. It was drafted and approved only by the Ministry of Justice and not the Congress.
25. An indicator is the number of incarcerations every 100,000 people, which was of 220 in the year 2000 and 318 in 2009 (Consejo para la reforma penitenciaria, 2010, p. 22; Morales et al., 2012, p. 6).
26. This mixed system (or sistema mixto) is a policy designed to help the state build more jails. Under this model, the state pays private providers for the building and general administration of prisons. Nevertheless, the security is always in hands of the state organized and carried out by Gendarmerie.
27. The researchers were unable to locate statistics for the past 4 years.
28. According to law, and due to the lack of an incarceration law, the prison warden holds discretionary power over who is granted these benefits. Also, Justices from the Appeals Court not always approve these requirements, even if inmates comply with all the requisites. This way, people who should be granted benefits are not considered for this, overusing their time and space in prison.
29. The prison system and the enforcement of incarceration penalties are regulated by a document called "Reglamento Penitenciario" (Penitentiary Rules), which was approved in 1998 (Centro de derechos humanos, 2010; Consejo para la reforma penitenciaria, 2010, p. 42; Hathazy, 2016; Valenzuela, 2005).
30. The private management of workshops and other services had resulted in tension among penitentiary authorities, the business owners, and with inmates mainly because the licensees did not comply with the regulations for their operation (e.g., increasing prices in the commissary, overseeing discipline and safety in workshops, and underpaying inmates employed in the workshops; Fernández Labbé, 2003, pp. 95–96).

31. This was because of the amnesty and political negotiations between the Concertación and the military, so that militaries would be held in prisons with better living conditions. Actually, Manuel Contreras (head of the Dirección de Inteligencia Nacional) was charged but not incarcerated until Cordillera was finished.
32. It is a visit that Justices from the Appeals Courts do every semester to check on the living conditions of inmates, infrastructure of prisons, and legal cases (such as the granting of penitentiary benefits). They were installed in the Colony and were kept since the Penal Procedure Code in 1906.
33. This proposal was based on a bill drafted by Torres Armstrong in 1941, which he sent to the Ministry of Justice, called “Proyecto de Ley para la Defensa Social” (Social Protection Bill Draft).
34. When asked, different officials gave conflicting numbers for the total population of inmates.
35. Arriagada Gajewski (2012), using the Ley de Transparencia (the legal mechanism that ensures access of citizens to public information in Chile), asked the Ministry of Justice for a copy of the report. They denied her access arguing national security reasons (p. 26).
36. Other treaties and covenants of the United Nations System signed by Chile, with the corresponding date they were ratified are Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (1988) and its Optional Protocol (2008), Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty (2008), Convention for the Protection of All Persons from Enforced Disappearance (2007), Convention on the Elimination of All Forms of Discrimination against Women (1989), International Convention on the Elimination of All Forms of Racial Discrimination (1971), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2005), Convention on the Rights of the Child (1990), Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2003), Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography (2003), and Convention on the Rights of Persons with Disabilities (2008).
37. It is important to differentiate between an expansion in political rights and a deepening of democracy, since in the first half of the 20th century was not consistently polyarchic—following Dahl’s concept—fluctuating between elitist governments and authoritarian governments, such as the first administration of Carlos Ibáñez del Campo (1927–1931), the Socialist Republic in 1932 (installed through a coup carried out by the military), and the administration of Gabriel González Videla (1946–1952).
38. Although a series of corruption scandals existed in recent years in Chile, they do not appear to have impacted the judiciary more specifically the penitentiary system (Balán, 2011).

References

- Abiven, K. (2014). Latin America’s prisons in critical condition. *The Tico Times*, September 21. Retrieved January 23, 2015, from <http://www.ticotimes.net/2014/09/01/latin-americas-prisons-in-critical-condition>
- Agüero, B. (2011, October 20). Gendarmería trasladará a 600 mujeres del COF a cárcel de San Miguel, Diario La Tercera (online). Retrieved from <http://www.latercera.com/noticia/nacional/2011/10/680-400116-9-gendarmeria-traslada-a-600-mujeres-del-cof-a-carcel-de-san-miguel.shtml>
- Allende, S. (1971). *Address to the National Congress on May 21, 1971*, pp. 693–695.
- Álvarez, G., & Ramírez, P. (2013, August 26). Altegrity: la millonaria asesoría para modernizar las cárceles que quedó incompleta. *CIPER Chile Centro de Investigación e Información Periodística*. Retrieved April 19, 2016, from <http://ciperchile.cl/2013/08/26/altegrity-la-millonaria-asesoria-para-modernizar-las-carceles-que-queda-incompleta/>
- Anonymous. (n.d.). Memoria de la Penitenciaría de Santiago: 1834–1943. In L. Ramírez Barrera (Ed.), *La función penitenciaria en Chile. Una recopilación histórica (1843–1943)* (pp. 81–169). Santiago, Chile: Gendarmería de Chile.
- Anonymous. (2007a, March 16). Dos mil reos trasladados a nueva cárcel. *Emol.com*. Retrieved September 3, 2016, from <http://www.emol.com/noticias/nacional/2007/03/16/249413/dos-mil-reos-trasladados-a-nueva-carcel.html>

- Anonymous. (2007b). Exitoso operativo terrestre para trasladar a nuevos reos a cárcel Santiago 1. *Emol.com*. March 18th. Retrieved September 1, 2016, from <http://www.emol.com/noticias/nacional/2007/03/18/249580/exitoso-operativo-terrestre-para-trasladar-a-nuevos-reos-a-carcel-santiago-1.html>
- Anonymous. (2007c). Comisión de jueces recomienda no visar traslado de reos de Santiago 1 a ex Penitenciaría. *Emol.com*. November 16th. Retrieved September 1, 2016, from <http://www.emol.com/noticias/nacional/2007/11/16/282153/comision-de-jueces-recomienda-no-visar-traslado-de-reos-de-santiago-1-a-ex-penitenciaria.html>
- Anonymous. (2010, January 27). Informe detecta falencias de nuevas cárceles concesionadas. *El Mostrador*. Retrieved April 18, 2016, from <http://www.elmostrador.cl/noticias/pais/2010/01/27/informe-detecta-falencias-y-avances-de-nuevas-carceles-concesionadas/>
- Anonymous. (2011a, March 1). Suprema declaró colapso absoluto de las cárceles chilenas. *ADN Radio Chile*. Retrieved April 18, 2016, from <http://www.adnradio.cl/noticias/nacional/suprema-declaro-colapso-absolute-de-las-carceles-chilenas/20110301/nota/1432910.aspx>
- Anonymous. (2011b, April 14). Gobierno presenta plan de cárceles enfocado en la segregación de reos y su rehabilitación. *La Tercera*. Retrieved April 19, 2016, from <http://www.latercera.com/noticia/nacional/2011/04/680-358366-9-gobierno-presenta-plan-de-carceles-enfocado-en-la-segregacion-de-reos-y-su.shtml>
- Anonymous. (2011c, May 27). Gobierno decide no enviar más reos a la ex-Penitenciaría. *Publimetro*. Retrieved April 19, 2016, from <http://www.publimetro.cl/nota/cronica/gobierno-decide-no-enviar-mas-reos-a-la-ex-penitenciaria/xIQkeB!H4nd4nyNDWays/>
- Anonymous. (2011d, June 28). Gendarmes denuncian que dos centinelas cuidan 240 internos en Colina 1 y 2. *Emol*. Retrieved April 20, 2016, from <http://www.emol.com/noticias/nacional/2011/06/28/489684/gendarmes-denuncian-que-dos-centinelas-cuidan-240-internos-en-colina-1-y-2.html>
- Anonymous. (2011e, September 30). Plan de descongestión de cárceles disminuye hacinamiento de la ex Penitenciaría. *La Tercera*. Retrieved April 19, 2016, from <http://www.latercera.com/noticia/nacional/2011/09/680-396103-9-plan-de-descongestion-de-carceles-disminuye-hacinamiento-de-la-ex-penitenciaria.shtml>
- Anonymous. (2011f, November 19). Presidente Piñera inauguró cárcel El Manzano en Concepción. *El Concecuente.cl*. Retrieved April 18, 2016, from <http://www.elconcecuente.cl/noticia/politica/presidente-pinera-inauguro-carcel-el-manzano-en-concepcion>
- Anonymous. (2012a, April 24). Indulto a reclusos para disminuir el hacinamiento carcelario. *La Tercera*. Retrieved April 18, 2016, from <http://www.latercera.com/noticia/opinion/editorial/2012/04/894-456196-9-indulto-a-reclusos-para-disminuir-el-hacinamiento-carcelario.shtml>
- Anonymous. (2012b, September 22). Prisons in Latin America: A Journey into hell, *Economist*. Retrieved April 18, 2016, from <http://www.economist.com/node/21563288>
- Anonymous. (2013, March 10). Informe de la Corte Suprema señala que hacinamiento carcelario bajó de 42 a 23 por ciento. *Cooperativa.cl*. Retrieved April 19, 2016, from <http://www.cooperativa.cl/noticias/pais/judicial/informe-de-la-corte-suprema-senala-que-hacinamiento-carcelario-bajo-de-42-a-23-por-ciento/2013-03-10/100829.html>
- Anonymous. (2015). A cinco años del incendio en San Miguel, persiste retraso en la construcción de cárceles. *El Mercurio*. December 13. Retrieved April 19, 2016, from <http://diario.elmercurio.com/detalle/index.asp?id={fb55f67d-26a7-461d-bee5-97de17a023c9}>
- Appeals Court of Santiago. (2016a, December 14). *Semestral Prisons Visit (Statistics): Second Semester 2015*. Access granted through Ley de Transparencia.
- Appeals Court of Santiago. (2016b, December 14). *Semestral Prisons Visit (Conclusiones): Second Semester 2015*. Retrieved April 25, 2016, from <http://www.pjud.cl/documents/396729/0/CONCLUSIONES+INFORME+CARCELES+SEGUNDO+SEMESTRE+2015.pdf/5fcef4bc-1652-4144-97d2-8c781cde2438>
- Arriagada Gajewski, I. (2012). De cárceles y concesiones: Privatización carcelaria y penalidad neoliberal. *Revista de Derecho*, 25, 9–31.

- Arriagada Gajewski, I., & Rochow, D., & Centro de derechos humanos UDP. (2015). Privación de la libertad en Chile: desgobierno carcelario y afectación de derechos de la población penal. *Informe anual sobre derechos humanos en Chile 2015*. Santiago, Chile: Ediciones Universidad Diego Portales. Retrieved from <http://www.derechoshumanos.udp.cl/derechoshumanos/images/InformeAnual/2015/INFORME%20COMPLETO%202015.pdf>
- Bailey, J., & Dammert, L. (Eds.). (2005). *Public security and police reform in the Americas*. Pittsburg, PA: University of Pittsburgh Press.
- Balán, M. (2011). Competition by denunciation: The political dynamics of corruption scandals in Argentina and Chile. *Comparative Politics*, 43, 459–478.
- Becerra Benavides, N. (2016). *Transgresión a los derechos fundamentales en el sistema penitenciario en Chile y propuestas para su prevención* (Dissertation for degree in Law). Universidad de Chile, Santiago, Chile. Biblioteca del Congreso Nacional de Chile. (n.d.). Historia de la ley No 20.603. Modifica la ley No 18.216, que establece medidas alternativas a las penas privativas o restrictivas de libertad. Biblioteca del Congreso Nacional de Chile. Retrieved April 20, 2016, from <http://www.bcn.cl/historiadelaley/nc/historia-de-la-ley/4505/>
- Blaustein, J. (2016). Exporting criminological innovation abroad: Discursive representation, ‘evidence-based crime prevention’ and the post-neoliberal developmental agenda in Latin America. *Theoretical Criminology*, 20, 165–184.
- Boyle, A. (1998). Some reflections on the relationship of treaties and soft law. In V. Gowlland-Debbas (Ed.), *Multilateral treaty-making: The current status of challenges and reforms needed in the international legislative process* (pp. 25–38). Dordrecht, the Netherlands: Springer Science + Business Media.
- Bustamante, J. M. (2011, March 10). Gobierno anuncia endurecimiento de penas para ladrones de cajeros automáticos. *Emol*. Retrieved April 19, 2016, from <http://www.emol.com/noticias/nacional/2011/03/10/469194/gobierno-anuncia-endurecimiento-de-penas-para-ladrones-de-cajeros-automaticos.html>
- Canales, P., & Castillo, N. (2010, December 12). La historia de las cárceles que no llegaron a tiempo. *La Tercera*. Retrieved April 19, 2016, from <http://www.latercera.com/noticia/portada/2010/12/653-330179-9-la-historia-de-las-carceles-que-no-llegaron-a-tiempo.shtml>
- Capoccia, G., & Kelemen, R. D. (2007). The study of critical junctures: Theory, narrative, and counterfactuals in historical institutionalism. *World Politics*, 59, 341–369.
- Carnevali, R., & Maldonado, F. (2013). El tratamiento penitenciario en Chile. Especial atención a problemas de constitucionalidad. *Ius et Praxis (Talca)*, 19, 385–418.
- Centro de derechos humanos UDP. (2005). Condiciones carcelarias. *Informe anual sobre derechos humanos en Chile 2005* (pp. 15–186). Santiago, Chile: Ediciones Universidad Diego Portales. Retrieved from <http://www.derechoshumanos.udp.cl/derechoshumanos/images/InformeAnual/2005/Informe%20Anual%20DDHH%202005%20Completo.pdf>
- Centro de derechos humanos UDP. (2006). Condiciones carcelarias. *Informe anual sobre derechos humanos en Chile 2006* (pp. 15–166). Santiago, Chile: Ediciones Universidad Diego Portales. Retrieved from <http://www.derechoshumanos.udp.cl/derechoshumanos/images/InformeAnual/2006/Informe%20Anual%20DDHH%202006%20Completo.pdf>
- Centro de derechos humanos UDP. (2007). Condiciones carcelarias y derechos humanos. *Informe anual sobre derechos humanos en Chile 2007* (pp. 17–60). Santiago, Chile: Ediciones Universidad Diego Portales. Retrieved from <http://www.derechoshumanos.udp.cl/derechoshumanos/images/InformeAnual/2007/Cap%2001%20Condiciones%20carcelarias.pdf>
- Centro de derechos humanos UDP. (2008). Condiciones carcelarias. *Informe anual sobre derechos humanos en Chile 2008* (pp. 77–133). Santiago, Chile: Ediciones Universidad Diego Portales. Retrieved from <http://www.derechoshumanos.udp.cl/derechoshumanos/images/InformeAnual/2007/Cap%2001%20Condiciones%20carcelarias.pdf>
- Centro de derechos humanos UDP. (2009). Sistema penitenciario y derechos humanos. *Informe anual sobre derechos humanos en Chile 2009* (pp. 85–116). Santiago, Chile: Ediciones Universidad Diego Portales.

- Retrieved from <http://www.derechoshumanos.udp.cl/derechoshumanos/images/InformeAnual/2009/Cap%2003%20Sistema%20penitenciario%20y%20ddhh.pdf>
- Centro de derechos humanos UDP. (2010). Sistema penitenciario y derechos humanos. *Informe anual sobre derechos humanos en Chile 2010* (pp. 109–144). Santiago, Chile: Ediciones Universidad Diego Portales. Retrieved from <http://www.derechoshumanos.udp.cl/derechoshumanos/images/InformeAnual/2010/Cap%2004%20Sistema%20penitenciario%20y%20ddhh.pdf>
- Centro de derechos humanos UDP. (2014). El impacto del sistema penitenciario en los derechos humanos: la percepción de las personas privadas de libertad. *Informe anual sobre derechos humanos en Chile 2014* (pp. 245–290). Santiago, Chile: Ediciones Universidad Diego Portales. Retrieved from <http://www.derechoshumanos.udp.cl/derechoshumanos/images/InformeAnual/2014/Cap%2006%20Impacto%20del%20sistema%20penitenciario%20en%20los%20ddhh%20percepcion%20privados%20libertad.pdf>
- Chinkin, C. M. (1989). The challenge of soft law: Development and change in international law. *The International and Comparative Law Quarterly*, 38, 850–866.
- Cisternas Céspedes, J. (1997). *Historia de la cárcel Penitenciaria de Santiago: 1847–1887* (Dissertation for degree in History). Pontificia Universidad Católica de Chile, Santiago, Chile.
- Collier, R. B., & Collier, D. (1991). *Shaping the political arena: Critical junctures, the labor movement, and regime dynamics in Latin America*. Princeton, NJ: Princeton University Press.
- Consejo para la reforma penitenciaria. (2010). *Recomendaciones para una nueva política penitenciaria* (pp. 1–42). Santiago, Chile: CEJA-JSA, INAP Universidad de Chile, Gobierno de Chile, FLACSO, Fundación Paz Ciudadana. Retrieved April 22, 2016, from http://www.cesc.uchile.cl/Informe_CRPenitenciaria.pdf
- Contreras, Manuel. (2013). Exclusive interview by Matamala, D. and Rincón, M. *Primera Edición: Septiembre, a 40 años del Golpe de Estado* [News Special, September 10]. CNN Chile. Retrieved July 10, 2016, from <http://cnnchile.com/noticia/2013/09/10/manuel-contreras-los-detenidos-desaparecidos-estan-en-el-cementerio-general>
- Corporación Nacional de Reparación y Reconciliación. (1996). *Informe de la Comisión Nacional de Verdad y Reconciliación* (reedited) (Vol. 1). Retrieved June 7, 2016, from http://www.ddhh.gov.cl/ddhh_rettig.html
- Corte Apelaciones de Santiago. (2015). *Conclusiones Comisión Visita a Cárceles segundo semestre 2015*. Retrieved April 16, 2016, from <http://www.pjud.cl/documents/396729/0/CONCLUSIONES+INFORME+CARCELES+SEGUNDO+SEMESTRE+2015.pdf/5fcef4bc-1652-4144-97d2-8c781cde2438>
- Corte Apelaciones de Santiago. (2016). *Conclusiones Comisión Visita a Cárceles segundo semestre 2015*. Retrieved April 16, 2016 from <http://www.pjud.cl/documents/396729/0/CONCLUSIONES+INFORME+CARCELES+SEGUNDO+SEMESTRE+2015.pdf/5fcef4bc-1652-4144-97d2-8c781cde2438>
- Dammert, L. (2006). *From public security to citizen security in Chile. Public security and police reform in the Americas*. Pittsburgh, PA: University of Pittsburgh Press.
- Dammert, L., & Díaz, J. (2005, November). El costo de encarcelar. *Observatorio N° 9*, Programa de Seguridad y Ciudadanía, FLACSO-Chile. Retrieved from <http://cerjusc.org.pe/adjuntos/notas/prensa20120226195820.pdf>
- Dammert, L., & Malone, M. F. T. (2006). Does it take a village? Policing strategies and fear of crime in Latin America. *Latin American Politics and Society*, 48, 27–51.
- Darke, S., & Karam, M. L. (2015). Latin American prisons. In Y. Jewkes, B. Crewe, & J. Bennett (Eds.), *Handbook on prisons* (2nd ed., pp. 458–472). Abingdon, England: Routledge.
- de la Fuente, G. (2010). Continuidades y cambios de la Matriz Sociopolítica en Chile desde la reinauguración democrática. *Revista de Sociología*, 24, 179–197.
- Defensoría Penal Pública. (2016). *Defensa penitenciaria: Lugares de atención*. Retrieved July 13, 2016, from http://www.dpp.cl/pag/81/396/lugares_de_atencion
- Duce, M., & Riego, C. (2009). La prisión preventiva en Chile: el impacto de la reforma procesal penal y de sus cambios posteriores. *Prisión Preventiva y Reforma Procesal Penal en América Latina: evaluación y perspectivas* (pp. 151–212). Santiago, Chile: Centro de Estudios de Justicia de las Américas.

- Durán, P., & Dagnino, F. (2010, December 10). Juica: discurso político sobre delincuencia ha incidido en hacinamiento. *La Tercera*. Retrieved April 19, 2016, from <http://diario.latercera.com/2010/12/10/01/contento/pais/31-52798-9-juica-discurso-politico-sobre-delincuencia-ha-incidido-en-hacinamiento.shtml>
- Fernández Labbé, M. (2003). *Prisión común, imaginario social e identidad. Chile, 1870–1920*. Santiago, Chile: Editorial Andrés Bello.
- Filho, J. (2013). The rise of the supermax in Brazil. In J. I. Ross (Ed.), *The globalization of supermax prisons* (pp. 129–144). New Brunswick, NJ: Rutgers University Press.
- Fuentes, C. (2004). *Contesting the iron fist: Advocacy networks and police violence in democratic Argentina and Chile*. Abingdon, England: Routledge.
- Fundación Paz Ciudadana. (2006). *Balance 2005: Delincuencia en Chile. Evolucion y desafíos*. Retrieved July 13, 2016, from http://www.pazciudadana.cl/wp-content/uploads/2013/07/2006-05-04_Balance-2005-Delincuencia-en-Chile-evoluci%C3%83%C2%B3n-y-desaf%C3%83%C2%ADos.pdf
- Fundación Paz Ciudadana. (2013). *Anuario de estadísticas criminales 2014*. Retrieved July 3, 2016, from <http://www.pazciudadana.cl/publicacion/anuario-de-estadisticas-criminales-2012/>
- Fundación Paz Ciudadana. (2015). *Balance de la delincuencia en Chile, 2014. Radiografía del sistema de seguridad y de justicia*. Retrieved from <http://www.pazciudadana.cl/publicacion/balance-de-la-delincuencia-en-chile-2014-radiografia-del-sistema-de-seguridad-y-justicia/>
- Garcés, C. (2010). The cross politics of Ecuador's penal state. *Cultural Anthropology*, 25, 459–496.
- Garcés, C. (2014a). Ecuador's "black site": On prison securitization and its zones of legal silence. *Focaal*, 68, 18–34.
- Garcés, C. (2014b). Denuding surveillance at the carceral boundary. *South Atlantic Quarterly*, 113, 447–473.
- Garretón, M. A. (2010). La democracia incompleta en Chile: la realidad tras los rankings internacionales. *Revista de Ciencia Política*, 30, 115–148.
- Glaser, B. G., & Strauss, A. L. (1967). *The discovery of grounded theory: Strategies for qualitative research*. Chicago, IL: Aldine.
- Gobierno de Chile, Presidencia de la República (1977). Decreto 1337, December 30th 1977: Aprueba el documento "Programas Ministeriales. Año 1978" e imparte instrucciones al respecto (pp. 160–166). Santiago, Chile, San Joaquín: Library of Pontifical Catholic University. Colección general: 353.072 C537p.
- González Berendique, M. A. (1967). Bases para una reforma penitenciaria. *Revista de Ciencias Penales*, 26, 86–110.
- Gowland Debbas, V. (1998). Introductory remarks. In V. Gowland Debbas (Ed.), *Multilateral treaty-making* (pp. 1–9). Dordrecht, The Netherlands: Springer Science + Business Media B.V.
- Grugel, J., & Riggirozzi, P. (2012). Post-neoliberalism in Latin America: Rebuilding and reclaiming the state after crisis. *Development and Change*, 43, 1–21.
- Hafner-Burton, E., & Tsutsui, K. (2007). Justice lost! The failure of international human rights law to matter where needed most. *Journal of Peace Research*, 44, 407–425.
- Hathazy, P. (2016). Remaking the prisons of the market democracies: New experts, old guards and politics in the carceral fields of Argentina and Chile. *Crime, Law and Social Change*, 65, 163–193.
- Huneus, C. (2000). Technocrats and politicians in an authoritarian regime. The 'ODEPLAN Boys' and the 'Gremialists' in Pinochet's Chile. *Journal of Latin American Studies*, 32, 461–501.
- Ibarra-Coronado, R. (2011). La ley de concesiones de obras públicas chilena en el tiempo. *International Law, Revista Colombiana de Derecho Internacional*, 19, 183–222.
- Instituto Nacional de Derechos Humanos. (2010). "Población carcelaria". *Informe anual 2010. Situación de los derechos humanos en Chile* (pp. 131–142). Retrieved from <http://www.indh.cl/wp-content/uploads/2011/12/27555-Informe-Anual-2011-BAJA1.pdf>
- León, M. A. (1998). Entre el espectáculo y el escarmiento: el presidio ambulante en Chile (1836–1847). *Historia*, 31, 147–177.

- León, M. A. (2003). Los dilemas de una sociedad cambiante: Criminología, criminalidad y justicia en Chile contemporáneo (1911–1965). *Revista Chilena de Historia del Derecho*, 19, 223–277.
- León, M. A. (2008). Documentos para la historia de las prisiones en Chile en el Siglo XX (1911–1965), *Revista Chilena de Historia del Derecho*, 20, 371–540.
- Lessa, F. (2011). Beyond transitional justice: Exploring continuities in human rights abuses in Argentina between 1976 and 2010. *Journal of Human Rights Practice*, 3, 25–48. Retrieved from <https://doi.org/10.1093/jhuman/hur003>
- Libertad y Desarrollo (LyD). (2012, August 24). Private prisons: Revitalizing the model. *Public Issues* N° 1.076. Retrieved from http://lyd.org/other/files_mf/pi1074.pdf
- Macaulay, F. (2007). Knowledge production, framing and criminal justice reform in Latin America. *Journal of Latin American Studies*, 39, 627–651.
- Mera, A., & Centro de derechos humanos UDP. (2012). Política criminal y derechos humanos. *Informe anual sobre derechos humanos en Chile 2012* (pp. 195–218). Santiago, Chile: Ediciones Universidad Diego Portales. Retrieved from <http://www.derechoshumanos.udp.cl/derechoshumanos/images/InformeAnual/2012/Cap%207%20POL%20C3%8DTICA%20CRIMINAL%20Y%20DDHH.pdf>
- Ministry of Justice. (2014, April 29). Ministro de Justicia instruye catastro de recursos en medidas de prevención y emergencia en todos los penales del país. Retrieved April 15, 2016, from http://historico.minjusticia.gob.cl/n2827_29-04-2014.html
- Ministerio de Obras Públicas, Chile. (1982). *Annual report: 1981*. Santiago, Chile, San Joaquín: Library of Pontifical Catholic University. Colección general: 353.86 C537m 1984/2
- Miranda, M. (2015, August 31). Cárceles concesionadas cumplen 10 años y no existe plan para extender el modelo. *La Tercera*. Retrieved April 15, 2016, from <http://www.latercera.com/noticia/nacional/2015/08/680-645211-9-carceles-concesionadas-cumplen-10-anos-y-no-existe-plan-para-extender-el-modelo.shtml>
- Morales, A. M., Muñoz Correa, N., Welsch Chahuán, G., & Fábrega Lacoa, J. (2012). *La reincidencia en el sistema penitenciario chileno*. Santiago, Chile: Fundación Paz Ciudadana.
- Morris, N. (1966). Impediments to penal reform. *The University of Chicago Law Review*, 33, 627–656.
- Müller, M. M. (2012). The rise of the penal state in Latin America. *Contemporary Justice Review*, 15, 57–76.
- Olavarria-Gambi, M. (2007). The economic cost of crime in Chile. *Global Crime*, 8, 287–310.
- Olivares, L. (2015). Cárceles de Aysén y Magallanes tienen más gendarmes que presos. *El Mercurio* (Online). November 29th. Retrieved April 18, 2016, from <http://diario.elmercurio.com/detalle/index.asp?id={b6b88c75-b2c6-4ba3-8f07-116c76cc5c3e}>
- O’Neill, E. (2014). Years after Chile’s deadly prison blaze, conditions still under fire, *Christian Science Monitor*, May 30. Retrieved May 12, 2016, from <http://www.csmonitor.com/World/Americas/2014/0530/Years-after-Chile-s-deadly-prison-blaze-conditions-still-under-fire>
- Oxhorn, P. (1994). Understanding political change after autocratic rule: The popular sector and Chile’s New Democratic Regime. *Journal of Latin American Studies*, 26, 737–759.
- Pérez, X (2007). Traslado de reos desde ex Penitenciaría a nueva cárcel Santiago 1 es “inminente.” *Emol.com*. March 15. Retrieved September 3, 2016, from <http://www.emol.com/noticias/nacional/2007/03/15/249197/traslado-de-reos-desde-ex-penitenciaría-a-nueva-carcel-santiago-1-es-inminente.html>
- Pierson, P. (2000). Increasing returns, path dependence and the study of politics. *American Political Science Review*, 94, 251–267.
- Pinto Aguilera, M. (n.d.). *Fundamentos teóricos para el entendimiento de la función y vida intramuros de los Gendarmes en el sistema carcelario chileno*. Retrieved April 26, 2016, from <http://www.biblio.dpp.cl/biblio/DataBank/3752-2.pdf>
- Roa Orellana, N. (2013). *Ejecución de la ley penal: la necesidad de codificación penitenciaria* (Dissertation for degree in Law). Universidad Austral de Chile, Santiago, Chile.
- Rojas, C. (2012). Gendarmería asegura que hacinamiento en cárceles chilenas disminuyó un 33% en dos años. *La Tercera*. November 29. Retrieved April 19, 2016, from <http://www.latercera.com/noticia/nacional/2012/>

- 11/680-495980-9-gendarmeria-asegura-que-hacinamiento-en-carceles-chilenas-disminuyo-un-33-en-dos.shtml
- Ross, J. I. (2006). Guantánamo y sus consecuencias. In R. Bergalli & I. Rivera Beiras (Eds.), *Tortura y Abuso de Poder* (pp. 21–38). Barcelona, Spain: Anthropos Editorial.
- Ross, J. I. (Ed.). (2013). *The globalization of supermax prisons*. New Brunswick, NJ: Rutgers University Press.
- Ross, J. I. (2016). *Key issues in corrections*. Bristol, UK: Policy Press.
- Ross, J. I., & Rothe, D. L. (2013). Guantánamo: America's foreign supermax in the fight against terrorism. In J. I. Ross (Ed.), *The globalization of supermax prisons* (pp. 145–160). New Brunswick, NJ: Rutgers University Press.
- Rothe, D. L. (2013). A globalized militarized prison juggernaut: The case of Abu Gharib. In J. I. Ross (Ed.), *The globalization of supermax prisons* (pp. 232–258). New Brunswick, NJ: Rutgers University Press.
- Saavedra, O. (2012, January 10). Ministro de Justicia explica por qué decidió sobreocupar esos penales: “Soy el responsable de saturar las cárceles concesionadas hasta el 119%.” *El Mercurio*, C9. Retrieved April 19, 2016, from <http://impresa.elmercurio.com/Pages/NewsDetail.aspx?dt=2012-01-10&PaginaId=9&bodyid=3>
- Salinero Rates, M. A. (2014). Programa de Defensa Penitenciaria: Una Contribución al Acceso a la Justicia. *Debates Penitenciarios*, 19, 3–22.
- Sanchez, M. (2006). Insecurity and violence as new power relation in Latin America. *Annals of the American Academy of Social Science*, 606, 178–195.
- Siavelis, P. M. (2000). Disconnected fire alarms and ineffective police patrols: Legislative oversight in post-authoritarian Chile. *Journal of Inter-American Studies and World Affairs*, 42, 71–98.
- Silva, P. (1991). Technocrats and politics in Chile: From the Chicago boys to the CIEPLAN Monks. *Journal of Latin American Studies*, 23, 385–410.
- Solimano, A. (2012). *Chile and the neoliberal trap. The post-Pinochet era*. New York, NY: Cambridge University Press.
- Torres Armstrong, E. (1941). Proyecto de Ley sobre Defensa Social. In Varios, chapter 2, Biblioteca Nacional, Catálogo General: 10 (706-7).
- Torres Armstrong, E. (1958). Algunas Ideas para Combatir y prevenir la Delincuencia. A su Excelencia el Presidente de la República, Don Jorge Alessandri Rodríguez (Santiago de Chile, 3 de noviembre de 1958) in Varios, Folletos no. 3, chapter 7, Biblioteca Nacional, Catálogo General: 10 (909-2).
- Ungar, M. (2003). Prisons and politics in contemporary Latin America. *Human Rights Quarterly*, 25, 909–934.
- Valenzuela, J. (2005). Estado actual de la reforma al sistema penitenciario en Chile. *Revista estudios de la justicia*, 6, 191–209.
- Various authors. (1964). Proyecto de Ley que crea los juzgados de instrucción y de sentencia en materia criminal e introduce diversas modificaciones a los códigos penal, de procedimiento pena y orgánico de tribunales, a Informe de la Comisión de Constitución, legislación y justicia de la Honorable Cámara de Diputados. *Revista de Ciencias Penales*, Tercera época, No. 1 (XXIII). Varia, 96–136.
- Wacquant, L. (2003). Toward a dictatorship over the poor? Notes on the penalization of poverty in Brazil. *Punishment & Society*, 5, 197–205.
- Wacquant, L. (2004). Prefacio a la edition para America Latina. Mister Bratton comes to Buenos Aires. In L. Wacquant (Ed.), *Las Carceles de La Miseria* (pp. 11–19). Buenos Aires, Argentina: Edicions manatial (segunda reimpression).
- Wacquant, L. (2008). The militarization of urban marginality: Lessons from the Brazilian metropolis. *International Political Sociology*, 1, 56–64.
- Wood, D. (2016). General Pinochet's long shadow still hangs over Chile's National Stadium. *The Conversation*, December 19. Retrieved from <http://theconversation.com/general-pinochets-long-shadow-still-hangs-over-chiles-national-stadium-70305>

Laws/Legal Cases cited

- Biblioteca del Congreso Nacional de Chile. Decree N° 2140, Ministry of Justice, 1911. www.bcn.cl. Downloaded April 27, 2016.
- Biblioteca del Congreso Nacional de Chile. Decree N° 2706, Ministry of Justice, 1911. www.bcn.cl. Downloaded April 27, 2016.
- Biblioteca del Congreso Nacional de Chile. Law Decree N° 32, 1925. www.bcn.cl. Downloaded April 27, 2016.
- Biblioteca del Congreso Nacional de Chile. Decree N° 805, Ministry of Justice, 1928. www.bcn.cl. Downloaded April 27, 2016.
- Biblioteca del Congreso Nacional de Chile. Law 11256, 1954. www.bcn.cl. Downloaded April 28, 2016.
- Biblioteca del Congreso Nacional de Chile. Law 11625, 1954. www.bcn.cl. Downloaded April 28, 2016.
- Biblioteca del Congreso Nacional de Chile. Decree in Force of Law N° 189, 1960. www.bcn.cl. Downloaded April 25, 2016.
- Biblioteca del Congreso Nacional de Chile. Decree N° 3140, 1965. www.bcn.cl. Downloaded April 25, 2016.
- Biblioteca del Congreso Nacional de Chile. Law Decree N° 2859, 1979. www.bcn.cl. Downloaded April 25, 2016.
- Biblioteca del Congreso Nacional de Chile. Law Decree N° 3464, 1980. www.bcn.cl. Downloaded April 30, 2016.
- Biblioteca del Congreso Nacional de Chile. Decree N° 518, 1998. www.bcn.cl. Downloaded April 25, 2016.
- Biblioteca del Congreso Nacional de Chile. Decree N° 956, 2004. www.bcn.cl. Downloaded July 10, 2016.
- Biblioteca del Congreso Nacional de Chile. Decree N° 644, 2013. www.bcn.cl. Downloaded July 10, 2016.
- Biblioteca del Congreso Nacional de Chile. Código Orgánico de Tribunales. www.bcn.cl. Downloaded April 28, 2016.
- Biblioteca del Congreso Nacional de Chile. Reforma Procesal Penal. www.bcn.cl. Downloaded April 29, 2016.
- Biblioteca del Congreso Nacional de Chile. Código de Procedimiento Penal. www.bcn.cl. Downloaded April 29, 2016.
- Biblioteca del Congreso Nacional de Chile, History of Law 20.603. www.bcn.cl. Downloaded April 25, 2016.
- Cámara de Diputados, Legislatura 355a, Sesión 11va. Wednesday, April 4, 2007. www.bcn.cl.

Author Biographies

Jeffrey Ian Ross, PhD, is a scholar, professor, and criminologist specializing in the fields of policing, corrections, political crime, violence, street culture, and crime and justice in American Indian communities. His website is www.jeffreyianross.com

Barbara Barraza Uribe graduated as a political scientist from Pontifical Catholic University of Chile. Upon graduation, she worked for one year at the Research and Projects Department in the National Defense Bureau. She is currently pursuing an MA degree in Gender and Culture Studies at Universidad de Chile and works at Pontifical Catholic University as Institutional Analyst for the School of History, Geography and Political Science.