**Brazil’s Prison Reforms: Transforming Penal Systems and Democracy?**

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I had walked through prisons in Brazil where the cement walls were so old and cracked that — beyond its symbolic gesture — I wondered what the point was of having a barred door with a lock. But the maximum-security prison I visited this summer in Espírito Santo State was quite different. Its cement hallway was tall and sturdy, with freshly painted yellow walls. As I approached the entrance, an electronic door was queued to open by the central surveillance room, where officers now use computers and cameras to monitor the prisoners’ activities 24 hours a day — from monitoring inmate interactions on the yard to counting the number of electronic doors open at any given moment throughout the entire building.

The warden explained the daily prisoner routine and the functions of the structure of the facility. This prison was horizontally built to facilitate security and “management” of inmates — its design is an architectural strategy to reduce the possibility of deadly hostage situations. In a back room, we climbed up a ladder to the second floor, where we walked through a tunnel that took us to an exit onto the roof — an escape route in case of rebellion. Tunnels also lined the periphery of the entire second floor, where maintenance of electricity and water supply could be conducted — wires and pipes are now only accessible from these tunnels so that inmates cannot access them.

The architecture is one component of a broader state project to assert control over inmates and neutralize the possibility of a “rival” social order inside the prison. New weapons technologies have been employed — from pepper-spray to chemical weapons and new firearms — each of which has its particular function for a given incident and degree of “inmate infraction.”

But alongside these new techniques of state control, facilities in Espírito Santo — including the ones I visited this summer — also revealed a project of inmate “re-socialization,” or social re-insertion. Over the past 10 years, the Secretary of Justice, who is responsible for all prison administration in the state, developed and expanded departments and invested in initiatives to extend and standardize provision of medical care, education, and professional training. Among the individuals I interviewed — including medical personnel, security officers, wardens, and administrators — there was a pervasive notion that the majority of incarcerated individuals end up in prison in part due to factors that often coincide with economic inequality and unequal access to goods and services.

For prison administrators, re-socialization was explicitly tied to the goal of facilitating inmates’s return to society by increasing the provision of education, professionalization, medical care, and religious services. I walked into classrooms with teachers giving lessons to rooms filled with prisoners at blue desks in neat rows and columns. I saw the sterile medical clinic and supplies, the room for social and family services, and a designated room for conjugal visits. Of course, these services have not reached the entire inmate population in Espírito Santo, but it raises several questions about the changes in specific state carceral systems (prisons and jails) and how they relate to the politics of democracy in Brazil. Crucially: What does it mean that Espírito Santo’s prisons have simultaneously (1) undergone a dramatic security remodeling that architecturally resemble many North American high security prisons, and (2) actively constructed and implemented means to provide basic social services to its rapidly growing inmate population?

**Incarceration in Brazil: 30 Years of Penal Execution**

In July 2014, the Brazilian Bar Association (Ordem dos Advogados, OAB) organized a national conference in Vitória, Espírito Santo to reflect on and discuss Brazil’s prison system. The central focus of the panelists — made up of attorneys, scholars, journalists — was to reflect on today’s challenges and on how the nation has come to confine the fourth largest inmate population in the world over the course of 30 years, since the passage of the 1984 penal code (Lei de Execução Penal,LEP), which coincided with the very beginnings of the process of democratization.

As of 2012, the most recent year for which data has been made available, Brazil confined over

550,000 inmates,[[1]](#footnote-1) by far the largest prison population in Latin America. Most of Brazil’s prisons and jails reveal how the carceral system is one of the most perverse components of a state’s apparatus of force. The nation’s overcrowded prisons are plagued by rampant violence, systematic human rights violations, and a gross lack of basic medical and social services. Most states lack adequate recording practices, leaving some confined individuals unaccounted for and others with long delays in case processing — approximately 40 percent of Brazil’s inmate population have not been to trial, and it is not uncommon for them to remain confined for months, or sometimes even years, without trial.[[2]](#footnote-2) Conditions for pre-trial and convicted inmates alike are dismal and unhygienic, with inadequate food leaving prisoners hoping for weekend visitors to bring a palatable meal.

Notably, Attorney Francisco de Assis França Júnior (OAB, Alagoas), and professors Salo de Carvalho and Maria Lúcia Karam, emphasized the urgency of dealing with two central issues:

* A growing carceral population that has in large part been impacted by drug trafficking *laws* and the resulting violence from these regulations;
* Systematic violations of due process that contribute to pre-trial inmates comprising almost half of the nation’s carceral population.

The unconstitutional and inhumane conditions of the Brazilian prison system were emphasized throughout the conference. But what would a more “democratic” prison system look like? During my visit to Espírito Santo, I witnessed an example of the significant variation in state-level carceral systems. Changes are underway, and only by looking more closely can we understand how such changes relate to the politics of democratization and a not-so-distant military past.

**Who and How to Punish?**

There are two key political challenges that sit uneasily alongside each other in the Brazilian political sphere: (1) Shortly after Brazil’s adoption of neoliberal policies, violent crime began to increase, and there has come to be a public sense of impunity, not just for white collar crime, but for the many violent offenders who continue freely in the streets. (2) U.S.-inspired zero tolerance policies and drug laws have contributed to a growing incarceration rate that has disproportionately impacted black and *pardo* citizens from disadvantaged social classes, [[3]](#footnote-3) which has perpetuated social inequality along racial and class lines. On the one hand, the government is criticized by the media and general public for not punishing enough. And, on the other, it is criticized for perpetuating inequalities by incarcerating the very citizens who have been disadvantaged due to the state’s neglect.

The big question is not only *who* should be punished, but, as a democratic state… *how* should they be punished?

Scholars have suggested that prison conditions in Brazil and in Latin America more generally remain a black hole in the process of forming a democratic government.[[4]](#footnote-4) But, the initiatives in states such as Espírito Santo (and Minas Gerais) that emphasize re-socialization alongside new technologies of security demonstrate that local transformations are underway that demand a closer look.

In contrast to the United States and many European countries,[[5]](#footnote-5) political aims have not entirely gone from promoting a philosophy of rehabilitation to brute confinement. Brazil’s prisons have a long history of being repressive apparatuses. Just as it would be an oversimplification of Brazil’s reality to expect that economic development would take the same form as in the so-called Global North, as some states turn toward re-socialization initiatives, we should understand current transformations in the prison system as an opportunity to raise new questions about the relationship between penal structures and democratic governance.

1. Departamento Penitenciário Nacional (DEPEN). 2012. *Sistema Integrado de Informações Penitenciárias.* Retrieved (<http://portal.mj.gov.br/>); World Prison Brief. 2012. International Centre for Prison Studies. [www.prisonstudies.org/](http://www.prisonstudies.org/) [↑](#footnote-ref-1)
2. Ferreira, H. and N. Fontoura. 2008. *Sistema de Justiça Criminal no Brasil*. Instituto de Pesquisa Econômica. [↑](#footnote-ref-2)
3. The three largest racial/ethnic categories incarcerated are the following: 16% black; 41% pardo (mixed race); 34% white. Among the prison population, 85% achieved less than a high school degree before incarceration (DEPEN 2012). Today, less than 1% of the inmate population has even entered a college program (DEPEN 2012). [↑](#footnote-ref-3)
4. Salla, Fernando. 2003. “Os impasses da democracia brasileira: O balanço de uma década de políticas para as prisões no Brasil.” 419–35. [↑](#footnote-ref-4)
5. Feeley, M. and J. Simon. 1992. “The New Penology.” *Criminology* 30(4); Wacquant, L. Forthcoming. “Marginality, Ethnicity and Penality in the Neoliberal City.” [↑](#footnote-ref-5)