

A testimony of the effects of education on incarcerated people

DOI: <https://doi.org/10.32870/dse.v0i16.394>

Francisco Torres Hernández

Foreword

The first higher education course at the Reclusorio Metropolitano in Puente Grande, Jalisco,¹ Mexico began in February 2017. Four of the ten incarcerated students registered in the course had previously studied a Bachelor's degree, but only one of them had earned it inside the penitentiary system.

This text recounts a man's efforts to study within the confines of a prison, how he has used education to improve himself, and the profound effect this has had on his life and his environment. Pancho's story took place in a federal prison; in Jalisco, Inside-Out is the first higher education program in the history of the state's penitentiary system. This testimony shows the value of education for incarcerated people and their processes of reinsertion into society. Pancho's words inspire admiration for his perseverance and his determination to study, and are proof of the need to increase the academic offer available to incarcerated people in Mexico. Education is without a doubt one of the best means to promote justice, reduce social inequality, and fight the criminality generated by the multiple forms of structural violence in our society.

On April 19 1990, at the age of twenty, I was arrested after a shooting with the Guadalajara Police and sent to the ward for detained patients of Guadalajara's Civil Hospital with a bullet wound in my femoral artery. As soon as my wound healed, I was transferred to the Reclusorio Preventivo. Three years later, I was sentenced to 32 years and 8 months of prison for homicide, and sent to the Centro de Readaptación Social (CRS) No. 1 of Jalisco. I did not spend a long time there: on October 17 1994 I was incarcerated in the Centro Federal de Readaptación Social (CEFERESO) No. 2 Occidente, a maximum security prison. There I studied elementary school, secondary school and high school, the studies offered at the Centro Federal Occidente when I arrived there.

In 1997, Universidad América Latina began to offer the majors in Psychology, History, Business Management, and International Commerce to incarcerated people at the CEFERESO No. 2. When I finished high school in 2001 I applied for a scholarship to study a major but the university covered only 25% of the cost, and therefore I could not do it.

I wanted to continue my studies, so I decided to ask Mexico's Supreme Court for books to study Law. My request was granted and I was sent all the materials I needed. Thus, the Institu-

¹ The seminar "Crime, Justice and Social Inclusion" is part of the Inside-Out Prison Exchange Program that began to operate in Latin America at the Center for Social Re-Adaptation of Female Inmates in Puente Grande in 2016. See the article by José Isaac Jiménez Durán and Danielle Strickland in this issue for further information on the Inside-Out program.

te of Judicial Specialization of the Judiciary Power of Mexico's Supreme Court encouraged my independent studies for two years by sending me books and other documents about the laws that rule our country.

In 2003 Universidad América Latina, together with CEFERESO No. 2 Occidente, began to offer the major in Law for incarcerated people who could not afford the expenses of the major and offered us the classes in an inter-institutional program; that is, the university would provide the reading materials and exams to the CEFERESO's educational department. It was an open system in which inmates studied on their own and the CEFERESO's Legal Department applied the exams for each module.

I began with the core curriculum: Methodology of Learning, Re-Adaptation Workshop, Philosophical Anthropology, Social Psychology, Sociology, Introduction to Administration, Scientific Method, Research Methodology and English I, II and III. Then I studied the remaining subjects² until I finished the Major in Law in 2008. At the same time I continued studying the reading materials sent to me by the Supreme Court on the subjects of *Amparo*³ Law, Sentencing, and Forensic Science. These materials complemented the Universidad América Latina's curriculum and allowed me to have a deeper understanding of Mexico's laws and judicial system.

As soon as I finished my studies I began to practice with my own legal situation. At that time my sentences added up to 70 years in prison and I was labeled with a high criminological profile that made it impossible to be released from a Federal Center. My first writing was about an unspecified incident, in which I asked the judge for a modification of the sentence; that is, to apply a law that was more favorable to the inmate. It was denied but I did not give up. I then filed an *amparo* with a district judge with the same request, and it was accepted.

In view of this achievement, some other inmates at the Centro Federal Occidente asked me to help them. I asked the courts for legal information on their cases, I applied for modifications of sentences and filed for direct and indirect *amparos*, according to the procedure corresponding to their cases, and won 32 of them. After this the Centro Federal made me sign a paper in which I agreed to stop defending my fellow inmates in their legal situation, not in regard to their sentences but in regard to their administrative situation; that is, I was able to continue supporting them on their cases, but I could not file any more *amparos* against the CEFERESO requesting better living conditions within the prison.

I was first sent to prison on April 19 1990. Four and a half years later I was sent to the CEFERESO without any hopes, but when I found out that I could go to school inside the prison I de-

² The curriculum consisted of Introduction to the Study of Law, General Theory of Law, Roman Law, Constitutional Law, Civil Law I, II, III and IV, General Theory of the State, Human Rights, Mercantile Law I and II, Agrarian Law, Criminal Law, Administrative Law, Banking Law, Civil Process, Criminal Process, Labor Law, Private International Law, Public International Law, Mercantile Process Law, Legal Medicine, Labor Process Law, Theory of Crime, General Process Theory, *Amparo* Law, Legal Argumentation, and Professional Labor Ethics.

³ Translator's Note: the *Amparo* is a constitutional guarantee unique to Mexico that protects people against unlawful and arbitrary acts or authorities.

cided to study. Eighteen years after being imprisoned I achieved my goal of earning a Bachelor's degree. Now this achievement is part of my record in my files at the CEFERESO No. 2 Occidente and the Administration of Crime Prevention and Social Re-Adaptation (*Órgano Administrativo de Prevención y Readaptación Social*) in Mexico City.

From the 70 years in prison to which all my sentences added up, I was able to reduce my imprisonment to 32 years and eight months, after exhausting the lines of direct *amparo*. I have also applied the knowledge I have acquired to improving my living conditions in prison, and requested a transfer to a different prison. This request was denied and I filed an *amparo*, which was also denied on the grounds that I had a high criminological profile, and therefore I should remain in a maximum security prison.

I had spent 16 years in that prison, and I responded by questioning the Centro Federal's re-adaptation model. With so many years there, how was it that I was allegedly unable to re-adapt? I inquired into the arguments of the Centro Federal as to why my criminological profile had not decreased, and I was told that psychologically I was antisocial. I requested the court to be given group psychological therapy with reconstruction of values, and my request was approved. I participated in the therapy program for six months and filed my psychological assessment at the end, which allowed me to be transferred to a medium security prison.

After this *amparo*, group psychological therapy began to be given to all the people imprisoned at Centros Federales. Five more *amparos* on this issue were subsequently won at the Supreme Court of Justice, resulting in a law that is now applied in all the centers for re-adaptation. Group psychological therapy is used now in all federal prisons, both for inmates and for prison staff that work at courts, and it is considered in the law to contribute to a better reinsertion into society.

Thanks to the opportunities of education at the CEFERESO No. 2, which I took, I was able to promote this *amparo*, as well as its application for the re-adaptation of incarcerated people in Mexico.

I was transferred to the Reclusorio Metropolitano in Puente Grande, Jalisco, on February 2 2016. My living conditions improved, I was treated better, and I had new opportunities to study and continue learning. After 27 years in prison, I look forward to my release. I am currently conducting my defense in studies of benefits. If I am granted them I can go free; if they are denied, I will continue to fight for them through *amparos*, because reinsertion into society can only be achieved given the means to achieve it. My dream is to be released and work on cases of inmates who have had no proper defense, so they can be defended according to the law.