THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

HARD TIMES: EXPLORING THE COMPLEX STRUCTURES AND ACTIVITIES OF

BRAZILIAN PRISON GANGS

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Declaration of Authorship

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Abstract

This research examines the presence of organised criminal groups in prison and its influence on inmate's interaction and on the prison system of Rio de Janeiro. Information collected from a series of in-depth interviews with prisoners and ex-prisoners, members and non-members of the criminal groups and authorities of the criminal justice system, suggests that the current social organisation of prisons is working favourably towards the further development of organised crime and deviant behaviour. Prisoners are subordinated not only to the prison administration but also to the gang leaders. If a convict had no links with drug trafficking prior to incarceration, they definitely create one behind bars. Ninety-eight percent (98%) of interviewees from the sensitive sample engaged in drug trafficking while in prison. Off-brand inmates, those who are the less conspicuous convicts, end up engaging in illegal activities to avoid retaliation, perpetuating then a cycle of violence in a fragmented geopolitical gang space behind bars.

Political pressure towards the validity of the classification system stratified by gang affiliation has impacted on the prison administration to create multiple categories of prisoners, which are mutually exclusive. This has had pervasive impacts on penal affairs such as allocation of sentences, lack of vacancies and disruption of prisoner's routine. The research shows that the State goes beyond classification of inmates by gang affiliation; it has incorporated elements of gang's violent tradition to assess and influence justice and prisoner's progression. This study offers an interesting scope for a comparative analysis through the study of anti-prison gang strategies. Experiences around the globe have been driven to target gangs with racial and ethnical rivalries. Prison gangs in this study are devoted to a more capitalist goal: the monopoly of illegal drug markets in the streets. Such understandings and contextualizing make a significant contribution to re-examining the role of inmate culture as well as the value of contemporary penal reforms designed to making the penal institutions more responsive and interventionist in addressing inmate needs.

Key Words: prison gangs • inmate community • social organisation • social interaction • off-brands • organised crime • drug trafficking • Brazil

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This thesis is dedicated to my father, a great friend, for all his orientation and support throughtout my life.

<div align="right">
In memoriam to my grandmother and uncle
Who died while I was in London.
</div>

With bars they blur the gracious moon
And blind the goodly sun
And they do well to hide their Hell
For in it things are done
That son of God nor son of Man
Ever should look upon

in 'The Ballad of Reading Gaol'
Oscar Wilde 1897

Acronyms

ADA – Amigos dos Amigos (Friends of Friends)

CV – Comando Vermelho (Red Command)

DEPEN – Departamento Penitenciário Nacional (National Penitantiary Department

Offbr – Offbrand inmates

RAESP – Rede de Apoio ao Egresso do Sistema Penitenciário (Network of Support for the Former Prisoner of the Penitentiary System)

SEAP – Secretaria de Estado de Administração Penitenciária (State Secretariat for Prison Administration)

TC – Terceiro Comando (Third Command)

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Introduction

This thesis looks at the social organization of prisons in Brazil, and more specifically in Rio de Janeiro, where prison gangs has posed as a penitentiary and public security problem for at least two decades. The stratification of the prison system however has currently multiplied, and prisons are now divided according to gang affiliation or gang discord. This has had many detrimental effects on prisoners and penal affairs, which will be developed through out this research. The central focus of this research is on prison segregation as a response to the multiplication of gangs and its impact on prisoners, the prison administration and organised crime.

In this important field, which has tended to be dominated by US research and a dominant racial and ethnic characteristic, the original contribution to knowledge from this work comes from the particular analysis of the proliferation of prisoners' categories, amongst which are prison gangs who dominate the inmate community, and how they relate to each other, and how does penal affairs relate to them. This was the trigger point to start this research: my observation of prisoners' allocation into a milieu of varied classifications, none of which follows any national or international law. It is a creation of multiple categories, most of which are mutually exclusive, generating a chaotic prison management and a violent ethos for inmates.

This research is an original piece of work, which examines the role of prison gangs in Brazil through a series of in-depth interviews with inmates, ex-convicts and various professionals working in the Criminal Justice field. My research aim is two-fold. The first is to investigate and analyse the impacts of segregation on prison experience of inmates from different categories: gang members, non-gang members, and other created classifications of prisoners, such as the religious groups. Within a sociological and criminological framework, it seeks to explore the beneficial and detrimental effects of segregation in relation to imprisonment, social control and deviant behaviour.

The second aim of my research is to analyse the limitations of the state inside and outside of prison. What is the state's response to crime gangs? Does it reinforce offenders' involvement in crime? The thesis has several objectives that contribute towards meeting the overall aims: to understand how is it to live under segregation; to find out if there is any difference between one institution/gallery to another; translate the relationships between prisoners; and to check if segregation has any impact on the prisoner's sentence and progression. Looking at these issues involves studying the macro-scope of the state's response to crime, re-examining the role of inmate culture and assessing the value of the contemporary penal reforms designed to make institutions more responsive and interventionist in addressing the needs of detainees. If delinquents are a product of the institutions, then it is also true that the institutions are a product of the delinquent (Foucault, pp 249: 1977).

There is still much ground for research into prisons and prison gangs, and their adaptations and criminal networks, because prison gangs can have many forms and shapes and vary in terms of the strategies they pursue and the degree to which they consolidate and proliferate (Lessing, 2010; Knox, 2005). Prison gangs around the world offer a wide variety of different strategies, membership profiles, degrees of institutionalization and historical trajectories. Some prison gangs form around racial, ethnic, religious, or geographic cleavages among prisoners, while others distinguish themselves with ideological or behavioural codes or symbolic identities (Lessing, 2010). Fleisher and Decker, both experts in criminal justice, have stated: "We have only a rudimentary knowledge of prison gangs as social operating inside prisons and of the interplay between street gangs and prison gangs. Thus the scope, understanding, and study of prison gangs are broader and somewhat different from street gangs. One thing we do know: prison gangs are a final frontier and a prison manager's biggest nightmare" (2001a: pp 2).

The thesis is organized in seven chapters. The first introductory section explains the origins of prison gangs and organised crime in Rio and in Brazil through a historical background and contemporary context. It gives profile of Brazil's political economy and Brazil's prison to explain its severity to penal practices. The second part of the chapter focus on the conceptual framework used in the research to evaluate the hypothesis. The research is grounded on sociological literature of prison, crime and

deviance, social control and social interaction. A debate on the problematic definition of gangs, prison gangs and organised crime is found on this chapter in order to enlighten the definitions used in this research. Literature on prison gangs shows that they are similar to organise crime, much more than their counter parts on the street. There is still much ground for research into prisons and prison gangs, and their adaptations and criminal networks because prison gangs can have many forms and shapes and vary in strategies they pursue and the degree of which they consolidate and proliferate. The chapter closes with some details on the establishment of Brazilian prison gangs.

Chapter two covers the biography of the fieldwork and the decisions regarding the research project. It details my methodological approaches and difficulties in accessing the samples. The last part of the chapter shows the structure, guides and the emerging themes from the research.

The third chapter introduces some qualitative data and verses on the turf domination of the prison and the *favelas* as an economic and socio-political force where organized crime has been established. It explains the general hierarchy of these criminal gangs and its *modus operandi* in the specific context of Rio.

Prisons are special communities, which exist at once outside and inside the social community (Liebling, 2004). They are shaped by social and political ideas about crime, punishment, social order, and human nature. Prisons are also shaped by relationships that are formed over time, and by values, practices, memories, feelings and interactions (Ibid). But there are great variations in some aspects of prison life and the quality of prisoners' daily existence. These discrepancies might be called differences in ethos or culture, and they make each prison, in this sense, unique (Ibid).

Chapter four problematizes the practices and social interactions inside the prison among each category of prisoners. It reveals that the creation of multiple categories of prisoners as a classification system is marked by violence, mistrust and ambiguity, exploitation and coercion. The drug use and drug trafficking inside these prisons are run through a culture of corruption and impunity.

Microsociological accounts of prison life should not be separated from questions that relate to the macrosociological roles that the institution performs in society (Carrabine, 2000). This thesis argues that while prisoners' responses to custody are holistic and complex and owe much to their previous criminal careers, they are also shaped by the prison's restrictions and opportunities, as well as by their social interactions prior to incarceration, while in prison and post-prison.

In practising segregation by gang affiliation, Rio has legitimised an illegal and informal group of criminals and recognised its power within the prison order (Campos Coelho, 2005). The current prison dynamics allow criminal groups to impose internal order among all inmates, rule prison life and settle disputes between drug factions. Moreover, the leaders are able to control their businesses from inside the prison, where schemes are hatched and then carried out on the streets. This changing basis of power in the inmate social system means that there are fewer grounds for accommodation between inmates and staff. Off-brands inmates suffer extortion, assault, coercion, drug use and abuse, corruption and punishment. Off-brands generally remain unorganized and silently compliant with the rigid rules of the gangs. One way to understand this relationship between the off-brands and the collective is as an enactment of the very mortification that Goffman describes (Steinberg, 2004).

Chapter five presents the State's response to prison gangs and seeks to unravel the prison routine in such reality, revealing a serious deterioration in the quality of life and prison's social service at the expense of security. More importantly, it shows that the State has incorporated elements of gang's violent tradition to assess and influence justice and prisoner's progression.

The institutionalization of prison gangs in Rio, the emergence of other prisoners' organizations, and the multiplication of inmates' categories make social order in prisons more complex and fragile. The stratification of the prison system has put security over rehabilitation and this has had detrimental effects on prisoners' routines. The power of the leaders of the gangs extrapolates the power of the social service, with intimidation and oppression. There has been a decline in inmate solidarity due to the lack of a consensual normative community. The structural accommodation of the inmates impacts penal affairs and changes penal management.

Chapter six delves into how prison gangs might act as a post prison opportunity for inmates and how prison time may restrict their access to legitimate work opportunities. This section also shows how inmates and gang members discover desistence among their personal experience. The incorporation of violence and exploitative norms into prison culture just makes the experience of imprisonment more traumatic for inmates after release.

Chapter eight concludes that the current social organization of the prison is incompatible with any sort of rehabilitation unless there is a change in penal practices. Gang members are the essential capital in crime-oriented groups. Prison cannot be a place for criminal regimentation. The research has looked upon both the microsociology of the prison life and the macrosociology and penal change. Adding to the kinds of control problems faced by prison regimes, such as interpersonal violence, informal economy, disobedience and abuse and disciplinary offences (Sparks et al, 1996), this research reveals the use of exploitation, dependency, gang recruitment among inmates, and the institutionalization of the gangs' codes of violence in prison progression in the criminal justice system. This research allows for further insight into the exploration of prisoners' relationships and interactions.

Part I
Chapter 1

Gangs, Prisons and the Brazilian Context

Introduction

This research investigates the current social organisation of prisons and its impact on the prison community and on inmate subculture. Inmate subculture is the result of prisoners' interaction within the formal structure of the prisons. A change in both prison population and inmates' interaction can therefore result in drastic changes in the prison community, which calls for prisons to adapt. A key debate in the literature of prison gangs describes inmate subculture either as a consequence of and reaction to the pains of imprisonment, or as an extension of prior criminal lives. This research offers new insight into the debate through the analysis of prison gangs in Rio, their establishment in prisons and their development into organised criminals on the streets.

Prison gangs in Rio are the result of unique social interactions between prisoners in a specific political context, which have been imposed and then assimilated by the general inmate community. The development of these prison gangs is an interesting case once their driving ideology was control over the inmate population and remunerative power, not only through the prison economy but also through narco trafficking outside of prison. Today, they take advantage of the failures of the system, to obtain support, regiment new affiliations for the group and maintain their outside business. Through an analysis of the underlying dynamics of the emergence of prison gangs and their development on the streets, this research investigates the current social organisation of prisons in Rio and its impact on the prison community after the establishment of organised crime, as an institution[1] within the prison setting. In other words, this research analyses the social interactions of prison gangs through their driving ideology, within the fragmented social organisation of prisons and how these have impacted inmates' interactions.

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[1] Major gangs in Chicago, Cape Town and Rio de Janeiro have been around for more than 40 years. These gangs have all spread outside their original neighbourhoods and have a history and an identity that go far beyond peer groups. In this sense, such gangs have been institutionalised (Hagedorn, 2008).

Control over the prison system allowed the main criminal group Comando Vermelho (CV) to expand to the streets, dominating Rio's retail drug points and the *favelas* out of which they operate. Prison control has been crucial in maintaining domination despite police repression. CV is organised as business association with the objective of committing illegal and profitable acts that involving participation by action or omission of public servants (Lessing, 2010). Meanwhile, throughout the 1990's the techniques pioneered by CV were copied and improved by the Sao Paulo prison gang Primeiro Comando da Capital (PCC) which shocked the world in 2006 with a series of synchronized prison riots and attacks on police and civilian targets (Caldeira, 2007a).

This introductory chapter examines the political context in which prison gangs have emerged, and discusses how they have flourished, adapted and developed outside the prison walls. The following section focuses on the broader scope of criminal justice policies in Brazil. Section two explains the theoretical framework used to analyse the case of organised criminality in Rio, and finds both similarities and disparities within the international literature.

This work focuses on Rio de Janeiro, which is the third smallest state among the 27 Brazilian states, with a territorial area similar to that of Switzerland. It has a population of 16 million inhabitants and a GDP of about 280 billion dollars, which corresponds to a larger economy than countries like Chile or Israel. It has a strategic location, which allows access to more than 50% of national GDP in a radius of only 500 km. Rio also holds the title of one of the major international transhipment regions for cocaine and marijuana, and is where armed organised crime groups are settled in *favelas* and prisons (Filho, 2000; Magalhães, 2000).

This research comes to light at a very particular economic and political moment for Brazil and Rio. Rio de Janeiro[2], and more broadly Brazil,[3] are both experiencing a

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[2] Consistent with this historical moment, the Metro Global Monitor, a joint publication of the London School of Economics and the Brookings Institution, pointed out that Rio de Janeiro is situated among the 10 largest cities in the world with greater economic dynamism. This study compared 150 cities in the dynamism of pre-crisis period (1993-2007) with the later period (2008-2010).

[3] Brazil is now the seventh largest economy in the world, with a GDP of over 2 trillion dollars, and with the prospect of becoming the fifth largest economy within the next five years. Brazil's is the strongest economy in

great opportunity for recovery[4] and development since the selection of the city, and the country, as a host to many important international events, such as the World Cup in 2014 and the Olympics in 2016. Big investments are being made in six strategic areas of infrastructure, transports, health, security, environment and venues. According to a study conducted by the Federation of Industries of Rio de Janeiro - FIRJAN, the state of Rio will receive a total of 102 billion dollars of new investment from public and private spheres in just three years, from 2011 to 2013, all of them confirmed and already in progress (Torres, 2012).

This moment has important implications on the Security and Criminal Justice System fronts, where important initiatives are being taken, namely the Pacifying Police Unit project (UPP), in poor communities. Those units aim at reclaiming historical territories controlled by drug dealers, and establishing police units, employing officers recently graduated from de police academy, specifically trained for the community police job, which is discussed later in the thesis. So far, the state has implemented 34 UPPs, directly impacting the lives of more than 1 million citizens. This initiative follow an economic belt within the touristic areas of the city aimed at guaranteeing safety for the international events to come. Between 2006 and 2010, expenditure on public security rose by 47% in real terms, reaching about $3 billion in 2010. The investment in the period rose from $37 million to $347 million (Cabral, 2011). These investments will return results in the medium term and will further improve the indicators of crime and some process indicators (Ferreira, 2011). In 2006, police served 8,856 arrests warrants, while in 2009 this number climbed to 11,865. Therefore, this is the perfect timing to look at Rio's prison system and its prisoners.

South America and it has also acquired a strong position in the global economy. Nowadays, Brazilian reserves have reached record levels, of over 350 billion dollars, something that was unthinkable of a few years ago. In 2010 Brazil received more than 48 billion dollars in foreign direct investments. The country has one of the fastest growing emerging economies in the world. The Gross Domestic Product expanded 4.2 percent in the first quarter of 2011, the Gini coefficient fell from 0.64 to 0.54 in the same period, and during the 1995-2008 period, as many as 12.8 million Brazilians escaped poverty, and 13.1 million more were lifted from a deeper condition of destitution (IPEA, 2011).

[4] Capital of Brazil for almost 200 years, until 1960, Rio de Janeiro has suffered a relative decline of its central role in national economy and politics. This scenario was caused by several factors such as the transfer of the political capital to Brasilia, the failed merger between the former state of Guanabara with the state of Rio de Janeiro, the premature process of deindustrialization of the state, the transfer of advertising agencies and the financial sector to Sao Paulo, and the negative effects of privatization on the local labour market. After nearly half a century of economic, political and social decline, Rio de Janeiro started to experience an exceptional recovery since 2007. Some new achievements, such as the rapid growth of the country, political integration between the three levels of government and the new form of state management have enabled a new cycle of public and private investment in our state (Urani and Giambiagi, 2011).

Over the last two decades, police response to the growth of drug trafficking organised crime has put many of its members in prison. The vast expansion of incarceration has meant the normalising of the prison experience for the gang member. Facing rising inter-gang violence inside prison walls, authorities imposed a policy of segregation for all inmates at the correctional institutions, separating gangs by tiers, cells, houses, work assignments, recreation, and even by prison.

Prison gangs serve to strengthen gangs on the street, with fluid communication between leaders inside and outside of the prison walls becoming a large force in low-level members' lives, where anti-social norms and values prevail in prison as in the inner city. Prison is a place where gang members can win or lose criminal rank and status, and therefore their time in prison can turn into a continuation of a criminal career, or a career opportunity for crime development. Jacobs (2001) describes this as being the worst-case scenario for prison gangs. The case of Rio falls into all of the above predicaments and that is how it helps build the literature on gangs and representative groups in prison. The research offers further insight into organised crime and the state's response to crime. Such understanding and contextualizing will make a significant contribution to re-examining the role of inmate culture. But firstly, let's turn to the specific political context of the case in focus.

1.1. Historical Backgrounds and Contemporary Context

Antecedents of organised criminality in Brazil, according to Silva (2003), date back to the end of the 19th century in the inlands of the northeast region of the country, where the *cangaceiros*, i.e. bandits of the wilderness, who, by then were hierarchically structured, and committed a set of crimes such as robberies and thefts and kidnapping of important and influential people (e.g. coronels). To do so, they collaborated with corrupt police officers to gain access to guns and ammunition, and they also had contact with landowners and politicians. There are many forms of organised criminality in Brazil, which are discussed later on in this chapter; such as jogo do bicho (a bet-game), casinos, trafficking of wild animals and noble woods from the Amazon, prostitution, and fiscal fraud, among others. This research focus on the drug trafficking organised crime, which dates back to the dictatorship period in the country, and its embryonic group was born within prison walls. In 1964, Brazil

entered a dictatorship, following a military coup that took power over the democratically elected President, João Goulart. This coup submitted Brazil into military rule until 1985. During the 1960s and 1970s, referred to as the *years of lead*, there were violent political repressions and persecutions.

Urban violence has increasingly taken hold in larger cities in Latin America and is becoming more associated with international drug trafficking, arms dealing and money laundering (Hinton, 2006; Leeds, 1996)[5]. The escalation of urban crime and violence in Brazil's urban areas coincides with the transitional period, from military rule (1964-1985) to electoral democracy By 1985, the enormous socioeconomic disparities that have historically characterized Brazilian society were a fertile breeding ground for the explosion of the drug trade. By the 1990s Rio had become emblematic of the urban chaos that threatened newly won democratic freedoms.

1.2. Prisons and the Military Rule

During the period between 1968 and 1978, the Brazilian military regime's economic policies succeeded in generating impressive annual growth rates – a process known as the Economic Miracle. With emerging heavy industries desperately in need of cheap labour, the military regime deliberately encouraged rural migration to cities. There was immense population growth in the cities and a lack of resources to accommodate the newly arrivals. Forced to squat in *favelas*, migrants found themselves socially and economically isolated. Between 1977 and 1984, the number of poor people rose from 40.7 million to 56.9 million, and the number of urban dwellers more than doubled from 44.667.700 in 1967 to 97.624.000 in 1985 (Hinton, 2006).

This economic prosperity was coupled with *the years of lead* (1968- 1975), when the military regime governed with more violent repressions and persecutions, and when many people died in confrontations with the armed forces. Campos Coelho (2005) reminds us, that in 1961, Rio ceased to be the national capital of Brazil, and Brasilia became the capital overnight. This had an impact on the city that lasted for decades, especially on Rio's prisons. Campos Coelho says that the deterioration of the prison

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[5] Eric Hobsbawm noted that the most basic characteristic of banditry is the precondition of economic crisis and social tension in a given society (1969).

system started around 1962 when federal financial resources ceased to be transferred the prison system.

In response to the rising number of bank robberies that were being carried out by anti-government groups[6] in order to finance revolutionary activities against the military apparatus, the government introduced by decree article 27 of the National Security Law (NSL) of 1969, which legalised the arrest of so called political opponents (Amorim, 1995, 2003). This law purposely blurred the understanding and sentencing of common crime and political crime[7]. With the NSL, all sorts of crimes were institutionalised and legitimised, enabling the framing of any citizen under the NSL. The decree redefined crimes against national security, modifying articles from the law and determining that any person who committed crimes and offences such as kidnap, robbery or theft, would be punished under the NSL, whether they were politically motivated or not. In doing so, the Government approximated the image of the 'guerrilleiro' with the common bandit, and could deny the existence of political prisoners in Brazil. Between 1969 and 1978, political and common prisoners, categorised as NSL prisoners, mingled in prisons, mainly at Instituto Penal Candido Mendes (IPCM), in Ilha Grande, an island distant three hours west from Rio (Zaluar, 2006; Campos Coelho, 2005).

The NSL prisoners were separated from the rest of the inmate community and housed together in gallery B of the IPCM[8]. For a period of 9 years, prior to the Amnesty Law in 1979, leftist political militants provided criminals with the intellectual tools and action strategies of organisation, which they used against the military regime. Inside prison walls this meant that political prisoners and common prisoners were held together in the same gallery in the same prison, segregated from the rest of the prisoners, for almost a decade. Prisons became an important place of apprenticeship, and it was in this period that the most dangerous criminal organisations emerged in prisons in Rio, initially at gallery B of IPCM. The bandits admired the organisation,

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[6] Members from the guerrilla called the robberies as expropriations (Goldman, 1989).

[7] In order to legitimise political military actions, the government passed a number of Institutional Acts (IA) that gave them extra-constitutional powers. Between 1964 and 1969 there were 17 IAs. Many of the IAs were related to obtaining power to change the Constitution, and to regulate political rights and crime. The IA-2 introduced the military Justice as being responsible for internal security, and suspended political rights and constitutional guarantees.

[8] The Instituto Penal Candido Mendes was imploded in 1994, as a symbolic event to mark the end of military rule and prisoners' ill-treatment.

discipline and fellowship of the political activists. They shared experiences and learned the *modus operandi* of guerrillas through long meetings and reunions, among which was the sense of belonging, and was named *the collective*. One example of this unity was the institution of the *Caixinha*, or slush fund, through which prisoners collected money to counteract the hardships of the prison, and purchase such things as hygienic materials, stamps for letters, etc. They also had access to rare books, with limited editions and prohibited circulation, which could only be found through an active member of the armed left wing organisation (Zaluar, 2006; Campos Coelho, 2005).

What is generally accepted in the literature, is that the NSL common prisoners learnt from the political prisoners all of the organisational and political ideology behind the guerrillas, and then later applied this knowledge to their own social cause and interests. The reasoning behind the decision of the political prisoners to educate the common prisoners is disputed. Questions about the intentions of the left organisations to doctrine and frame common criminals into the political arena are debated among some Brazilian scholars (Carvalho, 1994; Amorim, 2003). Was it the belief that convicts, as victims of social injustice, would be natural allies in the class struggle, or was it simply a result of prisoners' forced social interactions, which enabled empathy and friendship to arise through solidarity and the "pains of imprisonment"? (Goffman, 1961; Amorim, 1993; 2003; Carvalho, 1994; Campos Coelho, 2005). Whatever the real reason, common prisoners ended up copying the notion of group organisation and mutual reciprocity. However, it wasn't until after the Amnesty Law, which common prisoners were not beneficiated with, and their immediate reintegration with the rest of the inmate community, that they used these notions to gain certain rights within the prison system. As a result, a number of imprisoned non-political robbers from the NSL formed a gang, which become known as Falange Vermelha, and later Comando Vermelho – Red Command.

1.3. From Common Prisoners to Organised Prisoners

As a consequence of the Amnesty Law in 1979, these specific prisoners had to return to live with the rest of the inmate community, while the political prisoners were amnestied. After living for a decade with political prisoners, common bandits had acquired enough ideological and organisational background to create extreme tension

and shock in the rest of the prison community. Falange Vermelha was then formed by ex-NSL bandits, and mainly specialised in bank robberies. Their integration with the rest of the prison community is said to have changed the prison system radically (Campos Coelho, 2005).

This is one of the definitive moments in the history of the consolidation of the prison gangs. Inmate community in so far was notorious for its chaotic and violent conditions. Prisoners were subject to beatings, torture, robbery, rape, and murder by both inmates and guards (Campos Coelho, 2005). Sykes (1958) claimed that prisoners perform argot roles within the subculture, which evolved from adjustment to traumas of imprisonment, which include loss of liberty, material goods and services, heterosexual relationships, autonomy, and personal security. CV prisoners lived according to a collecvist ethos, which upon their reintegration with the prison masses, they promulgated as a universal code: no theft, no rape, and no prisoner-on-prisoner violence, except when decreed by the collective as punishment for transgressions (Amorim, 2003; Campos Coelho, 2005; Lessing, 2010).

The rest of the inmate community was not familiar with organised groups inside the prison (Campos Coelho, 2005; Amorim, 2003). The acquaintanceships between ex-NSL and the prisoners' community were confrontational and resulted in brutal prison violence. The ex-NSL, now Falange Vermelha, became more cohesive and imposed their teachings upon the inmate community. They kept their organisation and ideological teachings, such as the slush fund, and they put forward political motivation to fight for prisoners' rights, for better prison conditions, and against ill treatment. The inmate community had a high incidence of rape and theft among prisoners, of which Falange Vermelha did not approve. They imposed new rules on the inmate community, such as prohibition of rape and theft, and they put pressure on prison administration with collective hunger strikes and letters, denouncing ill treatment against prisoners. This is their moment of consolidation and propagation within the prison system.

The new prison rules under Falange Vermelha were not all welcome within the prison community. A group of violent prisoners from a favela called Jacaré, decided to oppose their teachings, and called themselves Falange Jacaré. Meanwhile, due

to some detachment from the initial purpose of the group, and the exploration of the slush fund for the exclusive benefit of its members and not the collective, there was dissent within the Falange Vermelha. The dissidents joined themselves with Falange Jacaré. Conflict escalated in an effort to achieve power and control over the prison community (Amorim, 2003). There was not enough space for the two groups. The first bloody conflict occurred on April 12th, 1983, when Falange Vermelha killed all of the main representatives of Falange Jacaré. This became known as St. Bartholomew's night, in reference to the group of assassinations during a wave of Roman Catholic mob violence against the French Calvinist Protestants during the French wars of religion. War was declared that night between the prison's organised groups, and, for the prison administration, the problem of how to deal with the two groups had just started.

The Falanges, i.e. phalanxes, then became the centre of attention for the prison system, due to the escalating prison violence and attempts to gain power and control over the inmate community. In order to dismantle the gangs' influence over inmates, the prison administrators decided to transfer the leaders to other maximum-security prisons, in the hope that they would be "swallowed" by the inmate population and therefore lose their power (Amorim, 2003). However, it was like giving soldiers to commanders: they spread to other prisons controlling inmate communities. The prison system itself tolerated some irregular and informal solutions from these groups, in order to meet the hardships within the prison walls, and avoid the total collapse of the prison system. With the spread within the prison system, Falange Vermelha soon became Comando Vermelho, CV, (Red Command), the biggest prison gang within the prison system, and Falange Jacaré is said to have renamed itself, Terceiro Commando, TC, (Third Command).

Both prison gangs initially concerned themselves with group protection and domination of the prison population. However, they realised that their internal prison organisation could be used to organise crimes outside of the prison walls for profitable gain, and also remunerative power. They started to use their slush fund to invest in escapes and weapons. Although based in prison, CV had power both within and outside prison. Fear was a good ally for development amongst the criminals, as they knew that, if released, they may one day reoffend and be imprisoned again.

Failing to fulfil a CV instruction and order whilst being free would mean returning to prison as a traitor, and it was therefore, in their perspective, a justified reason for being punished (Silva, 2003; Dowdney, 2003; Amorim, 1995, 2003). These gangs were exclusively formed in prison and then migrated to the street.

1.4. From the Prisons to the Street

The popularisation of cocaine changed the opportunities for prison-based organised criminality. At the beginning of the 1980s, CV's incarcerated members began to organise criminal activity within the city of Rio (bank robberies and kidnapping). In parallel with the arrival of cocaine from Bolivia, Peru and Colombia for export to the west and local sales, CV realized the vast profits that could be made from the sale of cocaine. As a result, they carried out a number of bank robberies in order to finance a move into the retail drugs business and build a lucrative cocaine-dealing network (Amorim, 2003). The logistics of the drug economy required structural changes in the way that criminals were doing business.

The period of projection of organised crime within the city took place between 1983 and 1986 (Dowdney, 2003; Amorim, 2003). The structure of the *favelas* provided an ideal distribution base for retail cocaine sales. CV members started organising themselves and their territories within a loose structure of mutual support with the community, which today is based on supportive coercion and repressive violence. Drug dealing has reached unprecedented prominence in the economic and political life of the community, and this is discussed in chapter 3.

The first democratically elected Governor of Rio State, Leonel Brizola (1983-1987) took immediate action to dismantle the repressive apparatus left behind by the military rule, and ordered the police to stop entering the *favelas* without judicial authorisation. This meant that the police could not rely on unannounced raids to search homes, confiscate weapons and detain suspects. Brizola was pushing for human rights demanded by a post-military rule civil society. The *favela* became off-limits for police abuse, and drug traffickers took advantage of this politics and proceeded to expand their power and business within these communities (Hinton, 2006; Amorim, 2003). Rival gangs openly fought for territories in bloody turf wars while the police watched with frustration. It is commonly said that during Brizola

Government, prison gangs and turf zones became consolidated. This is due to his human rights policies that also included prisoner's rights. The prison became a more open institution allowing for visits from politicians and human rights movement. According to Goldman (1989), this enabled some articulation between prisoner and politicians, strengthening inmates' political ideas and their organization.

By the mid 1990s other drug factions had also been established as narco trafficking groups dissidents from the previous established groups, such as Terceiro Comando (TC) and Amigos Dos Amigos (ADA). Currently, these groups are culturally consolidated in Rio de Janeiro. Today, CV and TC are the major poles of drug trafficking in the state of Rio, but CV dominates 70% of the *favelas*. It is estimated that today, CV has 5 thousand men[9], spread across 122 *favelas* in Rio (Veja, 2011).

The response of the criminal Justice towards the growth and consolidation of organized crime in the city in the last two and half decades has resulted in prison sentences for growing numbers of gang members, resulting in the consolidation of organised criminality in prison, drug trafficking in prison and the growth of affiliated inmates. The prison population involved with drug trafficking has increased exponentially, and has led to gross consequences in the operational rationale of crime. By the 1990s, drug traffickers already corresponded to 60% of the prison community in the state of Rio (Zaccone, 2007).

In the 1990s, Brazil became a consolidated consumer market of illicit drugs and a major transit country for exportation of cocaine, consolidating the remunerative power of the criminals groups[10]. Brazil has offered perfect conditions for the development of drug trafficking, with an excellent geographical position for the transhipment of drugs, bordering the three major producers of cocaine[11].

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[9] Not all of this army sells the drug purchased by the plenipontentiary leader Beira-Mar. Many men have his authorisation to build their own drug and arms connections or they respond to other local leaders of the CV – but. in the case of financial crisis or war, they all obey Beira-Mar.

[10] Within a very modest calculation, CV sells in their internal sales points a minimum of 860 Kg of cocaine /month, and more than 13.6 tons of marijuana/month. This means that, at a minimum, their invoice per month reaches more than R$10 million (£ 2.670 million). Amorim calculates that Beira-Mar generates US$20 million per month with international trafficking (Amorim, 2003).

[11] Peru, Bolivia and Colombia.

Today, the drug business in focus seems to be embedded in violent practices, such as coercion, torture and executions, pushing the Brazilian homicide rate to one of the highest in the world. The general homicide rate in Europe is 1.2 deaths per 100,000 inhabitants; in Brazil it is 26.1. In the population, aged between 15 and 24 years old, the European homicide rate is still 1.2, whilst in Brazil it is 51.6.[12] Focusing on Rio de Janeiro, the homicide rate rises to 104.4. In addition, refining this to homicides among the population of Rio de Janeiro's blacks and mixed black (highly concentrated among *favelas* inhabitants) population, aged from 22 to 23 years old, the rate is a staggering 370 deaths per 100,000 inhabitants (Mena and Hobbs, 2010; Ramos, 2009, p. 3). The costs of violence and disorder related to the drug trade are immense, and, in some ways, greater than the actual drug business. According to several studies, violence has created a direct cost on the order of 5% of State's GDP, mostly on health and safety. (Cerqueira et al, 2007; Ferreira, 2009).

Police violence has reached unprecedented levels, and the forces of law and order are themselves one of the main agents of violence in many cities (Hinton, 2006). Various police forces are plagued by corruption, entangled with organised crime, and accustomed to violent and illegal methods of action. For many authors, the rise of violent crime, police violence and human rights abuses, are indicators of the degradation of democracy (Caldeira and Holston, 1999).

The spread of firearms and the development of drug trafficking organised crime linked with the high rates of violence has propagated fear of crime throughout the public space (Wacquant, 1999; Zaluar, 2004)[13]. In the daily life of the metropolises, such as Rio and Sao Paulo, an important aspect of the increase in violent crime is what Caldeira refers to as 'the talk of crime', a proliferation of everyday narratives, commentaries and even jokes that have crime as their subjects. This talk produces stereotypes, both counteracting and provoking fear. The narratives of crime that emerge in the course of the most diverse and common conversations operate with clear cut oppositions and essentialised categories, derived from the polarity, good versus evil. It creates stereotypes and prejudices, separates categories of people and reinforces inequalities (Caldeira and Holston, 1999). People's

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[12] Waisenlfisz, J.J. 2008, *Mapa da Violência: os Jovens da América Latina 2008*, Unesco Brasil.
[13] In Brazil, the entry of weapons is much easier than in Europe, which helps to explain the high homicide rate.

experience of crime, fuelled by periodic 'moral panics' generated by high-profile incidents covered in the media, has resulted in very high levels of anxiety about crime, capitalised on at a election time by tough-talking politicians (Cohen, 1980; Caldeira, 2002). The increase in armed violence and in the scale and structure of the drug trade, have had a very detrimental effect, not only on *favelas* communities where organised criminality is established, but also on the whole city and state of Rio where violence have spread. Territorialisation has become a recognized socio-political force at the *favela* level, which is shown in chapter 3.

1.5. Drug Market and Urban Violence

One of the most worrying aspects of global trade in illicit drugs is the link to urban violence. Drug markets differ in terms of violence (Sandberg, 2012) but are often blamed for the elevated level of forms of violence. Figures on homicide rates and their lack of direct correlation to the presence of drug markets suggest that other socio-economic factors are also influential (Stevens and Bewley-Taylor, 2009).

Rio de Janeiro, in particular, has experienced economic crisis since the 1980's and this has led to deep inequalities within society and a high proportion of employment in the informal economy (Urani and Giambini, 2011). The 80's also saw the rise of the cocaine industry, the diffusion of firearms, and the emergence and consolidation of criminal organizations in the *favelas* in the 90's. Inequality, high demographic density, uncompleted primary school studies, lack of opportunities to access the legal economy and weak family structures are among the main factors that can be seen to provoke the involvement of young men in organised crime and armed violence (Zaluar, 2004; and Dowdney, 2003). Widespread police and institutional corruption has enabled the development of drug distribution networks and diminished the law enforcement capabilities of the State (Stevens and Bewley-Taylor, 2009). In 2003, it was estimated that drug gang's employees accounted for around 1% of Rio's *favela* population (Dowdney, 2003).

The link between drug markets and urban violence depends on the level and distribution of poverty (Stevens and Bewley-Taylor, 2009) The authors suggest that there is a strong link between drug markets and urban violence, but that the strength of this link is influenced by several factors, which include: the degree to which the

wholesale drug trade has infiltrated the institutional structure of the city, the type of retail drug market, the type of drug being sold, socio-economic conditions, state violence and the availability of firearms. The relationship between drug markets and homicide depends on the level of resource deprivation in the city. Ousey and Lee (2202) found that larger drug markets are associated with higher murder rates in poor cities, not in rich ones.

1.6. Organised Crime in Brazil

Brazil is a country of continental proportions and the range of organised criminality is vast throughout all the regions (Magalhães, 2000):

In the north region of the country there are environmental rackets (wood contraband, Amazon biodiversity theft, document falsification for transportation and pollution); public transport mafia, prostitution and exploitation, trafficking of women and children, and a strong presence of narco trafficking (in the frontiers with Colombia and Venezuela there is great transhipment of drugs).

In the Northeast region, there are Jogo do Bicho – a bet game, prostitution and sexual exploitation, white-collar crime (old oligarchies), narco trafficking, and extermination groups.

 In the Centre-West region, in the frontier with Bolivia, there is a narco trafficking corridor, money laundering, exploration of illegal games, and arms trafficking. Also in Mato Grosso do Sul, there is a frontier with Paraguay, where narco and arms trafficking is high, and also women trafficking.

In the South, there is narco trafficking in the frontiers with Uruguay, Argentina and Paraguay, contraband of arms, goods, car theft, wood contraband, child prostitution, and Jogo do Bicho.

In the Southeast region, where Rio de Janeiro and Sao Paulo are located, there is narco trafficking, arms trade, bingos and caça-niquel, politicians and police involved in organised crime, militia, jogo do bicho, transportation mafia (Glock et al, 2006; see map 1 below to understand borders.).

Map 1

Narco trafficking is a constant in all states, and each region can fulfil a specific role of entrance, transportation, consumerism, and/or transhipment to other countries.

Today, the wholesale market for cocaine is based on imports from Colombia, Peru and Bolivia. It is agile, decentralised and has little or no-hierarchy. Wholesalers are usually independent actors that have the necessary international contacts in producer countries, access to money-laundering schemes, contact with international criminal organisations and access to the highest levels of state power. They are often responsible for the importation of weapons as well as cocaine (Dowdney, 2003; Magalhães, 2000).

Drug trafficking, the critical link between supply and demand, is fuelling a global criminal enterprise, valued in the hundreds of billions of dollars, and which poses a growing challenge to stability and security. The shapes of organised crime are largely the result of counter-strategies adopted by criminal organisers in response to control

measures (Dorn, Oette and White, 1998). Drug markets are made up of a classic commodity chain based on a multiplicity of fairly small and flexible units – drugs importation-, but globalization and the increasing pace of development of organised crime control policy are inexorable (Ibid). Drug traffickers and organised criminals are forming transnational networks, sourcing drugs on one continent, trafficking them across another, and marketing them in a third (UNODC, 2011).

In the 1990s, Brazil become a consolidated consumer market of illicit drugs and a major transit country for the exportation of cocaine. Cocaine has taken its place among the most valuable single commodity chains in world history (Gootenberg, 2006). Brazil has offered perfect conditions for the development of drug trafficking with an excellent geographical position for the transhipment of drugs, bordering the three major producers of cocaine, and corruption negates interdiction in drug routes. This indicates that until today there has been increasing exploitation of Brazil by international organised crime groups, as a transit point for cocaine shipments from Colombia, Bolivia and Peru (UNODC, 2007).

The drug is produced[14] in Peru, Bolivia and Colombia, refined in the latter country, and leaves Colombia through many channels: Brazil is the major transit point to export drugs (mainly cocaine and cannabis herb), especially to Europe[15] and the USA, and also some to Africa and Asia. Drug traffickers receive the drugs and send them, safely, to their destination, where other groups will coordinate the distribution. The Brazilians traffickers make their money through the transportation of the drugs. The increase in Brazil's potential as a transit point may have led to an increase in local cocaine consumption, based on the availability of the drug in the market.

Drugs are brought into Brazilian territory through cities that border the producer countries, such as Tabatinga, in Amazonia, which borders Peru and Colombia, and

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[14] Coca and cocaine were considered legitimate or even progressive articles of world commerce rather than menacing drugs in the late 19th century (1860 onwards). The production and exploration of "*coca*" plants dates back to the 16th century, when the Spanish colonisers monopolised its commerce in the Peru and Bolivia regions using an indigenous labour force. However, as early as the Inca era (1420-1532 A.D.) coca was declared a prestige item. Coca and Cocaine existed only as a significant world export commodity until the late 19th century (Gootenberg, 2006; Silva, 2003).
[15] Based on rising levels of seizure, drugs are being increasingly trafficked to Europe via Africa and the Caribbean. The number of seizure cases which involved Brazil as a transit country rose from 25 in 2005 (amounting to 339 kg of cocaine) to 260 in 2009 (amounting to 1.5 mt) (UNODC, 2007, 2011).

also Suriname and Paraguay. From the north to the south of Brazil, there is a long border through which drugs can enter. The drugs usually enter Brazil from the North, through Para, Roraima, Amazonas, Acre and Rondônia, are exported to foreign countries. If the drugs enter through Mato Grosso, Mato Grosso do Sul e Paraná, they are more likely to enter the internal drug market (Magalhães, 2000).

Drugs are transported into Brazil by plane, trucks, cars, buses, and fluvial and maritime transports. Inside the country, they are transported by sea, river, train and roads. They leave Brazil by sea and air (Magalhães, 2000). Narco-trafficking demands organised associations, planned and conspired to counter legal control. Organisations have corporate profiles with a hierarchical structure and the objectives of gaining both profit and power. The commerce of drugs is not controlled by one major organisation but by many organisations responsible for different parts of the scheme: one for the entrance of drugs in the country, the other metropolitan cities, and a wholesaler who distributes to retailers, and so on. The first step is financed by an invisible capitalist, who is normally linked with a high-level public position such as a politician, court judge, farmer or landowners (Magalhães, 2000; Dowdney, 2003; Zaluar, 2004).

The estimated annual consumption of drugs in the city of Rio de Janeiro is about 90 tons for marijuana, and 8.8 tons to 4.2 tons for cocaine and crack (Ferreira, 2009). Within the city of Rio, data from the Brazilian Federal Police[16] (2007) found that CV bought in that year around 200 kilos of pure cocaine[17] and 300 kilos of marijuana per month only, investing R$1 million and having a capital return of R$2.5 million/month. Based on data from 2005, criminal groups reached a turnover which ranged from $316 million to $633 million per year from drug trafficking in the city of Rio de Janeiro This revenue is significant, but it represents only 0.1-0.2% of the GDP of the State, estimated to range from $300 billion annually (Ibid).

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[16] From Operation Fênix, in 2007, against organised crime and their transnational networks.
[17] The drug in then mixed with other chemical products to yield more before being sold to the final consumer.

The profits[18] of the productive chain of narcotics need to be cleaned up to avoid being discovered and confiscated by the State. This necessity to legalise the profits gives rise to the most varied, creative and complex forms of recycling the *black funds* (Silva, 2003). Money laundering is an essential stage of these criminal activities, and in Brazil, Police have traced it to be done through the stock market; companies of various kinds – such as taxis, Internet business, construction, or commerce; nightclubs and insurance companies (Magalhaes, 2000). The organised criminality in focus here is narco trafficking, especially in Rio de Janeiro, which represent an ostensive paramilitary territorial presence in the urban slums and in the prison system, fighting each other over drug points, and are involved in a permanent confrontation with the police (Dowdney, 2003). They provide illegal but desired goods and services, and to maintain their businesses they make use of violence, corruption and cooptation. They have hierarchical structure, chain of command and division of labour, which is later discussed.

1.7. Political Economy and Brazil's Prison

Some important characteristics of a country's political economy are related to the severity of its penal practices. Brazil has followed a neo-liberal model driven by the United States, which refers to free market capitalism and a minimalist welfare State (Esping-Andersen, 1990). Brazil is one of the nations categorised as being in the new capitalist world, which is characterised as having low social spending but relatively high or medium human development index scores. In the last Human Development Index (UN, 2011), Brazil reached 84th position among the 187 countries analysed by the United Nations[19]. Brazil has often been singled out as a country in which extreme affluence and poverty are permitted to co-exist.

In the 1980s the entire region of Latin America (LA) was gripped by an economic crisis and was dependent, for recovery, upon assistance from the IMF and the Inter-American Development bank, conditional upon the implementation of neo-liberal structural adjustment policies (Hinton, 2006; Esping-Andersen, 1990). These entailed the privatisation of public enterprises, deregulation of labour markets, and the

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[18] In Colombia, one kilo of cocaine is worth U$2,082. In the USA, the biggest consumer of the drug, one kilo with 83% of pureness is worth U$34,000 in the wholesale. In retail, with 65% of pureness, the price per gram is US$ 200 (UNODC, 2007).

[19] Brazil's index was 0,718 on the scale 0 to 1. Norway reached 0,943 in the first place (UN, 2011).

decentralisation of health and education provision, coupled with a shift from an industrialisation strategy based on import substitution, to one that was strictly export-led. The results of these austere measures were a rise in poverty and inequality, and a compensatory expansion in the amount of informal economic activity. Latin America is characterised as having liberal welfare regimes. The terms latinamericanisation or brazilinasation were coined to describe an economic development strategy, premised on unregulated inward investment and minimal welfare provision (Dean, 2002). Societies under this model tend to exclude both those who have failed in the economic marketplace and those who fail to abide by the law (Cavadino and Dignan, 2007). Both types of exclusion are associated with a highly individualistic social ethos: economic failure is seen as the fault of the individual, not the responsibility of society. Crime is then likewise seen as the responsibility of the offending individual.

Brazil has one of the world's biggest prison systems: about 1,094 prison establishments and 440,013 detainees, according to information from the National Penitentiary Department (Depen) in 2009. The prisoners are distributed among various institutions of different categories, including penitentiaries, public jails, houses of detention and police precincts or stations. Brazil ranks 4th among those countries that imprison the most, followed by Russia (870,000 prisoners), China (1.5 million) and the United States (2.2 million). In the only prison census, held in 1997, Brazil had a total of 170,200 people in prison. In 11 years there has been an increase of 148%.[20] The population in the prisons and jails is estimated to grow between 5% and 7% a year.

The data presented herein are relative, given the informality of the system and withholding of information. The number is imprecise because there is no database with information on the prison system, which is the responsibility of each State. In 2004, the Federal Government installed the System of Penitentiary Information (InfoPen), a data-collecting program with access via the Internet, which the State Secretariat provides with strategic information on penal establishments and the prison population. Infopen was warmly welcomed and has made some emblematic advances.

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[20] According to studies of the Brazilian Prison Population (the 5-year period of 2003-2007), published by Depen, the average rate of annual growth is approximately 8.19%. So, at the end of 2011 we will have an estimated prison population of 569,165.

However, it remains at the mercy of imprecise information, badly filled-out questionnaires and other problems, as a result of scant interest in the transparency of the information, and negligence in organising and systematising data.

Brazil has one of the most unequal income distributions in the world and around 45% of its population are below the poverty line[21] (Mena and Hobbs, 2010). The degree of poverty relates to the international network of drug trafficking because "it configures a perverse social and economic integration for those who suffer exclusion". Although organised crime permeates different social classes, "poor people work perilously at the retail trade in order to assure enormous profits at superior nodes" (Zaluar 2001, p. 370).

The Constitution of 1988 includes explicit guarantees that protect the imprisoned population. Among these is the clause that states, "Prisoners are ensured respect for their physical and moral integrity". The criminal justice system also has the Law of Penal Sentences (LEP) adopted in 1984, which recognises respect for prisoners´ human rights and contains various provisions ordering individualised treatment, protecting prisoners´ substantive and procedural rights, and guaranteeing medical, juridical, educational, social, religious and material assistance. In other words, this law focuses not only on punishment, but also on "re-socialising the condemned".

Nonetheless, despite these and other legal provisions, the penitentiary system in Brazil is undergoing a crisis that grows worse every day, as can be seen by the overcrowded cells, lack of assistance to prisoners, conflicts among prison gangs, and drug trafficking inside the prisons, with a high number of extremely violent prison riots, escape and murders of staff.

Research indicates that the profile of the adult prisoner in Brazil is composed of a young man aged between 20 and 30 (52%), black or dark (*pardo, 47%*), single, with low education (77% have not completed high school), native, and with no religion or adept of alternative beliefs (FGV, 2007)[22]. Prisons are overcrowded and unhealthy;

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[21] Brazilian Institute for Geography and Statistics (IBGE, 2011)

[22] A number of studies have demonstrated the existence of institutionalised racism in the Brazilian criminal justice system (Adorno 1999). An analysis of police killings of civilians in Rio de Janeiro state between 1993 and

there are insufficient staff to meet the existing demands; they lack work activity for the prisoners; and prisons are places of corruption, which perhaps represents the most serious problem faced by the prison system today. As for capacity, the total number of vacancies in the Brazilian penitentiary system is 275,194, distributed as follows: there are 25,679 vacancies in police establishments (9.33%), and 249,515 vacancies in the prison system (90.67%). As pointed out by Mr. Mauricio Kuehne, Director of DEPEN, whereas the rate of recidivism is between 60% and 65% in first-world countries, the rate of penal recidivism in Brazil varies between 70% and 85%. In the case of alternative sentences and measures, the rate of recidivism goes no higher than 12%.

According to the last population census, estimated by the IBGE in 2007, the total population of Brazil was 183,987,291 inhabitants. Data from 2006, collected by the Inter-American Bank, indicates that Brazil spends 200 billion reais a year, around 78 billion pounds, on account of criminality; in other words, 10% of the Gross National Product, both in direct and indirect costs. The direct costs of violence are expressed in public and private goods and services; spending on treatment to deal with the effects of the violence; prevention of criminality; the system of criminal justice; keeping people in jail; medical and social services; home and business protection (automobile bullet-proofing and insurance), electronic safety systems and private security. Indirect costs include loss of investments and services that cease to be made and provided due to criminality and the involvement of people in these activities (Dutra et al, 2008).

In view of this scenario, the National Congress set up a Parliamentary Inquiry Commission (CPI) for the purpose of investigating the penal system, with an emphasis on overcrowding, social and economic costs, violence inside the institutions, corruption, organised crime and its ramifications in the prisons, and to seek solutions for the effective enforcement of the national penal law. The CPI produced a 564-page report following an 8-month survey of 62 penal institutions in 18 States of the country. It revealed the dreadful current conditions of Brazilian

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1996, shows that blacks make up 8 per cent of the population, 25 per cent of the accidental victims (often stray bullets in police shootouts in *favelas*), 33 per cent of the convicted prison population, 27 per cent of the wounded opponents, and 30 per cent of the dead opponents of police 'confrontations' (often a euphemism for summary execution of criminal suspects or undesirables).

prisons but failed to tackle thoroughly each State's particularity and dynamics. However, the work produced gives a disturbing account of the Brazilian prison system.

1.8. The Parliamentary Inquiry Commission and the Prisons

The CPI detected violation of prisoners' rights concerning a variety of penitentiary requirements, starting with lack of material assistance. The CPI verified that most penal establishments fail to offer minimal conditions for prisoners to live properly, a necessary condition in the process of preparing the detainee's return to a social environment. Prison conditions exposed a cruel, inhuman, animal-like, illegal reality, in which the prisoners are treated as human trash amidst degrading accommodation. Most of the penal establishments surveyed are in need of profound reform in order to permit proper lodgings for prisoners. Moreover, no evidence was presented of effective fulfilment of the norm, which determines that condemned and provisional prisoners must be kept separate, besides the problem of poor hygiene and clothing: in most of the penal establishments the prisoners wear their own clothes, without any criterion, brought by relatives, donated by charity organisations, or taken from other inmates, or just old, stinking rags. In Rio de Janeiro there are no uniforms. As for food, there was evidence of over-pricing, in addition to filthy conditions for serving meals. Prisoners complained about the quality of the food.

The CPI also reported a lack of health assistance: in Rio de Janeiro, for example, the number of health teams covers only 56.3% of the inmates. Coverage for the whole country stands at 19.9%. It is estimated that 20% of the current jail population is infected with the HIV virus; there is a drastic lack of medical assistance, precarious pharmaceutical, psychological, educational and labour resources, a lack of social and juridical assistance, and practically no assistance for those who leave prison. Data from the Infopen 2012 registered that a total of 33, 561 prisoners, among those 29,812 are adult males.

The conditions of detention are poor, amounting in some cases to veritable human negligence, without sun, ventilation, lighting, and running water. The Commission also reported accounts of torture and ill treatment in Brazilian prisons. The CPI unveiled total non-compliance with, and disrespect for, the international norms that

deal with the rights of prisoners, and even for the provisions that appear in the internal constitutional and legal system with regard to the prison system. In some States, there is evidence of omission and connivance of public government with criminal organisations, which interfere in the internal organisation of penal establishments and command organised crime inside the prisons.

Immersed in such a hardship, prisons develop what Campos Coelho (2005) calls prison economy that revolves around illegality and irregularity. Part of the merchandise is brought by family members and lawyers through visitation, and part is brought by corrupted staff. The prison economy ranges from selling drugs and pills, to food and beverages. However, anything can be bought inside prison walls, even TV and air conditioning. Leaders of the prison gangs have laptops, and the use of mobile phones is widespread. The job market inside prisons is part of the prison economy and is negotiated and controlled by the gang leaders. If prisoners want to work, they have to pay to gang members.

The CPI perceived visible growth and strengthening of criminal groups inside and outside prisons. These factions, as the CPI called them, form a link between the slums and the prisons. Inside the slums and other very poor residential areas, these groups exercise a certain type of local power, using extreme violence, and the overwhelming majority of members of such groups are young people who have never known any social reality, other than that of the neighbourhoods where they live. Introducing these young people into criminal groups often represents not only the chance of a better life in economic terms, but also the possibility of feeling recognised and valued. Inside the prisons the factions are all the stronger, and the fact is, that to a great degree, they still retain control over many poor communities.

Gangs have been the centre of a great deal of contemporary research in the United States. They influence the social structure they find themselves in, and at the same time have an effect on the social structure from which they have been separated. The United States began to rank first in the world in the number of prisons, and this had some repercussions on the situation of the gangs. The fact is that due to their increasing involvement with the drug trade, there has been a considerable increase in

the number of arrests of gang members, which has led to more integration between street gangs and prison gangs.

The scope of action of these organised gangs is enormous and still not properly measured, even on the international level or inside the prisons. In particular, the well-known phenomenon of the "Maras" in American prisons, which seems to have appeared in California, has spread and become a growing challenge to public security in several countries in Central America. However, up to now, no occurrences have been registered as linking the gangs present in Brazil to these "Maras". The Brazilian National Programme of Public Safety with Citizenship (Pronasci) represents the most comprehensive initiative taken so far in Brazil against criminal violence, within the framework of respect for human rights. This is an opportunity that the country cannot miss to finally curb the growth of organised crime and defeat it, before it is contaminated by the eventual expansion of the "Maras" towards the South Cone of the American continent. What one witnesses today, is the quasi failure of the prison sentence as an instrument of re-socialisation and social re-integration.

At the end of the CPI investigations, the parliamentarians showed that the system is "rotten" and "failed", and even denounced that today there is no such thing as a "prison system", but rather a prison inferno, with the prisons in shreds. The CPI report pointed to the lack of work and study for prisoners as the main cause of the high rates of recidivism, reinforcing the notion that it is not by chance that this phenomenon occurs, bearing in mind that 80% of prisoners do not work and 81% do not study, which culminates in indices of recidivism as high as 80%. Another important aspect pointed out, is that in addition to the lack of resources, there exist serious problems of administration; that is to say, the absence of an efficient national programme of prison management. In fact, the CPI informs society and the government of one of the most inhuman facets of the security crisis, and the precarious capacity of institutions to fulfil the basic objective of their existence, namely to re-socialise those carrying out sentences. Finally, amid all the possible solutions to this chaos, it is imperative to strengthen all of the options of so-called restorative justice, by stimulating application of alternative sentences, as well as guaranteeing work and education for prisoners and immediately releasing those who have already fulfilled their sentences. However, this revolution requires more interest in effectively improving penitentiary installations,

and above all, putting an end to barbarous practices by respecting all of the basic precepts enshrined in the Universal Declaration of Human Rights.

2. Conceptual Framework

This research is grounded on sociological literature of prison, crime and deviance, social control and social interaction. The theoretical perspective is built on the prison community, emergence of gangs, social control and control theory on organisational behaviour. A brief debate on gangs, prison gangs and organised crime is found later in the chapter, in order to enlighten the definitions used in this research. These columns of knowledge enable an understanding of the complexity of the prisons[23] and gangs, and their relationship.

2.1. Prison Subculture and the Emergence of Prison Gangs

Many gangs are imported into prisons when their members and leaders are successfully prosecuted. Most of the gangs that exist in prisons are also gangs that exist outside prisons (Lessing, 2010). A key debate in the sociological literature on prisons (Clemmer, 1940; Sykes, 1958; Goffman, 1961; Irwin and Cressey, 1962, 1968; Fong et al., 1955; Moore 1985, Sykes and Messinger, 1977; Cloward, 1977; Jacobs 1974, 2001, Buentello et al., 1991) centres on the extent to which inmate culture, a set of attitudes and a way of doing things in which both prisoners and officers have roles, is a product of the prison environment, referred to as indigenous origin (1950s-1960s), or, it is an extension of external subcultures, known as the importation model[24] (1970s-1980s). The prison gangs in context arose in prison more than 20 years ago in Rio to a position of absolute dominance within the inmate community. They are a particular case of study for its native origin, their projection to the outside, but continue to rely in important ways on the prison system as a locus of power.

The first group accounts for the inmate social system being formed as a reaction to the 'pains of imprisonment' and the deprivation inmates undergo in captivity. These

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[23] Prisons are complicated social institutions and they inherently incorporate some basic antagonisms and conflicts (Sparks et al, 1996).

[24] Meaning that the walls of the prison are inherently more permeable to external influences than they first appear to be.

writers (Sykes, 1958; Goffman, 1961; Cloward, 1977) see prison as a closed social system, or total institution, in which inmates go through a series of 'status degradation ceremonies' until socialised into prison life. Control over autonomy of movement, personal privacy and security, accounts for the psychological assault and identity strip over inmates, who develop individualistic responses to these stresses.

The convict social world is of indigenous origin then, if it emerges to meet the exigencies of imprisonment and as a form of adaptation to the situational characteristics, especially the ones laid down by the official structure. Some would say that implicit to this endogenous culture of incarceration, is the emergence of gangs as being a type of adaptive response (Pyrooz and Decker, 2011). Moore (1978), in her study of the Mexican Mafia, a Chicano gang in California, argues that the group first established themselves inside prison to protect themselves against threats from other inmates. Many other American gangs are said to be prison inspired, such as The Black Guerrilla Family, the other black group 415s, and the other Chicano gangs, the Norteños e the Sureños (Hunt et al, 1993). Other examples are the Southern Illinois Association (SIA) and the Northsiders, both of which are white extremist reactions against organised minority inmates who had their gangs (Knox, 1994).

Foucault (1977), in his seminal work *Discipline and Punish*, when debating illegalities and delinquency within prisons, noted that prisons not only make it possible, but even encourage the organisation of milieu of *delinquents*, which he referred to a clubs, where inmates were: loyal to one another, hierarchised, prompt to any future criminal act, and where the transference of criminal knowledge took place.

In contrast, importation theorists (Irwin and Cressey, 1962) questioned the indigenous theory, by arguing that if the patterns of the system emerged to cope with the pains of imprisonment, and if former orientation had little or no influence on convict patterns, they would have expected similar social systems in all prisons that had similar deprivations. The authors observed that many convicts bring with them a commitment to a subculture which is not stripped from them, and in fact, prepares them for life in the prison, and that many convicts orient their behaviour towards the larger criminal world, of which the prison is an important part. Irwin and Cressey identified two

dominant subcultures: that of thieves and the convicts, both of which had their origins in the outside world.

This view is supported by many authors such as Jacobs (1974) and Wood (2006). Jacobs argues that other gangs from California, such as the famous Crips and Bloods, originated in the neighbourhoods of Los Angeles, and transferred their conflict into the prison environment, preserving regional loyalties within the city as an extremely important rule of the gang (Hunt et al., 1993). Wood (2006) found that in England and Wales gangs formed along regional lines first and foremost.

Both models, however, have been challenged by many researches (Taylor and Cohen, 1972; Akers et al., 1977; Hunt et al., 1993; Knox, 1994; Fleischer, 2005), which soon proved that offenders and gangs created new dynamics that did not fit the twofold models. Taylor and Cohen (1972) argued that offenders' ways of coping with long-term imprisonment largely depended upon the nature of the inmates' pre-incarceration criminal life and ideology. Akers et al (1977) found evidence to support what they called an Integrative model, where both perspectives of the inmate social system complement each other. Knox (1994) showed that gangs could also be exported to the community; Fong (1990) showed that gangs could not only be exported, but also expanded into criminal activities i.e. the Aryan Brotherhood in California. Others like Fleisher (2005) called upon research on prison gangs to start anew, since modern prisons also hold other types of criminally oriented groups, such as domestic and foreign terrorists, hate groups and criminal motorcycle groups.

Discussions about prisons as open or closed systems are associated with the development of prison culture and inmate behaviour. Whatever the applied model in whichever context, one conclusion can be drawn: there is still much ground for research into prisons, street and prison gangs, adaptations and criminal networks because prison gangs can have any forms and shapes and vary in strategies they pursue and the degree of which they consolidate and proliferate. It can be said that while prisoners' responses to custody may owe much to their previous criminal careers, they are also shaped by the length of their sentences, the environment restrictions and opportunities, and also by their social interactions prior to incarceration, while in prison and also with the outside world. Interestingly, Donald

Clemmer, with the publication of the *Prison Community* in 1940, signalled important aspects of penal policies that are today stimulated. He argued that prisonisation would be lowest for inmates who had less criminal involvement prior to incarceration, shorter sentences, and therefore less exposure to the universe of imprisonment, those who were able to keep 'positive' contact with the outside world, and those who were able, for any reason, to have a different social interaction with the inmate primary group. Moreover, he wrote that the gradual destructive socialisation of prisoners into the norms of prison life made it difficult for them to successfully adapt to a law-abiding life outside.

2.2. Associations Among Inmate Organizations

Prison gangs around the world offer a wide variety of different strategies, membership profiles, degrees of institutionalization and historical trajectories. Some prison gangs form around racial, ethnic, religious, or geographic cleavages among prisoners, while other distinguish themselves with ideological or behavioural codes or symbolic identities (Lessing, 2010). Racial Segregation and discrimination have long been a dominant characteristic of the American prisons, which exist in a conflict-ridden and racial polarized prison subculture. Race relations have deteriorated to such as extent that, in California Department of Corrections for example, officials felt compelled to segregate prisoners to avoid bloodshed (Jacobs, 1979). Groups such as the Aryan Brotherhood, Black Guerrilla and Mexican Mafia are segregated in the prison system by race to a racially homogenous facility (Jacobs, 1979). In the U.S. where racially heterogeneous prisoners were maintained, segregation was enforced on cell and work assignments, and in all extracurricular activities.

The policy of segregation in America has many similar grounds and dimensions if compared to Rio, but one significant difference: Rio's prisons are not racially segregated - In the state of Rio, the inmate community is composed of 24,68% of black prisoners, 40,77% pardos[1], 33,13% white, and 0,38% indigenous people. Black and pardos represent 90% of the work force in drug trafficking at the *favelas* (Silva and Urani, 2002)[1]. I argue that this is due to Brazil's penalization of poverty in an exclusionary state, and to the core business ideology of the organised criminal groups.

The custodial population in Brazil is heavily skewed in terms of gender, age and also in respect to its racial composition and social profile (FGV, 2007). Prison inmates are disproportionately likely to be drawn from disadvantage sectors of community. According to the Brazilian Institute of Geography and Statistics, IBGE, in the census of 2004 there were 182 million Brazilians in the country among which 93 million were white, 11 million black, and 76 million pardos (black and pardos composed together 87 million people). Among the 57 million Brazilian in poverty, blacks correspond to 7,1%, whites 34,2% and pardos are 58,7%. Blacks and pardos represent then 65,8% of the population in poverty (PNAD, 2004). But who are the pardos? Are they dark whites or are they light blacks? Pardos can be described as the result of the marriage between the European white and the African black (Kamel, 2006). Their corrected classification would be euro-afro-descendents.

Brazilians are of mixed race, and social and racial discrimination and inequalities have been interlinked and perpetuated since postcolonial times (Salvador, 2011). Current policies of quotas and affirmative actions in Brazil are based on the statistics that blacks represent 65,8% of the poor, when in reality, they are 7,1%. This is due to the general understanding that both groups, blacks and pardos, have similar performances in many social indexes and share the same socioeconomic profiles.

Gangs are usually shaped by racial and ethnic oppression, as well as poverty and inequality (Hagedorn, 2008). Theoretical fundamentals between the relationship among poverty, inequality, income and violence are not easy to unravel. Social inequality is a structural problem in Brazil (Salvador, 2011). In this section, it is suffice to say that the diffused neoliberal penal policies are even more harmful when applied to countries with great inequality such as Brazil (Wacquant, 2001b). The diffusion of firearms and the development of a withering economy structured on drugs linked to international trafficking, which mixes organised crime and the police, propagate crime and fear of crime in cities such as Rio and Sao Paulo. In the absence of any protective social network, youth of popular neighborhoods, crushed by unemployment and underemployment, continue to engage in informal and illegal opportunities to escape the misery of everyday life. Class differences and ethno racial stratification generates a discrimination based on the color of the skin in the justice system (Wacquant, 2001b).

Increasing incarceration and elimination of welfare programs are indicative of the transformation of the state from the primary agent of social inclusion of the poor (through welfare programs) to the agent of their exclusion (under the rubric of criminal justice and crime control and neoliberal economic policies (Barmaki, 2009; Bauman, 2002). Contemporary inmates are viewed as failed consumers and, as such, useless and even dangerous to consumer society. Bauman (1998a) notices that the numbers of people in prison, or awaiting prison sentences, have been rapidly growing in almost every country. The proportion of population in direct conflict with the law and subject to imprisonment has been growing rapidly, signaling governments' view of large segments of their own populations as threats to social order (Bauman 1998a). Valdez (2011) work on Mexican Americans prison gangs found that the dominance of prison gangs is related to the increased incarceration and recidivism rates of Mexicans Americans and declining economic opportunities for urban minorities.

In Brazil, elucidation rates for violent crimes such as homicides are very low, and data available on people who have committed crime are limited (Cano and Santos, 2001). Adorno (2002) detects a racial bias in sentencing due to, among other reasons, the fact that blacks tend to be poorer and unable to hire a private attorney. One of the major crisis of the Brazilian Criminal Justice system pointed out by him is the penal impunity, which is higher in Brazil than in France, England and Unites States. Colored suspects, who have limited access to legal support, are punished more severely for the crime that of a white man with a good lawyer. And once behind bars, they have to cope with terrible conditions of detention and a pervasive inmate culture. This is what Wacquant calls the penalization of poverty and the dictatorship upon the poor. In the case of Brazil, he even goes further and speaks of *concentration camps for the poor* (2001b: pp11), or state-owned industrial enterprises of social waste. Generally, the performance of the punitive powers reveals a historical social control of certain "dangerous classes" associating illicit drugs to particular social groups. Chinese and opium; Irish and alcohol; Mexicans and marijuana; Colombians and cocaine. Looking at illicit drugs in Rio de Janeiro is to associate them to the slums (Zaccone, 2007).

The core ideology of the organised criminal groups in Brazil is another disparity with American prison gangs. In contrast to most American prison gangs, the criminal groups of Rio offer no ethnic rivalry or racial ideology among themselves. They are focused on business and territorial control in the *favelas*[25]. In Rio, their ideology are profit and dispute of power for dominance over drug trafficking with a clear link to economic factors (Cano and Santos, 2001). The dominant prison gangs are organised as business associations with the objective of committing illegal and profitable acts involving participation by action or omission of public servants (Lessing, 2010; Amorim, 2003). Some American prison gangs are considered highly organized criminal groups and have migrated to the streets such as La Nuestra Familia in California, but gang membership is confined to a particular race, and some gangs require that an inmate be from a particular geographic region (Skarbek, 2008).

It can be observed that both segregation policies towards inmates in Brazil and in the US were introduced due to the growth of disruptive rival forces within the penitentiary system and by the threat of bloodshed within the prison. At the heart of each gang affiliation is the deeper cluster of motives and experiences generally spelling out alienation. There is a balance between normative consensus, i.e. members' agreement about behaviour, conduct and types of crime-, with membership expectations yet to be explored. The literature on role of choice and identity (Sen 2007, Fong et al 1995, Maslow 1954, Irwin 1970) adds on works about inmate community when it explains that man hardly lose their identities when processed through the prison system but inmates strengthen a commitment to a group who interact together around a common interest. And when intensity, frequency and duration of commitments are sufficient and criminal, actors learn the techniques of crime and the attitudes that add up to a favourable precondition to criminal behaviour (Sutherland in Abadinsky, 2003). This means that their commitment influence greatly their life in prison as well as their future after release.

Race and religious animosities, and geographical cleavages are not singular to prison gang membership and rivalry. The riots of the Attica Prison in New York in the 70s revealed that guards enjoyed seeing the inmate population divided against itself

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[25] The structure of these groups and how they operate on the streets are both discussed in chapter 3.

directing energies into internal rivalries instead of directing energies elsewhere (Wicker, 1975). Many attributed the riot to the racial issues inside the prison at the time. Of 2,225 inmates, 54% were African Americans, 9% Puerto Rican; however, all of the 383 correctional officer were white. Tom Wicker, an American journalist, wrote that reports on the prison conditions revealed some correction officer acting openly and aggressively racists and assaulting prisoners with violence with a clear objective of keeping the inmate population divided.

2.3. Controlling the Controllers: Who's Who?

Even if one is sceptical about the prison's rehabilitative potential, one can feel strongly that the prison experience should not encourage inmates to become more deeply committed to anti-social values and lifestyles. As social organisations, prisons may be viewed for the purpose of maintaining order, and as a means of safeguarding other institutions of society (Grosser, 1960). But order in prison, as in any other social setting, is negotiated. The negotiations are not between equals, yet order within prison is for the most part achieved with the consent of prisoners, who invariably far outnumber the prison officers who guard them (Morgan, 1997). This reality opens up the possibility for inmates to control the prison by coordinating inmates' behaviour.

An interesting way to look at this is through control theory in organisational behaviour. All organisations must control and coordinate their members in order to achieve organisational objectives. In the case of prison, the objective is to control and coordinate inmates regardless of rhetoric about rehabilitation or punishment (Patrick et al, 1999). The control processes used in prisons are designed to control inmate behaviour. Their behaviour determines the extent to which controls are used by the organisation. In a context where there is an informal power structure, i.e. prison gangs, which exist within the inmate population that is recognised or supported by the organisation, more effective negotiations will occur, in that inmate leaders will become central figures in the process. The gang problem is tied to a number of larger issues and problems associated with adult correctional institutions. The changing nature of the threat from gangs behind bars has meant that the correctional system itself has had to adapt.

One important factor that determines the environment of a prison is the homogeneity of the inmate population. While homogenous populations can give the inmates power, the consistency provides the formal organisation with environmental stability when dealing with the inmates. A variety of different groups ultimately require more organisational structure to ensure control, than would be needed for a homogeneous group (Patrick et al, 1999; Irwin, 1980). However, prison managers fear the creation of a highly cohesive inmate group inside the institution (Irwin, 1980) because they are unlikely to transfer their membership solidarity to the institution, not only because they are non-voluntary members, but also because they threaten the formal coercive control processes of the prison.

Therefore, there are two underlying and conflicting methods of attaining normative control in prison: managers can either share power with inmates, or they can create ritualistic environments that link members emotionally to the organisation, by providing conditions under which some inmates can create emotional bonds with other inmates and consolidate these interactions in such a way that they become somewhat dependent on the institution. From the formal organisation's perspective, this so called *ritually-based normative control* (Patrick et al, 1999) is counter-productive in maintaining positive inmate behaviour because it allows for informal power to be exercised and increased by other groups. Whilst they link offenders to each other, prison managers also create conflict with other inmate groups and the institution. Nevertheless, ritual interactions among inmates are indirectly effective in controlling inmates. Not only are interactions among groups of prisoners developed and these become stronger by staff forming conducive conditions for bonding and affiliation, but also these relationships are tied within the prison structure and its formal organisation.

The above approach gives an interesting insight into why gangs are often tolerated by the prison administrators. Parenti (2000) found in his book *Lockdown America,* that prison gangs serve a convenient function for the prison establishment. They help regulate rogue and rebellious elements within the prison population without intervention from prison authorities. By keeping the inmate population divided, prison gangs perform a valuable function, serving as an added disciplinary weapon for

officials, through punishment and threats of gangs of non-affiliated prisoners or rival gangs.

2.4. Prison Moral Performance and the Crisis of Legitimacy

Research suggests that legitimacy in the criminal justice system is linked to the fairness of the procedures through which authorities exercise their authority (Jackson, 2010). Procedural justice is then understood as being the fairness of the ways in which authority is exercised. According to Jackson et al (2010), four key issues affect the generation of procedural justice in prisons: voice – meaning inmate participation in decision making processes; neutrality – the consistent application of the rules on proper procedures; treatment with respect and dignity – acknowledging prisoners' rights and acting fairly; and trust in authority – the transparency and interaction of the decisions made. Liebling (2004) found in her research that what really matters for those who live and work in prison is a set of concepts about relationships, fairness, order and the quality of treatment. The author then adds that for the construction and reproduction of prison legitimacy, a broader notion of prison moral performance is necessary, which brings together a range of relational and quality of life dimensions including safety, care, order, dignity, respect, humanity, well-being and opportunities for personal development. Fairness is then about rules, rights and relationships.

Fairness generates trust; respect and relationships are intrinsic to fairness; and fairness and safety may be causally related to well being (Liebling, 2004). Questions about the purpose and justifications of prisoners' resettlement into society falls under the broader question of why and how criminal justice systems try, or should try, to rehabilitate offenders (Raynor, 2007). With the gap between the social and economic margin and mainstream growing wider, prisons are the last best chance to help lawbreakers to find a lawful, economically stable place in mainstream communities (Fleisher and Decker, 2001a).

Amongst the primary features of penal control identified by Foucault (1977) are: the design of the buildings, the rigorous planning and surveillance of routine and scheduled activities, the deployment of technical forms of expertise in the form of classification, and the examination and correctional training of individuals. In his

view, the internal ordering of prisons must be considered in terms of the micro-physics of the power operative in sustaining the regime, timetables and strategies of work, discipline and education, and so on.

Eckhart's (2001) research on civil actions in federal courts shows that the State fails to protect inmates from gang violence. He found that in the U.S. in the 1990's, most of the gang-related civil cases in federal courts concerned four subjects: inmates' claims that prison or jail officials failed to protect them from gang members; inmates' claims that their classification or placement based on their affiliation with gangs was unconstitutional; inmates' claims that institutional grooming policies, partially implemented as an anti-gang measure, were unconstitutional; and inmates' claims that prison officials improperly prohibited written or audio materials that were believed to foster the development of prison gangs. These lawsuits, most of which were lost in the Supreme Court, show that it is very difficult for inmates to claim that the State failed to protect them from gang violence in prison.

But the prison system is in itself an integral part of the social production of crime (Bauman, 1998b). Throughout my research, what I observed, besides the effects of imprisonment, was a wider phenomenon of confinement, rejection and exclusion. These factors converge as a common effect: the identification of crime with the underclass. In the public's view, the most common types of criminals come almost always from the urban ghettos, from the 'bottom' of society (Ibid). Caught between the collapse of the labour market and the insufficiencies of welfare support, ghetto residents turn to the informal economy, and in particular some turn to the most dynamic sector, drugs (Wacquant, 1999). The drug trade constitutes one of the main supplies of jobs that are accessible to ghetto youths (Ibid).

In the 1990's, Lord Wolf wrote in his report following the disturbances in prisons in England and Wales that a general sense of injustice about aspects of prisoners' informal treatment had contributed to the disturbances. He argued that people are more likely to comply with authority if they believe that authority is legitimate and that their treatment is reasonable and fair (Home Office, 1991). An appropriate balance needs to be reached between security needs and the avoidance of an over-repressive atmosphere and ill treatment. There is strong evidence of a close link

between the nature of the regime and detainees' behaviour; if inmates are healthy, and are in small units in a respectful environment, the chances for rehabilitation are likely to increase exponentially (Ibid). Legitimacy in prison therefore includes the perceived fairness of staff, the perceived fairness of the regime, and procedural justice (Liebling, 2004).

Attempts to explain the increased punitiveness in Western nations focus on a number of factors such as rising crime rates, economic and social disruption and cultural factors (Hinds, 2005). What is called new punitiveness, an increased harshness of punishments for offenders and a populist appeal for law and order, is a consequence of many influences that researchers are beginning to understand, but one clear cause of punitive policies is the lack of confidence in the criminal justice system of most western where the public repose little faith in the professionals who administer the criminal justice system (Barker and Roberts, 2005). This crisis in public confidence creates fertile ground for new punitiveness: the demise of rehabilitation and the politicization of crime (Wacquant, 2005).

Crime levels have much more to do with social factors such as the lack of opportunities for young people and the fragmentation of communities, and economic trends, than with punishment (Cavadino and Dignan, 2007). Managerialism is a term used to describe the radical changes in the style of prison management that occurred from the 1980's onwards, and the growing culture of effective management and control, and heavy discipline and order that emerged in the 1990s (Liebling, 2004). It is a set of ideologies and practices representing a pragmatic, future-oriented, technologically supported approach to the management of prisons with key performance indicators. It brought close attention to budgets, targets, strategic-planning, efficiency, value for money and performance measurements, and according to Liebling, a move away from the discussion of purpose and ethics (Liebling, 2004; Cavadino and Dignan, 2007). It involves the setting of targets for an organisation and regular monitoring of its performance. It means plans to "modernise" the prison system, bring down costs, and the building of larger prison institutions, called the

"superjails",[26] in order to achieve "modern, affordable prisons that give the best opportunity to work with offenders to stop them committing more crimes when they leave" (Travis, 2013).

The English Justice Secretary Chris Grayling has recently made the decision to close four prisons described as uneconomic. He has so far ordered the closure of 11 prisons in 2013. It is estimated that the closure of the four prisons will reduce the annual prison budget by £30m. The justice minister said that they were all either expensive to run or in need of substantial capital investment in the next few years (Travis, 2013). A major element of the government's response to the increasing prison population has been to provide more prison places.

Closing small local prisons and replacing them with supersized jails would not reduce crime but also make communities safer (Cavadino and Dignan, 2007; Liebling, 2004). The problem with this management is the emphasis on process and the way things are done, rather than on outcomes and what is being achieved. It involves an excess of micro-management techniques and an absence of effective macro-management strategies (Coyle, 2005).

The prison system in Brazil, as with the English prison system, suffers from a long-running crisis of legitimacy, that, according to Cavadino and Dignan, has four main aspects: the prison system is generally viewed as being ineffective in controlling crime, and in its use of resources, it is insensitive in dealing with prison staff, and all too often treats offenders inhumanely (Cavadino and Dignan, 2007). In view of the generally unsympathetic attitude towards prison inmates on the part of many politicians and members of the public, the prison system's most vulnerable aspect is almost certainly its lack of effectiveness (Ibid). The drastic increase in the size of the prison population over the last decade has increased the problem of overcrowding and conditions of detention in prison. Having more residents than available beds and more

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[26] In a major shakeup of prisons in England and Wales, the Justice Secretary Chris Grayling has ordered a feasibility study into building a second "superjail" in west London and confirmed the first new £230m 2,000-place facility will be built in Wrexham, north Wales (Travis, 2013).

people than the infrastructure is capable of holding leads to instability, stress and aggression, idleness, staff overload, lack of privacy[27] and service deficiencies.

This so-called number crisis (Cavadino and Dignan, 2007), has corrosive effects on penal policy and attempts at rehabilitation and results in restricted regimes and a lack of space. Neither the facilities nor the resources can provide inmates with training, education and work opportunities; moreover, relations between staff and prisoners are also adversely affected.

Fairer and better prison regimes are not only more popular with prisoners; they also encourage them to behave better (Liebling, 2004). The best way to create legitimacy among inmates is to treat prisoners justly, respecting their dignity and their rights. This relational approach is one that fosters constructive and respectful social relationships among inmates and staff. But in institutions such as prisons, with little visibility and legitimacy, these formally fair procedures are in poor state. By creating an atmosphere and ethos in which prisoners' rights are genuinely and effectively respected, and by altering attitudes and relationships, inmates can in return, afford legitimacy to the prison and behave accordingly (Cavadino and Dignan, 2007).

The current penal strategies have been incapable of providing legitimacy and are morally empty. Only a systematic strategy of affording consistent respect for human rights can effectively create legitimacy and avoid unnecessary human suffering by restricting incarceration to cases where it is really necessary. This way, it is likely that the numbers in prisons can be kept at suitably manageable and affordable levels.

2.5. The Establishment of Prison Gangs

Authors such as Hagedorn and Brotherton call for the understanding of gangs within an analysis of globalisation and contemporary urban political economy theory. They argue that globalisation influences that analysis of gangs in the process of pacification of urban frontiers and in the "convergence of the ghetto and the prison in the 'revanchist State'" (Hagedorn, 2007: pp19). According to the authors, gangs today

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[27] Privacy is an important component of rehabilitation. It allows the opportunity for self-evaluation permits limited communication and establishes psychological distance from others (Fairweather, 2000).

can be best defined as organisations of the socially excluded, simultaneously occupying the spaces of both the prison and the ghetto.

Since the start of the "War on Drugs" in the 1980s, which led to massive increases in the prison population and high profits from drug trafficking, prison gangs have consciously worked to increase their influence inside prison systems, to control and profit from drug trafficking on the street. This is made possible, based upon the logic that individuals involved in selling illegal drugs face a high likelihood of serving a prison term at some point, or in having a friend or family member in prison. The American War on Drugs dramatically increased the rate of incarceration for Blacks and Hispanics during the 1990s. As Latino inmates were released, they took their gang identity with them, and they disseminated their prison-based ideologies to a growing stratum of street youth. Similarly, the police response to the growth of drug trafficking in Brazil put many of its criminals in prison, and by the end of the 1990s, drug traffickers already accounted for 60% of the prison community in the State of Rio (Zaccone, 2007).

Prison gangs themselves can be called complex organised crime syndicates (Font et al., 1995). They represent all gangs that commit crimes in the free world whose members are sent to prison, in addition to those that form inside prison, as a threat group to counter-act what members may perceive as a threat from other gangs or gang members inside prison society (Ibid). Jacobs (1977), in his research at Stateville Penitentiary, found that gangs in prison perform an important economic and psychological function, and to some degree act as a buffer against poverty. By fulfilling these roles, Jacobs affirms that prison gangs have contributed to the politicisation of the prison. A good definition of a prison gang to start with would be "a close-knit and disruptive group of inmates organised around common affiliation for the purpose of mutual caretaking, solidarity ad profit-making criminal activity" (Camp and Camp, 1985).

However, prison gangs have emerged as a major disruptive force within a large number of correctional systems all over the world (Lessing, 2010). These

institutionalised groups cause a great deal of violence in prisons and outside of them. Most prison gangs do more than offer simple protection for their members. Most often, prison gangs are responsible for drug, tobacco, and alcohol handling inside correctional facilities (Magalhães, 2000). Many prison gangs also involve themselves in prostitution, assaults, kidnapping and murders. The changing nature of the threat by gangs behind bars has meant that the correctional system itself has had to adapt. One response has been to seek to develop more secure super maximum-security facilities for violent gang members and gang leaders, such as Pelican Bay Prison, in California, and Bangu 1, in Rio de Janeiro.

Is prison then still about individual reform? Jacobs (1977, 2001) argues that while at one time inmates may have endorsed the principle of 'doing your own time', the gangs endorse the morality of 'doing gang time'. The emergence of super gangs as the predominant inmate force at Stateville prison has had a profound impact on the inmate social system. Jacobs describes a severe erosion of a unifying effect that an inmate code may once have had and identifies a Balkanized inmate social system, i.e. stratified and divided as was done in the Balkans Peninsula.

The emergence of super gangs in Jacobs's work has to do with their territorial dominance over Chicago's slum districts, their larger size, the relatively high age of their leaders, their annexation of smaller gangs and their greater use of violence (Jacobs, 1977). Hagedorn (2008) uses a more defining term 'institutionalized gangs', to address major gangs that exist literally for decades, have spread outside their original neighbourhoods and have an identity that goes far beyond peer groups. He uses the examples of gangs in Chicago, Cape Town and Rio. Rio's prison gangs have been successful in projecting their power and expanding their operations beyond prison walls to such degree, that some authors say they have outgrown the term 'prison gangs' (Lessing, 2010). Yet as a native group formed inside prison, they retain a culture informed by the prison experience and continue to rely in important ways on the prison system as a locus power. They have however, as Jacobs described changed the social organization of the prison system so far as they consolidate and propagate. Jacobs (1977) does not analyse the impacts which gangs have in the calls offbrand cons (unaffiliated inmates), as this research investigates. Importantly, he notes that the

more established the gangs become the more precarious are the lives of non-gang members.

A prison gang can protect the inmate from other inmates or other prison gangs, but it can also predate upon him[28]. Skarbek (2008) study on La Nuestra Familia[29] anlysed qualitatively that for the entrant inmate to the gang the potential of predation is extremely high even if he does not choose to join the gang. Joining the gang means obedience, payment of a 'gang tax' for life to higher rank member; failing to engage actively entails punishment by death. Not joining the gang means, he is resilient on himself for protection. But for the gang, accepting a new member is better off to commit to member safety preventing predation and misconduct within the gang. So, the equilibrium scenario becomes that prisoners join the gang and are not predated by its members.

In the American context with racially segregated prison gangs, co-optation and recruitment of gang members from different minor youth gangs. While cross-racial alliances are usually born by necessity (Lessing, 2010), Valdez reported that most young gang members suffer intimidation and violence to join them, and let go of their previous allegiance to the smaller gang in Texas prisons (Valdez, 2011). In the prison, they develop solidarity with the organization and participate in the group's illegal activities.

The relationship between gang affiliation and violent misconduct offer an interesting insight into gang as an administrative problem. Griffin and Hepburn (2006) observed that inmates with a gang affiliation were more likely than other inmates to commit a major misconduct for assaults, fighting, threats and for weapons possession. Non-

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[28] Skarbek (2008) defines predation as including not just physical abuse, but psychological, economic and social victimization.

[29] Prison gangs such as La Nuestra Familia (NF) in California prisons are uses violence to profit from illicit activities inside and outside of prison (Skarbek, 2008). They are a highly organized criminal enterprise and similarly to Rio's prison gangs their incarcerated members profit from dealing drugs, extortion, racketeering, and smuggling contrabands. Outside prison walls, NF profits from distributing drugs, armed robberies, burglaries and home invasion robberies (Skarbek, 2008).

affiliated inmates were significantly less likely to commit of misconduct than inmates with gang affiliation on the street and in prison.

2.6. The Established Prison Gangs in Brazil

The prison gang phenomenon is a growing concern in Brazil. Despite the presence of organised criminals in prisons from Rio and São Paulo, in the southeast region, prison gangs can be seen throughout the country: in Rio Grande do Sul, in the south, with the Manos e Brasas; in Mato Grosso do Sul, in the Central West part of Brazil, with Primeiro Comando da Liberdade; in Minas Gerais, in the Southeast, with Primeiro Comando Mineiro and Comando Mineiro de Operacoes Criminosas; in Paraná, in the South, with Primeiro Comando do Paraná; in Pernambuco, in the Northeast with Comando Nordeste and others (Salla, 2006).

The focus of this research is the prison gangs present in the correctional institutions of the State of Rio de Janeiro, which controls much of the national drug trafficking. All of the prison gangs studied here have their counterparts on the streets, and dominate the inmate community:

1. Comando Vermelho (Red Command) - CV

The history of CV is directly related to the history of narco organised crime in Rio. CV was born in prison and its power remains there to this day. It was founded between 1969 and 1975 in the penitentiary at Ilha Grande, as cited before. From Falange Vermelha, CV was born with the motto 'Peace, Justice and Freedom'. The arrival of cocaine in the 1980s was responsible for the expansion of its power and business. The CV has a statute, commandments, and a prison book, which lists all of the names of the offenders and their profiles. Any slight deviation from the statute results in the death penalty. Their Ten Commandments which I had access during my fieldwork is valid to regulate life within the organization both inside and outside prison:

1. Don't deny the Homeland (i.e. the organisation)
2. Do not snitch
3. Do not accuse without proof
4. Do not conspire
5. Do not covet your neighbour's wife

6. Eliminate our enemies
7. Strengthen the *Caidinhos,* i.e. the poorest
8. Be humble
9. Be part of the collective
10. Do not kill in vain

CV is heavily armed and is the most violent group. Since 2006, they have made a coalition (CV-PCC) with the largest narco criminal group in Sao Paulo, called Primeiro Comando da Capital, PCC, (First Command of the Capital), due to both cities geographical importance in the drug route. This coalition allowed the entrance of crack into Rio's drug market. CV is the only faction to sell crack in the State. TC and ADA do not sell this drug due to a business decision "because crack destroys the addict, and we don't want to kill our clientele neither our employees", reasoned a TC member.

2. Amigos dos Amigos (Friends of the friends) – A.D.A.

This drug faction is segregated, and is mainly in Bangu 4. It emerged inside Rio's penitentiary in the 1990s. Amongst the other drug factions, it is called the faction of the vacillation, due to its founders who previously belonged to CV (Ernaldo Pinto de Medeiros, known as Uê) and TC (Paulo Cesar Silva dos Santos, the Linho). ADA soon joined TC to fight the largest group, the CV. Uê was killed inside the maximum-security prison Bangu 1, during the single riot in that prison, led by CV on September 11th, 2002. Celsinho da Vila Vintém, ADA leader, was accused of treason and ADA and TC became rivals. TC members who did not keep up the alliance with ADA created TCP – Third Pure Command, which today is not a strong and united group.

3. Terceiro Comando (Third Command) –TC

They are currently segregated in Penitentiary Esmeraldino Bandeira, in Gericinó Complex. Details of its creation are still unclear. Some say it was the development of Falange Jacaré, which opposed CV in the 1980s in the prison in Ilha Grande. Others say it was founded from a division on CV within Bangu 1. TC dominates drug points in the west and north zones of the State, areas on the periphery of Rio. TC is said to have resisted CV's rules, disciplines and dynamics between different *donos.* TC calls itself a cooperative of drug trafficking, which is run jointly by its members for profits, involves mutual assistance, but enjoys more independent relationships amongst its

members. *"Let's say a TC dono makes a war. I have no obligation to help him. It's his war, not mine. If I help him, it's simply because I think he deserves my help or he is a friend. At CV organisation, I would have the obligation to join the war".* Its members like to think of themselves as low profile, i.e. they don't like media attention.

2.7. Defining Gangs, Prison Gangs and Organised Criminality

Outside the academic bounds, the terms gang and organised crime are commonly misused. This derives from the sense that both nomenclatures encompass the idea of a group of people involved continuously in illegal activity. The literature on gangs derives from the many existent criminological theories of deviant behaviour, ranging from classicism, positivism and psychological positivism, to interactionism and labelling theory. It can be said that sociological understating of delinquency is still evolving. Like much social behaviour, crime is multifaceted and shaped by a range of factors. This section seeks to clarify the definitions of the terms used in this research.

In sociology, gangs have generally been defined and compared across factors of association (Sutherland and Cressey, 1960); conflict (Merton, 1938; Agnew, 2006); integration/cohesion (Cohen, 1955); crime and delinquency (Cloward and Ohlin, 1960); territory (Trasher, 1927); economic (Spergel, 1964), organisational (Knox, 1994) and so on. Venkatesh (2009), Hagedorn (2008), Brotherton and Barrios (2004) argue that gangs are not simply the result of discrete processes of social adaptation, or of social and individual pathologies. Instead, they can be seen as examples of urban social and cultural resistance to control and domination. Hagerdorn (2008) considers gangs as not fundamentally a crime problem, but as variable social organisation in poor communities, which are transitioning to the new economy, and can create bonds as not only an underground economy, but also as a political, social and religious organisation.

For Brotherton (2004), the street gang is generally perceived by American literature to be one of the most intractable problems of delinquency and crime in society and as a criminal career path, which reinforces social exclusion and criminalisation. This general consensus suggests that the solution to this problem lies in the organisational destruction and symbolic erasure of these groups.

The term 'gang' is loaded and encompasses many possibilities of organizational level (Von Lampe, 2006). The author George Knox (1994), a gang expert in America, created a typology of classification factors for gang analysis, which objectively measure variations in the level of organisational sophistication of each group. It is interesting to observe that in his particular perspective each classification represents a stage of collective crime, measured by a developmental spectrum, where organised crime is the last stage of the continuum. The spectrum starts with informal and social groups, which are not part of the crime scene (considered level zero in threat group). The numerical scale that assesses crime threat, violence, differences in formal organisation, formal codes and statutes, and definitive structure, assigns the focused group to level 1, 2, or 3[30]. Organised crime is then the epitome of gang crime[31]. According to Gaes et al. (2001), organised crime members are dealt with as a special category because of their allegiance to their organisations, if compared to the gang's affiliation and embedment. They have a higher degree of operational characteristics that influence the whole social organisation of the group and the degree to which the group can operate in wider society, by bribing officials, gaining protection, investing and diversifying their capital, and maintaining connections with many others who are not in their group. Knox's work is interesting due to his effort to objectively measure gangs' and organised crime organizational level.

There is a lot of baggage and definitional difficulty within the terminology of organised crime (OC). Many authors and institutions have attempted to define the criminal activity but there is no such thing as a universal definition, as the phenomena of organised criminality takes different forms in different places, making use of specific and local tools and processes. This broad scope of the concept of OC encompasses a multitude of facets of social reality that fall into the domain of different disciplines, including Psychology, Sociology, History, Economics and Political Science. Bearing in mind that this kind of criminality is not static, Von

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[30]The typology put forward by Knox describes forty-two factors (See Annex A) based on gang literature and on previous research. It provides a comprehensive set of trends and organisational features that can be used in a myriad of ways to describe the ways in which a gang as a form of social organisation, develops and strives for greater sophistication.

[31] To Knox, the difference between higher-level gangs in the spectrum and organised criminality is merely a matter of degree, and therefore both should be considered as formal organisations. However, the author advocates that the two major differences between organised criminality and gangs are corruption and capitalisation, represented in the extent of penetrating legitimate business

Lampe generally describes the study of OC as 'an endeavour to systematically explore social phenomena under conditions of illegality' (Von Lampe, 2006: p20).

Cressey (1969[32]), one of the main authors of the Godfather model of organised crime, advocated that this deficiency in definition must remain until much more is known about the structures of each of these kinds of criminal systems, because prior efforts to define categories of crime in non-legal terms were not very helpful in the task of precisely identifying the division of labour which is organised crime. Cohen set forward in 1977 that the term Organised Crime denotes not just a set of criminal actors but also a set of criminal activities. Although it represents a broad definition, it is important to understand that Cohen's view includes group activities and a series of illegal actions.

The approach taken by Chambliss (1988) in his work in Seattle on criminal networks might illuminate this impasse a bit. The more regulated the activity and the more successful the participants, the more systematised the profit sharing. The participants are independent operators who cooperate and compete according to their ability, power and interest. They are widely distributed among different people, changing all the time, but there is a hierarchy to follow. The author uses the term *organised-disorganised nature of rackets* to consider several features involved in the criminal network, such as competition, disputes over territory and businesses, individual versus enterprise interests, coalition, and protection and lobbying. Therefore, Organised Crime (in America) is then, according to the author, a set of shifting coalitions between independent groups of gangsters, business people, politicians and union leaders, which are normally local or regional in scope (Block and Chambliss, 1981).

Likewise, Hobbs' work on professional criminals in modern Britain (1995) shows criminals as businessmen, buying and selling commodities in accord with the market, and rearranging themselves into flexible alliances and networks. Hobbs says that the markets themselves shape the entrepreneurial options available, which makes criminals engage with and manipulate markets in a very similarly way to legitimate traders.

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[32] Cressey's classical work has had great influence on the understanding of American-Italian organised crime, although his work was much criticised at the time due to its reliance on a questionable source of evidence. The American-Italian model has embedded itself in popular culture, mediated through Hollywood.

One way of measuring the power of a criminal organisation might be through the support it gains from legitimate actors. The more a criminal organisation can conquer actors within the State to facilitate its activities, the more power the criminal group has. The State then becomes a means to promote or increase the criminal group's benefits, or guarantee its stable function. This is called *institutional cooperative power* (Oliveira, 2007). Chambliss (1988) agrees and writes about an alternative view of criminality: "One feature of criminality that is almost always overlooked is the extent to which businessmen who operate a presumably legitimate and wholly legal enterprise are involved either overtly or covertly in criminal activities" (pp 451).

In the 1970s and 1980s, the perspective of organised criminality was broadened, largely as a result of drug trafficking groups (e.g. Medellin and Cali Cartels) and their brutal capital accumulation (Silva, 2003; Lupo, 2002; Carter, 1997). The word *cartel* refers primarily to the organisation of a business, and is about the power to control. Dwight Smith, in 1980, suggested an understanding of OC as being a common thread of enterprise that takes place across a spectrum, including legal and criminal business towards a unifying perspective of criminal activities. Italian *Mafiosi,* at the end of the 1970s such as Tommaso Buscetta[33] and Leonardo Badalamenti[34], from Cosa Nostra, acquired international power that enabled them to transfer money from the "New World to the Old World" (Paoli, 2003). They represented the newborn narco mafia (Zaluar, 2004). Both of them were imprisoned in Rio de Janeiro, Brazil, by the Italian judge Giovanni Falcone[35], in 1984.

The scope and variety offered by drug dealing to those seeking to explore criminal entrepreneurial possibilities are considerable (Hobbs, 1995). In the lucrative activity

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[33] Tommaso Buscetta and Salvatore Contorno were later considered the main source of the 1987 judicial indictment that formed the first anti-mafia investigation, which reconstructed the history of the Cosa Nostra and led to the charges brought against most of the leaders and members of the Palermitan Mafia Cosa Nostra (Paoli, 2003).

[34] Leonardo is the son of the capo-mafia Gaetano Badalamenti, from Cosa Nostra, who died in a north- American penitentiary, where he was sentenced for 15 years for international drug trafficking. Leonardo was released upon the first arrest.(not sure this last sentence makes sense) He has lived in Sao Paulo for more than 10 years, where he is known as Carlos Massetti. He was imprisoned again in May 2009 following an investigation conducted by the Italian Carabinieri- ROS. His pleas for political asylum in Brazil affirmed that he was politically persecuted by Italy.

[35] Judge Giovanni Falcone had coordinated the most successful anti-mafia investigations in the 1980s. Falcone and his wife were killed in a bomb explosion in Palermo in May, 1992. He was considered Cosa Nostra's most dangerous enemy. Several other magistrates and police officers involved in the anti-mafia investigation were murdered by the mafia.

of narco trafficking at the wholesale level, managers, farmers, businessman, bankers, and traders with transnational ties, command the investment, production, commercialisation and money laundering. The retail level drug traffickers, the only ones prosecuted and publicly identified, make extraordinary profits, with the possibility of quintupling the money they have spent buying the drugs from the intermediaries or straight from the source (Zaluar, 2004). Fernandinho Beira-Mar, one of CV's leaders, responsible for the vast majority of the national drug distribution, was imprisoned in Colombia in 2001, for buying drugs and arms. The International Monetary Fund (IMF) calculates that worldwide drug trafficking generates US$500 billion per year, referred to as narco-dollars (Zaccone, 2007)[36]. If this money were to stop circulating suddenly after being cleaned and invested in enterprises, it would create a financial crisis (Magalhães, 2000).

Among the different definitions of organised crime, this research finds some consistent characteristics which apply to this investigation: organised criminality can be described as non-ideological hierarchical social organisations with an established division of labour that continue to conduct illicit activities. They have institutional cooperative power (Oliveira, 2007) and maintain cohesion and existence through the use of force and violence. They strive to monopolise either an activity and/or a territory. Currently, most organised criminals have transnational networks.

In this thesis I discuss mainly three narco organised crime groups, CV, ADA and TC. These gangs have members in prison as well as on the streets. An important remark for this research, is that in order to avoid the creation of many unsightly and confusing acronyms during this study, and therefore create unnecessary obstacles for the reader, I refer to them in prison as prison gangs CV, ADA and TC, and when on the street I denote them as organised crime groups. Therefore, the term prison gang in this context means the presence of organised criminality within prisons. In other words, organised crime is, in this case, the street counterpart of the prison gangs in context.

Conclusion

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[36] For cocaine profits only, there are 14 millions regular users of the drug who snort some 250-300 tons yearly around the globe (Gootenberg, 2006).

This chapter discussed the emergence of prison gangs in Rio and how they managed to develop into organised criminal groups outside of the prison walls whilst maintaining the prison as an important part of their territory. It discussed the Brazilian context and the theoretical framework upon which the research is grounded. It argues that the Rio case study can add to the literature on prison gangs, not only through the way they've emerged, but also due to their dispute over control of the inmate community and remunerative power over the prison economy. The social organisation of the prison has had an impact on the growth of the prison gang, which is thoroughly developed later in the thesis.

In the next chapter I discuss how the research was done and describe the fieldwork.

Chapter 2

Methodological Approaches and Decisions regarding the Research Project

"Remember those who are in prison, as though you were in prison with them;
Those who are being tortured, as though you yourselves were being tortured"
Hebrews 13.3, Old Testament

This research is based on qualitative material collected during nine months of fieldwork in Rio de Janeiro, Brazil, between the months of September 2008 and June 2009. The initial research goal was to examine the impact of the current social organisation of prisons on the experience of inmates from different classifications, i.e. gang members and non-gang members, in three maximum-security prisons, and evaluate its effects on rehabilitation and prison management. However, following the main literature on the formal and informal organisation of prisons (Clemmer, 1940; Irwin and Cressey, 1962; Goffman, 1961, Moore, 1978), in order to fully engage with the prisons and their subcultures, I needed to delve deeper into the emergence, growth and fluidity of prison and street gangs. Only by doing this would I be able to fully grasp the meaning of gang bonds and incarceration itself, from the interviewees. Also, the fieldwork presented many all of the pitfalls, which the textbooks predicted (Bell, 2010; Schlooser, 2008; Bauer and Gaskell, 2007; Jacobs, 2006; Nigel, 2006; Noaks and Wincup, 2004; Oliver, 2004; Liebling, 1999). The issues of gaining access and retaining anonymity proved to be very difficult, and could have compromised the research. For all of the reasons above, the research was redesigned to extend the sample from incarcerated prisoners to prisoners on remand, parole, and offenders who had recently been released from prison, which proved to be an extremely rich sample[37].

This chapter details my fieldwork experiences and challenges. It also discusses matters of methodological choices in accordance with other scholars, access, ethics and gender. The first section gives a brief scan of the demographics and how the fieldwork was divided. The following sections contextualise each moment of the

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[37] With the recidivism rate at more than 60%, convicts are, in a very high proportion, former inmates. Furthermore, previous research on prisons through information collected from in-depth interviews with ex-prisoners have been done and proved to be very successful (e.g. Hunt et al., 1993).

research in relation to the different sample groups. They describe my qualitative endeavours, focusing on gaining access, interviewing high-risk research participants and authorities, matters of ethics, and the difficulties I encountered during the process.

2.1. '*Mixed and Together*': Description of Fieldwork

The research consisted of five different sections including a pilot group, all of which required distinct attributes. These phases were divided into four major sample groups: the sensitive sample, composed of high-risk interviewees (Schlooser, 2008), i.e. prisoners, ex-cons and gang members; the authorities, i.e. prison directors, judges, politicians and police; the experts, composed of academics and relevant actors from the third sector; and the post-prison network, composed of ex-convicts, organisations and third sector initiatives that offer support to offenders following their release. As one can imagine, due to snowball sampling, interviews occurred not only in the chronological order of the sections described above, but also, whenever they were disclosed, e.g. by an expert, I made contact with a new authority, which led me to a post prison network, and so on.

2.1.1. Interview Scan: Odds and Ends

I conducted a total of 56 interviews, which produced approximately 125 hours of audio recordings. All of the interviews were personally transcribed[38] which took me around two months (about 379 hours of transcription work) to complete. The transcriptions from the sensitive sample took me longer to digitalise due to fragmented thoughts, singular narratives and the exacerbated use of slangs. At the end of every interview I would immediately write down my observations and particularities of the meeting. By the end of the fieldwork I had three research related diaries that proved to be extremely effective for accessing information regarding participant observation (Alaszewsky, 2006; Liebling, 1999).

Out of the total number of interviews, 30 were from the sensitive sample. Table 1 gives the details of demographics.

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[38] As Pierre Bourdieu asserts the simplest punctuation and the placing of a comma can determine the whole sense of a phrase. So I was extremely careful in personally transcribing the interviews (Bourdieu et al, 1999).

	Gang Members	Ex-Gang members	Non-Affiliated
Prisoners on remand	5	-	2
Incarcerated	2	2	-
Ex-Convict	-	10	9

Table 1

The other interviews, ranging from the prior nominated samples were: 2 criminal lawyers, 1 criminal titular judge, 2 Prosecutor Officer, 2 members of the prison council, 2 prison social workers, 3 prison directors, 3 prison wardens, 1 prison security secretary, 2 relevant members from the third sector, 1 State Deputy, the Human Rights Minister, 3 authorities from the post-prison networks and 3 academics, amounting to a total of 26 interviews.

Qualitative methods were chosen as the best way to carry out this research because the aim of this study was to explore the social meanings of group identity and influence in a particular society, rather than to quantify the mechanisms of imprisonment. Semi-structured exploratory interviews were the chosen method and aimed to provide "the basic data for the development of an understanding of the relations between social actors and their situation" (Gaskell, 2000:pp 39), with the distinctive advantage of allowing for the emergence of opinions, attitudes and events (Hinton, 2006) and self-narratives (Jacobs, 2006). I used this method for its flexibility, to allow interviewees to develop their own narratives, but with systematic guidance. All interviews were conducted individually and were recorded, unless I was asked not to, which only occurred at occasional moments of the interviews and never for a whole meeting. Anonymity and confidentiality about identifying information and privacy were granted to all as part of the informed consent at the start of all interviews.

It is important to remember that one crucial aspect to proceed with the interviews is to break down distrust and build up rapport (Gaskell, 2000). Numerous means and techniques were employed to this end, such an adequate dress code and politeness; but fundamental to all was the condition of empathy on the part of the interviewer and the willingness to understand how they identify themselves (Stein, 2006; Crewe and

Maruna, 2006; Clemmer, 1940). It was possible to develop positive friendly relationships, which gave me access to important information and meaningful places to the interviewees, where they would feel more comfortable and even protected (Stein, 2006). The interviewee is at least as important as the setting in which the conversations take place (Jacobs, 2006). Interviews were conducted in offices, restaurants, an airport, a custodial hospital, *favelas*, a circus, a park, prisons, a church, in classrooms, by telephone and in the interviewees'' houses. Interviews ranged in length from thirty minutes to four hours, with the average length being ninety minutes.

This study has grown from my previous research on juvenile institutions in Rio de Janeiro. It was motivated by a need to understand the meaning of gang behind bars, its perpetuation, dimension inside and outside prison walls and the impacts on the experience of incarceration for all types of prisoners. Is it beneficial – why, how and in what areas? Is it detrimental – why, how and in what ways? So, the research questions underlying this current work are:

. What's the objective of the policy of segregation in prisons from Rio de Janeiro, and how is it applied to different categories of prisoners?
. How do prisoners experience incarceration under a fragmented social organisation of the prison? Does it differ, if so, how?
. How do off-brand inmates serve time within the inmate community?
. Is the stratification of the prison compatible with penal policies and rehabilitation?

In the prison setting, more often than not, researchers do not choose their own random sample from the pool of applicable participants because of issues of confidentiality (Schlooser, 2008; Liebling, 1992). I was particularly clear about this when negotiating with the Security Coordinator and the Directors responsible, to lay down some ground rules and draw the sample that would satisfy both sides (Jacobs, 2006; Nigel, 2006; Crewe, 1992; Cressey, 1951). All efforts were also made to carry out the meetings with prisoners in a venue with the least connotation and link to prison management, to avoid bias and allow prisoners to feel more comfortable. Liebling (1992) undertook interviews with prisoners in their own cells, in the laundry, in the TV room, in the hospital, in the dining room and in the library. I conducted one interview in a

warehouse room, one at a table in the hall and the other at an empty office by the Cafeteria. Interviews with prison staff were done in their offices, or in empty staff rooms. I explained to my interviewees that this research had no intention of revealing details of internal affairs of organised criminal activities, but intended to focus on perceptions and experiences of gang related events and so on. I found that the sensitive sample were willing to talk confidentially about their gang experience and also about their involvement in criminal activity.

The sensitive sample included interviews with heavy narrative, with reports of extreme situations and conditions, and often of psychological and physical despair. Many of them cried during the interviews, sometimes more than once per meeting, some paused for a few minutes to regain balance, and some wrote down what they couldn't speak out loud, either as a precaution because "walls have ears", or simply because it was too hard to say it in words. The participants narrated episodes of extortion, coercion, violence, torture, corruption, abandonment, abuse, addiction, suffering and poverty, but also of hope, strength, meaning of life, renewal, and God. They discussed politics, business models, and also the drug market. Most of them spoke for the first time about their experiences and memories, and they were flattered for that (Crewe and Maruna, 2006; Jacobs, 2006; Stein, 2006; Gelsthorpe and Morris, 1988). They reported back to me at the end of the meeting that the interviews were very difficult emotionally and psychologically due to their personal stories, but they were refreshed and felt they have contributed to something good and greater than them. One ex-convict cried while saying a prayer at the end of the interview, asking God to give me strength to carry on the research. It was very moving.

Bearing personal safety in mind at all stages in the field, both my own and the interviewees', the interviews were always scheduled to take place in either a private/reserved space, or where the participants and I felt safe to talk. Evaluating situational risks and trying to find a common place for both the interviewee and I, this led me to unusual busy places, such as a circus, a church, a football match and a public park, but also led me to deny one interview with an ex-con who was pushing for a meeting under a bridge in downtown Rio in the evening, where he was sleeping. Balancing different aspects of safety such as access, personal security, confidentiality, tensions and the establishment of a good rapport, I aimed at lessening any safety risks

for both interlocutors. Following the interviews, I was always very tired. Twice, I had to conduct more than one interview on one day and that proved to be unproductive (Liebling, 1999). After the transcriptions were made, all interviews were coded in order to organise and retrieve data, which were categorised and clustered into segments and key issues (further explanation on the analysis later on the chapter).

During the course of the fieldwork, a media review (Rawlinson, 2007) was also collected in the archives of the three main newspapers of Rio and Sao Paulo, i.e. O Globo, Jornal do Brasil and Folha de Sao Paulo, in order to trace back reports about the division of prisoners in the penitentiary system. Through a brief content analysis, the newspaper articles ranging from 1970 to 2009 related to prison events, such as rebellions, escapes, accounts on the formation of the gangs groups, and also on the prison-street relations, aided me in understanding a more coherent chain of events and also to check evidence collected during the fieldwork. The media review was extremely useful for chapter three and five.

2.1.2. Getting to the Specifics: Piloting and Networking

The standards for studying gangs, prison life and inmates present a unique set of obstacles (Crewe and Marusa, 2006). For this reason, I started with a pilot group of prisoners on remand. Simultaneously, I used my connections to arrange interviews, informal conversations, and visits to social programmes, where I could establish connections with individuals who themselves had connections with the gatekeepers, authorities and experts. Snowball sampling proved very rewarding. I began by attending some social projects and educational programmes in *favelas* Santa Marta and Cidade de Deus, and the 52o Police Precinct in Nova Iguaçu. In the *favelas* I participated in grass roots initiatives such as educational programmes, documentary production and audiovisual training, Hip Hop and graphite. The 52o Precinct, considered to be one of the worst prison establishments in Brazil by the Prison System Parliamentary Inquiry Commission (CPI, 2008[39]), started a pioneer project in March 2008 called Citizen Incarceration, which aims to open the Precinct to social

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[39] It was ranked third place with three other establishment in the criteria of overcrowding, insalubrities, prison architecture, rehabilitation, medical assistance and ill treatment (CPI, 2008).

interventions, universities and civil society, in order to create partnerships to improve assistance for prisoners on remand[40].

The piloting started at precinct, which held 420 prisoners on remand - 210 from Comando Vermelho (CV) and 210 from Terceiro Comando (TC), two rival gangs. A thin concrete wall divided them. The precinct had two separate visitor rooms and classrooms to answer to the needs of the different profiles of prisoners. I interviewed seven prisoners on remand from CV and two from TC. From morning until evening, I was able to observe the routine of the precinct, and ask questions of all of the actors involved in the routine, i.e. prisoners, staff and the delegate. These rich informal conversations proved to be one of "the most useful despite the dangers introduced by a lack of standardisation and undoubted biases of selection" (Sykes, 1958: pp 174).

This phase proved to be of utmost importance for the *Novis[41]* investigator, not only because it allowed me to gather material and information on the main issues of relevance and procedural matters, but also it granted me clarification about my role and practice in presenting myself as a research student (Jacobs, 2006). It helped me to become familiar with the wording of charges, prison jargons and slangs, to be more critical, and finally, it assisted me in dealing with my discomforts (Bell, 2010; Noaks and Wincup, 2004; Piacentini, 2004; Oppenheim, 1992). The smell of men's sweat, the incredible heat, the terrible environment conditions, the noise of iron gates opening and closing, the loud voices talking, the intense distrustful but curious looks, the prisoner who screamed he was selling candies, cookies, cigarettes and iced tea, was all a bit overwhelming at first. When I was about to enter the collective cell of CV, the *linkage inmate[42]* shouted: 'Woman on the cell. Everybody put their shirts and thick shorts on, hands behind their back. Who doesn't want to be seen stay in the back of the cell.' Some inmates went to the back and the cell summit composed of seven men came to the front. Then he said: 'Please, come in'.

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[40] The initiatives consisted of educational and cultural activities, schooling, juridical and health assistance and, in October 2008, all 420 prisoners on remand voted for elections inside the precinct. Although by law they do not lose their right to vote, in practice there are no voting sessions in the precinct establishments.

[41] This is just a play with the word novice.

[42] In the cell organization, he is responsible for the communication between inmates and administration

The cell summit leaders received me in a corner of the collective cell. Seven men aligned themselves in a semi-circle around me and asked who I was. I introduced my research and myself, my purpose there, and they agreed to talk. As we spoke, they started to become less formal and made jokes about their routine. It was explained for the first time, about their rules and commandments, their relationship with the convicted prisoners and outside criminals. When I finished the interview, they saluted me with a handshake and one of them even gave me a flirtatious wink, affirming that I could get other information if I promised to come back to the jail for another interview.

My gender, coupled with my age had a distinct impact on all stages and samples of the fieldwork. Interviews inside prison were experienced with great suspicion, in a similar way to the accounts of Gelsthorpe and Morris (1988), who noted that being young and female meant their decisions were sometimes questioned by people assuming I had no authority to make them. In other moments of the research, my gender and my age proved to be an advantage, which yielded access to confidential files[43] and information, and also helped me to frequent more social related events[44] (Jewkes, 2003).

2.1.3. Accessing Authorities and Experts

The second phase of the research was aimed at the authorities' sample. All interviewees were selected on the basis of their knowledge and experience in the light of the positions they held and their involvement with the prison system. The sample was composed of interviews with prison directors, a security sub-secretary from the Prison System, delegates from the Federal and Civil Police, a penal judge and lawyers from the Criminal Justice and Prosecutors' Office, the Human Rights Federal Minister, prison wardens and prison social workers. It is important to highlight the extreme levels of suspicion and paranoia from this group. According to one expert this is due to widespread corruption in the prison system and administration and the potential use of retaliation, which makes them tiptoe and not know really who's who.

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[43] Such as reports from the criminal court on inspections in the visited prisons; confidential reports from the Prosecutor's Office; Classification and Penalty Prison Forms and confidential Police Intelligence Reports.
[44] One police officer told me: "Who can say no to these beautiful green eyes".

Most of them have already received death threats. All of them met me in person and contact by email and telephone was kept to the minimum. Most of them were extremely suspicious about their phones and computers. They believed their electronic apparatus was wired, so they would only speak in person. This however did not make it easier to meet with them. I faced all kinds of practical difficulties described in textbooks (Jacobs, 2006; Nigel, 2006; Liebling, 1999; Gelsthorpe and Morris, 1988), such as long hours of waiting, and respondents failing to appear. Normally they reserved me one hour of their time. Whenever the conversation went over 60 minutes, another meeting had to be scheduled. The meeting took place in a venue free of external interventions. On many occasions, interviewees asked me to stop the audio recorder or they stopped it themselves whenever they wanted to say something that could compromise them and others in some way.

The academics with whom I became friends in the third phase of the research helped me to deal with these networks of access (Schlooser, 2008; Noaks and Wincup, 2004). Pre-existing relationships can help speed up the process with the gatekeepers and in scheduling interviews with bureaucrats. Informal ways of networking such as name-dropping and becoming familiar with people in charge made all the difference. They also advised me on what to wear, where to go and what to disclose. Advice ranged from not using red nail polish (because red is the colour of the CV gang) to nondescript clothing. Both samples described above overlapped in time and networking.

2.1.4. Gaining Access to Prisons

The fourth part of the fieldwork took place in Rio's correctional system, and more specifically in three male maximum-security prisons, which are not going to be named due to issues of security, anonymity and confidentiality. Each maximum-security prison had different profiles of prisoners. Due to prison based research obstacles, the sample of inmates was small and I chose to rely more on the ex-cons and ex-gang members since they have the same profile. It can be said that qualitative research seeks a judgment sample to reach meaning for the population in focus, not a quantitative number, and therefore this does not impact the validity of my research (Oppenheim, 1992). Moreover, life in the society of captives is not rich in variations; quite the opposite; it follows repetitive and restricted courses and therefore one can

reach information saturation within a relative small sample of interviews, and the alternative is to focus on in-depth interviews (Campos Coelho, 1988; Irwin, 2005; Krienert and Fleisher, 2001; Sparks et al., 1996).

Interviewing prisoners at a correctional institution can pose many ethical and access issues to the researcher and I thought I had anticipated such problems. My first meeting with the Secretariat of State Penitentiary Administration (SEAP) was on December 26th 2007, almost a year before my fieldwork started. I presented my research project in advance so we could negotiate thoroughly my entrance. I was granted access after a brief analysis and negotiation of the prisons to be visited. The institutions had to cover the diversity of the inmate population. No amendments were made to the research and no conditions put forward. Reading Cohen and Taylor (1976), I was, naively, pretty happy with the decision and understood it as a pre-condition for public accountability of prison system.

In October of the following year, I was not expecting any trouble, just some meetings in order to get the fieldwork started. To my surprise, they did not recognise my granted access in writing, arguing that the Head of the Press and Research Office, formally responsible for granting access to the prison system and with whom I had negotiated, had been transferred to another office. I had no other choice but to renegotiate my entrance, which would take at least 20 to 25 days, which, at that time, I could not spare. After repeated phone calls and complaints to my contacts, two days later I got a phone call at night from the Security Coordinator of the Prison Complex, saying that he would be waiting for me the next day at 10am at the Gericinó Complex.

In the prison complex of Gericinó there are 24 prison units, ranging from maximum-security, semi-open to the penal hospital. It's an isolated area where the security belt is an extensive one. I spent an average of five hours in each of the chosen facilities. Interviews with directors were held in their offices. Although, on the one hand, I had the language competence and the common cultural background to help in my integration into the field, on the other, I was constantly reminded that in fact, I was 'an outside outsider' and a new face on prison grounds (Phillips and Earle, 2010; Jacobs, 2006; Nigel, 2006; Schlooser, 2008; Piancentini, 2004; Oppenheim, 1992). I had to prove myself academically and personally, as worthy of conducting the

research. The interview with the security coordinator was more meticulous and went through every detail of my fieldwork in the prison, and questioned the reasoning behind my intentions. After 40 minutes of conversation, which felt more like a defiant test of my knowledge and about my intentions, we started to discuss the logistics of the interviews. As predicted, the issue of recruiting prisoners was a sensitive one. We discussed the profiles of the prisoners, trying to reach a consensus between his practicability, my interest and prisoners' and gangs' norms. I left the Gericinó complex with the names and backgrounds of my possible respondents. Two days later, I returned to start the interviews. I arrived at 10am, the scheduled time, and I was left waiting for five hours in the office.[45] I waited, patiently. The next day, I was granted more freedom and I was allowed to walk alone in the complex. I learned that access is much more than the preliminary negotiation, and that respecting refusals and displaying measured independence from the gatekeepers can enhance the likelihood of cooperation (Nigel, 2006).

The day I was going to interview the State Secretariat, the Director of Bangu 3, a CV institution, was killed with more than 60 rifles shots, whilst travelling to Gericinó at 8h30am. Ten days later, a leader of a big militia group escaped from Bangu 8 prison via the front door with the help of fake wardens and passed through the gates of the complex. These two events caused a crisis at SEAP, including the exoneration of three prison directors. My meeting was immediately cancelled and I was told to defer my interview and the rest of research until further notice. Two months later, when I contacted SEAP I was questioned and interrogated about my granted access to the prison system. They tried to discredit my entrance and asked me to send them all of my previous email exchanges with SEAP, dating back to 2007, and also all of the work and interviews I had done so far. I refused it.

From this time onwards, I received random phone calls, often outside of business hours, e.g. 22h30 and 7h00, including to my house, the number of which I had not given to them. The most frequent caller was a woman named Tatiana, who said she was from the Research and Press office of SEAP, (although I had never heard of, or

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[45] While I waited, my interaction with the office agents and the inspectors from the Intervention Tactics Group, – created exclusively to contain prison riots, was limited to small talk about the news from the shared newspaper and the current TV soap opera. Any other subject or any subject suggested by me would be politely discarded and stiffly answered.

her met before), and she would ask questions in relation to the interview conducted with the Secretariat. She ordered me to send a new official request, which I did. A few days later, she asked me if I was still interested in interviewing him. I told her that I was. Then she requested that I forward to her the questions I would like to ask him, which I did. Following this, I received a call from someone else, who disregarded all of my previous discussions with Tatiana, and who wanted to start the process all over again, saying he had not received any request. The matter continued in this way until I returned to London in June 2009; the interview with the Secretariat never happened.

Personal security was a 'prominent feature of the research design and fieldwork, and were continually borne in mind at all stages of the research' (Jacobs, 2006; Hinton, 2006). This included the clarification of my role as a researcher; I wasn't there as a police officer, or a member of prison staff, or a journalist, and so on. I also made sure someone knew where I was during the all my interviews, including the ones with access-givers. If danger is an unavoidable part in crime related research, there are ways to lessen it without compromising the study (Jacobs, 2006).

2.1.5 Meeting the Other Sides of the World: Pre-Prison and Post-Prison Narratives

Irwin, in his research on parole behaviour (1970), found that the felon's parole experiences are shaped to some extent by orientations, which he acquires in prison. Furthermore, his position in the prison world is related to his pre-prison life. Irwin reminds us that the vast majority of inmates are expected to return to the streets, and therefore the outside is an important dimension in the prison world. Discussions and self-narratives about the future take place continuously and may be viewed as a bazaar of ideas, and their choices are influenced to some extent by meanings acquired prior to prison, and nurtured by their associations in prison, and by the meanings related to their mode of adapting to the prison. Hunt et al. (1993) found in his research with ex-prisoners in California, that the linkages between street activities and prison activities are "inextricably intertwined, with lines of influence flowing in both directions" (pp 407). Moreover, Crewe and Maruna (2006) found through biographical content of prisoners self-stories that "the prison setting has a tendency of exposing and laying bare the human need for sense-making and meaning of life" (2006: pp111). With these, imprisonment reveals to be a multifaceted and complex

experience and should be properly treated as such. Prison then is a snapshot, a moment in their lives. This study intends to show some of these correlations and to investigate how genuine these bonds are in the context of Rio's correctional system.

The continuation of the fourth phase of the research overlapped with the last and most intensive phase of the fieldwork. Having been in contact with some people from the NGO called Afroreggae[46] and also having interviewed its founder and executive co-ordinator José Júnior, I arranged some meetings with ex-drug traffickers who were now working at that NGO. From then on, I met people from the *favelas* and other initiatives that dealt with conflict mediation and post-prison nets of support for ex-convicts and parolees, such as Agentes da Liberdade[47], a public municipal agency, and the Rede de Apoio ao Egresso do Sistema Penitenciario (Raesp – Support Network for Egresses from the Penitentiary System, in a free translation), composed of six agencies from the third sector. Through these organisations I found the main bulk of my sensitive sample. They were a rich and intense source of information about pre-prison life, incarceration, gang life and post-prison reintegration into society. The vast majority of respondents had long criminal histories and had served several prison sentences.

Afroreggae was founded in 1993 with the purpose of removing (young) people from drug trafficking and arms dealing, and keeping them out of *the movement* by providing other cultural and professional opportunities. They do pioneering work including conflict mediation, rescuing people who were in organised criminal organisations, and providing them with preparation – psychological, professional, financial, educational and cultural, for their reinsertion into formal society[48]. Afroreggae today is the biggest cultural organisation working towards social transformation in marginalised communities, working from the *favelas* which are dominated by organised crime groups, and from within prisons. It has managed to create partnerships with public and private spheres, both nationally and

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[46] Jovchelovitch calls them hybrid organisation due to their multiple identities combining elements of NGO, social movements, business and cultural entrepreneurs (2012).

[47] Agents of Freedom (my own translation).

[48] For a comprehensive view on Afroreggae's seminal work, see Neate, P and Platt, D 'Culture is our weapon: Afroreggae in the favelas of Rio', 2006 or see their website http://www.afroreggae.org/

internationally, and recently has also been exporting social technology (Knopff and Flanagan, 1989).

The Agentes da Liberdade started in 2002 and has the capacity to attend 50 ex-convicts every three months. Besides running classes, they give out a *Bolsa Freedom* which amounts to R$100 (approx. 38 pounds), a condition cash transfer to cover the cost of transportation over 80% of attendance in the project. While I was in attendance, the demographics of the group were: 50% of attendees ranged from 24 to 35 years old; 81% were male; and the highest rates of prior convictions were: 41% robbery and 30% drug trafficking. The Raesp Net provides support with food, documentation, judicial help and professional routing through different agencies.

At Agentes da Liberdade I was able to develop participant observation (PO) that allowed for triangulation of different impressions and observations, and also to follow up discrepancies at this stage (Liebling, 1999; Gaskell, 2000). Every Wednesday for two months I attended the project, which consisted of debates and lectures on professional opportunities, formal work environments, the psychological effects of imprisonment, drug addiction, health education, globalisation and technologies, social inclusion, professional skills and conduct, self-esteem and motivation and adaptation. One interesting lecture was about formal job etiquettes and the current work environment, where they discussed self-discipline and hierarchies in the formal job market.

By attending the project, I was able to find interviewees. To do this, I was formally requested to introduce myself in a formal 20 minute-presentation to the beneficiaries, where I answered some questions about my project and my overt role on the Agentes da Liberdade. I asked for their voluntary participation and the feedback was impressive, with a high number of ex-convicts willing to participate in the research. Some of them manifested interest immediately and expressed it out loud; others approached me individually, and others engaged with the research only after confirming my frequent attendance at the project.

The interviews about post-prison experiences revolved around poverty, abandonment, loss, financial and professional insecurities, fear, stigma, low self-esteem, recidivism,

family, faith, honour, pride, frustration and rage. These men were living under extreme hardship after life in prison. One of the pressures associated with confinement is the post-prison expectation (Wheeler, 1961; Thomas, 1977; Irwin, 1970). Although written thirty years ago, Thomas' critique of the theoretical work on this segment of criminology and sociology is still, unfortunately, valid. He argued that theory continued to lag far behind the increasing body of empirical research with "only slight attention to an evaluation of the relative importance of pre-prison, extra-prison, and prison-specific influences" and called for a more adequate theory in this area of research to better understand the relative importance of variables that have been linked with both prisonisation and its consequences (1977: pp136). Wheeler (1961) has found that the quality of the contact which inmates have with the larger society, and the integration of their expectations about post-release life chances whilst incarcerated, have a profound influence on the prisoner's experience and a less pronounced assimilation of the deviant and prisoner label and stigma as an identity itself (Becker, 1993; Goffman, 1968; Schlooser, 2008).

2.2. Structure, Analyses and Writer's Method

Since the beginning of the fieldwork, I wrote field diaries that led to conceptual memos to myself to help me sort out my findings. From then on, I began to see patterns emerge that pointed to a sociological question that has to do with how these men lived under the current system of classifications, how did they relate to each other, to different categories of prisoners and with the prison management. So I started to develop topics and themes within the field notes, which were used as a means of exploring data to develop further categories in the writing. After transcribing all interviews, I started to look for structures in the data from the interview texts; things like commonalities, differences, linkages between them, a negative case, and so on. That's when coding emerged to relate text passages to categories that I developed throughout the fieldwork and during data analysis.

A documentary analysis was also introduced to achieve a contextual understanding of the policy and practice within the prison system. Relevant documents were obtained and analyzed. The relevant documents included technical reports, prison practice regulations, judicial and watchdog reports, and police documents including confidential ones.

I started my analysis with the support of a computer package named Atlas.ti 5.0, which I found out later is one of the more complex packages, offering a large number of tools and options for analysing data (Friese, 2006). This software can aid the researcher in organizing data and creating connections within it, but it does not substitute their perception and creativity in handling the data and developing research themes. As Burgess wrote: "While software packages can be used to develop codes, indexes and very efficient ways of retrieving data, it is only the researcher who can engage in the rich conceptualization of the work that he or she has been doing. In this respect, accounts on the use of the computer in social research rapidly become dated" (2006: pp 303).

Matching personal projects with a particular software package and what kind of computer support might be needed can be very daunting for the novice researcher (Friese, 2006). Not only I migrated to Mac from PC in the beginning of my computer assisted analysis – which proved to be the worst move I've ever done losing all my coding - but I was losing connection with my data and spending too much time on learning software tools.

According to Kelle (2000), the three main benefits generally discussed about the use of computer programs to support qualitative research are greater efficiency – saves time and help in the management of larger samples; make the research more systematic and explicit and therefore more transparent; and by saving the researcher's time the software aid could free up time for more creative and analytic tasks.

I spent many hours on ordering and reordering codes losing sight of my research topic. I found the amount of time and effort I was required to prepare the data and enter them into the program were far too much, too frustrating and alienating, so Kelle's first and third benefits of computer-assisted analysis definitely did not apply to my situation. With the issues of quality assurance in qualitative research in mind (Gaskell and Bauer, 2000[49]), transparency could be achieved through procedural

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[49] Gaskell and Bauer offer six criteria of good practice to guide qualitative research and to inform design, analysis and reporting of qualitative inquiry. These are the triangulation and reflexivity of perspectives, transparent

clarity in the text by exposing flow of rational and logic, and consistency in the analytic procedures to legitimize and validate the results. Since I'm a more organic researcher, I decided to quit Atlas.ti and dedicate myself to a manual analysis after 6 months of computer-aid. My manual work proved to be laborious and messier and therefore more real to me, and the way I relate to the fieldwork and to the analysis. Although I acquired genuine understanding and practice about the main qualitative software currently in use, by the time I made the decision I was under a lot of pressure, and feeling I was losing connection with my data. It was not a Jurassic pride or fear to engage with technology – because I did; it was an actual gesture to retrieve my connection with interviews and with the reality of my fieldwork.

2.2.1. Interview Guides

The semi-structure interviews were elaborated aiming the object of the study, which are the social meanings of group identity under a stratified prison setting, the development of social relations among different categories of prisoners, and especially how do off-brands inmates live under the influence of prison gangs. Based on the review of literature, I considered factors such as historical dynamics, the prison setting and the social functions of the prison, social control theories, territorially based relations of organised crime and the market, variations and definitions of organised crime and prison gangs, responses to prison gangs, and issues of identity. The research has therefore four main categories within which the literature was built: (1) the sociology of prison; (2) inmate culture models; (3) social control theories; and (4) the territorially based relations with the market. These columns of knowledge helped understand the complexity and paradoxes of the prison and organised criminality as a preparation for the interviews as well as during the fieldwork and data analysis.

The sample was composed of 56 interviews ranging from experts and authorities to prisoners and ex-cons. Because prisons are complicated social institutions and they inherently incorporate some basic antagonisms and conflicts, the rationale behind the interviews with experts and authorities was to understand the State's response to crime, and how authorities manages the issue of prison gangs, and how civil society

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documentation of procedures, details of corpus construction, thick description of results, evidence of local surprise, and in some circumstances communicative validation (2000: pp349)

engages with the situation. It is important to try to fully understand the prison with all actors involved in order to investigate and analyse the experience of incarceration.

The guides for the semi-structured interviews were as followed:

Interview guide with authorities
- Professional background
- Evaluation of the prison system
- Influence of organised crime in prison and prisoners
- Roots, causes and impacts of current classification system and housing strategy
- Does it affect your work, if so, how
- Challenges and way forward
- Prisoners relations
- Prison gangs and management
- Specifics of area of expertise: problems, impacts, numbers, positive and a negative experiences

Interview guide with experts
- Professional background
- Evaluation of the prison system
- Influence of organised crime in prison and prisoners
- Roots, causes and impacts of current classification system and housing strategy
- Challenges and way forward
- Prisoners relations
- Social consequences of segregation

Interview guide with sensitive sample

- Background
- Criminal career
- Affiliation to organized criminal group
- Prison experience (detailed account)
- Prison system
- Prisoners social relations
- Prison gangs and the inmate community
- Prison gangs and prison management
- Prison and the street
- Way out: post-prison life and/or aspirations

2.2.2. Code Description of Interviewees

To distinguish overall themes, an important step for analysis was the coding of data. The classification of information was intended to categorize data and facilitate analysis. The codes for each category of interviewees are informative, clear and simple. However, a couple of cases should be explained: an authority was coded as an

expert because the reason for the interview was his previous work experience and not his current job position; and a prisoner was coded as a Federal Prisoner because of his latest classification, but by no means was he a foreigner. The Federal gallery was his latest housing unit.

Code Description of interviewees (also in Annex A):

Experts:
E1 José Júnior, founder of Afroreggae
E2 Justice Prosecutor
E3 Social worker and member of the Penitentiary Council
E4 Criminal lawyer and member of the Penitentiary Council (prison watchdog)
E5 Ex-prison director and head of the Psychology Department
E6 Justice Prosecutor
E7 Evangelical Pastor
E8 Catholic Priest
E9 Head of institution member of Raesp
E10 Head of institution member of Raesp
E11 Head of institution member of Raesp

Authorities:
A1 Orlando Zaccone, Chief of Police, 52 Precinct Station (Nova Iguaçu)
A2 Criminal Lawyer
A3 Penal Judge
A4 Maximum Security Prison Director
A5 Maximum Security Prison Director
A6 Maximum Security Prison Director
A7 Prison warden
A8 Prison warden
A9 Prison warden
A10 Prison Subsecretariat
A11 Prison social worker
A12 Marcelo Freixo, State Deputy
A13 Paulo Vanuchi, Human Rights Minister
A14 Chief of Civil Police
A15 Delegate of the Federal Police

Sensitive sample:
PR1 Prisoner on remand, CV member
PR2 Prisoner on remand, CV member
PR3 Prisoner on remand, CV member
PR4 Prisoner on remand, CV member
PR5 Prisoner on remand, CV member
PR6 Prisoner on remand, TC member
PR7 Prisoner on remand, Executive, VIP prison

P1 Prisoner, TC member

P2 Prisoner, ADA member
P3 Prisoner, ex-ADA member, at Safe of the Safe
P4 Prisoner, ex-CV member, at Federal

Econ1 Ex-con, ex-TC member
Econ2 Ex-con, ex-CV member
Econ3 Ex-con, ex-CV member
Econ4 Ex-con, ex-CV member
Econ5 Ex-con, ex-ADA member
Econ6 Ex-con, ex-CV member
Econ7 Ex-con, ex-ADA member
Econ8 Ex-con, ex-TC member
Econ9 Ex-con, ex-CV member
Econ10 Ex-con, Safe of the Safe

Offbr1 Ex-con, off-brand, housed at 001 Povo de Israel
Offbr2 Ex-con, off-brand, housed at Evangelical gallery
Offbr3 Ex-con, off-brand, housed at TC prison
Offbr4 Ex-con, off-brand, housed at Safe of the Safe prison
Offbr5 Ex-con, off-brand, housed at TC prison
Offbr6 Ex-con, off-brand, housed at CV prison
Offbr7 Ex-con, off-brand, housed at CV prison
Offbr8 Ex-con, off-brand, housed at TC and moved to Evangelical gallery
Offbr9 Ex-con, off-brand, housed at CV and moved to Safe of the Safe

The process of coding was done throughout the transcribed text of the interviews that demarcated key points from the data, which started to show patterns and themes across the empirical evidence.

2.2.3. Emerging Themes from Empirical Research

From the process of coding and categorization, I started to identify emerging patterns and themes across the data. I started to understand the prison experience as a moment in the interviewees' lives trajectory – not the most important and not the least important, but as a snapshot of their lives. Therefore, the sensitive sample fell immediately into three major categories: pre-prison life, incarceration and post-prison experience. These major topics are extremely important, informing each other, in order to assess pre-prison links with crime and criminals, the experience of incarceration in itself, post-prison accounts, and how each stage influence one another. Each category had many subcategories, sometimes as many as three dozens.

While investigating the incarceration phase, I had to analyse each distinctive category of prisoners. The inmate subculture is the culture of the organised criminal groups,

with a slight difference in their degree of rigid routines, discipline and use of violence. Some subcategories in common of all organized criminal groups, and therefore of the inmate subculture were: relations with the inmate community, relations with the prison administration, regulation of prison activities, distribution of goods, trafficking, solidarity, protection, extortion, affiliation of new members, business, violence and corruption, parallel tribunal, dominance, and links to the outside. For the off-brand inmates, some subcategories were: fear, abandonment, distrust, violence and corruption, rivalry, discipline, career, drugs, crime, money, and family. Post-released prisoners were an extremely rich sample. Not only for their personal journey but also for their sense making of it. The subcategories emerged as key components from the interviews were related to identity, the self, stigma and discrimination, expansion of networks, fear and hope, revolt, future, links to organised crime, secrecy and son on. The categorization and sub-categorization were done for each type of interviewees from the sample.

Retrieving meaning and comparing sub-categories, I discovered the more complex themes of the research. I located patterns that repeatedly appear and detected relationships between them. The consolidation of the prison's fragmentation and the culture of rivalry among imprisoned organised criminal groups led to my first observed theme: the creation of multiple mutually exclusive categories of prisoner that goes beyond gang affiliation and which have detrimental effects on prisoners' routine and progress. The perpetuation of a cycle of violence is another major theme together with dimensions of influence of gang members on inmate community, with capacity to act both inside and outside prison stretching convict relations far beyond prison walls. Importantly, off brand inmates face a disturbing impairment in social interaction while incarcerated that should be promptly addressed and taken seriously.

Following the research questions, the hypothesis is that convicts experience prison in many different ways according to their involvement with the inmate subculture, and that the experience of incarceration is a lot more stressful and damaging to the off-brand inmates, those who are the less conspicuous convicts, who not only have to learn a new subculture, the culture of the gang, and therefore obey rules and rituals, but also have to engage in illegal activities and extortion perpetuating a cycle of violence and deviant behavior in a geopolitical gang space behind bars. To test this

hypothesis, I conducted rigorous in-depth interviews with different categories of prisoners – those who belong to the gangs and those who don't-, to compare their incarceration experience and prison's perception.

Furthermore, interviews with Authorities led me to conclude that the Judiciary and Executive powers have institutionalized and legitimized organised crime under the allegation that there are life risks in allocating inmates to prisons from a rival gang. The sample almost unanimously agreed that the policy is illegal but inevitable and lesser of the evils. However, during fieldwork, I found out that segregation by gang affiliation has pervasive impacts beyond immediate inmate interaction. Around 6% of the vacancies in the prison system are lost due to this criterion of prisoner allocation. It was reported to me by a judicial interviewee that there are lack of vacancies for CV gang members in closed-prison regime, and remaining vacancies for ADA and TC members in semi-open and open prisons. The relationship is reversed in the semi open and open prison systems. This is doubly unfortunate: 1. For the lack of vacancies per se, and 2. For the lack of vacancies caused by the application of the segregation by gang affiliation. In chapter 5, I attempt so assess the objective criteria for behavioural evaluation used by the prison administration. Does belonging to any specific category of prisoners have a good or bad impression on evaluation? What other impacts does the segregation policy cause on prison routine? The hypothesis is that current segregation dismantles prison routine, and that prisoners belonging to certain categories are badly reviewed by the prison administration and the Judiciary. This means that the State goes beyond segregation by gang affiliation; it incorporates elements of its violent tradition to assess and influence justice and prisoner's progression.

Conclusion

This chapter has put forward the reasoning behind the research design, methods and analysis, with some detailed aspects of the phases of the fieldwork, the ethical dilemmas and political traps, and qualitative endeavours. The social organisation of the prison is a significant topic of sociological attention, with plenty of space for debate and research on understanding the determinants of assimilation into prison life. Unfolding the origins and influences in the inmate culture is extremely important in order to understand the complexities of prison life, and achieve better-suited penal

reforms designed to make the penal institutions more responsive and interventionist in addressing inmate's needs, and also for creating policies after release.

To conclude, this investigation is grounded in the literature, in order to avoid the trap of being so 'general as to be insufficient informative' and so 'conditional as not to be general' (Hawthorn in Hinton, 2006). All ethical issues have been addressed in accordance with the LSE Research Ethics Policy and the British Sociological Association' Statement of Ethical Practices. My own safety and that of the interviewees were of utmost importance during the course of the fieldwork. This was ensured throughout the research, even in moments of discomfort, fear, confrontation and intimidation. This was done through professionalism, accountability and a bit of courage.

Although this study particularly focuses on Brazil, it encompasses a further analysis of prisons, inmate society, the continuities between prison and street life, and social interactions. As Wacquant says: 'The carceral world can and must be investigated both as a microcosm endowed with a distinctive material and symbolic tropism *and* as a template or vector of broader social forces, political nexi, and cultural processes that traverse its walls; and to *internationalize* the ethnographic discussion on the prison rather than consign it as usual to one or another national tradition at the risk of falsely universalising the peculiar concerns and patterns of a given country' (2002 pp:386).

Chapter 3
Head, Body and the Space Between: the Multiplication of Gangs

'The head is inside the system. The body is outside, it's here in the favelas. The head thinks and sends the command. The body executes the orders'.
ADA drug trafficking manager

Yves LaCoste (1988), a French geographer, once said that territory is neither neutral nor innocent. Time and space structuring of the settings of interactions is concerned with the constraints that shape the routines of day-to-day life (Giddens, 1984). The *locale* in this context is the territorially demarcated turf zones, which constitute a meaningful content of interactions as a milieu of social life in the *favelas*. This means that there is a social structure - traditions, institutions, moral codes, and established ways of doing things; but it also means that these can be changed when people start to replace them or reproduce them differently. As Giddens puts it, 'Society only has form, and that form only has effects on people, in so far as structure is produced and reproduced in what people do' (Giddens & Pierson, 1998: 77). In order to understand prison gangs today, it is important to understand their relationships with the outside, with their communities, their turfs and how these social practices are reinforced and reproduced. The following chapter aims to show how territorialization is an economic and socio-political force by which organized criminality has been established, and how it is relied on for business. It introduces a spatial dimension exploring the relationship between neighborhood and exclusion. Moreover, this study points at the prison as a territory per se where criminal processes are articulated.

Regionalization within urban areas in contemporary societies has been studied since the Chicago School, when sociologists expressed concern about the urban space, making associations between social disorganization and violence among fragmented urban spaces (Zaluar, 2004; Hagedorn, 2007). Understanding the use of space was central to Thrasher's perspective on juvenile gangs (1927) but he framed gangs as an interstitial phenomenon. Hagedorn (2007) sees gangs as functional components of political, ethnic, religious, or illicit economic organizations with varying degrees of neighborhood legitimacy. These are what he calls institutional gangs. Jacobs (1977) and Moore (1978) have stressed the importance of the linkage between gangs on the street and gangs behind bars. The vast expansion of incarceration has meant the

normalizing of the prison experience for gang members (Venkatesh, 2009). The prison and *the ghetto,* i.e. occupied marginalized communities, are, according to Hagedorn (2007) and Wacquant (2000), spaces of social exclusion that possess permanent functions of social control.

Favelas have a strong degree of regional differentiation in terms of class relationships and a variety of other social criteria. They are not just geographically delimited areas, but also have distinctive social traits (Giddens, 1984). The relevance of regionalization is that contextuality is involved in the connection of social life and social institutions through the determination of modalities of social interaction such as domination, signification and legitimation (Ibid). These structures, or modalities, are also present in the daily social lives of gangs and their relations with the communities. The differentiation of the *favela* from the city is the means of separation of social and system integrations, which Giddens calls structural constraints.

Poverty and social exclusion are spatially segregated. Lupton and Power (2009) describe three ways in which the nature of neighborhoods actually contributes to the social exclusion of their residents: first, their intrinsic characteristics such as location, transport infrastructure, housing and economic base, including weak labour market prospects. These characteristics impact directly on the residents, reducing opportunities and increasing challenges. Secondly, the most disadvantaged people are concentrated in the least advantaged neighborhoods. This sorting process is driven by the market response to intrinsic neighbourhood characteristics such as the quality of housing or the type of work available. And thirdly, once this concentration of disadvantage is established, a neighbourhood may acquire more damaging characteristics such as the area's reputation, its environment, services and facilities, levels of crime and disorder and aspects of social life such as the extent of social interaction and residents' levels of confidence in the area. When these characteristics are negative, quality of life is reduced, opportunities for residents are limited and this can contribute to the sense of alienation (Lupton and Power, 2009). The authors studied the poorest regions in England and Wales to understand the dynamic processes of social exclusion at neighborhood level.

Violence, lack of services and socioeconomic deprivation in the *favelas* created social exclusion and separation between the *favelas* and the asphalted areas of the city of Rio, known in the city as the division morro/asfalto (hill/asphalt) (Jovchelovitch, 2012).

3.1. The process of *Favela* Formation

Since 1970, slum growth in the South of the Globe has outpaced urbanization per se in a process called *favelization* (Davis, 2007). Residents of slums, while constituting 6% of the city populations of developed countries, constitute a staggering 78% of urbanites in the least-developed countries; this is equal to a third of the global urban population (Ibid). According to the UN-Habitat, in 2003, 36.6% of the Brazilian population lived in slums, corresponding to 51 million people (in Davis, 2007[50]). The process of *favela* formation in Brazil is a result of economic, political and social interdependence with the city. At the end of the 19th century, freed slaves and other poor strata of society with no housing options would occupy river and lagoon shores and hills. These agglomerates comprising poor dwellers were attracted by work near their place of residence (Petersen and Romeu, 2003).

The Brazilian Institute of Geography and Statistics (IBGE) defines *favelas* as subnormal urban agglomerates; irregular settlements in areas considered inappropriate for urbanization such as the steep hillsides of Rio's mountains: a set constituted by at least 51 housing units (shacks, small houses etc) occupying – or having occupied – till recently, land owned by a third party (private or public); disposed in general in a disordered and dense form, and lacking in their majority essential services, public and private (in Jovchelovitch, 2012). These spatial changes transformed public life and public spaces, which no longer related to the modern ideals of commonality and universality, but rather promoted separateness and the idea that social groups should live in homogenous enclaves, isolated from those who were perceived as different (Caldeira, 2000; Holloway, 1993). Consequently, the new pattern of spatial segregation grounds a new type of public sphere that accentuates class differences and strategies of separation.

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[50] For a brief comparison: India had 55,5% of its population living in slums; Peru had 68%, Argentina, 33% and Mexico had 20% in 2003. African countries have a more severe situation with Nigeria 80% and Sudan, 85% (Davis, 2007)

In the 1950's, the Brazilian government defined the politics of removal of the *favela* populations to peripheral housing councils. The high costs of these enterprises, the long distances and the intensified rural migration motivated by poverty and drought in the northeast region of the country deepened the poverty situation. Some f*avelas* resisted the expulsion in many ways. The *favelas* in the south zone of the city, the richest area, were summarily removed because they were in places where property values were high. The *favela* Praia do Pinto, in the beach area of Leblon, was one of the first to be removed. Most of its dwellers went to Cidade de Deus, a popular housing space created to receive people from the removed *favelas* in the west zone of the city far away from the market place.

Many people then started to occupy new areas near their places of work, and the government consented to the new illegal occupation of areas such as Vidigal, Rocinha, Cantagalo and Pavaozinho in the south zone of the city, the richest zones surrounded by mountains. The high costs of the removals led to the abandonment of the policy. The main consequence was the disorderly occupation of the hillside areas of the city, as well as the river and bay areas. These communities had neither sanitary nor sewage provision and trash decomposition started to cause social and environmental impacts on the city (Petersen and Romeu, 2003).

In the 1960's many migrants were attracted from other regions of Brazil to the city to look for work and they occupied the *favelas* in the south zone. By the end of the 1960's there were concerns about the f*avelas*. Some initial isolated governmental policies of integration and consolidation were initiated such as agrarian regulation, an urban infrastructure of sanitation and paving, technical assistance and the supply of materials to dwellers to transform their houses to stone buildings (Petersen and Romeu, 2003). However, this policy did not last long. In Latin America, generally, the overthrow of the dictatorship created temporary opportunities for land invasion and squatting (Davis, 2007).

After the military rule, the re-democratization process brought along a shift in the understanding of the 'problem' that *favelas* represented. Instead of removing them, civil society and the *favela* communities lobbied for the consolidation of urban infra

structure policies and the transformation of *favelas* into formal districts. The process of the urban and social integration of the *favelas* into the formal city was evolving, and light, clean water, basic sanitation, pavements, education, health and leisure began to arrive in these areas. However, until today, 66.3% of the *favelas* have no leisure areas, for example (IBPS, 2008). Programs such as Projeto Mutirao (1983), Projeto Celula Urbana (1999) and Programa Favela-Bairro (1993 on) were some examples of integration policies. Many *favelas* today have sanitation, pavements, illumination, education, schools, health posts, community centres, services rendered such as trash collection, and implementation of social programs. However, not all *favelas* have these services and spaces, and most of the time when they do have them, they are not enough for the population of the community. One of the main remaining problems is the bad geology that makes the hillside *favelas* prone to slope failures and landslides.

According to ILO research, urban poverty in Latin America rose by 50% in the first half of 1980, and elevated the peaks of the world's most extreme social topography (in Davis, 2007). Meanwhile, Brazil was busy with the implementation of neoliberal policies, "and crushing the poor and the public-sector middle class, the same adjustments offered lucrative opportunities for privatizers, foreign exporters, *narcotrafficantes*, military brass and political insiders" (Davis, 2007, pp 157).

Hummelsheim et al, (2010), importantly add that public insecurities about crime compound broader social insecurities that are linked to the fundamental social and political conditions of a society. In their study on social insecurities and fear of crime in 23 European countries, they found that public insecurities were associated not with the level of crime in a country but rather with the degree of social security provided in a country through its welfare state provision.

The city of Rio has not followed the decrease in the poverty index that Brazil has been so proud of during the last decade (Neri, 2012). The indices for inequality and poverty in Rio are higher than those of Brazil as a whole. The poverty index for the city has increased although poverty in the *favelas* has actually decreased (Jovchelovitch, 2012).

GINI and Poverty Index: Brazil, Rio de Janeiro, Favela and Asphalt

	GINI		Poverty Index	
	1996	2008	1996	2008
Brazil	0.602	0.549	28.82%	16.02%
Rio	0.577	0.576	9.61%	10.18%
Favela	0.397	0.384	18.58%	15.07%
Asphalt	0.564	0.570	7.87%	9.43%

Table 1: Source FGV/CPS in Jovchelovitch, 2012

In 2010, more than 20% of Rio's population lived in *favelas* (Jovchelovitch, 2012). Currently, more than 1.5 million people live in these poor communities in the city of Rio. Drug trafficking is present in more than 70% of the *favelas* (IBPS, 2008). The lack of state presence in the slums brought forth the influence and power of the organized criminality in the areas, exercised by terror, co-option, or both. Security is a central issue in the social life of the *favelas* and exposure to violence and crime has become an everyday occurrence (Jovchelovitch, 2012). Lupton and Power (2009) demonstrated in their study that the processes of neighborhood decline are neither standard nor inevitable, and policy interventions at local and national levels could change these negative realities.

But Hinton (2006) offers, in the Hobbesian view, that "the people's need for protection from the predatory activities of others is what leads them to consent to the State. Consistent failure by the state to protect the physical security of its population opens the door to such parallel and competing forces as death squads, paramilitary gangs, and private armies, which spring up ostensibly to dispense quick justice wherever the state is remiss or unable to act" (2006: pp6).

3.2. *Favelas* as Organized Crime Territory

The same organizations in the prison system are the ones with external associations. Outside the prison walls, nomenclatures such as CV, ADA, and TC work as demarcation limits of territory. Gang graffiti can be found in the turf frontiers and is

also used to communicate and challenge rival gangs. The graffiti of the largest faction, CV, can be found all over the city of Rio.

Territorialization is an economic issue as *favela* communities provide defensible power bases from which drug sales can be based (Dowdney, 2003). Territory is dominated simply for economic gain, not in direct opposition to the state (Caldeira, 2006). Quasi-political domination of a *favela* is primarily a security issue enabling actions to entrench themselves within the community in order to defend themselves and their illicit activity (Amorim, 2003).

Increasing armed violence and the changes in the scale and structure of drug trade, the formation of drug organizations and the territorialization of the *favelas* have had a extremely detrimental effect on the *favela* communities. In his work with residents of *favelas*, Dowdney (2003) found that dealers were perceived by dwellers as respectful of residents and family values. They would sell drugs in a hidden and secretive way, they were not openly armed within the community, they wouldn't use drugs or let consumers use drugs in front of community residents, and they wouldn't let children get involved in drug trafficking, or, if they employed children it was not in an armed capacity. According to my interviews, with regard to current perceptions, dealers are now openly and heavily armed, more organized and increasingly violent. They come from outside the community, are younger, and children are no longer protected.

Organized criminality has become a recognized socio-political force at the *favela* level. Community populations, due to fear and lack of alternatives, have assimilated their power. Today, the relationship with the community is based on supportive coercion and repressive violence. *Favelas* have traditionally lacked legitimate state representatives to uphold law and order. They are enclaves of poverty that have little infrastructure, few public services and almost no political representation[51].

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[51] The effectiveness of public policies is seriously committed in violent environments. In Rio de Janeiro, there are cases of communities torn apart by war among organized crime groups, such as Parada de Lucas and Vigário General. The border that divides these communities is symbolically marked by the presence of a public school whose walls are marked by bullet holes. This school shows the difficulty of ensuring the provision of education, since classes are disrupted because of shootings and gang rivalries are transferred to the classroom. This difference between neighboring communities - the distance to the clinic does not exceed 1.5 km - is explained by the difficulty of access caused by the violent rivalry between the two communities

These criminal groups have developed a pre-existing model of social-control and protection of the *favela* territory that was utilized by the important local figures of the *favela* in the 1960's. They have created a control system based on violence and threat whereby traffickers receive community protection in exchange for offering what the state has traditionally failed to provide: the maintenance of social order, support, economic stimulation and the provision of leisure activities. Through a constant armed presence in the community, and the increased use of violence as a means of control, they have become a political force or an incipient form of government. Their control however is tyrannical in nature and their relationship with the community may be viewed as forced reciprocity, where organized crime offers, but also demands.

Rodgers and Muggah (2009) talk about non-state armed groups that involve a wider spectrum of settings, actors and motivations, highlighting a category of actors that does not explicitly seek to overthrow the State, but rather progressively undermines or assumes certain state functions. In their study of gangs in Central America, a region exhibiting the highest rates of reported homicide and criminal victimization in Latin America, they found that groups such as the Maras Salvatrucha and Dieciocho (18) could be clearly conceived as important non-state armed groups. The Maras have a protective or oppressive relationship with their communities, despite their lack of ambition to overthrow the state, and that their dialectical relationship must be carefully interrogated once the state responds oppressively and violently to their presence, treating them as an enemy that is exacerbating the problem, radicalizing gangs and contributing to their consolidation and the rise of more organized crime.

In 2008, Mauro Ventura, a reporter from O GLOBO newspaper, witnessed Comando Vermelho conducting a tribunal in which a thief was being punished for thieving inside the *favela*. The reporter was able to see this because he was doing a story at the time on the works of the Evangelical Church inside the community, when the leader of the Church Pastor Marcos[52] was called by his flock to intervene. They were received by nine heavily armed men and the boy who was 15 years old was handcuffed and savagely tortured with an electric shock, and had glass bottles broken

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[52] Pastor Marcos has been recently imprisoned for 15 years accused of rape and association of narcotrafficking (O Globo, 2013).

in his body. He was beaten with wooden sticks, suffocated with duct tape and received a stab in the back. The mother of the boy said: "I can't even ask for his body because I have no money for the burial" (Ventura, 2008). The boy escaped alive in exchange for becoming an Evangelical and submitting to the rigid rules of Pastor Marcos. These extra-official tribunals are common practice within organized crime, and will be addressed later in chapter 4 as tribunals also occur inside the prison system.

One CV manager, who controlled 7 drug retail points, gave his account of the community relationship:

"It is our duty to protect the community and take care of them. We pay for burials, distribute food. In my time, I went in every single house to see the reality of the people, and I saw the ones who really needed more help. I filtered the ones who needed help, the unemployed and the ones who were just lazy and did not want to work. I was clear about my codes and rules", Econ9.

Each leader creates his rules for membership and controls age participation. Econ4 was a fierce leader, with rigid codes, and is said to have killed more than 100 men, but *"with his own moral code regarding minors working at the boca"*. He created ID cards for dwellers to distribute food every month and he created what he calls *bolsa-trafico,* a type of conditional cash transfer for children under 18 to go to school and not engage in organized crime.

"I waited for the confirmation from the prison that I was to assume the favela. When it came, I immediately prohibited everybody under 18 from participating with us, and gave their mothers 50 reais per week (approx 15 pounds) for transportation and pocket money for them. I told them they were all out of the organization. A bunch of kids, not knowing what they were doing. Now it was my time, and in my time, they do not work. They have to study. That's what they have to do. If they disagree, they could leave the community. I also prohibited car theft, gun and drug storage in ordinary people's houses. If I caught them working at the boca, they knew what would happen. We already drain the community. It's the least I could do. But nowadays this morality is gone" Econ4.

The control of territory by means of heavy weaponry creates a monopoly in the exploitation of economic activities, which, if used well, is an important generator of profits for criminals. Drug trafficking organized criminals have recently begun to explore other legal activities such as water supply, cable TV, Internet and gas, which have turned out to be a great source of profit. Informal real estate transactions have also been intermediated by organized criminals, who charge high fees for strategically keeping the police away from the business (Ferreira, 2011). Violence in these cases has the specific functionality of creating a reputation, in an environment where supply contracts, price agreements and market reserves do not have legal grounds.

Drug factions benefit from poor *favelas* by providing work for thousands of otherwise unemployed people and a huge cash injection into the community. Souza, in Dowdney (2003), identified 5 groups as the primary benefactors of drug dealing within the community: gang employees, community members that receive presents or basic necessities in times of particular hardship, families that depend on the income of faction employees, workers and sales people (and their families) that sell almost exclusively to drug faction employees (food, clothing etc).

A study conducted in Rio followed 230 youngsters working for drug trafficking organizations in those areas and concluded that economic motivation was the main reason why they committed themselves to the drug trade[53]. This evidence corroborates this thesis that links poverty to engagement in the most risky activities of the drug trafficking chain. These activities are undertaken through coercion and violent practices sustained by the widespread possession of war-like armaments: rifles, machine guns and grenades. According to Zaluar (2001), one cannot look at the "tremendous" rates of homicide in Brazil "without linking them to drug trafficking at the local and transnational level". She also points to the fact that Brazilian statistical studies suggest that a high proportion of homicides are related to narco trafficking, accounting for between 25% and 52% of the total homicide rate (Adorno, 1990; Soares et al. 1996; Mena and Hobbs, 2010).

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[53] Favela Watch (Observatorio de Favelas) 2006, "The Journey of Children, Teenagers and Young Adults in Retail Drug Trafficking in Rio de Janeiro: 2004-2006"

Brazil is not officially a state of civil war or armed conflict, but firearm related deaths in Rio de Janeiro are more numerous than in many modern conflicts. Interestingly, with regard to this, Dowdney (2003) made a striking comparison between casualties in modern armed conflicts (Sierra Leone, Uganda, Colombia, Afghanistan, Yugoslavia etc.) with firearm-related deaths in Rio. As examples, between 1991 and 1999, Sierra Leone's civil war resulted in around 11,000 deaths among youngsters, while in Rio 23,480 teenagers died due to firearm injuries; in the Ugandan conflict, from 1994 to 1998, about 3,000 youngsters died while in Rio 12,404 boys died from gunshots (pp. 114-116). According to the Israeli Information Centre for Human Rights in the Occupied Territories, 467 Israeli and Palestinian children were killed between Dec/1987 and Nov/2001 in war related circumstances; during the same period, 3937 children were killed due to small arms related injuries in Rio de Janeiro (Dowdney, 2003).[54] Most of those killed by firearms were involved in the trafficking of drugs in one of the *favelas* of the city. It is estimated that over 5000-armed children[55] work for one of the three major drug factions present in Rio.

Moreover, the police are part of the problem of violence and are partly responsible for its high level (Caldeira, 2002). The population's distrust of both the police and the justice system has a solid basis, which will be discussed in chapters 6 and 7. The working class experience violence on a daily basis both at the hands of organized criminals and of the police. As a consequence, members of the working class do not trust or respect the police, and indeed most fear them (Ibid). Police employ a high level of lethal force, and the reforms of the police and the prison justice system have been slow and mostly unsuccessful.

According to gang members, there are three punishments for non-compliance with the law of the gangs: death, torture and expulsion. These include expulsion from the community, forcibly shaving women's heads, being shot in the hands or feet, beatings

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[54] Dowdney's research compared statistics of deaths in periods of conflict in Colombia, Sierra Leone, and Uganda with the same periods in Rio de Janeiro and concluded that there had been more firearm related deaths in Rio than battle-related deaths in the other countries.

[55] This is a significant number considering that it takes into account only the children of one city in the country. There is no study regarding the use of children in armed violence in other cities in Brazil. To compare these numbers to that

of child soldiers in a real conflict: in Colombia around 11,000 children participated in the conflict. (www.yapi.org/conflict)

and death. For the most serious offences such as rape and informing on traffickers to the police, torture followed by execution is carried out. Independent thieves may be expelled from the community, have their hands cut off, or even be judged by their tribunal for drawing the attention of the police and media. If people owe debts they are sentenced to death.

One of my interviewees told me that he had had enough of killing men, and he told me the following story to exemplify the gang's punishment for debts, and his troubled reactions to carrying this on. He spoke of his mechanism of conscience over the fear of any sanction that might be imposed:

"I never liked killing men, but I had to do it. One day, a friend of ours owed us R$ 1200 (Aprox. 400 pounds) due to crack. I was able to negotiate his life with the other gerentes since the guy was a "cria[56]" and worked as a fiel. I arranged to pay half his debt and we gave him 3 weeks to pay the rest. In two weeks time, he owed more than R$ 1500. Then, I received the news that the dono had decided to kill him. Just kill him, with no torture or pain, and I was the one assigned to do it. I said we should just take the guy out of the community, but there was no more space for negotiating. But I couldn't do it. I went to speak with the dono, and he said it was my fault and I should take him out. I told him I couldn't, and another gerente geral, a friend of mine, said he would do it in my place. I went home, thinking I knew he would be killed, and I couldn't do anything about it. Then suddenly.... baralalalalalalalala baralalalalalalala, the noise of gunshots in sequence. He died. Then my radio rang: mission accomplished. They took the body and put it on cart to parade it in the favelas, and that was when I started to realize I couldn't take it anymore", Econ 5.

The primary objective of drug factions is cash profits from the sale of illicit drugs. Community control is one method of securing defendable retail drug sales based within the *favela* for the fulfillment of this objective. This is due to the almost total abandonment by the state of the *favela* communities over the last 50 years that has made possible this faction domination and control of the *favelas*. They have simply filled a space that the government has failed to occupy. One leader of the Comando

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[56] *Cria* means born and raised in the favela. Literally it means created in the *favela*.

Vermelho told me that under his command the rules were clear about drug dealing; it was about making money, and nothing else.

"My business is to make money, and not kill people. I don't work this way, but my way bothered many people. In crime, you know, people kill for every error one commits", Econ4.

As a result of the territorialization of the *favelas* by organized criminals as a logistical base for drug sales and protection, *favela* residents have been detrimentally affected and are caught in the middle of an intensive armed conflict in which innocents are killed (Dowdney, 2003). They live under tyrannical and repressive control that is upheld by forced reciprocity. Although many *favela* communities may appear to support local dealers, they have little other option for social order due to the failure of the government to be effectively present. The free movement of residents is restricted. Dwellers have been stigmatized and this affects society's view of the community, contributing to discrimination in the market place and legitimizing abuse of the police.

Organized criminals want to be viewed as a presence concurrent with the state with regard to the social-political control of the *favela* populations, rather than as a parallel power in opposition to the state (Lessing, 2010). One expression of this domination is the construction of an identity for the dominated by the dominator. And one repressive technique is the stigmatization of those whom you want to repress. The image that has been constructed in Brazil of people from the *favelas* is that they are poor, criminal and dangerous (Zaluar, 1983) Salla and Zaluar (2006) believe that some gangs recognize themselves as political forces for their territorial dominance and control and for the fact that they raise a large amount of capital from drug trafficking.

Rivalry among gangs has produced a change in prison management as well as a bellicose dispute over the monopoly of the retail drug business in the city area[57]. Over

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[57] More generally there has also been a militarization of common crime. The use of heavy military weaponry is being extended to property crimes and bank robberies. These crimes are being committed with war-like weapons such as MD-97, AR-15 and AK-47 rifles and criminals are using bullet-proof vest.

the years, the criminal turfs have become represented both inside and outside the prison walls. But it is inside the penal institutions that leaders command their business, impose rules, settle disputes and regiment the inmate community for further affiliation. And they do that by taking advantage of the severe failures of the penitentiary system via the corruption[58] of officers, exerting bribery power, intimidating staff and taking advantage of the degrading conditions of the system that lacks medical and social assistance, basic needs, educational and labor activities and all sorts of rehabilitative possibilities. They offer money, sanitary materials, clothes, protection, and everything else that the State does not provide. By doing this they obtain support and can even recruit newcomers into the drug trafficking business. Their influence and power could be seen during the 8 months of my field work, during which time there were 6 clearly facilitated escapes, 1 director of a maximum security prison was murdered, and 3 directors were exonerated for having mobiles[59], laptops, drugs and guns in their facilities.

The narco groups were strictly businesses-oriented anticipating the purely economic sentiment of the now established *movimento*[60] (Amorim, 2003). The growth of these drug factions that now dominate Rio's retail drug trade has led to increased territorial dispute between groups that dominate different *favelas*, increased militarization of these groups including the use of war-grade weapons, the use of technological surveillance devices for defence purposes (walkie-talkies, radios etc), increasingly advanced administrative and management structures, increasingly violent and repressive policing strategies in *favelas*, and the increased use of children and youth in their chains of employees (Dowdney, 2003). The illicit commerce in the *favelas* is often called the narco-dictatorship, the Parallel state or the Republic of Trafficking (Zaccone, 2007).

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[58] Two men were revealed to have paid their way out of prison while on remand. The amount corresponded to £ 203 thousand (R$ 650 thousand Reais) plus a maintenance fee of around £ 312 per week (R$ 1,000) for having a private cell. One of them paid to have the other transferred to the same prison to allow them to stay together in a private cell, with air conditioner, TV and freezer. The payers could not identify the payees – whether they were prisoners, wardens or from the administration. It was never the same person who approached them.

[59] Mobile phones are used for communication with families, lawyers and as a work tool from inside prison: to manage ways of drug transportation, conduct war over turfs, discuss influences, arrange meetings with other prisoners in other institutions, threaten witnesses, order someone's death, practice "dial extortion" and psychological terrorism, and so on.

[60] Drug trafficking is called *movimento* in the *favelas*, and traffickers are called *pessoas do movimento*.

Turf wars are community take-overs to expand business and amplify turf zones. It takes months to plan an invasion, and gangs often use informants to discover the arsenal of weapons, and to study the geography of the community to be invaded. The action might require an army of 100 men or just 30 depending on the size of the community, I was told. The music from the *narcotrafficantes*, used to incentivize the youngsters, is called prohibited funk[61] (Funk Proibidão), and the lyrics recall invasions, turf wars, their revenge on the police and rival gangs, and exalt their dead. One funk track worth mentioning here is the Toque da Cadeia – which will be explained in chapter four. It literally means the call coming from the prison, and it describes an invasion:

"Oh, here it came, the prison call, summoning all the brothers, to go in *bonde*[62] and invade the enemy's *favela*, The boss already said, he wants all united, but the ones to go to war, are the bandits army; and at dawn, the *bonde* passes, each one carrying a kit, and when the hill was invaded, we shoot with heavy weapons, we shot at the worms, we exploded the police bearcat, detonated police booth and killed five enemies; the first was shot in the face, the second in the chest, the third was fucked up, and the fourth ran with fear, and the fifth begged forgiveness, which the *bonde* did not forgive and set him on fire in the brass[63]".

The number of people involved in trafficking has been estimated to be 1.5% of the total population living in slums, based on evidence from the Civil Police. This suggests the participation of approximately 16, 500 people[64]. It is not assumed that all of the people involved in drug trafficking are living in the slums, but it is in these areas that trafficking is territorially controlled (Ferreira, 2009). The city of Rio de Janeiro has a total of 968 *favelas*; they occupy 3.7% of the city's territory (IPP, 2009) and have approximately 1.5 million dwellers. It is estimated that drug trafficking is present in more than 70% of the favelas (IBPS, 2008). In 2004 there were 750 registered *favelas* - an increase of 7% in five years and more than 300 *favelas* are

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[61] The music can be heard and the video seen at http://www.youtube.com/watch?v=EjCOk0FPEK8

[62] Bonde means the group chosen to go to war.

[63] My free translation.

[64] To be exact: 16.387 people, since according to the IBGE Census 2000, there was that year 1,092,476 residents in the slums.

occupied by armed groups. All of the *favelas* together occupy 45.8 million square meters.

The city of Rio can be divided into organized crime turfs. The map below shows the main *favelas* in the city of Rio according to its criminal groups. They are represented by colours: red (CV), orange (TC) and yellow (ADA). The blue dots on the map respectively show the *favelas* of Rocinha, Vidigal and Pavao-Pavazinho, which were recently under ADA control, and in 2008, were at war. Since these three *favelas* are set in the richest areas of the city (Sao Conrado, Leblon and Ipanema districts respectively) they are constantly threatened with being invaded by other criminal groups because of their high profitability and location. These *favelas* have faced many brutal invasions over recent years and have been under the control of all of the main criminal groups.

Source: SEAP, 2008

During my fieldwork, I witnessed eight shootings in the city in different times of the day linked to the war on Copacabana *favelas*: at 1h30 am, 6 am, 7h30 am, 11h30 am, 16h, 20h30 pm. Many rifle shots crossed the sky like small fireballs without any direction whatsoever.

One of these shootings was at dawn when traffickers from ADA from *favela* da Rocinha invaded a CV controlled *Favela* dos Tabajaras, in Copacabana, another highly profitable turf. The attack was financed by the leader of Rocinha, Antonio Lopes Bonfim, nicknamed Nem. He had lent 100 thousand Reais (approx. 32 thousand pounds) to two criminals who used to belong to CV, and moved to ADA.

With the creation of the UPPs, the pacifying police units, the map of the city may be viewed as follows:
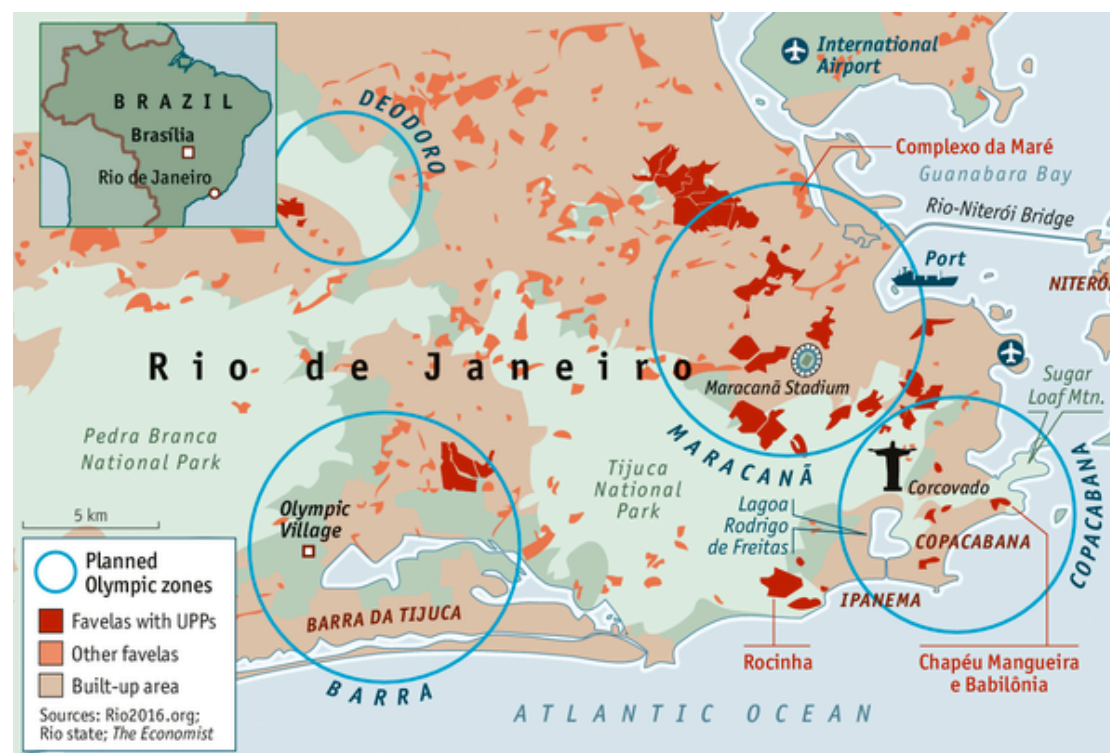
Since 2008, 34 UPPs have been put in place. The security strategy involves taking back territory rather than confronting drug organizations head-on. First, Special Forces dislodge gang leaders and search for drugs and weapons. Then a permanent police station, called a "Pacifying Police Unit" (UPP in the Portuguese acronym), is set up, staffed by officers trained in community policing who patrol around the clock. But the UPPs follow an economic belt to maintain the security of the international events of 2014 and 2016. Meanwhile, poor communities and other areas fear an influx of displaced criminals and criminal migration. Baixada Fluminense, a sprawl of poor suburbs where the Comando Vermelho is active has seen an upsurge in murders and

carjackings (The Economist, 2013). In the nearby city of Niterói, crime rates have risen since the establishment of the UPPs in Rio: theft in shops has risen by 8%, theft in homes has risen by 25%, car theft has risen by 12%, and thefts from pedestrians have risen by 70% (Braga, 2013). In UPP communities, homicide rates have reduced by 78% (Vasconcellos and Schmidt, 2012).

Neri (2011) observed that after the creation of the UPPs, housing rents rose by 6.8% in the *favelas* and that the UPPs also created an economic opening in the favela market that will be beneficial to consumers but harmful to poor small business owners, who were previously sheltered from outside competition. The impacts of UPP on security and the economy are yet to seen.

Jovchelovitch (2012) states that *police-favela* relations are in transition, with the police trying to transform stereotypes and change the nature of their engagement with the *favelas* from violent to community-based. In her early study she found that half of her participants found UPPs to be positive, 21% saw them as a negative presence, 13% felt ambivalent and 11% thought nothing had changed.

Gang affiliation implicates different prison experiences[65], both directly and indirectly. The same goes for the relationship between a specific group and its community. Comando Vermelho is by far the most violent and rigid, while Terceito Comando and Amigo dos Amigos call themselves co-operatives of narco-trafickers, and are said to more 'democratic and less despotic with the communities', Econ8.

Organization at the *favela* level is based on the need to sell drugs to clients, defend the *boca de fumo*[66] from rival factions or the police, and invade other factions' territories. The hierarchical and militarized structure with rankings is repeated almost identically in all *favelas* regardless of their faction's status:

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[65] This will be shown later in this thesis.
[66] Retail drug points
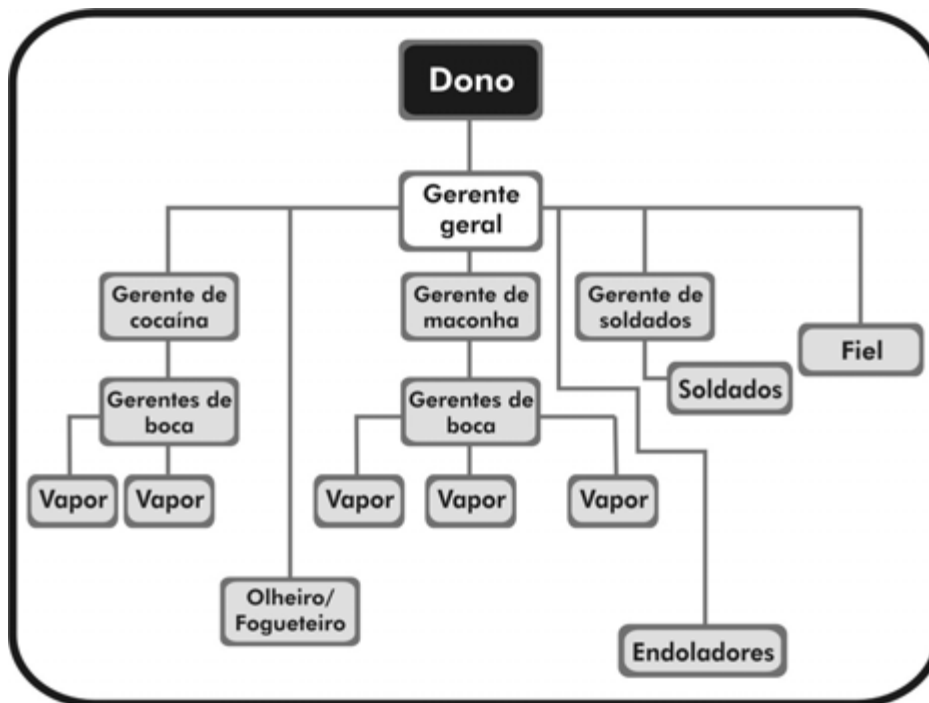
Source: Dowdney, 2003

Dono: He has the head position, and may control a number of *favelas*. He is responsible for buying cocaine and marijuana from the producer countries to be sold in the *favelas* and for supplying weapons to community-based employees. He maintains relations with other *donos* from other communities aligned with the same drug faction and pays police bribes. He has the final word in any decision within the territories he rules.

Gerente Geral: He is the *dono's* general manager within the *favela*. He is responsible for overseeing all daily operations including drug sales, *favela* defence, and the invasion of other areas. He earns on a commission basis based on the quantity of drugs sold in the community.

Sub-Gerente: There are three sub-gerentes or under-managers that each report directly to the general manager. The *gerente preto* is responsible for marijuana sales; the *gerente branco* is responsible for all cocaine sales, and the *gerente de soldados* is responsible for all soldiers and overseeing *favela* security. There may also be a *gerente of endoladores*, responsible for the mixture and packing of drugs for retail.

Gerente de boca: Each *boca de fumo,* i.e. retail drug point, has a manager responsible for sales of both marijuana and cocaine from that sales point. A *favela* may have up to twenty or more *bocas*.

Soldado: These are the armed security. They are paid weekly or monthly to defend the *boca de fumo* and protect the community from invasion. They are a constant and open armed presence within the *favela*. They are also used to invade other territories and man the *bonde* – the group formed for turf wars or transportation that leaves the *favela* to transport drugs or weapons around the city. A large community dominated by drug factions might have more than 500 *soldados*. They earn between R$ 1500 – R$ 2500 (U$ 600 to U$ 1000) per month.

Fiel: These are personal and armed security guards who are trusted and obedient to the *gerente geral* or the *sub-gerente*.

Vapor: These sell drugs directly to clients at the *boca de fumo* and answer directly to the *gerente de boca*. They can earn between U$ 600 and U$ 1200 per month based on commission according to the quantity of drugs sold to clients.

Olheiros/ Fogueteiros: These are the look-outs. They are placed at strategic positions around the *favela* to warn of a police raid or rival faction invasion. They may use radios or fireworks to warn colleagues of any unwanted entry into the *favela*. Usually they earn around U$ 20 per day.

Endolador: These are drug packagers who pack both marijuana and cocaine into small packages of 1, 5 and 10 grams. They are employed and overseen by the *gerente geral, gerente preto e gerente branco.*

The leadership appears to comprise a small and selected group rather than a single individual. They call themselves 'firma' (syndicate) and 'movimento' (movement). The organizational structure and the level of internal organisation may vary slightly according to the amount of drug sales, the size of the community and the *favela's* geographical position in relation to neighbouring *favelas* controlled by other factions. Generally, communities with higher revenues are better structured, with more

effective security schemes and higher compensation for the workforce (Silva and Urani, 2002).

The career path in drug trafficking organizations seems to be defined. If you work hard enough and devote yourself to the group, you move upwards in the hierarchy. But organized crime has direct and indirect employees: there are members within the hierarchy, and there are also the freelancers who may not be involved directly in the production and sales of drugs. Freelancers may be hired for packaging, and for storing drugs and guns.

"Each day my involvement with the organized crime grew more. I started storing guns, drugs, packaging, being a fogueteiro, and so on. People in prison already knew I was making a name for myself in the favela, and I was told that as an incentive. I was eager to defend them and fight for them, and in revenge of the police and rival groups. If the police shot us, we should shoot back. They had to fear us. And they did. Time passed, and I became a gerente geral, and I had three houses, three wives, a motorcycle, a car, I had everything, but if I wanted to rest, I would sleep at my mother's house", Econ2.

"The marketing and the seduction of organized crime are immense: money, status and prestige, high responsibilities, professional career, women and weapons...the crime is...the crime is something that seduces you", Econ8.

The salaries of each member are directly proportional to the sales of the *boca*. They even have profit sharing. One respondent from the sample, a *dono*, reported his business made 350,000 reais a week (approx. 100,000 pounds). This means he earned himself 30,000 reais per week (approx. 10,000 pounds). The rest was either reinvested in the business, used to pay employees, or used for police extortion - contingencies necessary to bribe the police, purchase the release of criminals and so on. Using a very modest calculation, CV sells at its internal sales points, a minimum of 860 Kg of cocaine per month, and more than 13.6 tons of marijuana per month. This means that, at the very least, their invoice per month reaches more than R$ 10 million (£ 2.670 million). Amorim (2003) calculates that Beira-Mar generates US$ 20 million per

month through international drug and arms trafficking. One interviewee said that by skipping the international middleman, the *Matuto*, the organization saves up to 70%.

A *gerente geral* explained that they are obliged by the law of the organization to send money in weekly installments to members in prison, from the *fogueteiro* to *gerente geral*. *"It is defined by law, and we have to send money to every single one of them inside. Different ranks have different amounts. But our expenses are big. We have to pay the matuto, send money to the dono, send money to prisoners, pay the police. The prison is the head of our organization; it is the strongest part. Everything comes from the inside. In the favela, you don't see a dono. A dono is always in prison. You see a frente do dono, a representative, a man of trust. Like me. When I was in prison, I was named a frente. But when I was out of prison, he knew that job position is mine and it is my job to find him another position of the same rank somewhere. I can't lower his rank"*, Econ9.

The use of heavy weaponry is another characteristic of organized crime in *favelas*. Police found a notebook belonging to an Army Sergeant found dead in a motel in 2010 and discovered he was one of the main gun dealers in the country (Goulart, 2010). The police suspect that his supplier was in Paraguay, and that he had laundered the money using a car rental business and a taxi cooperative in Rio. He sold the weaponry to Comando Vermelho. In his notebook were some impressive numbers: 200 boxes of rifle 7.62 ammunition – R$ 40 thousand (approx 12 thousand pounds); 300 boxes of 9mm ammunition – R$ 60 thousand (approx 17 thousand pounds); 1 AR-15 rifle – R$ 50 thousand (approx 14 thousand pounds); 18 Glock pistols – R$ 99 thousand (approx 28 thousand pounds); 150 boxes of rifle 556 – R$35 thousand (approx 9 thousand pounds); and 4 rifles – R$ 80 thousand each (approx 22 thousand pounds) (in Gourlart, 2010).

To assert their authority, mark their territory or challenge the authorities, organized criminal groups use indiscriminate lethal violence that may not be directly attributable to drug trafficking but has resulted, in recent years, in the murders of numerous state representatives, elected officials and law enforcement officers, as well as members of the general public (UNODC, 2011). At the beginning of 2008, Minister Marcio Forte and his retinue were attacked by criminal factions when they tried to inspect the work projects of the Federal Programme for Accelerated Growth (PAC) – a clear sign that

the criminal organizations are disputing, inch by inch, the dominion of extensive areas of Rio de Janeiro (Azevedo, 2010). At different moments, the work of the PAC has been paralyzed by the actions of organized groups. Attacks against military establishments and police stations have been common, even in the vicinity of the Governor´s Palace.

3.3. Children Involved in Armed Violence

Guimarães (1998) in her study about the involvement of schools and narco-trafficking found that many students from schools in poor communities have become bound with the gang culture and that parts of the lower ranks of organized criminal gangs compromise directly the quotidian of the school. In the 1990's, the presence and power of *narcotrafficantes* grew exponentially in Rio and the direct and indirect effects touched different sectors of social life. The author found that schools within turf zones had students transposing gang disputes into the schools and their methods of action included having drug selling points near the schools, graffiti, depredation of the school and violent actions. Most astonishingly, according to Guimarães, the students bound with organized crime, invaded the school in *bonde* looking for students from other favelas that belonged to a rival criminal group, or students that for some reason were being sought by the gang, and they would expel them from school, threaten them, and some would exhibit firearms. Guimarães concludes that the school finds itself within the jurisdiction of criminal groups for all of its practices, has to adapt itself and ends up becoming indifferent to its social space.

Research shows that even though children as young as 8 are involved in drug trafficking, the average age of entry is 13 and the vast majority who join are boys with African ascendance who live in the *favelas* (de Souza and Urani, 2002). Not all children who are raised in the *favelas* become involved in drug trafficking, but studies have shown that pre-existing factors in the *favelas* make them more likely to join (Dowdney, 2003, de Souza, 2002, Athayde and Bill, 2006). The first of these factors is the domination of the drug faction in their community: children grow-up in a community with a constant armed presence and where the only law that is obeyed is the law of the traffickers. For many, drug traffickers are idols who defy the police and refuse to suffer the poverty and humiliation of many of the other *favela* residents. This leads to another factor: poverty. *Favelas* are extremely poor places where families are

frequently in financial difficulties. It is common for children to work after school, or instead of going to school they help their parents. A third factor is the lack of other work opportunities. Young people from the *favelas* face numerous difficulties when trying to access the formal work market. These difficulties include racial discrimination, discrimination for living in a *favela*, and a lack of proper qualifications.

Due to these pre-existing factors, drug trafficking not only becomes an accepted occupation, but a highly valued one, for it pays well, provides status and respect, and demands no qualifications other than loyalty and courage. Another major incentive for children to join is the influence of family and friends who are already involved in the business. Entering the drug trade often becomes the way a young, poor child from the *favela* has to fight the injustices encountered by his community. According to the children themselves, reasons why they join the faction include identification with the group, the ability to provide financial help to their family, a desire to earn money, prestige and power, the possibility of defending the community, vengeance, difficulties in school, hunger, the humiliation suffered for living in a *favela*s, trying to find a job but not succeeding, getting beaten by the police, and having a family member or friend murdered. (Dowdney, 2003, de Souza, 2002)

Although not commonly considered an example of civil conflict, and frequently overlooked even by scholars of drug-related violence, the case of Rio de Janeiro's ongoing drug war merits inclusion for both the scale and intractability of the confrontation between armed drug groups and the state (Lessing, 2010). From a theoretical perspective, drawing distinctions between organized criminal groups, gangs and drug cartels or drug trafficking organizations is extremely challenging. The definition of gangs allows for inclusion of a much broader range of groups, ranging from street gangs, to prison gangs, youth gangs, and motorcycle gangs[67] (UNODC, 2011). A study on gangs and youth in Glasgow, Deuchar and Holligan (2008) found

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[67] The United Nations Convention against Transnational Organized Crime defines an "organized criminal group" as a "structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences… in order to obtain, directly or indirectly, a financial or other material benefit". The Convention clarifies that a "structured" group is one that is not randomly formed for immediately committing an offence, and that a "serious crime" means an offence punishable by deprivation of liberty of at least four years or a more serious penalty. While this constitutes the definition adopted in the context of the UN Convention against Transnational Organized Crime, it is clear that national practices and legislation vary to a large extent. Criminal groups specifically engaged in drug trafficking are often characterized by high levels of sophistication, with centralized leadership and are driven by profit making (in UNODC, 2011).

that territorial gang issues were at the forefront of the young participants' minds. They sought out gang culture as a means of excitement, a remedy for boredom and also as a means of protection. But the issue in Rio is deeper than that. There are some parallels between child soldiers[68] and children involved in the armed violence in Rio. Despite having the characteristics of a parallel state that enforces its own laws and guarantees the safety of the community, Rio de Janeiro is not in a state of war, and therefore it would be incorrect to call those involved soldiers. For this reason, participants in an international workshop on children affected by armed violence hosted by the Brazilian NGO *Viva Rio,* in September 2002, defined the situation in Rio as "organized armed violence". [69] The Coalition to Stop the Use of Child Soldiers,[70] and the UN[71] have both adopted the definition and refer to these children in Rio as "children involved in armed violence".

Many of the functions carried out by children involved in armed violence are very similar to those carried out by child soldiers; this section will give some examples in order to show these similarities. The first job of a child in a drug faction is that of *olheiro*[72]. His function is to alert fellow drug traffickers in the *favelas* to an imminent police raid or invasion by a rival faction. Child soldiers are often used to spy on the enemy or to infiltrate the enemy line in order to gather information. Children involved in armed violence in Rio may also become *soldados*[73], whose functions are to maintain order in the community, carry out punishments, guarantee the safety of the traffickers and of the territory, and provide armed security when loads of drugs or weapons are being transported.

A comparable function of child soldiers is the manning of roadblocks and armed guard duty. One of the most valued positions in Rio is that of *fiel*[74]: a personal armed security guard and trusted subordinate of the *gerente geral.* Child soldiers are often

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[68] UNICEF considers child soldiers not only as those carrying arms and directly involved in the conflict, but "any girl or boy under the age of 18, who is part of any kind of regular or irregular armed force or armed group, including but not limited to combatants, cooks, porters, messengers, and anyone accompanying such groups other than as family members." (UNICEF, 2002)

[69] The term was defined as: violence where there are elements of a command structure and power over territory, local population or resources (www.coav.org.br)

[70] Child Soldiers Global Report, 2008.

[71] UN's Secretary General's Study on Violence Against Children.

[72] Loosely translated as watchman.

[73] Soldier.

[74] Literally translated as faithful.

assigned to individual commanders as personal bodyguards or assistants. The dream of most boys working for the factions is to become *gerente geral,* and have several other people under their command, a position only achieved after much fighting and killing (Dowdney, 2003). The equivalent in the life of a child soldier would be reaching the post of commander as a result of their ferocity and bravery.

Besides the specific similarities of the positions, child soldiers and children involved in armed conflicts in Rio use the same war-grade weapons, like Kalashnikov AK-47, sub-machine guns and grenades, and all of them are expected to fight to protect the territory and kill when necessary. In both cases the children are actively involved in small-arms violence and live in a kill-or-be-killed reality; they only follow the laws dictated by their group; they are often forced to carry out punishments for wrongdoings; and they are supposed to be available 24 hours per day, seven days a week. The two main differences between child soldiers and children involved in the armed conflict in Rio are that practically no girls work for drug factions whereas female child soldiers are very common; and in Rio, the children are always paid cash for their services.

Furthermore, children are also often welcomed as soldiers or drug traffickers because their lack of maturity is considered an asset during battle: their fearless and reckless nature makes them more likely to risk their own lives for the good of the rest of the group. The perceived cheapness of a child's life is another important reason for the increase in the use of armed children[75]. If a child soldier dies, there are many who can replace him; if a child trafficker is sent to prison, he receives a shorter sentence than an adult,[76] meaning that the faction has to support his family for a shorter period of time. In both cases, the use of children is more cost-efficient.

As recognized by the Coalition to Stop the Use of Child Soldiers (2004), "although not defined as child soldiers, children in Brazil are involved in organized criminal violence related to drug trafficking in forces with similar characteristics to non-state armies: they operate chains of command, train their forces in arms and tactics, and defend territory." Despite these similarities, and the ILO Convention 182, that

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[75] http://www.un.org/special-rep/children-armed-conflict/
[76] Brazilian law limits prison sentences given to children up to three years.

considers drug trafficking one of the worst forms of child labour that should immediately be combated, the children involved with drug factions in Rio de Janeiro are considered, and dealt with by the Brazilian government, as dangerous criminals; instead of opportunities and rehabilitation, they are sentenced to prison or death. It is true that "to effectively respond to this growing form of violence, firstly, it is necessary to understand what the root causes and consequences that characterize the context in which this violence is occurring, and rising. We need to understand when, how, and why children and adolescents are deciding to participate in organized armed violence." (Pinheiro in Dowdney, 2004:9) But until then, policies to disarm, demobilize, and reintegrate these children need to be adopted. These policies should be modeled on programs adopted for the demobilization, disarmament, and reintegration of child soldiers, where they receive psychological support, vocational training, formal education and employment. As with child soldiers[77], the children working in drug factions need to be given other alternatives in order to leave trafficking; they have to be shown that drug dealers are not heroic figures, and that selling drugs is not a good way to gain respect and money. Although children in both cases consider themselves volunteers, the reality is that they make the best possible choice under the circumstances. They need to be given other choices.

Rio de Janeiro has one of the highest levels of inequality in Brazil that has remained pretty much constant over the past 30 years (IETS, 2005). Social inequality, class polarization, poverty, family discord, reduced welfare provision and a limited or differentiated state presence are some of the factors that lead to the development of childhoods with violence (Castro, 2005; Athaíde, C and MV Bill, 2006; Dowdney, 2002). According to sociologists, the result of this reality is increased insecurity and

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[77] Unlike the children in Rio, many child soldiers are abducted by force; but research shows that two thirds of child soldiers in Central Africa consider themselves volunteers (Dumas and de Cock, 2003). But just as not all children living in *favelas* join drug trafficking factions, not all children living in conflict regions join the fight. Similar pre-existing factors to those found in Rio are needed in order to create the environment that pushes the child to become a soldier. The first of these factors is the presence of war. Like the children who grow up in drug faction dominated favelas in Rio have drug traffickers as the only reference of power and legality, children who grow up in a conflict have only war as a reference of normality. The constant exposure to arms and violence may lead the child to consider taking up arms as the only legitimate attitude with which to fight injustices and protect themselves; or as their only means of survival. Poverty is another factor that leads children to join conflict: most child soldiers are very poor, with limited access to schooling and consequently limited opportunities for employment. War further limits their opportunities of schooling and employment by often causing the closure of schools and disrupting the local economy. The influence of family and friends, having paid employment, and the identification with the group are some other factors that contribute to the involvement of the child in the conflict. (Brett and Specht, 2004) Avenging violations committed against family members, protection, and the lack of other alternatives were some of the reasons given by Liberian child soldiers on why they voluntarily joined the conflict.

youth offending due to their vulnerability to detrimental influences (Barry, 2006; Martin, 2005; Silva and Gueresi, 2003; Assis and Constantino, 2001; Assis, 1999).

It is worth remembering that the social gap in Brazil has widened and the state presence has shrunk since the restoration of democracy in the mid 1980's. The implementation of the neo liberal agenda has been accompanied by a further abandonment by the state of its traditional social tasks, has deepened social inequalities and undermined welfare services (Gonçalves, 2005; Silva, 1999)[78]. At the same time, the state has promoted and expanded consumerism to legitimize market liberalization that has changed the behaviour pattern of consumption. Access to consumer goods was offered by the state as an achievement of individual freedom and ambition. The replacement of politics by increasing consumption has led to the perception that the act of acquiring goods was the only way to participate in modernity (Silva, 1999).

These policies have had a different impact on poor adolescents in a society. Rich and poor living in the same social space enhances frustration and revolt, and makes the formation of an identity, which is so important for the adolescent, more difficult. The causes of juvenile deviance span socioeconomic, racial, regional and gender categories, yet inequality is a driving factor in juvenile offenses in Rio. The main reason for offending is rapid access to money and the desire for clothes, brand objects, caps, trainers, watches and all of the things that represent the consumerist status of our modern society (Assis and Gueresi, 2003; Assis, 1999).

The reality of a wide range of deprivations in the lives of these children has led to an increase in violence and offending that creates a feeling of insecurity in society, that in turn demands harsher policies towards the criminalized poor. Limited state resources, political interests, non-prioritization of the sector and illiberal practices constantly perpetuate this cycle of socio, political and economic exclusion. Rio needs an economic and social policy geared towards the creation of employment, appropriate welfare services and more awareness of and effective policies towards

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[78] The implementation of the neo liberal agenda and its requirements widened the social deficit. The 1990's was characterized by restriction to social goods, a shrinkage of state intervention, social, political and economic reforms, privatization and social security reforms (Gonçalves, 2005)

juveniles and limiting economic and social polarization of neighborhoods. Policy response cannot be disentangle from prevention of poverty and opportunity to avoid a slide into deeper social exclusion in the future.

3.4. Political Actors in the Prison System

The number of prisoners sentenced for drug trafficking has grown by 30% in the last two years, a rate three times higher than the overall growth of the prison population in the same period. The country's prisons house 138,198 drug traffickers, a quarter of all the prisoners kept in incarceration – a total of 548,003 offenders (Carvalho, 2013)[79]. The arrest of these "retailers" of the drug trade has little impact on the drug trade itself. After being arrested, other soldiers quickly replace them, and business goes on with the same rhythm as before. Studying prison riots in Brazil in the last decade, Salla (2006) found that prison gangs determine profoundly routine practices in prison. He calls the drug factions the political actors in the prison system that try to deepen their actions in diverse activities in society and their control over a considerable number of the poor population in the metropolitan areas.

The State fails to meet the basic requirements for incarceration: such as judicial, social and medical assistance and hygienic material, uniform and sometimes even food. Prisons are overcrowded, have degrading conditions and lack staff. These degrading conditions stimulate solidarity among prisoners and cause many to be totally dependent on the prison gangs that mobilize resources to attend to the necessities of their members, such as lawyers, family support and medicine. In chapters four and five, it will be seen that this dependency results in exploitation and violence of inmates.

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[79] The number of prisoners sentenced for trafficking began to increase from 2006 onwards, after the approval of the new drug law. According to judges and experts in the field, the new rule, apparently more flexible, facilitates the arrest and conviction of those who somehow gets involved with selling drugs allowing for subjective interpretation between user and trafficker. The minimum sentence for trafficking increased from 3 to 5 years, which prevents the application of alternative sentences to prison (Carvalho, 2013).

Conclusion

This chapter sought to explain how gangs established themselves in the *favelas*, and how territory has become an important economic and political force as their turf zones. The nature of the neighborhoods themselves contributes to the social exclusion of their residents which impacts on daily life and opportunities. Poor neighborhoods are in a sense a barometer for social exclusion, and they illustrate the more general problems of inequality, social division and the lack of opportunity in society.

This chapter also described the structure of organized criminality in the *favelas* and sought to show how they control their territories, serving as providers, legislators, and organizers of everyday life in the *favelas*. They become agents of control, of space, circulation and behaviour.

Chapter 4

Practices and Social Interaction inside a Stratified Prison System

The emergence and consolidation of prison gangs as the predominant force in Rio's correctional system has had a profound impact on the inmate social system. Prisoners no longer identify themselves by their inmate status but are segregated by according to their gang affiliation. This has undermined whatever unifying effect the inmate code may once have had and stratified the inmate social system. The code now is the code of the prison gang, which is violent and totalitarian.

Incoming prisoners from a CV-dominated *favela* are sent to a CV-dominated prison regardless of whether they have any link whatsoever to CV traffickers in their community. There they will adopt the rituals, internal discipline, and codes of behaviour. Even if one has no bond with the gang, the prison creates one. Autonomous criminal actors may become a respected member of the organization with the right to a lucrative position within the drug trade. "*The majority of the current 'donos de boca' were autonomous armed robbers known as the 157s in the penal code. Elias Maluco[80] himself was 157. They become 'donos' because they get involved in prison, become part of the collective, and participate on the meetings, show skills and respect and so on. The [prison] system creates this integration, this interaction by joining different criminal capacities. It all happens inside*", P4.

This chapter focuses on the practices and social interactions of prisoners of different categories. It has a two-fold approach: it looks at the internal relations of each representative group, and the interactions between the groups. There was a transformation in terms of interpersonal relations and behaviour among inmates. These relations are marked with tensions and conflicts. The growth of prison gangs denotes some key dynamics such as consolidation of its presence and power, propagation to multiple prisons, and projection beyond prison walls. A silent dynamic is referred to in this chapter, which is the devastating social interaction among inmates and the degree of control gangs have over the prison units with capacity to

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[80] Elias Pereira da Silva, known as Elias Maluco is currently one of the most notorious drug traffickers and arms dealer in Brazil, from Comando Vermelho. Currently imprisoned in the state of Rondônia, north of Brazil, he was accused of kidnapping; torturing and murdering an investigative journalist called Antonio Lopes do Nascimento, also known as Tim Lopes, in 2002.

distribute benefits such as assignments, jobs and contraband, punishment among inmates, and recruitment of new members for the gang. This chapter concludes that the social organisation of prisons is rooted in criminal codes and rules, whereby prison gangs determine routine practices by imposing a rigid and violent discipline. This process is extremely stressful and can have pervasive effects for the off-brand inmates, while for gang members the experience means dealing with the business. Putting criminals in prison is in many ways the beginning and not the end of the problem.

The classification categories institutionalized at the prisons are mostly mutually exclusive, and therefore an analysis of social interaction is needed from the perspectives of the prisoners. Through an analysis of symbolic interaction to provide subjective meaning in the social process and behaviours in prison, I analyse the lives of gang members and non-gang members in prison, demarcating a line between legal and illegal, the world of order and disorder, and the "we" and "they."

This section conveys the accounts of prisoners from most of the existing categories but where the main bulk of the prison population are drawn. I investigate how they experience imprisonment under these conditions: How does the segregation by gang affiliation change the experience of incarceration? What happens when inmates of different categories interact? Issues of prison violence, gang hierarchy and domination, criminal regimentation, engagement in illegal activities, corruption, rearrangement of power, social control and solidarity are narrated. This chapter touches upon the ontological issue in sociology of socialisation and autonomy, structure and agency.

4.1. The Multiplication of Prisoner's Categories

Prisons gangs in Rio are institutionalised criminal groups, both in prison and on the streets. Since their formation and consolidation in the 1970s and 1980s, drug trafficking has established itself as an organised crime and its presence and influence have never left the prison. Since the first administrative attempt to divide the inmate community in the mid-1980s, the prison system has become even more fragmented. Multiple profile categories have been created in order to accommodate prisoners' agency to a gang, to a militia, to the Evangelical church, to their vulnerability, or

even, to none of these. Importantly, most of the categories are mutually exclusive, meaning that they cannot be mixed due to a high risk of intra-violence. Furthermore, this housing policy not only creates serious administrative and judicial problems, such as division of personnel, loss in quality of social and educational programmes and also a lack of vacancies attached to certain profiles[81], but it also creates profound changes in the inmate community.

The social organisation of prisons can be analysed as being a symbolic universe, solidified to provide legitimisation of the established criminal presence in prison (Berger and Luckmann, 2000). It makes the stratification plausible for inmates and society. Drug trafficking organised crime on the streets has become a social institutional objective world, in the sense that it's a given reality, passed on as solid institutions and its presence and rules in prison are natural consequences that inmates must learn. The interaction among inmates of different categories is a specific procedure, necessary to maintain this symbolic universe of the prison. The "code of the street" overwhelms the convict code, in what Wacquant (2001a) calls the prisonisation of the ghetto and the ghettoised prison in a symbiotic relationship.

Wacquant (2001a) writes about this 'deadly symbiosis' between ghetto and prison in the US, which reinforces and perpetuates the socioeconomic marginality of the urban black, that make up the vast majority of the prison population in North America. He analysis an increasing use of imprisonment, together with the reduction on social welfare sector, that would add an extra-penological role to the prison system, a shift from the social to the penal treatment of poverty and the disposed.

Class differences and ethno racial stratification generates a discrimination based on the color of the skin in the justice system (Wacquant, 2001b). Colored suspects, who have limited access to legal support, are punished more severely for the crime that of a white man with a good lawyer. And once behind bars, they have to cope with terrible conditions of detention and a pervasive inmate culture. This is what Wacquant (2001b) calls the penalization of poverty and the dictatorship upon the poor.

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[81] These are discussed in chapter 5

4.2. Life Inside the Contemporary Penitentiary

The convict code rooted in solidarity among inmates and antagonism towards guards (Sykes and Messenger, 1960) has been undermined by the code of the street (Irwin, 1961; Jacobs, 1977) with the predatory culture centered in notions of honor, toughness and coolness (Wacquant, 2001a). They have taken control upon the illicit economy of prison, including drug trade, and rearranged the social organization of these institutions, given rise to group brutality. The Rio penal system is divided according to different categories, but none of these are based on technical classification data such as health, sentence, and peril to others. Working prisoners are normally the ones to make the screening of classification. As a variation of the classificatory questioning, newcomers are asked not only their place of residence or group affiliation, but also their membership through the name of the group's leaders, like a metonymy. This opens precedent for the housing of off-brands inmate in gang's prison. Rio's prisons currently have at least ten profiles to fit an estimated 30 thousand prisoners (Depen, 2012)[82].

The inmate community is known as the collective; this was the name given to it by the political prisons back in the 1960s. The narco organised crime groups dominate the collective. Their presence in prison is termed in this research as prison gangs. Although prison gang may have important functions such as protection and codes of conduct (Jacobs, 1974), they control all of the routines and deals within prison, and all inmates and professional and educational activities must pass on through their permission and knowledge, if not approval.

The initial promulgated prison code carries the collective ethos of no rape, no theft and no prisoner-on-prisoner violence (Coelho, 2005; Amorim, 2003; Lima, 1999). Today, the code still carries its ethos of no rape and theft in a specific and rigid scrutiny and discipline from the prisoner in terms of body and verbal language, which, if not followed, can lead to hazardous consequences. In prison, offenders speak little, listen more, and don't play around. Threats, insults and psychological pressure are part of the daily routine, from both the collective and the wardens. Imprisonment is one of the recurring problems, which criminals must cope with. It is almost certain

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[82] The discourse behind the classification system and the housing strategy used in the prison, its implications, debates and political attempts to change it or to keep it, are discussed in the next chapter.

that a criminal will be arrested from time to time, and the subculture provides members with patterns to be used in order to help solve this problem, with norms, which apply to the prison situation, and with information on how to undergo the prison experience. The subculture is diffused and nurtured in the different prisons.

The State of Rio de Janeiro has 92 municipalities, 28,000 prisoners and 23,000 vacancies, making a deficit of 5,000 vacancies. Taking care of this battalion of prisoners are only 3,200 prison guards, who earn wages of R$2,000 (Aprox. £800). Of this prison population, 23,000 are in penitentiary establishments (under the care of the Secretariat for Penitentiary Affairs - SEAP), and the rest are in jail (under the responsibility of Polinter, subordinated to the Secretariat for Security). Only 28% of the prisoners work, and only 17% study; the others remain idle. Each prisoner costs the Rio de Janeiro taxpayer about R$1,050.88 per month (Aprox. 370 pounds). Recidivism in the State is around 60%. According to SEAP, the State has a deficit of 5,434 vacancies in Rio de Janeiro, and an agent/prisoner ratio of 1:6.88. Notwithstanding, in the prisons visited, this ratio was 1:23.5. The crimes with the highest conviction rates are qualified robbery (art. 157), drug trafficking (art.12) and homicide (121). More than half of the prison community is aged between 18 to 29 years old (Depen, 2010).

Around the world, prison gangs may form around racial, ethnic, religious or geographic cleavages among prisoners. The dominant characteristic of US prison gangs for example is their racial character. The main Californian prison gangs are Mexican Mafia, Aryan Brotherhood, Black Guerrilla Familia. Ethno-geographic cleavages within racial groups are also important such as the Mexican Mafia made up of Chicanos from Southern California, who is the sworn enemy of the Nuestra Familia, representing the Northern California Chicanos (Lessing, 2010). Unlike the US, membership in the South African prison gangs, known collectively as the Numbers, is not determined by race or ethnicity. Based on a cooperative system of multiracial gangs, they aim to control the larger prison population and often compete over resources and recruits.

It is important to recall that conditions of detention of the prisons are still very precarious and hazardous. According to the Penitentiary Council and the Brazilian

Prison Reform Association, prisons are not only overcrowded but they are in degrading and insalubrious conditions with low ventilation, not enough bedding and mattresses for all inmates, with very limited educational and professional opportunities. These inhumane conditions reinforce prison gang's ability to control inmate population and their assignments. As Wacquant (2001a) analysed, in Rio, penal policies are targeted to the poor, due to the country's extreme inequality and stratification of ethnoracial and class hierarchy. Sanction reach preferably singular social groups when compared with the sanctions applied to whites citizens of the middle and upper classes of society. In the state of Rio, the inmate community is composed of 24,68% black prisoners, 40,77% dark (i.e. pardos), 33,13% white, and 0,38% indigenous people; 51,96% of male prisoners range between 20 to 29 years old with 42,47% with 4 to 7 years of formal education (Neri et al, 2006). According to Adorno (2002), one of the major crisis of the Criminal Justice system is Brazil is the penal impunity, which is higher in Brazil than in France, England and Unites States.

4.3. Prison as a Geopolitical Gang Headquarters

Prison gangs have long been recognized as challenge for penitentiary administration and this field has tended to be dominated by North American research. Prison gangs have thrived in the US despite all the extensive anti-gang efforts. Yet, as worldwide population have grown, prison gangs have expanded and now constitute major criminal organization with power to control inmate life as well as instigating violence outside prison walls. As prison gang grows, they take on increasing importance in the delicate equilibrium between inmates and guards, and repressing them can lead to short-tem eruptions of violence. But if left to their own devices, prison can spread though the penitentiary system, while exploiting and deepening corruption and perpetuating the culture of the gang. Segregation of prisons by gang affiliation can have an immediate, short-term effect of reducing prison violence, but also a hidden pervasive long-tem effect of increasing gang strength both inside and outside prison walls, while exploiting and extorting other inmates.

Authors such as Lessing (2010) calls for the integration of the problem of prison gangs and prison-based criminal organizations into a larger public security strategy, and not just as a "corrections" question. That is certainly the case for Rio de Janeiro where prison gangs are able to coordinate episodes of armed violence outside and

inside the prison walls. The lack of control over the State prison management and the consolidation of prison gangs, is called by Caldeira (2006a), the privatisation of internal control, in which co-optation by prison managers of criminal leadership maintain internal order in a shared management style, and by the effective control which prison gangs exert in the prison space, and in the formal decisions of the prison. The reduction of the effective control of the State over its territory, in and out of prisons, provides organised criminal groups with the opportunity to illegitimately demand dominion over this space. This is a visible phenomenon in the slums, where they have established armed control over the local population, practising extortion. In prisons, the social visibility is much lower, but still illegitimate (Caldeira, 2007a).

In 2004, the prison system announced an anti-drug factions policy, detailed in chapter 3 (Caldeira, 2006a; 2006b). The prison authority intended to create a prison with no criminal affiliation, where inmates could choose to go. Simultaneously with this failed experiment, an important event occurred in Benfica Prison Institution. An escape attempt resulted in one of the biggest rebellions in Rio, lasting 62 hours and ending up with 31 inmates dead (O Globo, 2004; Campos and Santos, 2006; Misse, 2004; Caldeira, 2004a). The prison, situated between seven *favelas,* dominated by CV, held mostly CV inmates, but also TC members and neutrals, segregated in different galleries. During the riot, CV members set an inquisition tribunal, to judge and condemn 31 neutral inmates, mostly for rape and violent assault. These inmates were condemned to death by decapitation, mutilation and by being burnt. Prisoners requested the end of anti-drug faction policies and of any intention of mixing groups within the prison.

The prison system is a place where organised crime is used to settle disputes. While the world paid attention to the first anniversary of the terrorist attacks of September 11, in the United States, traffickers in Rio were starting a riot at a prison in Laertius Costa Pellegrino, known as a Bangu 1[83], which would change the dynamics of drug

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[83] The rebellion began at 8:30 am, when Beira-Mar and his group captured two agents. They invaded the storeroom of weapons and stolen two handguns, a 12-gauge shotgun and a grenade. The deaths occurred within the prison's D Gallery, considered maximum security, where there were 10 inmates. Stuck in the gallery of the same prison, Beira-Mar used the keys to traverse six gates with bars. ?. After the deaths, eight people were taken hostage, five correctional officers and three other staff members. They were tied to the bars of the prison with gas canisters. The police surrounded the prison with 1,500 men and four helicopters. Three delegates attended the

trafficking in Rio. It was the day of vengeance of CV against a former member, accused of treason. Led by the leader Luiz Fernando da Costa, Fernandinho Beira-Mar, the prisoners killed and burned the body of Ernaldo Pinto de Medeiros, the Uê[84], who, in 1994, had left CV to start his own faction ADA, to dispute the drug market with CV, but not without ordering the death of his partner and one of CV founders, Orlando, o jogador. To execute the plan inside Bangu 1, Beira-Mar joined with an important ally, Celso Luis Rodrigues, Celsinho da Vila Vintém, leader of TC, which, at the time, was an ally of ADA. Celsinho joined with the rival traffickers to facilitate their entry into the cell of the Uê and ADA members. In return, Celsinho had his life spared, and he also won the friendship of Beira-Mar.

The dimension of these organised groups in prison goes beyond settlement of disputes between groups or power struggles with the penal authorities. In 2002, imprisoned leaders sent orders to their "soldiers" on the street, to shut down high street commerce, businesses and schools, which created chaos in the city of Rio (O Globo 2003; Caldeira, 2004a). They burnt buses, and drove around the city heavily armed, threatening and ordering businesses to close their doors. The estimated loss of business was R$200 million (approx. 80 million pounds) in one day (O Globo, 2003; Misse, 2004). This criminal act was both a sign of mourning the death of their leader, and also as retaliation for changes in the prison conditions of Fernandinho Beira-Mar, the leader of CV.

Sykes (1958) argued that alongside the variation existing between types of prisons for different populations, there were some basic similarities between them all, forming social systems differing in detail, but alike in their fundamental processes of time, place and purpose. This analysis is a valuable one. However it is not entirely complete, especially in the case of the organised crime presence in prison. The inmate code indeed includes resistance to staff and solidarity among convicts, but these are more complex than obvious in Rio's case.

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talks, which were being made directly with Beira-Mar, through a cell phone. Beira- said that he would only leave the gallery after finishing his job. The rebellion ended only the next morning.

[84] Uê had three planes on the border between Brazil and Bolivia, as reported by Mrs Marina Magessi, who led for many years the Bureau of Narcotic Enforcement (DRE) in Rio de Janeiro. Uê also owned several businesses in the town of Nova Hamburgo, in the state of Rio Grande do Sul.

4.4. Understanding the Collective: "Mixed and Together" but "Pure and Unmixed"

For both Goffman and Sykes (1961; 1960), inmate culture is to be understood as a series of accommodations or adjustments to the degradations of inmate life, and a dominant theme of the inmate code is group cohesion and its support in alleviating the pains of imprisonment (Sykes and Messinger, 1960). Prison gangs can serve important economic and psychological functions and to some degree it can act as a buffer against poverty, as Jacobs found in his study of super gangs at Stateville Penitentiary (1977). Prison gangs in Rio perform several functions within the system such as recruitment of new inmates and organizing illicit activities. But their role in keeping their status quo is done in an extremely oppressive manner. The first phrase, *Mixed and Together,* has become a very popular sentence both inside and outside of prison, within the criminal and formal society. As with much of the criminal slang in Rio, mixed and together" has become popularised within society, even on TV shows, and it is used in reference to many different subjects. It is, however, originally, from within the prison, where inmates "are all imprisoned, living the same suffering", establishing a certain solidarity with each other, in this context of division, stratification and violent rivalry. This slang and its meaning is in accordance with what Sykes (1958) argued, that a code of the prison arises from the deprivations of imprisonment, which includes solidarity among prisoners and resistance to staff.

The collective convenes with the Evangelicals, for example, to arrange festive celebrations at the prison, such as Fathers Days, Children's Day and so on. They work together towards this end, and can even eat less for a week, in order to have the possibility of offering more food on the celebration date. On Children's day, each child receives a gift that is bought by the organised crime groups outside of prison, and is delivered to the prison administration by their families.

The second sentence however, *Pure and Unmixed,* refers to the consolidation of the division within the prison community, and the collective's desire to keep it that way. It is related to not mixing criminal status and social roles. In order to do this, prisoners also use the quote *One looking 80, and 80 looking one,* in reference to keeping the inmate code tightly under control and respected, which raises a lot of distrust among

the collective, which they call *neurosis* - because anyone can tell when you are not complying with the code, and punishment for non-compliance is violent or fatal.

Many argue that the behaviour system of many types of inmates stems from the conditions of imprisonment themselves, i.e. emphasis on the notion that internal conditions stimulate behaviour of various kinds. Irwin and Cressey (1962) suggested that much of the inmate behaviour is not peculiar to the prison at all. Therefore, what is classified as prison culture has nothing to do with the structural-function of the prison. Instead, the distinction between prison culture and criminal subculture is what distinguishes the behaviour patterns of various categories of inmates. These convicts bring with them a ready-made set of patterns, which they apply to the new situation. In view of these variations, inmate conduct cannot be obtained simply by viewing prison culture or inmate culture as an isolated system springing from the conditions of imprisonment.

The prison system is considered to be a continuation of jailhouses. From the criminal perspective, this means that the inmate code has to be kept since the precincts. If not, punishment for non-compliance is carried out within the prison upon the offender's entrance. One offender told me that a cell representative had sponsored a rapist in the collective while in jail. This information was passed on to the prison community. The gang member was killed in front of the newcomers. Each prison has a summit of leaders who overlook the collective. The summit is always composed of 21 members and each summit has a President, a Vice-President and a spokesman called *frente da cadeia*. They are in contact and report directly with the leaders of the organised crime groups, all of whom are in Federal custody, mainly at Catanduvas, the Federal prison in the south of Brazil. Each cell has 3 to 5 representatives.

The prison experience can vary slightly, depending on the category one is in. Firstly, I will describe each category of prisoners according to my fieldwork discoveries. Organised criminals, mostly CV, TC and ADA, control the collective, dictating behaviours, demanding compliance and controlling prison life and interactions:

CV: This group has the highest number of inmates, composed mainly of members of this organised group, and unaffiliated dwellers from their turf areas. They are also the

most violent. CV members are the most rigid and violent group. They have extremely rigorous discipline, and can conduct parallel tribunals, to judge and condemn inmates for non-compliance or other issues, perceived by them to be an infringement of the inmate code. This group has a book, which contains all of the names of the inmates who come into prison and been members of their group. Each cell has a Circular, a type of newsletter that accounts for everything that happens within the cell, and which is later discussed with the summit leaders. They have a ritual prayer every day at 18h00.

ADA and TC: These are in similar in structure to CV, but less violent and rigorous with their inmates, e.g. they allow homosexuals within their collective. Through non-gang members' perspective: "*They are imprisoned but they are making money. Not only do they receive their weekly allowance, but they are strengthening their bonds and doing business",* Econ8.

Each prison gang has its own prison or gallery, in which they impose their own set of rules, with small differences in the tolerance and discipline of inmates, which is also reflected in their street profile. Nevertheless, they are quite similar in their interactions within the inmate community: They regiment people in their organisations. They offer protection[85] and charge for it later with criminal involvement. They give money, mobile phones, TVs, clothes (economic power vs. lack of assistance) and drugs, as a way to lure inmates into their group. They engage in illegal activities. They rearrange order and impose rules inside the prison. They expect compliance and obedience; control working conditions and prison spaces; expect inmates to engage in the collective, and help them through rebellions, hunger strikes, and shutdowns of assistance. Moreover, inmates may have to act as *robots* if this is demanded, which means they may have to kill another inmate or assume an inmate's murder *"I had to kill not to be killed*", P4, and the offenders' families may be used as messengers or carriers of mobile phones or drugs into the prison.

The classification system limits itself to asking new prisoners where they live, in what article of the penal code they were convicted, to which gang they belong, and if they

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[85] This offer of protection is only possible because the prison system is not capable of managing protection for its own prisoners.

have any enemies in that group. Generally these questions are asked by working prisoners, leaving the technical staff to work on the Technical Classification Commission, which evaluates faults and progressions during the sentences. *"The prison system calls it classification. I say it is identification. They asked me two questions only: Are you TC, ADA or 001? Do you have any problems with doing time in the collective, like enemies or something?"*, P2.

Other prisoner categories have been created along the way, some of which are allowed in any kind of facility, such as the Evangelical inmates' gallery. However, this gallery has its own type of leadership and follows an extremely strict regime. In every prison there is at least one Evangelical space, which is respected by the overall criminal leadership of the facility. It is also a very good prison status for achieving regime progression, with a very strict daily routine and its own social organisation. Those who cannot cope with the collective and are not affiliated to any criminal organisation more often than not, go to the Evangelical category and undergo religious conversion. "*Those not involved with the collective experience extreme hardship and have to, sooner or later, affiliate with the organised criminals to live. I have actually starved in prison. If you do not succumb to the narco criminals, and if you do not have family visits[86], like me, you can become a mendicant in prison, what the collective call the 'caidinhos[87]'. Either you get involved, or you leave. I decided to leave*", Econ10. In the Evangelical gallery, prisoners have to follow strict rules and obey the hierarchical pastors.

Another prisoner category is called *safe*, and another is *safe of the safe ("seguro do seguro")*. These prisoners are the ones who cannot live among the collective. Gang members looks down on this category and says that they are from a *"difference race"*, P3.

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[86] It is common for non-affiliated prisoners to ask their families not to visit them because of the embarrassment and humiliation that visitors have to go through in order to enter prison. Women have to take off their clothes, and to crouch down three times. If visitors are wives, daughters, sisters or mothers, common prisoners prefer them not to go. This is another issue that makes them vulnerable to the influences of the OC.

[87] Caidinho is the name given to inmates who have no money and no visitations and therefore are more vulnerable to the speculations and extortions form the gang.

Safe: Initially, this group was mainly composed of homosexuals, rapists, snitches, and criminals seen by the collective as cowards, traitors or who have not acted in accordance with the inmate code. However, due to the increasing number of internal disputes between organised criminals and also drug abuse that leads to non-compliance of the code and create disturbances, these newcomers to this category triggered the use of another prisoner classification, which is the *safe of the safe: i.e.* prisoners that could no longer live within the safe community due to their enmities, i.e. snitches, and rapists. The latter category is extremely vulnerable.

The *safe* categories are interesting because they show the fragility of State control over inmates who request their own transfer to a facility that holds other threatened prisoners. *Safe of the safe* is the last refuge of the prisoner, and they call themselves *Enemies of the enemies (Inimigos dos Inimigos – IDI)*. Choosing this category right from the start is not viewed well by the rest of the inmates because it is immediately associated with mistakes from the past, enmities, errors and denunciation. Consequently, it houses a variety of different profiles and opens up room for discussion about sociability and interaction among different profiles of inmates.

The multiplication of prisoners' categories is a result of the perpetuation of this prison management strategy, which by default creates opportunity for prisoners to organise themselves. The men living under the *Neutral* category call themselves 001- Povo de Israel[88]. This prisoner profile was initially created by the prison administration to receive prisoners without any criminal affiliation, in a failed experiment by the authorities, in an attempt to create an anti-faction prison. The experiment failed due to prison management factors, but the category exists as a way out for prison gang members. Due to prisoner categories being an important element in an offender's sentence progression[89], prisoners are using the neutral status strategically, either to obtain prison progression, or change their criminal affiliation. The neutral category is mainly composed of ex-members of the prison gangs, either by choice, or because

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[88] An explanation on the name of this group and their interactions is discussed later in this chapter.

[89] The penal system has incorporated the characteristics of the criminal tradition and affiliation as a way to evaluate and influence juridical decisions on prisoners' rights to progression and their overall rights. Consequently, criminal lawyers have been advising their clients to change prison categories as a way to access prison-related benefits quicker, which can create a difficult situation for the inmate within the collective. This is discussed in chapter 5.

they've been outcasted. The Prison Administration considers 001-Povo de Israel an organised prison group, dissident from the established prison gangs, and this group has become specialised in disk-extortion, i.e. committing crimes using mobile phones from inside their cell, extorting money from people.

Other categories of prisoners are the *ex,* and *ex of the ex*, both of which are mainly composed of policeman, firemen, and wardens who have been convicted and can't be mixed with the collective because *"co*p*s are always cops"*. This category gives inmates the status of ex-cops, ex-fireman and ex-wardens. However, through the eyes of the *ex*, the recidivist policemen are common prisoners and have to be housed at *ex of the ex* gallery because *"we are all allowed one mistake. Recidivists are not public servants any longer",* P1. Therefore, this group calls for a single cell or a gallery of its own. Most of the time, the *ex of the ex* has to go to *safe of the safe,* due to a lack of space in the prison. Ex-cops go to the prison designated for them; the Petrolino de Oliveira Prison (PO), while the *ex of the ex* may go to the Ary Franco or Evaristo de Moraes penitentiaries[90].

White-collar criminals and convicted politicians are also housed at PO, which has gained the nickname, the *VIP Prison*. Here you can find state deputies, town councillors, ex-chiefs of the Civil Police, ex-cops, and ex-bankers. The Head of the biggest militia group in Rio was held here until October 2008, when he escaped through the front door in a clearly facilitated action, said to have cost R$2 million Reals (approximately £700,000). At PO, prisoners house themselves in cells and galleries as they choose.

These are the main prison categories currently in operation in Rio's prison system, under which most of the prisoners are housed. Two other smaller categories are: the *Federal* prisoners, which are international prisoners and prisoners convicted of Federal crimes, and the *Cleanup* (Faxina) prisoners, i.e. prisoners who work for the prison administration. Classification and sentencing are essential for the correctional task. In Rio, the housing strategy of prisoners has increased prisoners' commitment to criminal values and beliefs, due to the enforced and segregated social organisation in

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[90] The Governor of Rio, Sergio Cabral, released a statement on October 2011 about the construction of a new prison for Police officers inside the Gericinó Complex for 2012.

which they have to live. Only a minority of felons are strongly and exclusively committed to deviant behaviours and criminal organisations when arrested, convicted and imprisoned. The process of being classified tends to polarise those who stand in the middle (Irwin, 1970). The current method of classification seems to be administratively practical but not productive, besides being unconstitutional. For the general inmate community, this strategy has a profound impact on the individualised sentence, and enables prisoners to follow a more collective kind of sentence, which is analysed in the next section.

4.5. The Meat Market: Unaffiliated Inmates

Prisoners no longer identify themselves primarily in terms of their inmate status but according to their organizational allegiance or by their address. This has severely affected the inmate culture and off-brand interests are often at odds with the gang's interest. No off-brand remains unaffected by the gang's presence and control. On the contrary, their lives are dictated by a rigid discipline and a silent compliance. They are subjects of extortion, intimidation, corruption and punishment. The prison is a unique environment, which often leads people to join together for psychological and emotional support and physical safety (Ralph and Marquart, 1991), but inmate conduct cannot no longer be described simply by viewing prison culture as an isolated system springing from the conditions of imprisonment in the presence of prison gangs.

A fundamental contradiction, regarding the inmate's interactions within the collective, arose from the interviews in which gang members and administration appeared to have a similar understanding and an opposed one from the off-brands inmates'. When assessing the interaction of off-brands within the collective, for the gang member offenders who do not belong to any gang but live together with the criminal organisation "*feel like they belong to the group because they know each other from the neighbourhood, even if it is just from a glance*" P1. Their coexistence and interactions are well overlooked by familiarity and acquaintance, through the dominant skewed vision.

If one is not from a turf territory, or, if one is not a member of any organised group, officially the newcomer can choose where he wants to be housed, with no information

whatsoever needed about the profiles. It is either a random guess, or a decision made under pressure. The interactions however are said to be more delicate and unstable, since the newcomer does not have to obey so closely certain rules, such as the prayers and doing laundry for others, but he has to adhere to the general inmate code.

I asked a CV member how I would fit into the social organisation, and what would happen if I asked to be placed in the neutral or safe category: *"If you were a man and imprisoned, there is no need for you to go to neutral or safe. We accept you. And you are going to explain to us you curriculum –why you are in prison, what really happened etc. If you wish not to talk, the system talk tells us anyway. There is no problem. You will be taught the rules, the dressing code; the right way to speak…there is the prayer at 18h00. If you wish not to pray, that is okay but you have to show respect, which means you go to you corner and stay quiet and silent. If you choose safe, then we will find it strange and we would question you why"* P4.

However, the narrative from the non-affiliated inmate is quite different. A non-gang member described living in the collective as like being in an anthill:

"They are looking for meat to eat, and we are the meat. They look for the mistakes. If you commit errors, they have the right to kill you, so you are obliged to negotiate. Negotiating, you are, then, working for them", Offbr6.

Non-gang members find it very difficult to understand and live in accordance with the rules and codes of the collective. Those who are not part of the collective face more often than not, extreme hardships, and the usual way to go around them is through drug use and abuse, creating debt, and through loan sharking and pawning whatever they have to the prison gang. This is the main gateway to the criminal organisation, and the pay-off is not strictly for inside the prison.

"I needed money and they gave it to me. I said I did not want to create any trouble for me, and that I couldn't accept it. They said they would take my watch as a guarantee and that I could pay whenever I had the money. Next thing I know, I owned them and I needed to pay the debt quickly or…they would kill me. If you take the money, you are on their hands. It's just pure wickedness" Offbr8.

"There is no other way than to get involved with the collective. And when you do, you are assuming a commitment to them: that are helping you, and you are going to help them now or later, whenever they decide. I left prison and they called me and said: It's time for you to show your appreciation for our help. We helped you inside, now you help us outside" Offbr3.

This "help" is mostly related to carrying drugs and arms, i.e. getting them from one place to another. Requests might also be related to turf wars and hiding weapons. Cloward (1960) reminds us that major problem with which the inmate social system attempts to cope, and which is especially true for the non-affiliated inmate, centres around the theme of social rejection, a way to avoid the devastating psychological effects of internalising and converting social rejection into self-rejection. Inmates want to escape from the material and social deprivations.

Writing about the penetration of what he calls *supergangs* in Stateville Prison, in Illinois, Jacobs (1977) relied on an informant that estimated that 75% of off-brand inmates paid off to gang members. Steinberg described the relationship between the Numbers gang members from South Africa Prisons with the non gang members, called *franse*, as disturbing as they would "rent the very air that they breath" (2004, pp16). One way to understand this relationship between off-brands and the collective is as an enactment of the very mortification Goffman describes. In his work, the inmate is robbed of the minutiae of adult agency (Steinberg, 2004).

The functioning of a prison, as a total institution, according to Goffman (1961), must be understood through secondary adjustments to the social order, which are actions employed by individuals who enter a total institution, and must circumvent the restrictions imposed by the prison administration, escaping and hiding those aspects that are not beneficial in preserving that order. These adjustments are, therefore, ways in which the individual isolates the identity and role imposed by the prison. Sykes (1974) also points to the importance of actions put into practice by prisoners to escape the pains of imprisonment. These practices shape and structure the functioning of the micro-society, governed by social norms and specific values. As Goffman (2001) then concludes, whenever a world is imposed, another sub-world is created. Patterns of

social relations and coexistence are created and recreated within the prison walls, apart from the wider society. This inmate culture is grounded by norms, rules and specific values.

The collective allure and impose, and inmates have to obey. The collective controls every aspect of the prison, including job opportunities - "*in prison you have to pay for work*", Offbr2 -, attendance in any other kind of activity or assistance – "*if they want to make a breakdown of the services, you have to obey or get beaten up*", Offbr7- and, create allures and routes to debt within the prison deprivations. Working is also a slippery area for the non-gang members. "*I've worked at the school, which is a place that it does not do any harm for you. There is some work that can put you in a life and death situation, and the collective does not approve. Let's say there is a hole in the cell; the wardens do not like it because it can lead to escape or something else can happen. The working prisoner cannot close this hole because they are seen as working for the administration of the prison, against the collective's interest. He is working wrongly. If they do it anyway, they could die. Any kind of work with the administration is considered wrong doing: they eat better, they stay in the air conditioner all day, and do not suffer with the collective, and they also get some rewards in exchange for information, which becomes even more dangerous for them*", P3.

Doing time with the collective means an opportunity for a criminal career in the hierarchy of drug trafficking organisations, not only for the previously affiliated inmates, but also for non-affiliated inmates who enroll with the organised crime whilst in prison, and then "*become part of the collective*", and are assured to have a job, a house, a salary and a career opportunity when they leave prison.

"*In my first sentence I said I was as neutral. They put me in TC galleries because of a lack of vacancies in the system. On my second incarceration I was immediately classified as TC, even though I have never joined them or anything. It was just because of my files. I am out of town and had visits only once every two months. The collective helped me with hygienic materials and some money. Then, you start making some friends, and as a pay off, I helped them with drugs, preparing it, selling it, and they would give me more money for it. I was then part of the community and had to be*

present in meetings and reunions. The relationship improved and one day they called me and said I was a good guy, hard working, and asked me to join them. They said: 'You're with us now. When you leave prison, you can go to one of our communities and we will provide you with a good job at the narco trafficking, a house, a woman, a riffle, and drugs to sell at the 'mouth'. You will earn your money every day, got it'?", Offbr5.

The State goes beyond the legitimisation of prison gangs and their division, but it also incorporates their traditional elements of violence to evaluate and influence prisoners' sentence progression and evaluation:

"I'm not a CV member, but I was imprisoned with them due to my address. And since I live in the same favela, and they already knew me, I was used to spending my jail time with them. My lawyer, however, told me that as long as I was in CV institution and had it on my file, I would never be able to move to a semi-open prison when the time came. So then he had to ask for my transference and I had to explain for CV summit leaders my decision. I told them that I wanted to go to another gallery to be able to achieve my sentence progression, that I wanted to stay near my family and I promised never to say nothing about what I've learnt or knew about them. After three months, I moved to a neutral gallery in another prison, and my progression comes in 3 months", Offbr6.

On the other hand, becoming an Evangelical within the prison community is seen by the prison staff as a positive attitude, which may help the progression of one's prison sentence. Religious conversion is a respected way out of the collective and it is respected by the organised criminals. The conversion changes inmate conduct and behaviour, which are administrative elements that influence prison progression. The case of Evangelical conversion can be analysed through the secondary socialisation process of identity formation (Berger and Luckmann, 2000). A religious conversion is understood as to be a discursive transformation of the individual, which involves in turn a shift in values, in the interpretation of the world, in behaviour and interpersonal loyalties, and, finally, in identity (Caldeira, 2007). The religious discourse re-signifies the life story of the inmate, giving new meanings to his past, present and future. Work and education are seen as ways of return to social legitimacy, and family bonds are re-

valued, and raised as an essential support for the maintenance of the new identity based on evangelical precepts.

"To become an evangelical means a change in behaviour and a way of life. You have to wear long sleeve shirts, buttoned shirt and a bible in hand. Your hair always be cut and combed ad the beard should always be shaved. No slippers allowed, as the rest of the prisoners wear. You have to have shoes or sneackers instead", Offbr 8.

At first, the evangelicals present themselves as a separate and independent group from the rest of the inmate community. However, a closer look reveals that there are solid bridges between the religious world and the criminal world in the prison community. The expression 'hiding behind the bible' is constantly used by inmates, religious or not, and shows some link between the different groups of inmates. This expression means that an inmate has pretended to undergo religious conversion, in order to run away from any trouble with the prison community, i.e. to break the rules imposed by them. The mistrust around the real motivation for conversion falls on all of the members of the religious groups. The Evangelical group has leaders known as Pastors. Each cell has five pastors who define the rules, observe their compliance and watch each religious inmate and their behaviour closely. However, the evangelical group is immersed within a context that is dominated by the drug trafficking gangs, who are the ones who determine the rules within the inmate community. Therefore, the *can and can't dos* for the evangelical group are rooted more in mistrust and discredit in relation to their religious convictions, and less on the religious doctrine per se.

"The evangelical prisoner has free access to the prison and other galleries. But he goes there to preach. Negotiations with the gang leaders are inevitable. I once managed to negotiate 9 fans to the visitation room but not without making 3 enemies from the gang. During the construction of a schoolroom, I asked CV leaders if the prisoners working there could eat the leftovers of the wardens, because the food was better and more balanced. They said yes but only during the 5 months of the construction, and many CV members were not happy with us", Offbr 8.

"The prison as a whole has a criminal identity. So there are many people who join the evangelicals not because of the doctrine itself, but for the need of change. Our galleries are the entrance for human rights commissions. It is clean, well painted and smell good. So some prisoners try to distance themselves from the collective, they try a change; have faith that they can change. But we are rigorous: no smoking, no swearing, you have to pray, and some don't adjust, and leave", E7.

As social relations in prison are marked by violence, mistrust and ambiguity, the maintenance of the evangelical identity requires a genuine shield from the rest of the inmate community, and also to avoid interaction with them as much as possible. The intense interaction between members of the religious group becomes essential, and so fundamental, that by defining himself as evangelical, the first action of the prisoner is to transfer himself to a cell or gallery where all of the residents are part of the religious group. That is, separation from other prisoners is the first step taken when an individual decides to convert. Evangelicals extend the maximum social interaction between themselves, and it is required of all believers that they participate in all of the religious activities stipulated. The new Evangelical needs to externalise signs through his behaviour, attitudes and language, and use no slang. It is a true "dramaturgic performance" (Goffman, 1961) to become plausible evangelical.

The definition of identity, as a product of social processes, can only be maintained as plausible when confirmed in relations and interactions in everyday lives. Goffman (2001) points to the efforts one uses to maintain and validate one's identity on a social occasion, as being one of the main characteristics of social interaction. The prison context however is adverse to any other identity, which is not aligned with the inmate code, that is a criminal code. The Evangelical choice, in prison, is much more a possibility of survival than a religious belief. It is a strategy to coexist amidst violence and rivalry, and a lack of security. Religious conversion provides an opportunity to safeguard oneself.

4.6. 1ª CVRLPJLUPCC C-9 D.G. do V.G. P/C-1

Getting out of the prison gang also means leaving its criminal arm on the street. However, it is possible to leave, which is different from the American prison gangs, who are famous for their blood-in, blood-out ideology. With narco trafficking

organised criminality, there are both formal and informal procedures to go through, in order to become disconnected from the group. To start with, the member must have no outstanding debt with the group of any kind. If he owns anything which belongs to the group, he must return it or pay for it before he externalises his intention to leave the group. The formalities involve a "prison call" (*toque de cadeia*), which means to formally write your retraction to the leaders of the group, all of whom are imprisoned in Federal Institutions outside of the State of Rio, and wait for the response. *Toques* are always in writing because they are a biding document. This retraction must include a solid reason for the exit from the group, proof of the next step (e.g. beginning a formal job, entering a church, or leaving the State), proof that the "quitter" has organised his duties and accountability concerning drugs, arms and personnel, and that all is in order, and that he has not forgotten the Statute commandments, of never talking about the business of the group to anyone, for which the punishment is death. Secrecy is an important aspect of the detachment. Importantly, the quitter must not leave with anything from the business, or his recent profits. Normally, the leader replies to the *toque,* asking more specific questions, and will later agree to the quitter's the decision. The quitter however, must wait for all of the *toques,* answer any questions asked, and stick to his decision after it has been accepted. There are many concerns about coup d'état and changing criminal groups. The latter means jumping between factions, meaning the quitter could actually switch to the rival organisation for some reason.

"I was living at gallery B-7, which is the famous gallery in Bangu 3, where all of the regional leaders are. I've been in prison for 20 years now. I escaped in 1996, and I was recaptured 6 months later. I've been married five times, and I have 5 children, one with each wife. Soon I will be 50 years old and I'm tired. I wanted out. I want to stay with my little girl who is 5 and my new wife. And I don't agree with some things that are happening with the Command lately. So, since they know me for so many years and I was part of the summit, it came to them as a shock. I told them I did not have the guts anymore. My brother is at Catanduvas – Federal Prison – and he did not know either. When I send the toque, they replied I was crazy and that something was up and that I might jump. I replied it was my life and I made the decision of it, and that I could not take this hypocrisy anymore. It took six toques, and then we

reached an agreement. I arrived here four months ago, and I'm living with foreign prisoners, mainly Africans. It was the safest place for my way out", P4.

Each organised criminal group has its own way of writing the *toque*. CV for example writes: Firstly, 1ª , meaning above all, followed by the name of their organisation i.e. CV, then the name of the founder, Rogério Lengruber – RL, their model: Peace, Justice and Liberty (PJL), their coalition (Union) with Sao Paulo's criminal organisation –U PCC, the cell which the *toque* is coming from, e.g. C-9, the initials of the sender, e.g. D.G., where the sender is from, e.g. V.G. (Vigário Geral) and where it is going, e.g. to another cell -P/ C-1. Therefore, its validation is: 1ª CVRLPJLUPCC C-9 D.G. do V.G. P/C-1.

There are many reasons for someone to jump between factions: internal disagreements, fights and discussions, betrayal, errors, or any reason that can lead to a deep dissatisfaction and misunderstanding. Jumping does not imply that there have been negotiations with the future rival criminal organisation, but most often this is the case. However, one can negotiate and "check out" the possibilities, and create for oneself an offer. The new group welcomes the "jumper" because it is considered a victory; one less to kill from the other group. However, one can only jump once, not twice or three times, as a prisoner told me: "*This is a business, not a game"*, P2.

It can be said that one of the most common reasons for leaving CV is the high level of violence being used, and the inconsistency in its policies and ways of doing business. There seems to be a division between the old CV and the new CV, with the younger generation using crack and violence, without any rules or ideology. A few years ago, the young arm of CV called itself CVJ, Comando Vermelho Jovem, but the leaders all got together and discredited this nomenclature. They deemed that you are either from CV, or you are not. The younger, agitated, violent and energetic prisoners are known as Funkeiro, in reference to the funk music parties.

It is important to note that many of the offenders within the prison gang gallery or tier were not previously engaged with a criminal organisation, as this research encountered. This is of paramount importance as the Prison Administration discourse implicitly assumes that all offenders housed on the CV, ADA, or TC galleries belong

de facto to the gangs, and those who do not, pack themselves into neutral or safe areas.

According to the interviewees, there are two solid reasons for the inmate community being divided: financial interest, and the historical quasi-traditional violent background, with so many deaths having occurred on all sides of the conflict. However, a close look at the *Safe* category disproves this. Many inmates from different profiles and prison gangs live together, under a new identity.

"We all live together, so there is no other way than to coexist. We could have been enemies, but here we can't. This is the only place left for us to live in the system. And we all prefer to go to a whole institution of safe such as Bangu 2. There is the possibility of living in a cell of the safe in a CV or TC prison, but if the inmate community decides to rebel or riot, we are the first ones targeted. Here is different. We have a whole prison for us, the safe. So this is out last opportunity so we work out differences from the street and here we adapt to a different behaviour, with no prior conflicts", P3.

"Here everybody is imprisoned. We are all passing through the same suffering. This rivalry should stay outside the prison....It is already tough to be incarcerated, our minds speeds and goes around, the women stop visiting, the mothers abandon us, making inmates psychologically shaken, and on top of that there is violence, and all the terror inside, with rivalry, threats, paranoia, neurosis, drugs, arms...so there is no other way than for us to leave worse than we first came", P4.

The *safe* category prisoners from Bangu 2 have, for the last five years, called themselves 001- Povo de Israel (Israel People). The number 001 is a reference to the procedure of transference of prisoners, and the name is a reference to the State of Israel that has many inhabitants from different religions living together, but segregated in communities. This group has become nationally known due to its extortion methods, which involve using prank telephone calls: they ring a number, say they have kidnapped someone from that family, and arrange a meeting point to collect a ransom; or they tell the person they have won a prize and need to give some personal details to receive it. 001 has no criminal extension or solid network on the

street; when the ransom is granted, the family or friends of the prisoners receive it. Normally, the requests involve many pre-paid mobile cards with credits, which allow them to use the cellular phone inside prison, and money and jewellery. This has become a well-known psychological extortion, not only in Rio's society, but also in Brazil.

While I was living in London, my mother received one of these calls, saying that I had been kidnapped. This specific type of prank call coming from prisoners has also spread to other prisons around the country. During my fieldwork I received one of these phone calls, and interestingly, it was from a prison in Ceará, northeast of Brazil. It was a collect call, saying that I had won a prize from one of the mobile companies, and, in order to receive it, I needed to buy two pre-paid mobile cards. I was in a restaurant with my friends and I went outside and told the caller I was doing research in prison and I knew it was a prank call and I started to ask him questions. The caller's name was Jair de Souza; he was 34 years old, and he had been convicted of theft and extortion. He said he wanted the cards to call his family, to whom he could not make a collect call. We started to talk, as I was paying the call and he was not in a rush. He was a recidivist and had been imprisoned for seven years, of which he had served two. He said he did not want to be carrying out the extortion but he found no other way in prison. He asked what I knew about his reality, and then I started to talk about my research using prison jargons, and he was puzzled. The call suddenly dropped. He called back and I answered, and we talked more about prison life, family ties, work in prison and so on. I ended the call, but it could have been much longer. He thanked me for the call and blessed me.

When entering a prison, gallery, or cell, the summit leaders from that gallery interrogate the newcomer. As mentioned before, most profiles are mutually exclusive, but there is one, the article 157, which is theft with violence, usually involving a fire weapon, i.e. qualified robbery. All criminals consider this type of crime as a respectful crime because anyone could commit it. This prisoner can do his time anywhere he wants, but the most accepted natural course of his classification is according to his address, and therefore the turf of the criminal organisation. 157 prisoners don't need to become safe prisoners.

"Criminals under 157 articles never ask for safe category. There is no need and it would look very suspicious. I need to be where criminals live together, where there are drug traffickers, robbers, embezzlement, where there are only people from the crime. I'm no waver. The safe is for underdogs; they are squeezed into a prison inside a prison. They are the ones who commit cowardice with others", Offbr5.

For a 157 prisoner, it can be easy to do time with the gang related to his turf because of his acquaintances; there is some familiarity within the inmate community. The most respected crimes within the collective are: 121, homicide – *"due to their manhood"*; 157, *"due to their courage"*; and 12, drug trafficking, *"due to their power of influence and negotiation"*.

The criminals least respected by the inmate community are rapists, offenders who did not pay alimony to their kids – *"We want to be near our kids and he mistreat his"*, Econ8, and bus thieves – *"because our families ride the bus, and my mother could have been on that bus"*, Econ4.

Prisons do not provide good conditions for offenders to live in. There are many accounts on inhuman conditions of detention[91]; not enough beds and mattresses, overcrowding, lack of hygiene, idleness, lack of work opportunities and educational classes for all inmates and so on. Social roles, criminal backgrounds and financial conditions influence the type of accommodation one can be given.

Sykes (1958) suggested that the prisoner social life develops as a response to the pains of imprisonment. The earliest studies of the sociology of the prison applied ecological insights of the Chicago School to the prison community (Liebling, 2004). These studies found inmate leaders, social roles played by prisoners and a "cool rejection" by prisoners of prison staff (Clemmer, 1940; Sykes and Messinger, 1960). The social world of prison does not operate apart from the wider society, but instead interacts with it, absorbing the political and social contexts (Jacobs, 1977).

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[91] Degrading treatment and inhumane conditions of detention in the penal system in Rio has been a constant, not only for adult male prisoners, but also for juvenile institutions, which also reproduce the same stratified behaviour (Novis, 2007).

Prisoners and prisons are active agents, interacting with each other. Through this interaction new meanings of the sense of the self can emerge. The process of adjustment and change involve individual interactions and large-scale features, such as norms and orders (Blumer, 1963).

4.7. Drug Use, Drug Trafficking and Corruption

Some inmates reported to have used drugs for the first time in their lives while in prison. The drugs reported in the interviews were cocaine, marijuana and crack. The use of crack was appointed by the interviewees as one of the disruptive factors within prison, which could make the user "to do a lot of nonsense" among the collective, and was named as one of the causes of making some inmates ask to be transferred to the safe category. The lack of assistance and the dominance of the narco trafficking in the collective make prison a place conducive to drug use and abuse "*To survive in prison, you need money or visitation. The inmate, who does not have visitors, ends up trafficking inside. The addicts become more addicts and involve themselves in debt and they have to pay. If he does not have means of paying, he deals and starts trafficking. He, who hasn't done drugs before, will do inside and enter the same pattern, and keep the business running*", P3.

Inmates need money when imprisoned. With money, the inmates can have access to mobile phones, lap tops, smart phones, eat and sleep better, do their laundry, buy drugs, and pay for escapes. There are different prices for different audiences, and with different "businessmen". Imprisoned politicians and entrepreneurs for instance, negotiate with wardens, in a specific prison, in which they are all held together. In an interview with a major executive-manager, on remand for tax fraud, I learnt that his money could buy an individual cell with TV, air conditioning, and restaurant food; his way out of the prison until convicted, and transference of institutions, once his brother was in a different prison. He also paid a weekly maintenance fee for the wardens. He paid R$650 thousand (approx. 260 thousand pounds, cash) for all of the above, plus the weekly fee of 400 pounds. However, if a prisoner is not a white-collar criminal or a "special offender", this deal has to be done with the collective, and with the wardens.

Accounts of escapes provided valuable information about corruption, revealing that schemes are fluid, context-dependent and complex. One inmate paid R$150 thousand (approx. 60 thousand pounds) to two wardens for a late night escape. Another account revealed a more structured in-prison hierarchical scheme, in which a director, a warden and a porter were involved, negotiating through the offender's lawyer, and the price was R$80 thousand (approx. 32 thousand pounds).

Imprisoned members of the organised criminal groups, have, according to their statute, the right to earn a weekly allowance from the *caixinha*, the slush fund, to help support their family and themselves. The amount depends on their position in the hierarchy of the criminal organisation. The *dono*[92] has a duty and obligation to make sure that they all receive their money through their families. The general managers might earn around R$2-3 thousand per week (approx. 800 to 1000 pounds), and the lower positions, the vast majority, vary between R$100 to R$ 300 per week (approx. 40 to 120 pounds). Usually, the prisoner's family collects the money from the *dono* they pay the bills, buy food on the market, and give the rest of the money to the prisoner. If the prisoner does not have family, a neighbour or a friend's family takes his money.

This is a dangerous reality, giving inmates the remunerative power for bribery, internal and external control, and the capacity to intimidate staff. A prison gang member generalises: "*Of 32 prison wardens divided into 4 shifts, 30 are corrupt and 1 is corruptible. Only one is honest"*, P1. Corruption of staff can mean bribery, selling of counter-intelligence information, connivance, and the selling of drugs and arms and other goods.

Prison wardens, as researched by Parentis (2000), take advantage of rivalry and use it as a disciplinary weapon. Agents incite rivalry to control inmate behaviour: they threaten to give an inmate to the rival group; or they can delay food delivery and blame it on some other category.

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[92] The structure of organised crime is described and discussed in chapter 3. However, it can be said, to help understand this context, that *dono da favela* is the local head, who controls one or more *favelas*. He is responsible for buying cocaine and other drugs from the producers, and arms from the wholesaler. He has the final word in any everyday decision within his territory rule.

4.8. Learning From The Best: Prison Experience For Gang Members

Studying prison riots in Brazil in the last decade, Salla (2006) found that gangs profoundly determine routine practices in prison. He called the drug factions political actors in the prison system, which try to deepen their actions in diverse activities in society, and their control over a considerable proportion of the poor population in the metropolitan areas. They make use of mobile phones, laptop, vertex radio, smart phones, and letters (the *toque),* to make decisions about their businesses, talk to their families, and they use them to allure other inmates. *"Every decision comes from the prison. Even a simple turf war with local enemies comes from here. Then, we join the summit, count rifles, join weapons, and send them to the receiver, the locality that is going to invade the other",* Econ9. Today's inmate influence is based on organizational rank within the organized criminal group, inside and outside prison walls.

The plenipotentiary leader of CV, Fernandinho Beira-Mar, imprisoned for ten years now at a Federal Prison in Catanduvas, a type of Super Max prison for organised crime leaders, in Paraná State, in the South of Brazil, bordering Paraguay and Argentina, close to Uruguay and Bolivia, controls his business, the prisons and the streets from within his cell. According to the Federal Police, he is a centraliser, and obsessive and zealous entrepreneur, who manage the entire drug trafficking process from memory. His agents buy the drugs from Bolivia and transport them to Paraguay, where they find more facilitators at the entrance at the border (F. Sao Paulo, 2009; O Globo, 2007; Veja, 2011). Within prison, Beira-Mar controls his drug and arms dealing using a mobile phone. He'd rather use sms than phone calls; letters and visitation through lawyers and family (mainly wife and kids; his brothers live strategically in Ciudad del Este, in Paraguay) and by other prisoner's family. In the courtyard, he speaks with his hand over his mouth to avoid lip reading.

There is an obvious sense of familiarity among the criminals within the collective. They re-meet their partners, friends and colleagues, and become closer to the big shots of their gangs, even if not physically. They might be in another prison but business-wise, where decisions are taken; they are closer to the inmates. The prison experience is part of the criminal life, and an opportunity to *"learn from the best".* One gang member said: *"While jail is high school, prison is the university of crime",*

P1. Not only criminal practices are parts of the day-to-day life in prison, they also offer the possibility for further development of criminal careers and business deals.

"When I entered my cell I saw I was by the president of the cell and that they could have the time to closely examine my action. They saw my way of working, my humility, my simplicity, we talk straight, exchange ideas all the time, and then I started to be more noticed. They asked me to help conduct the meetings, write on the book about the prison movements – name, crime, behaviour while in prison-, and then I was responsible for the book. This book is a historic book, very big, with all the names and transactions that happen within the prison. And then I started to have more visibility inside and outside the prison. But my past, my life story and my criminal life helped me too", Econ3.

The interviews revealed that the collective is full of *neurosis*, especially amongst the gang members. This means that they are constantly observing every move of the other inmates, which stimulates rivalry, and creates an environment of constant tension and distrust. The collective of ADA, TC and CV are the idlest inmates in the system, and they use a lot of drugs. On the other hand, gang members are becoming more professional and less emotional, in terms of their bonds with their organisation and the community. Never before have so many gangs members switched organisations, i.e. *jumped*, when entering prison, and on the streets, as one interviewee told me: "*In the same way a football player has no link to the club that have projected him to the sport, the drug trafficker is realising he has no solid bond with the organisation he started with. He can change if he wants to*" E1.

Inmates from the collective are very structured. Every cell, every gallery, and every prison have its own hierarchical chain, with clear leaders and representatives that command the prison community, with regular meetings. The rules of the prison have their own normative system, to impose them and to make sure they are kept. Tools such as inmates' own mini judicial trials are held, in order to punish those who have misbehaved, or who did not obey an order. This informal system makes up for a lot of violence and arbitrariness within the inmate community. One of my interviewees from the evangelical category was trialled by the collective tribunal. The participants involved were the summit leaders, the defendant, and an inmate who served as a

prosecutor. The trial lasted one week, 2 hours each day. It took place within a random cell. He was trialled for supposedly making decisions with the prison administration without consulting the collective, which meant that he would have stepped over the prison hierarchy. The verdict concluded that it was a misunderstanding in communication. *"If I had put my head down, the case was lost. I don't like talking about it, but I'm here, alive, and I get along with them",* Offbr8. The trial happens with the connivance of the prison staff. Castro e Silva (2008) talks about a recurrent negotiated violence, meaning a substitution of a formal penalty for physical punishment with the accordance of all actors involved, especially among inmates and prison staff.

The level of violence and the threat of violence used as a control mechanism and exhibition of power by the collective, has its own inside critics, even about their outside criminal actions. *"There are some internal disagreements on how things are being done in here. They are looking for immediate profits. I don't understand for example how are we going to actuate the government by burning buses, from a private company, or killing one Police man, and shooting ten others? They are working and don't know anything. How are we going to make an impact by causing a mess in the city? To impact the government we have to act upon government stuff, like Petrobras, Caixa Economics, Banco do Brasil, first world consulates and embassies, kidnap a consul, take a foreign minister...here we are repressing most of the prisoners...I'm betting that very soon there is going to be another war like the one in 1983...things are burning up",* P4.

The *modus operandi* of the collective is to control the prison through the physical elimination of inmates during opportunist riots, and obtain loyalty through the promotion of protection. Some strategies used to disintegrate prison gangs are the stimulation of creation of other groups, which can dispute leadership and represent alternatives for affiliation of inmates.

There has been a symbolic change in the dimension of death and violence within prison after the period of consolidation and domination of prison gangs, which has used explicit violence before. It can be observed that has been a gradual change in prison violence over the years. One example is the lesser use of knives, that if found,

lead to punitive actions within prison. Instead, CV, with its partnership with PCC, has been using the *Gatorade strategy*: this is the forced intake of water with cocaine or viagra, which in high doses leads to a cardiac arrest, and therefore, a "natural death".

The State fails to meet basic requirements for incarceration: such as judicial, social and medical assistance and hygienic material, uniforms and sometimes even food. Prisons are overcrowded, with degrading conditions and a lack of staff. These degrading conditions stimulate solidarity among prisoners, and make many of them totally dependent on the collective for resources to attend their necessities, such as lawyers, family support and medicine. The improvement of poor conditions cannot happen without control. Nor can successful rehabilitation programmes. The real question is how to recover control in a manner that frees up the space for better conditions and for rehabilitation.

Conclusion

In practicing segregation by gang affiliation, the State has legitimised an illegal and informal group of criminals and recognised its power within the prison order (Campos Coelho, 2005) The current prison dynamics allow criminal groups to impose internal order among all inmates, rule prison life and settle disputes between factions. Moreover, the leaders are able to control their businesses from inside prison, where schemes are hatched and then carried out on the streets. This changing basis of power in the inmate social system means that there are fewer grounds for accommodation between inmates and staff. Off-brands inmates suffer extortion, assaults, drug use and abuse, corruption and punishment. Off-brands generally remain unorganized in silent compliance of the rigid rules of the gangs.

The policy of segregation of inmates is used by the State as a technique to ensure conformity and stabilize inmates' relations, but it has one fearful consequence: the creation of a highly cohesive inmate group. This strategy paradoxically is a major contributor to prison conflicts; increases gang affiliation and promotes the perpetuation of criminal identity. Inmate attitudes reflect the nature of inmate subculture and the informal organisation, which, in turn, is conditioned by formal organisational characteristics, such as the formal structure and the official objectives (Berk, 1966). It can be said that the current social organisation of prisons in Rio is

working favourably towards the maintenance of criminal identity and practices, and is distorting prison objectives. Segregation is clearly a violation of the international and national legislation, which calls for the division of prisoners according to their age, sex, criminal record, legal reason for detention and the necessities of treatment[93].

Prison should not be an opportunity to expand gang membership and to solidify gang operations outside of the prison context. Poor management is at the heart of any such condition of gang control. The development of policy, procedure, an overall strategy and effective staff training is an absolutely paramount to deal with the gang issue today. In a situation where there are no written guidelines or standards promulgated by authorities to deal with the problem, the informal process takes over. As one ex-convict said: *"The snake is a despised reptile. But comes from the snake itself the antidote serum for its venom. The system would greatly improve if the separation of prisoners were done per crime, first timers and so on… Inmates know their value."*, *Offbr4.*

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[93] Un Standard Minimum Rules for the Treatment of Prisoners (1955), article 8; and the National Penal Law 7.210/84, article 5

Duet or Duel: The State's Response to Prison Gangs

But perhaps one should reverse the problem and ask oneself what is served by the failure of the prison?
Michel Foucault, Discipline and Punishment: The Birth of the Prison, 1977

"Legitimation despite failure'
David J. Rothman, The Discovery of the Asylum, 1971

Introduction

The terrible conditions of Brazilian prisons and the routine of violations of prisoner's civil rights are no news to human rights organizations (Caldeira, 2002). Prisons are complicated social institutions and they inherently incorporate some basic antagonisms and conflicts (Sparks et al, 1996). Despite the official view that gangs should be eradicated, many prison authorities have a pragmatic view about the presence of gangs in prisons (Hunt et al, 1993). The majority of research on prison gangs has been undertaken in the US and Canada, but there is increasing research in countries such as the UK (Wood, 2006), South Africa and Latin America (Hagerdorn, 2007). Literature has argued that gangs can be extremely problematic to the correctional system (Knox, 1994) or can be seen as organizations of the socially excluded (Brotherton, 2007). Achieving social order in prison is by no means unproblematic, and as social organizations, prison may be viewed for the purpose of maintaining order. Order is vital for the running of prisons and, as in any social setting, it is negotiated (Jackson, at al, 2010; Morgan, 1997; Grosser, 1960). Since prisoners far outnumber the prison officers who guard them, order within prison is for the most part achieved with the consent of prisoners (Morgan, 1997) and generate an enforced compliance (Sparks et al, 1996). This reality opens up the possibility for inmates to control the prison by coordinating inmates' behavior.

Prison gangs are an informal power structure, which exist within the inmate population and are recognized by the State. But do prison gangs in Rio de Janeiro pose a problem to the penal system? Chapter four has shown that the relationship between inmates of different gangs and other groups are of a hostile and fragile nature. It also stated that in prisons in Rio there is permanent process of negotiation

between inmates and guards regarding the leadership and administration of the prison system. In this context, how does the State respond to prison gangs, and what are the impacts on the daily routine of the prison? This chapter seeks to show that the State most often achieve a precarious order in prison at the expense of the quality of social services that goes through temporary negotiation and partial alliances with gang leaders.

This research indicates that prison gangs have severely affected the daily routine of the prison by making inmate leaders central figures in the control process of the prison. As seen in chapter 4, gang affiliation has reverberated into the creation of multiple categories of prisoners. This section will evidence that in turn it impacts on all aspects of penal affairs from prisoners' education and prisoners' progress assessments, to sentence allocation. A network of social relations is built in which the leaders of the gangs take over the gap left by the State, and the everyday practices of the Social Services are changed, i.e. the provision of education, medical care, work opportunities and even prison paperwork related to the prisoners' rights. This reveals that the criminal culture of the prison gang has become a bias factor within the criminal justice system.

This chapter seeks to unravel the routine of these realities of the penal system in Rio, and is based on in-depth interviews with prison and criminal justice authorities. Confidential documents from the Prosecution Office (Ministério Público) and documents from the prison watchdogs (Conselho Penitenciário and Conselho da Comunidade) are also relevant in this section. In this context, the issue of classification comes to light, as this seems to be based less on the crime committed and more on the arrestee's gang affiliation. The determination of the gang classification of offenders has spread over multiple criminal justice agencies, and classification errors can have a long-term impact on offenders.

Interview data reveals a serious deterioration in the quality of life inside Rio's prison. This change emanates from the dynamics of the institutionalized gangs that modified the prison social structure and therefore its experience (Sánchez-Jankowsk, 2003). This only reinforces that "prison is an institution that violates the very laws and values it is mandated to defend; that it is not only a criminogenic but a poverty-

breeding institution; and that its recent rehabilitation and growth only work to deepen and entrench the urban marginality that crime control institutions are asked to corral" (Wacquant, 2009 pp: 12).

Here, it is important to remember the fundamentals of the prison upon which reforms are based (Foucault, 1977). For almost 200 years, prisons constituted the seven universal principles of the good "penitential condition" (pp269): the principles of correction; classification; the modulation of penalties; work as an obligation and a right; penitentiary education, and the technical supervision of detention and auxiliary institutions. On his view, the internal order of prisons must be considered in terms of micro-physics of power operative in sustaining their regimes, timetables and strategies of work, discipline and education, segregative control and so on (Sparks et al, 1996).

A case study of an Individualized Treatment Plan (PIT), which was put into practice from 1999 to 2004, is also discussed in this chapter to generate a debate on the use of gang affiliation by prison management as a form of social control. *"The administration had interest in propagate this division to end homogeneity in demonstrations. They still take advantage for their own interest in administration, investigation and so on".* E6

This chapter relates with what is called 'new penology[94]', which is managerial rather than transformative. It is not concerned with reforming and treating the offender but instead it is concerned with techniques to identify, classify and manage groupings sorted by dangerousness (Cavadino and Dignan, 2007). The Classification system is, in practice, a formal mechanism of social control. Instead of emphasizing rehabilitative methods that meet the needs of offenders, the system emphasized effective control that minimizes costs and emphasized security. The penal mode has become more punitive, more expressive, and more security-minded (Garland, 2001). For instance Hunt et al (1993) in their study of Californian prison gangs found similar results from their interviews. The guards and the administration of California Correctional System were perceived as encouraging gang activity and conflict in

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[94] This managerial 'new penology' can also be characterized as new-correctionism (Cavadino and Dignan, 2007).

order to control the prison inmates more effectively: *"Because if you are spending your time fighting each other you have no time…to fight the establishment"* (pp401).

With the rapid growth of the prison population, it is of utmost importance to understand the social relations and networks, which aim to resume the State's custodial responsibility. The dilemma and complexity is evident in the way gangs provide discipline, promote order and pay for repairs, while simultaneously acting as a disruptive force, aggravating violence and crime. Segregation by gang affiliation is criticized on the grounds that it institutionalizes and legitimizes organised crime, perpetuating violence and prioritising secutiry over rehabilitation. But, might the prioritization of security over rehabilitation be justifiable under circunstances such as this one?

5.1. Divide and Rule: Strategies Towards Hegemony

An important task of any prison system is to hold prisoners securely. The prison regime is an ensemble of routines, activities and practices of regulation and supervision (Sparks et al, 1996). Prison gangs have emerged as a major disruptive force within a large number of correctional systems all over the world and represent a crisis of security (Lessing, 2010; Fleisher and Decker, 2001). Where gangs exist, they are considered responsible for a substantial amount of prison violence as well as violence outside of the prison walls (Pyrooz et al, 2011; Gaes et al, 2002). Finding a proper balance between the often-conflicting goals of the community at large, the numerous institutional objectives and a variety of inmate needs is far from an easy task. Street Gangs gain strength in direct proportion to the amount of physical space they can control, and this is also true for prison gangs (Camp and Camp, 1988). Leaders may be the saviours of prisoners, but they may also be their slayers.

The most pervasive and the most detrimental impact on the configuration of the overall prison estate, which became divided into several types of penal establishments, each designated for a different category of inmate, has been the overwhelming influence of security on prison policy at the expense of justice and humanity (Cavadino and Dignam, 2007).

In Rio, the stratification of the prison system and the multiplication of prisoner categories did not bring about improvements to inmates' lives, but instead brought an apparent stability of the system through a scenario of strategies towards hegemony. There exists a multiplicity of power relations, which are the constant focus of negotiation and struggle. One important factor that determines the environment of a prison is the homogeneity of the inmate population (Irwin, 1980). While homogenous populations can give the inmates power, the consistency provides the formal organization with environmental stability when dealing with inmates. A variety of different groups ultimately require more organizational structure to ensure control (Patrick et al, 1999; Irwin, 1980).

It then becomes a double edge sword: homogenous prison gangs in one institution exert power over inmates and over some aspects of the daily routine, and because of this they remain "controlled". Various gangs and other groups in the same prison require a more complex managerial administration in detriment of social services. This approach gives also interesting insight into why gangs are often tolerated by the prison administration. Parenti (2000) found in his book *Lockdown America* that prison gangs serve a convenient function for the prison establishment, as also revealed in chapter four. By keeping the inmate population divided, prison gangs perform a valuable function, serving as an added disciplinary weapon for officials through punishment and threats of gangs, off-brands inmates or rival gangs.

Classification by affiliation has become legitimized to the point that neutral inmates are the ones being segregated from the general population and they gain a different degenerative connotation among the inmate community. The State has become one of the most effective instruments in the consolidation and perpetuation of organized crime in prisons, by both omission and action.

"Neutrality among inmates becomes difficult or impossible in the course of the sentence if in the entrance of the prison there is already a determination of membership and affiliation. The radicalization of the prisoners complicates any mobility between groups", Prison Social Worker, A11

"In the 70's the administration used the classification in its own benefit. To avoid a hunger strike, that was a general strike. If you had two factions, one would eat, and the other wouldn't. You finish with homogeneity in the strikes. The movement wouldn't prosper. And the administration took advantage of this", Justice Prossecutor, E6.

The struggle over inmates' classification can be analyzed as a tacitly political power by the State (Bourdieu, 1989). It is a performative power of designation, and imposes a regime of division and naming, which legitimizes the dominant system of power relations. Ireland and Power (2012) in their study on Canadian prison gangs focused on what they called 'propensity to support' prison gangs among inmates. Propensity was composed of beliefs that prison gangs were supportive, well ordered and protective, and comprised of friends. Ireland and Power found that an increase in propensity to support prison gangs increased victimization, aggression and other disruptive behaviors, and consequently led to involvement in gang membership and perpetration. The authors indicate a case for looking beyond gang membership to a broader concept of 'propensity to support gangs' to better understand the relationship between gang member and non-gang members in prison.

"In reality, the state, agents from the criminal justice system and the police started to adopt this language of gang affiliation to try to avoid confrontation between gangs in prison and it started to have many negative effects", Prison Social Worker and Member of the Penitentiary Council, E3.

"These prison gangs, since the late 70's, are an organization of the marginalized with clear political connotation. There is a convergence between organised crime in prison and in the poorest communities, and in both areas the State does not meet the needs of the people. There is a delinquent economy that sustains organised crime inside and outside prison walls", Justice Prosecutor, E6.

The social relations of total institutions (Goffman, 1961) are marked by differential powers and purposes of the participants (Sparks et al, 1996). Prison have tried a variety of overt and covert strategies including the use of informants, the use of segregation units, the isolation of prison gang leaders, the lockdown of entire

institutions, the interruption of communications and so on, but if management must step forward proactively and offer inmates a meaningful alternative to prison gangs and gang crime, and also offer inmates treatment for personal issues (Fleisher and Decker, 2001). The walls of the prison are inherently more permeable to external influences than they first appear.

"If you live in an turf area, or near one, then you are doing time within that gang's gallery or institution. Even if you are not affiliated. And the prisoner comes for us already oriented from the jailhouses. It all started in their first contact with the criminal justice, in the precint. They are already divided there too". Maximum-Security Prison Director, A5.

5.2. The Crisis of Control and Authority: Gangs and their Impacts on Prison Social Services

The inmate code has been discussed in relation to inmate leadership (Sykes and Messinger, 1960), the process of inmate socialization and reintegration (Clemmer, 1940; Wheeler, 1961), the alleviation of pains of imprisonment (Sykes and Messinger, 1960; Goffman, 1961) and the maintenace of order within prisons (Sykes, 1958). Within prisons in Rio, the inmate code is a powerful agent of socialization, control and exploitation.

The prison social service (SS) regulate activities, accreditate visits, deal with inmates' progress, external work, parole, celebrations and so on (Goldman, 1989). This is SS's institutional capacity but the prison gangs' representatives in fact exercise some of these roles.

"If the social service don't ally itself with the inmates, one can not do anything cultural and socio-recreational activity. There are units that the gang leader donates A4 paper for social service to work", Prison Social Worker, A11.

"The festivities are sponsored by the leadership since the end of the 1980s. They provide everything including fruits, toys, groceries. We suffer a great pressure. They often override our visitation templates and put names of people not registered". Prison Social worker and Member of the Penitentiary Council, E3.

"Today is worst than 1985! Currently, everything is in the name of security!" , Ex-Prisoner director and Head of the Psychology Department, E5

Social workers report a loss of authority to prison gangs especially in relation to prisoner assistance and promoting educational and leisure events. Gang leaders demonstrate their power and resources by organizing festive events, which are highly valued in prison life, because they break the routine and provide leisure for inmates' families.

"Sometime, the whole inmate collective don't eat anything for a day except bread, so the State, through this exemption, increases the food for the festivities we receive for our family, such as Children's day or Christmas. We didn't eat one day so that we had plenty for our families. The drug factions are responsible for the money to buy our televisions, dvds, and children's gifts. Every child, on the days of Christmas and other celebrations, receives one toy. This money comes from them, the organized crime, for all the families of the Collective". Offbrand Prisoner, Offbr2.

Goldman (1989) reported that prisoners started to look to the social services for alliance and pressured them in order to gain political advantage. "*They asked us where we stand. They trusted us but didn't need us. They saw us as mere administrative bureaucracy*", said one social worker in her research (ibid: pp 187). The fragility of the SS due to the lack of resources in assisting prisoners reinforced the consolidation of the power of prison gangs, and resulted in the loss of autonomy of the social services (Ibid).

5.3. The Current Delivery of Services: "Its Nothing that Hinders the Function of the Prison"

The policy of dividing prisoners according to their affiliation has had a direct impact on prison management over time, especially when the institution is physically equipped to house inmates of more than one category. This means that the staff has to be divided as well as their duties. The administration chooses security at the expense of quality of the rehabilitative services. Prison directors reported difficulties in

administrating social services, in dividing the routine practices of the prison, but ironically all stressed at some point that 'nothing hindered the functioning of their prison'.

The maximum securities I visited have to have two schools (but with the same number of staff and therefore overloading them) and offer less time for education and visitation.

"It is impossible to deliver 100% quality service. You have to divide your staff, which are already insufficient, and worry about inmate displacement instead of creating new things and opportunities. If I want to put on a music event, I have to do it on two different days, one for each category. I had to build another school on the other side of the prison but with the same number of teachers. And the loss is the same with social workers and legal aid. I manage two prisons, not one. They ARE two distinctive prisons with the same personnel", Maximum-Security Prison Director, A4.

In another maximum-security prison, the division is, as described by the director: "*Gallery A is intended for the inmates of the safe. Gallery B is for inmates from Comando Vermelho. Gallery C is for ex-policemen, foreign prisoners, and prisoners working within the unit. Gallery D is Terceiro Comando. And Gallery E is for federal prisoners, and gallery F is for all those prisoners who cannot live with the other prisoners cited before. They are the safe of the safe. The logistics are very laborious, because we have to reconcile the visits of one group of prisoners with another group's recreation, and all other services also have to be divided. We have to operate a small displacement strategy inside the unit. But all our tasks are done with security. Nothing hinders the functioning of my unit. These groups do not meet inside the unit. While one group is being moved, the other is already where it should be, or is being prepared to leave. Got it?",* Maximum-Security Prison Director,* A6.

The weekly schedule of a maximum-security prison functions in accordance with the strict security schedule. Prisoners from different categories must not meet at any time in any place in the institution. This managerial concern impact on prisoners' work and educational activities, since the routine is limited both in terms of space, time and shared staff. However, this division serves administrative purposes:

"This division by drug faction is very good for me, to have one gang here in one institution, but is really bad for society because it incites more the rivalry in the streets and the services can't be properly delivered. Here, inside, I know about things that are still to happen on the streets. But they only happen on the streets with approval from inside". Maximum-Security Prison director, A5

According to the interviews, prison gangs not only serve as an informal social control tool, but there are differences in the management of the prison according to the each gang:

"Working with Comando Vermelho is much easier than in Terceiro Comando for instance. This is due to the organization they have built. It is a prison with a more strict daily routine. They have clear rules and they do not provide services to the penitentiary administration for example. They have their own people and commands to clean their cells, clean the cafeteria, clean the corridors and so on. These are areas they use. It is a service for them; it's for their well-being. They do not accept for example to paint the director's office, or the head of security's office. They make it very clear", Prison Social Worker, A11.

"The gang's hierarchy is useful on a daily basis. I use it for my advantage. You call two or three of them and say what you want to say and they are responsible for passing it on to the collective. Otherwise I would have to go from gallery to gallery saying the same thing over and over again to more than 700 inmates." Maximum-Security Prison director, A5

"I can't trust TC members. I can trust CV and ADA members", Prison Subsecretariat A10

"The groups, and other categories of prisoners that go beyond the gangs, have well-defined profiles. The Comando Vermelho do not work in any prison, by their rules. The other inmates normally do: Ex-policemen, safe and other categories. We evaluate the profile of the prisoner, and if he is accepted we assign him to work as long as we

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have vacancies! Today only 10% of the 940 inmates work", Maximum-Security Prison director A6

Prisons holding *Safe* prisoners are said to be one with the highest rates of violence between warden and prisoners. According to reports which I had access from the watchdog Conselho da Comunidade from Rio's Justice Tribunal, order is guaranteed by force, torture and threats, where wardens are heavily armed with guns and pepper spray. Inmates who complained about this reality were transferred to other institutions where they have to live in separated cells, among prison gangs (Relatório de Visitas do Conselho da Comunidade Maus tratos e Tortura, 2008).

At the same time this classification system serve as a form of social control for the administration, it hinders the delivery of services that are already precarious on a regular penal situation. This particular managerial way creates an informal dynamic that usually blur boundaries of human rights and State sovereignty.

"The Gericinó complex is the big powder keg. From here I can solve situation from other prisons from other States. We make use of informats, transferrence and psycholocical terrorism". Prison Subsecretariat, A10

"The Comando Vermelho don't come into my Office. They have their doctrine, but we don't accept it. Then, I received a dennounce and call up the leader of the gallery, and I asked my inspector to get him. He came near the door and refuse to enter. My inspector reported that to me and I told him I wasn't asking, I demanding him to come. He refused. Then my wardens had to speak loud and they gave him a big slap on the back to put him in my Office. It was funny. Later on, we had a meeting about children's day and he ask me in front of the others: The only way to make me get in your Office is by force, right, director?" Maximum-Security Prison Director, A5

Prisoners and experts have also reported situations where prison gang leaders have negotiated with the administration with regard to repairs of the prison:

"I think the administration must allow something that has been already allowed and is allowed every once in a while. For example, a sewer pipe burst, flooding the gallery, something disgusting. We had to take all the prisoners from there, and place 80 of them where there was only space for 30, while the place was flooded. The state is too slow in a bid to make new plumbing. What do the prisoners do: 'we want to help you Mr. Director. We can contribute by buying the pipes'. Got it? And this was accepted and at times it still is! This is totally wrong! You cannot transfer to the gangs the responsibility of the state", Prison Social Worker and Member of the Penintentiary Council, E3.

"The evangelicals, together with one gang, get united and do repairs and buy new things for the prison such as drinking fountains. This is for when our families come to visit". Offbrand Prisoner, Offbr2

5.3.1. The Crisis of Security: *'Rehabilitation for a Better Future'*

The character of rehabilitation today is different than before. The focus is more upon issues of crime control than upon individual welfare (Garland, 2001). Custodial institutions stress security rather than education or rehabilitation (Combessie, 2001). American State laws often required that prisoners especially juveniles be incarcerated in racially homogenous facilities (Jacobs, 1979). In some states, blacks and whites adult offenders are assigned to different jobs. Still according to Jacobs, states that kept where racially heterogeneous prisons, segregation was enforced by cell and work assignments, and in all extracurricular activities as well. However, between 1963 and 1974 various courts declared racially segregated penal facilities to be unconstitutional in Alabama, Arkansas, the District of Columbia, Georgia, Louisiana, Maryland, Mississippi and Nebraska (Jacobs, 1979). The high-security prisons of the US correctional system have become the incubation chambers for a whole raft of new prison gangs and organised crime networks in the last 40 years (Southwell, 2006).

In English prisons, in the mid-1960s, a succession of highly publicized escapes such as the 'great train robbers[95]' culminated in the first major crisis of security (Cavadino and Dignan, 2007). A prison inquiry realized by Lord Mountbatten in 1966 identified

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[95] Charlie Wilson I 1964 and Ronnie Biggs in 1965.

a number of weaknesses in both the physical security of the prisons and in their administration, and one of his recommendations that were immediately adopted was to categorize convicted prisoners according to their security risk (Ibid). As a result, all of the aims of training, treatment, preparation of release were subordinated to the requirements of security. This so called dispersal policy entails a considerable degree of concentration within a few establishments known now as high security prisons (Ibid).

The famous Lord Woof in his White Paper on prisons in 1991 spoke of custody, Care and Justice instead of Security, Control and Justice. And on 1995, Sir John Learmont called for a new system of prisoner's classification to be based on six security categories, but the Government decided to proceed with the Special Security Units, to hold inmates with an 'exceptional escape risk' (Cavadino and Dignan, 2007: pp211).

In Rio, the State Secretariat of the Penitentiary Administration (SEAP) gives priority to establishing order and discipline in the prisons, but there remains one severe obstacle to this state control over the facilities: the existence of powerful, incarcerated gangs. In the 160th Meeting of the Permanent Judicial Forum of Penal Sentences in 2008, the Penitentiary Secretary, Military Police Colonel Cesar Rubens Monteiro de Carvalho, admitted that the system does not perform quality distribution of prisoners and that it holds prisoners according to their membership rather than based on technical data such as their health and the peril to others.

Whenever the subject of gang affiliation emerges in a debate, SEAP official discourse is (Carvalho, 2008):

- Gangs start outside the prison system;
- The SEAP cannot deny the existence of factions and their rivalries;
- Rules have to be adopted to avoid risks to prisoners;
- The SEAP lacks the conditions to house inmates indiscriminately in collective cells;
- The SEAP is not responsible for the perpetuation of organised crime;
- Classification is used mainly as a way to avoid disturbances such as rebellions and death among rival groups.

Seap was set up in 2003 as a substitute for the Department of Penal Systems (Desipe), which was an organ of the State Secretariat of Justice. Seap established a formal definition of the place that the penal system would occupy within the structure of the system of criminal justice of the State of Rio de Janeiro. The prison structure was located inside the State Secretariats of Public Safety (during the dictatorship), Justice (during the 1980s and 1990s), Human Rights and the penitentiary system (under Governor Garotinho), Justice (under Governor Benedita), and finally it gained its own Secretariat in 2003, under Governor Rosinha Garotinho.

This dance of displacements in the government structure revealed the non-existence of a defined public policy for the prison sector that provoked so many changes of Secretariats. The prison system has 44 treatment and detention centres scattered throughout the state territory.

The law of penal execution states that penitentiaries must shelter prisoners condemned to more than 8 years of reclusion, in a closed regime. An agricultural or industrial colony can house prisoners condemned to sentences of between 4 and 8 years, called "semi-open regime" prisoners. Those whose maximum sentences are less than 4 years in prison stay in a halfway house, where the regime is open.

At Seap, due to the non-existence of a halfway house, the patronage regime usually welcomes open-regime prisoners as well as those released from the penal system. Prisons were originally meant for provisional prisoners, those without a sentence and who could still appeal. Houses of custody were created for the purpose of sheltering this transitory public, but in practice, such distinctions have been abandoned in the penal system. One can find provisional prisoners in a penitentiary, and condemned prisoners in a "presídio". That is why in this study the use of presidium, penitentiary or prison does not indicate different prison regimes but rather prison units where both provisional and condemned prisoners are detained. Moreover, the disciplinary procedures to which prisoners are subject can substantially increase their period of captivity or worsen its conditions.

5.4. Disarticulated Lives: Prison Gangs and Routine Administration

In the Criminal Justice daily practice has been marked a shift of emphasis from the welfare to the penal modality (Garland, 2001). The penal mode has become more punitive and more security-minded. The practice of rehabilitation is increasingly inscribed in a framework of risk rather than welfare.

"From time to time, they move the whole effective of the prison. The whole group goes to another prison. For example Bangu 2, recently became a safe category prison. And it was not. This was due to the vacancies and then they dismount the whole prison, and those prisoners who are in school fail to stay in school because they are transferred the next day: 'pack your things, everybody will be transferred'. The inmate leaves school behind, and he arrives in a new place and there is no longer a place for him in school, or the school is already in progress, in the middle of term, he can't get in and so on ... it's a very disarticulated life, and different gang affiliation only makes it worse". Prison Social Worker, A11

One director regretted similar happenings: "*I was running a prison with a structure that offered mechanics, bakery, carpentry and so on. It had recycling, and a school with 200 students. I managed to have 92% of inmates occupied with some activity! The highest rate in the country within a maximum-security prison. But then we had to come here and we lost all that structure there. First the structure changed. And then the collective had to change to accommodate people from a drug gang, and then they were sent to another prison",* Maximum-Security Prison Director, A4

In 2003, SEAP under the supervision of secretariat Asterio Pereira dos Santos, announced that it would end the classification per gang affiliation in a period of four years. He defended this as an ideal model for Rio de Janeiro prisons that would not surpass 200 detainees, in which prisoners would be housed in individual cells and separated by galleries. He advocated for an Institute of classification and treatment for the technical study of prisoners' personalities.

The experiment was to call for a neutral prison, without any gangs. The institution to be used in the experiment was the maximum-security prison Helio Gomes, in

downtown in Rio. Neutral meant an institution without prison gang control. This experiment was analysed by Caldeira, in 2004. He released a report by the National Secretariat for National Security (SENASP). Caldeira explains that the experiment ended due to the need to accommodate prisoners from other institutions and other categories within the system (Caldeira, 2006a). Helio Gomes had then to transfer all its inmates to another place, in order to receive prisoners from TC.

Interviews with authorities from the Criminal Justice system reveal that the Judiciary and the Executive Branch (represented by Seap) have institutionalized organized crime, under the claim that there is life-threatening for the displacement of prisoners for institutions that house rival factions. The State goes beyond segregation and incorporates elements from its violent tradition to evaluate and influence the assessment of prison rights. The classification comissions explore objective criteria of behavioral assessment, but being someone of a particular gang, that someone can be well or poorly assessed using as parameters the traditions of these certain criminal groups. The State has incorporated violence as a parameter in its relationship with the prisoners.

"In practice, the profile of the prisoner upon his entrance in the system is directed towards the type of criminality and gang affiliation. Then, in accordance to his situation, he is then sent to the prison. The semi-open prisons that houses CV members lacks vacancies. The TC ones you have spare places. And then you look and have full jails. There are a lot of prisoners awaiting transfer to the prisons but we can't transfer them because there are only vacancy in TC units and he is CV or ADA. So then there is this difficulty and loss due to this profiling", Penal Judge A3

"The people of Israel are organized to try to keep a good prison, so they can live with no problems. Their intent is this. They have the exact notion that this here is the ultimate space they have. If they ruin this space here, they have nowhere to go. Otherwise, they would have to be with other gangs, mixed, squeezed between ADA, CV, and TC. And if any riot or rebellion hatches, they are the targets. This is what happened in the rebellion in Benfica. The rebellion broke out and the prisoners were attacking the prisoners from the safe". Maximum-Security Prison Director, A5

Punishment and prison progression become bias as a result of factors, which include the culture of the prison gang. It can be understood as another form of bias within the criminal justice system. Bias can operate at any or every stage of the criminal process, and the penal system cannot be viewed in isolation when considering the issue of bias. It is clear that the penal system's subjects are overwhelmingly working class and unskilled people in many countries. Literature on bias on the criminal justice system includes social class, race and gender (Cavadino and Dignam, 2007). This study indicates that the culture and stereotypes of prison gangs should also be seen as a bias to the fundamental principle of justice.

"Prison gangs and other prison groups are a reality and we can't deny that inmates from different groups have rivalry. So we can't out a gang member in another gang's prison, he won't survive one day there". Penal Judge A3

Fox et al (2012) found in American prisons that gang members are significantly more likely to be victimized compared to non-gang members, specially as a result of their gang related status and activities, and perceptions of social disorganization explain the likelihood of victimization among gang members.

A Confidential Dossiê from the Civil and Federal Police reveal an imminent temporarily alliance between CV and TC to resume turf areas that were invaded and dominated by the militias - organised criminal syndicates composed of ex-policen and ex-firemen. This negotiation would be mediated by a relevant Evangelical Pastor active in the carceral world and was being discussed due to the gang's previous unresolved strife. It is important to say that this alliance has not yet been confirmed.

The main strategy being used by the prison administration to disarticulate leadership is to transfer those inmates to another institution and isolate them from the rest of the inmate community in a separate gallery (Coelho, 2005; Caldeira, 2003). However, this prison policy backfired and the organizations grew larger and stronger.

Prisons have tried a variety of overt and covert strategies but there are, however, no published evaluations testing the efficacy of these suppression strategies on curbing prison gang violence and other criminal conduct inside correctional institutions. These

substantial gaps in our knowledge hinder the safety of other inmates, staff and ultimately the public (Pyrooz and Decker, 2011).

Transference is the main control mechanism of the prison administration in SEAP. It is used for a variety of reasons, both legal and illegal: to disarticulate criminal groups; to punish those who misbehaved, to gain administrative resources (such as transferring working prisoners to a new administration), to attend to the requests of influential people and to obtain money (Caldeira, 2006). The mechanisms of "buying transfer" are sophisticated, as one case was seen in chapter 4. And the reality is that there is no equality in the penal branch of the law: if the prisoner is powerful either for being a leader in the drug trade, or a member of the political or economic elite, he can pay for privileged treatment in the prison system[96].

"The way to dismantle the classification by gang afilliation is by having institutions in more quantity and the criminological centre. They are not going to kill themselves inside as many believe. The number of actual gang members don't reach 10%", Justice Prosecutor E6

"Nowadays we have CV, TC, ADA, Safe and so on, but we should have more options within the system so that we could allocate all these prisoners. But it should start from the police station, because that is the beginning of everything. It's there that the prisoner is already divided by drug factions and so on. So this work has to be done from the moment one is in jail. Moreover, we can't ignore it if the prisoner demonstrates the will and shows us, the State, where he can go and live smoothly. It is the prisoner who tells us where he wants and can go. Mixing prison gangs there would mean bloodshed. It would be totally inconsequent. They never will live together. Ever. Ever. There is no condition. They have historic rivalry between them, and years of death on the street, I find it kind of hard.", Maximum-Security Prison Director, A6

5.5. Prison Classification System: Security at the Expense of Rehabilitation

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[96] Through a Marxist penology, it can be said that the state and the law operate in the interests of the ruling class rather than society as a whole, functioning to reinforce the power and privilege of that class.

Classification of prisoners should be carried out by the Technical Classification Commissions according to the prisoners' antecedents and personalities, for the purpose of orienting individualization of penal sentences. The content of article 5 of the Law of Penal Sentences states that this is a procedure of the utmost importance that deserves special attention, because the programme to individualize freedom-depriving sentences appropriate to the prisoner should take into account, among other matters, the level of safety to which he should be submitted following proper professional evaluation.

The Law of Penal Sentences lacks provisions for submitting prisoners to a period of adaptation when they enter prison, which would provide certain activities for the purposes of showing them the legislation, informing them of the routine of daily life in the prison unit, and showing them how to establish contact with people who can help them, such as representatives of religious entities, teachers, psychologists, social workers and doctors. According to Mr. Mauricio Kuehne, director of DEPEN, the State ought to invest more and value the so-called Technical Classification Commissions so that prisoners are correctly and effectively separated.

This measure is important to characterize young people who demonstrate a certain inclination towards criminal practices, separate them from dangerous criminals and transfer them so that they can be rehabilitated and duly reintegrated to society. This appropriate treatment of prisoners would enable the State, even prior to their imprisonment, to engage in efforts to reduce penal recidivism.

Between 1999 and 2004 there was an interesting classification experience called the Individualised Treatment Plan (PIT), which involved a multi-disciplinary team, consisting of a psychiatrist, psychologist, and a social assistant who were responsible for every new prisoner who entered the system. Each new inmate was meticulously interviewed and the team produced a wholesome report about the prisoner's profile and interests, as well as his particular necessities in terms of assistance. It was a good initiative that did not receive a lot of support, and ended due to a lack of resources to accomplish the results and continue the work. The team was separated and a new structure was set up by 2003 that caused fragmentation of PIT. With prisoners entering many institutions, difficulties were encountered in tracing newcomers and

the workload of the same four teams was multiplied. Prisoners were then sent to institutions based exclusively on their security criteria.

The exam, foreseen by the penal law, must establish an initial classification and serve as a foundation for the elaboration of an individualized sentence programme, by means of the technical classification commission. In other words, the purpose of the exam is to orientate the penal sentence, and set adequate measures for convicts in a closed regime. It consists of a biopsicosocial evaluation, a survey of the motivations, interests and technical indications of each case, such as medical assistance, psychological need, education and work, drug use and abuse, etc. These indications should consider the health, personal, social and human development of the prisoner throughout the sentence, and adjust to both its own dynamics and the institution's.

"*The PIT was a result of a Coordination and not a prison policy. We're still trying to move forward in this area. PIT is over and they did not put anything in its place*". A11

The group of technicians from PIT released a report about the plan's five years of existence (Biondi et al., 2006). They exalted the importance of the interview and the analysis of the prisoner's profile, especially for prisoners with no financial resources, no private judicial assistance, and whose families come from a less privileged economic class. A systematic and technical classification brings benefits and works as a marker of the inmate's development and as a reference to instruct the benefits foreseen by the law. The work that PIT did went beyond simple data collection. It allowed for the implementation of a prison policy that contemplated a respectable social rehabilitation and the reinsertion of the prisoner into society.

From 2000 to 2004, PIT interviewed 9.689 male prisoners and 868 female prisoners, in a total of 10.557 interviews with the new inmate entering the prison system. From 2002 to 2004, the average age of the new inmate was 28 years old, and 32% of male prisoners had been convicted by drug trafficking (art. 12 in the penal code), and 42% for theft (art. 157), 6% for homicide (art. 121). Sixty-nine per cent of male prisoners were first timers and 29% recidivists (Biondi et al, 2006). This is a very interesting data, which leads me to an important point about recidivism. Recidivism in Brazil is

analyzed as criminal recidivism and not re-entrance in the prison system. Sometimes, the second offence can be a lighter offence and so the offender may receive alternative sentence. *"The 70% rate of recidivism that we work as data is criminal recidivism and not about second imprisonment, we don't have that",* E5

Regarding the main individualized instruments for prisoners' treatment and their rehabilitation consists of a programme that has not been implemented, yet which is a criminological centre, and the classification plan that has been extinct (PIT). The rehabilitation or 'harmonic social integration of the convict' (Caldeira, 2006a) persists as a legal and rhetorical objective. There is no sign of effective implementation of this, except in isolated actions. Although there are educational and work opportunities in some institutions, these are not directed to dismantle of criminal identities maintained by gang affiliation.

Clause XLVI in the 1st part of article 5 of the Federal Constitution, determines that *"the law will regulate on individualized sentences",* and it adds that *"however, individualization should be technical and scientific, never improvised, beginning with the indispensable classification of those condemned so they can be directed to the most appropriate programs for fulfilling their sentences, according to the personal conditions of each individual".*

In this sense, article 5 of the LEP sets forth that those condemned will be classified in accordance with their antecedents and personality, in order to orient individualizing the penal sentence, which today is characterized as prison treatment.

Separating prisoners is assured in article 84 of the LEP, which states that provisional prisoners will remain separated from those condemned by a sentence reached in a final decision. In the same sense, primary prisoners will fulfill their sentence in a different section from that reserved for recidivists. Classification will be made by means of an examination of personality and antecedents, which is obligatory for all those condemned to freedom-depriving sentences and which is meant to determine the most recommended penal treatment. In the same sense, article 54 of the Minimal Rules of the CNPCP, states that as soon as the condemned person enters the prison establishment, an examination of his personality should be conducted to prepare a specific programme of treatment for the purpose of promoting an individualized sentence.

Article 7 of the Minimal Rules for Treatment of Prisoners in Brazil states that prisoners belonging to different categories must be lodged in different prison establishments or sections, respecting personal characteristics such as sex, age, judicial and legal situation, length of sentence to which they are condemned, type of sentence, type of prison and the corresponding specific treatment, in keeping with the principle of individualizing sentences. When collective dormitories are used, these should be occupied by prisoners who are carefully selected and recognized as suitable to be lodged in such conditions.

This system of classifying prisoners is practically non-existent in Brazilian prisons. It is merely a matter of asking the new guest if he has any enemies or what faction he belongs to. This is a clear violation of the Minimal Rules that emphasize that in this perspective the penitentiary regime should resort to all available therapeutic, educational, moral, spiritual and other means, and to all available means of assistance, and try to apply them according to the delinquent's need for individual treatment.

"The exams for prison progression are a joke, superficial, and are done in a rush. What is really observed is the prison the inmate is in and his gang affiliation", E2

The reception process is a careful process designed to evaluate individual inmate background as well as any dangerous presented to the system or inmates by their incarceration (Goord, 2006). In Rio de Janeiro, the main criterion for separating prisoners is the criminal organization to which they belong. The Law of Penal Execution and its criteria for separating prisoners has been replaced by the Red Command, the Third Command, the Friends of friends, the People of Israel, Safe, Safe of the Safe, Ex and Ex of the Ex. The criterion is accepted and respected by the Secretary of Penitentiary Administration, the prosecutor of the execution and the public defence. The State, with all of the juridical and administrative apparatus at its disposal, cannot manage to separate the condemned as determined by the law. However, it does manage to attend to criminal organizations by distributing prisoners according to the interests of organized crime.

The criminological exam foreseen by the law understands that the classification and technical exams are necessary when a prisoner enters the prison system, not when they get out of it, or are pledging for benefits. Rio's practice is the opposite. It ignores the entrance exams, and realizes the progression assessment, which is no longer compulsory. The criminological exam became non-compulsory to regime progression in 2003 with law 10.792 that altered the existing penal law from 1984 (Law 7.210/84). The new wording determines that inmates have the right to regime progression after accomplishing 1/6 of the sentence in the previous regime and showing good behaviour as confirmed by the director of the prison unit. Since the new law does not mention the criminological exam[97] as the old wording did, many criminalists understand it to be extinct. The Supreme Justice Tribunal consolidated the understanding that the exam is not compulsory for a prisoner's right to regime progression, but the judiciary can solicit for its realization whenever he or she finds it necessary. And, once this appeal has been done, its result cannot be despised.

A number of projects of law to alter the penal code are being evaluated by the national congress. One of them is PLS 75/200, which alters once more the penal code in relation to the criminological exam. The text sets forth the compulsoriness of the exam for prison progressions when dealing with prisoners convicted for crimes, which involve violence or severe threat to a person. This project of law has been annexed with another proposal PL 4500/2001, which seeks larger changes at LEP.

> Article 1 of the above-mentioned Diploma determines that the Penal Sentences Law (LEP) shall be enacted with the following alterations:

> "Article 112. *Freedom-depriving sentences shall be carried out progressively with transference to a less rigorous regime to be determined by the judge when the prisoner has fulfilled at least one sixth of the sentence in the previous regime and demonstrates good prison behavior duly confirmed by the director of the establishment, with due respect being paid for the rules that prohibit progression.*

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[97] The elaboration of psychological and psychiatric report

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§ 1st - *The decision will always be motivated and preceded by an opinion made by the Public Prosecutor´s Office and the defense attorney.*

§ 2nd - *The same procedure shall be adopted in granting release on parole, reprieve and commuted sentence, in keeping with the time schedules provided for in the rules in effect.*"

The text of the revoked provision of the LEP is as follows: Article 112. *Freedom-depriving sentences shall be carried out progressively with transference to a less rigorous regime to be determined by the judge when the prisoner has fulfilled at least one sixth of the sentence in the previous regime and his merit recommends progression.*

Single paragraph. The decision will be motivated and preceded by the opinion of the Technical Classification Commission and the criminological examination, when necessary.

This change has generated interpretation problems. Some say its objective was to end slowness in the requirement for regime progression in the prison system. Others say it was a way to avoid unjust analysis as the prison system lacks quality assistance and does not accompany prisoners during their sentences[98]; that exams are not done properly which impacts on the results[99]; and that criminal behaviour or recidivism cannot be predicted, based on the analysis of an exclusive set of vectors of the inmate's behaviour (Guazzelli, 2009; Daufemback, 2008; Silva, 2004). Civil Society and social movements related to the prison system are against the return of the criminological exam for regime progression.

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[98] "...exams were, pitiably, merely stereotyped repetitions of one another, elaborated from brief interviews with inmates, who systematically did not have regular accompanying" (Guazzelli, 2009: pp2).

[99] Not enough time spent with each of the professionals in the assessment team and lack of adequate scientifically validated assessment instruments such as interviews, tests, observations, group dynamics, listening and verbal interventions, and non-existence of specific experts team responsible solely for the criminological exam to avoid ethical and legal issues – when the team to evaluate the exam is the same as that which accompanies the inmate while in sentence (Daufemback, 2008)

A public debate in the State Legislative Assembly about drug factions in prison in 2005 has boosted interest in evaluating the impact of organised crime in prison administration and in the incarceration experience of other prisoners. It is recognised that inmate classification according to gang affiliation and their respective distribution among penal institutions is a problem. The State Human Rights Commission started a debate in 2005 following the biggest rebellion in the state, in which 30 inmates were killed in Benfica Prison. By that time, they claimed that the State was responsible for the death of inmates and said they violated constitutional and legal principles upon the exercise of power and guarantees to those under state protection. 'When putting members of different factions in the same environment, the State opened room for slaughter. The figure of conscious guilt is characterized in this conduct of the state authority'. And 'the reunion of inimical factions under the same roof opposes the rules of detention and reclusion that determines the division of prisoners' (in Marchesini, 2004).

In accordance with paragraphs III and V of article 146 of the Constitution of the State of Rio de Janeiro, a "crime of responsibility" is defined as any act on the part of the governor that violates the exercise of political, individual and social rights or transgresses probity in administration. This reproduces the precept contained in paragraphs III and V of article 85 of the Federal Constitution. Article 74 of Law nº 1.079 dated 10 April 1950, which states that the acts therein defined as "crimes" constitute crimes of responsibility on the part of governors. Under items 4 and 7 of article 9 of this law (1.079/1950), the following are defined as crimes against probity in administration: expediting orders or making demands contrary to the provisions expressed in the Constitution; proceeding in a fashion incompatible with the dignity, honour and decorum of the position. As for prisoners, they are assured by paragraph XLIX of article 5 of the Federal Constitution that their physical and moral integrity will be respected.

The crisis in the prison system was seen as a central discussion on public security policies in Rio. On that occasion, the Legislative Assembly advocated for the segregation of prisoners according to gang membership. Three years later, the same political assembly approved a project (PL 2.850/05) opposing the idea. The draft law prohibits the state to classify prisoners for their criminal affiliations. *"All inmates are*

submitted to this criterion, which is to say the least irresponsible. We intend to combat this serious old habit of the state administration, whereby the constituted power contributes to the organization of a parallel power", said the author of the draft law, deputy Paulo Ramos (O Globo, 2009).

In 2008, SEAP advertised the Criminological Observation Center, which would cost R$11 million (aprox. 3.5 million pounds), where inmates would undergo medical and psychological assessment for 15 to 30 days and therefore would not be classified according to gang affiliation. In addition to the construction of a unit for prisoners between 18 to 25 years, with the goal of separating the young offender from older and more experienced offenders (Informe Seap, 2008). Until the writing up of this thesis, none of the aforementioned was realized.

5.6. Re-evaluating the Emergence of Prison Gangs and the State's Reaction

Collective violence and riots have received much attention in the literature as they embody the loss of control in a system where control is essential (Salla, 2006; Snacken, 2005). Solutions range from the penal pragmatism to recognizing triggering events, to fundamental questions of legitimacy and justice. The dangers of crime are seen as immediate, omnipresent, and almost inescapable (Ibid). The concept of moral panic (Cohen, 1972) directs public attention toward the activity or group and organised public fear for the well being of the society, which have serious policy implications.

The integration of the inmate community in the 1970s radically changed the prison environment. Before the emergence and consolidation of prison gangs, classification was done through pre-trials, convicted offenders, recidivists and violent offences (Campos Coelho, 2005). According to Campos Coelho, the leadership among inmate groups arose and strengthened through the administrative efforts to weaken them. But, once established, it became more convenient for successive administration to adjust to the consolidated fact and negotiate a *modus vivendi* with them, establishing since then a precariously balanced social order in prison (Ibid). Since 1988, Campos Coelho call for a prisoner classification and prisoner housing in accordance to the gravity of their offences, recidivism and by the results of a competent psychological evaluation.

Experts and authorities of the Criminal Justice System seems to disagree on the root of the issue of the gang affiliation and classification on a type of who comes first, the chicken or the egg dilemma: some say its does not start at prison, other say it start at the precinct jails, other say the prison does not reinforce membership and so on. None of them also agree in what to do next, and how to work towards prison rehabilitation in this reality of prison gang and the emergence other prisoners groups. Moreover, opinions vary according to what may happen if there is a policy to try to dismantle gang membership inside prison: it may create the unification of all gangs into a major one; it may cause death and riots; or none of these at all. In this session, I aim to go back and reassess the emergence and consolidation of prison gangs through a media review of the main newspaper of the time together with a research from 1989 realized done by the social worker Sara Nigri Goldman whose main relevance in the work was interviews with the prison directors of the time.

Goldman (1989) traced back the trajectory of the presence and consolidation of organized criminals in prison through interviews with prison directors and social workers from 1975 to 1989. There have been three important historical moments for Brazil during the fourteen years which she researched, which were the decline of the dictatorship, the re-democratization of Brazil and the consolidation of organized crime groups both inside and outside prisons. The Amnesty Law of 1979[100] brought forth the end of the status of political prisoners, releasing the leftist prisoners involved with guerrillas, and placing common prisoners under LSN amid the rest of the inmate community. There was violent resistance from the organized prisoners, and the prison's strategy was to transfer the leaders to other institutions. This provided the rearticulating of the Falange Vermelha that led to the dominance of many prison institutions (Goldman, 1989).

The precarious conditions of detention helped organized criminals gain strength and control over the inmate community though the prohibition of thefts, sexual violence and other forms of violent assaults. Compliance from the inmate community came at a price: prison control and a drug trafficking monopoly (Goldman, 1989). Falange Vermelha had the political goal of eroding the image of the prison authority, and they

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[100] See chapter 1, pp 13, for more information on the Amnesty Law.

did so with frequent movie-like escapes, kitchen strikes – under which inmates were obliged to comply. These were more than simple escapes and more than simple strikes. They were rebellions against the prison authorities (Goldman, 1989).

In 1986, three prison gangs were already present and well-known to the penal syesm: Falange Vermelha, Comando Jacaré and Terceiro Comando (O Globo, 1986). The emergence of gangs has been taken as the result of error of assessment of the forces of political repression during the military regime. In 1987, there is the first report of a dissent group from three gangs mentioned. In an uproar occurred in Ary Franco Prison, the dissidents rebelled because they had their day of visit transferred from Saturday to weekday. The Administration said at the time that the change would be to avoid disagreements between gangs (O DIA, 1987). According to my media review from the period prior to the official segregation of prisoners, riots and rebellion were caused by escape attempts, bad conditions of detention, staff strikes and theft among inmates. Whenever gangs became a solid presence in the penal system, the nature of the riots changed towards domination and power over the inmate community, drug trafficking and other business alliances, to regimentation to their gang. Riots then became more political and less frequent due to their homogeneity and power.

Prison managers started to subdivide the prison when a rival gang named Falange Jacaré emerged to confront the political dominance and the high profits collected by Falange Vermelha. As a consequence of this rivalry, many violent deaths and bloody confrontations occurred, and so the prison administration, under pressure from the Press, subdivided the institution according to gang affiliation.

Administrative, technical and structural failures of the prison system have favoured the growth and consolidation of organized criminals, not only by allowing them to strengthen inside commerce, group associations and oppressions towards the general inmate community; but also through active corruption like sales of prison transfer and escapes. Between 1979 and 1983, Dr. Antonio Vicente da Costa Junior, director of the prison system, reported: *"The black market that sells concessions that the law guarantees to the population of prisoners is only possible with the consent of prison staff or the penitentiary authority. The contradiction between the law and its*

execution has become evident. The machine of corruption joins the administrative machine" (in Goldman, 1989, pp 67).

The protection of prisoners is the duty of the State as a result of incarcerations, and it must ensure prisoners' survival and security. But the State does not assume fully its responsibility and with a lack of material assistance this leaves a space in which the needs of prisoners[101]. As the state does not fulfill this space, prisoners address their shortcomings using their own organization. In turn, while the penitentiary administration precludes in meeting prisoners needs, gradually it grants extra-regulatory benefits to inmates through concessions. These concessions are made in order to keep a stable equilibrium. It is improvised and empirical", said Dr. Avelino Gomes Moreira Neto, director of the prison system from 1983 to 1985 (in Goldman, 1989, pp 71).

Between 1983 and 1985, Falange Vermelha was present in 4 prisons – Milton Dias Moreira, Helio Gomes, Ilha Grande and Esmeraldino Bandeira. Third Command was present in Lemos Brito and Evaristo da Veiga. The prison Ary Franco was the only one to house both groups separately; it is an entrance-prison, where inmates enter the system and are then designated for other institutions. In 1987, there were reports about a small group called Falange Neutra – Neutral Phalanx, which did not prosper but stood for dissidents of both dominant organizations.

In 1985, the biggest cocaine dealer in Rio de Janeiro, José dos Reis Encina, the Escadinha, was rescued from Ilha Grande Prison by a helicopter in a movie-like daring action. The helicopter landed in the courtyard and collected the dealer and there was no police response. The trafficker Jose Carlos Gregorio, the Fat, had rented the aircraft and forced the pilot to land. Escadinha was brought to Angra dos Reis, and continued his escape in a car.

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[101] Brazil is signatory of the main international treaties and agreements on the rights of the prisoners, which were incorporated into the legal system through the Brazilian Constitution. However, to give effectiveness to those standards is a challenge. Rights guaranteed by law are stepped over by the daily practices that disrespect inmates directly, and indirectly both their families and the professionals working in the prison system. Inspection Reports from the Public Prosecutor's Office of the State of Rio de Janeiro obtained during the fieldwork shows that in the general information the first item is name of the prison, the second is the regime, and the third item is which gang. The conditions of detention are normally precarious and inhumane, with infiltrations, leaks, electrical network exposed, little sanitation and presence of rats and cockroaches. There isn't enough material for all the inmates, like clothes, hygiene material, mattress and bedding. The galleries have little ventilation and are too hot.

It can be seen in work of Goldman, through the discourses of prison directors that the classification of prisoners according to gang affiliation spread around the system between 1984 and 1987. "The prison direction itself presented to the prisoner the options in a colorful graphic saying "Look, here are all the galleries of the Comando Vermelho, all painted in red; here are the galleries of Third Command, painted with another color, and here's the Wings of the Neutrals, and the person had to define and choose where to go", Dr. Valneide Serrão Vieira, Prison Director in 1987 (in Goldman, 1989). The new inmate would choose on the basis of empathy, fear, friendship, or kinship.

Feeling impotent to solve the problem amid the corruption and political power in prisons, "the State preferred to buy certain tranquility, allying itself with the leadership and strengthening the existence of prisoner's clusters. The leadership, with the power to decree anybody's death, manipulated a breeze for external use and restlessness for internal use. There is no political will of the Government in tackling the problem", revealed Dr. Valneide Serrão Vieira, in 1987 (in Goldman, 1989, pp 94). The State, by action or omission, strengthens the scope of leadership, which in turn occupies the space of the State and extends its field of claims, in a tacit agreement and in a fragile and contradictory alliance.

5.6.1 The Chess Game: Leadership and Prison Elections
At Milton Dias Moreira Prison, considered the CV headquarters in the 1980s, the Prison Administration bet in a risky political game to revert power relations within the institution. They called for prison elections for inmates to choose their representatives to speak with the prison direction. "When we felt that the contact with the inmate community was difficult and noisy, and we required immediate response, we felt that the correct thing to do would be to have a commission of representatives for prisoners' rights to speak on behalf of the inmate community. What is the most democratic way to do that? Isn't it through elections?" recalls Dr. Valneide Serrão Vieira, Prison Director in 1987 (in Goldman, 1989, pp 91). At that time, Brazil was going through a re-democratization process, drafting its Constitution and debating direct presidential elections that would be realized in 1989.

A self-imposed leadership claimed itself as representative of the inmate community. Even though the mass would be manipulated in the election, the prison administration went on with the election strategy with a secret vote, betting on a chess game, moving a piece to achieve not an immediate result but a long term one: "We wanted the inmate community to see that their leaders wouldn't claim improvements for the mass but for themselves. And so we would say that they should choose better next time. This was our plan", said Dr. Valneide Serrão Vieira (ibid, pp 92). The administration lost the bet, and Falange Vermelha won more than ¾ of the votes. Goldman (1989) considers this event as a moment of great evidence of the alliance between the State and inmates. By legitimizing the leadership, the State also reinforced the criminal structure and especially its power. The election also became an emblematic moment of the rise of the movement of prisoners where the leadership was stronger than the administration, and seemed to have massive adherence of the prisoners. The formalization of the leadership went on with details of having letterheads, hierarchical functions, and an office (Ibid).

On August 30, 1987, an unsuccessful attempt to escape gave new energy to the administration. Three men were killed after a helicopter made two low flights over the Frei Caneca prison complex and finally landed at the water tank where prisoners were waiting to escape. There was a shootout with police, while the dealer Paulo Roberto de Moura, the Half-Kilo, and hovered in the helicopter. The aircraft lost control and fell in flames. Half-Kilo dropped from a height of about ten metres and died the following day. This escape attempt was a breakpoint because it broke a historic tradition of the penitentiary system of not trying to escape on visit-day, when the prison is full of women and children. This however had a great negative impact on the public opinion of Falange Vermelha, even affected opinion inside the prison, due to the danger they had put their family in. The State gained strength from this public turmoil, and the idea for the construction of a supermax prison, named Bangu 1, originated here. Bangu 1 has 48 individual cells in which to isolate leaders.

"War was declared at Falange Vermelha, a non-violent war, within the Law, to neutralize prisons. We would isolate them and not let the newcomers mix with them", reported Dr. Oswaldo Deleuze Raymundo, prison director from 1987 to 1989 (in Goldman, 1989, pp 101).

In 1988, Bangu 1 was inaugurated and between October 28 and November 6th of the same year, 18 prisoners were assassinated in prisons, dominated by Falange Vermelha. Leaders who were transfered to Bangu 1 ordered a general hunger strike and work strike. The deaths were a result of inmates who did not want to comply with these orders. Once again, taking advantage of turmoil, the administration tried to regain its space by taking public telephones out of the prisons and locking prisoners up, that before had walked freely through the institutions trying to weaken the leadership and neutralize the gang's actions. "We tried to show that being a neutral prisoner is the best alternative", revealed Dr. Raymundo (Ibid).

The press was an avid actor during these years of organized crime consolidation inside prisons that might have been motif of pride and fame within criminals. In 2006, one of the main newspapers in Brazil, O GLOBO, decided on a policy of not identifying organized criminal groups in its articles to avoid publicity. They referred to them instead as drug factions or organized criminality.

Conclusion

As the prison population expands, the problems within the prison multiply. The way the State treats the offender could be made more effective than they currently are. The institutionalization of prison gangs, the emergence of other prisoner's organizations, and the multiplication of categories make social order in prison more complex and fragile. The stratification of the prison system has put security over rehabilitation and it had detrimental effects on prisoners' routine. The power of the leaders of the gangs extrapolates the power of social service, with intimidation and oppression. There has been a decline in inmate's solidarity due to the lack of a consensual normative community. The structural accommodation of inmates, impact penal affairs and change penal management.

Prison gangs started as a form of prisoner's protection against the oppression by the State and other prisoners. But this oppression continues present among prison gangs and offbrand inmates due to the power they exert within prison. The Classification by gang affiliation started back in the 70's by the prison administration itself, when under article 27 of National Security Law in a Military rule, bank robbers were also

considered subversive prisoners and were segregated with political prisoners. This management was in the administration's interest and it still is used as a form of social control and penal management. Given the philosophy of individual rehabilitation and social integration to which modern prison has come to be characterized (Cavadino and Dignan, 2005), the relationship between social control and deviant behaviour in prison are complex and intrinsic. The official system accommodates the inmate system by creating illegitimate structures and opportunities. The structural accommodations involve reciprocal expectations and obligations (Cloward, 1960).

PIT managed to gather extremely important information on prisoner's economic, political and social profile that demonstrate a significant concentration that could serve as guidance for the formulation of public policies in relation to social reintegration.

Many aspects of imprisonment hamper prisoner's preparation for life after imprisonment (Irwin, 2005). Literature on the effects of imprisonment highlights a range of damaging consequences that are likely to reduce rather than improve the prospects for a crime-free existence upon release (Cavadino and Dignan, 2005). Goffman (1966) speaks of social disconnections caused on inmates by entrance into prison and the usual failure to acquire gains that can be used outside law-abiding life. The more contemporary understanding that prisons are open systems reminds us that as criminal prosecution changes, such society output is the new input to corrections. So, as their incoming prisoner population changes, prisons and jails also change (Knox, 1994). This correlation is such that for inmate gang members, the prison provides an opportunity to perform in front of some of the gangs' legendary leaders so that rank and status can be won and lost and criminal careers shaped (Jacobs, 2001).

Chapter 6

Life-Course Perspectives: the Impact on Inmate's Trajectory

"The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country"

Winston Churchill, 1910

Introduction

It has been argued previously that this research sees prison experience within the context of the offenders' route of moments: from pre prison life, incarceration and post prison paths. The harshest form of social exclusion is imprisonment (Simon, 1999). So, how does prison gangs relate to the post-release moment? Do the interactions of such groups have any influence on them when returning to normal life? This chapter will assess how the current social organization of the prisons and inmates social interaction impact their release and outside opportunities; and as one ex-convicted told me: *"I don't want to be a legend, I don't want to be history, I don't want my life to be told by you....I want to tell my story with you"*.

The transition from prison to the community is not a new phenomenon but it has become a hot topic due to the increase in numbers in prisoners returning home each year in penal systems around the world (Chamber, 2011; Solomon et al, 2004). In Brazil specifically, attention must be given to post-imprisonment considering that there is no life imprisonment in the country and the penal law limits prison sentence to any crime to 30 years. The adaptation to imprisonment is almost always difficult and, at times, creates habits of thinking and acting that can be dysfunctional in periods of post-prison adjustment[102] (Hanes, 2004). The psychological consequences of incarceration may also represent significant impediments to post-prison adjustment (Irwin, 1985). The vast majority of prisoners is released to society with no support and face many challenges of adjusting to freedom, responsibilities and struggles of the street. The discrimination that the former convict suffers in the labor market due to his detention deserves a prominent place on the research calendar (Mendonça et al, 2004).

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[102] The psychological effects of incarceration vary from individual to individual and are often reversible. Not everyone who is incarcerated is disabled or psychologically harmed by it (Haney, 2004).

This chapter seeks to show that time in prison may have strengthened ties to antisocial peer groups, and as a consequence, restricted awareness of or access to legitimate work opportunities. The contemporary prison experience has also incorporated violence and exploitative norms in prison culture that may influence inmates upon release, and prison gangs have been serving as post-prison work opportunity for many former inmates who have been regimented while incarcerated. There are two main moments in inmate's lives that this chapter will evaluate: leaving prison, and making the decision to leave the criminal lifestyle behind. For both situations, some common impediments have been found, and it can be referred to as to what Cohen (1985) termed ripple effect of the criminal justice system – the social control system that occupies in society both real and social spaces creating a cycle of perpetuation[103] and stigmatization of criminal identity and their visibility (Goffman, 1963). Here, the police and the labour market represent both real and social spaces, and one coping mechanism for ex-convicts is to withdrawal from society by limiting oneself participation in it (Ibid).

It has been previously observed in this thesis that different categories of prisoners respond to confinement significantly differently from other categories (cf. offbrand inmates and evangelicals differs from prison gang members such as CV, ADA, and TC). One consequence of confinement, as when the felon is classified as a gang member, has been viewed as an indicator of the probable long-term consequence of confinement because of its hypothetical link to post-prison re-involvement in criminal activity. Nonaffiliated inmates acquire during prison a set of beliefs, understandings, and meanings relative to a criminal life style. Post-prison may as well act to develop further criminal affiliation once prison gangs offers a professional perspective. But until their release comes, this criminal involvement while in prison renders inmates more years in his sentencing.

Few people are completely unchanged by the experience of prison. At the very least, prison is painful, and incarcerated persons often suffer long-term consequences from

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[103] Eighty per cent of my interviewees from the sensitive sample were recidivists, meaning they had more than one passage through the prison system.

having been subjected to pain, deprivation, and extremely atypical patterns and norms of living and interacting with others (Haney, 2004). Research has shown that after being incarcerated for long periods of time, former prisoners indeed have lost many of their networks or contacts that could help them find a job (Hagan and Dinovitzer 1999). Current knowledge of the economy, the labor market, and the expectations of employers should inform a strategy to prepare former prisoners to succeed within the local labor market (Solomon et al, 2004). The difficulties faced by parolees constitute a central theme in every serious analysis of the criminal justice administration (Knox, 1994).

As two different actors in the prison system have put it:

"The worst thing in prison nowadays is to use it as a means to make the guy more involved in criminal stuff. The majority of the leaders were robbers and burglars before. One of the major leaders, Elias Maluco himself was a robber that in prison got into trafficking and from then on started climbing the criminal hierarchy. This is all because the system put all of them together. The system creates this interactivity, and this is how an army is made. There is a lot of change in the drug trafficking army, because there are a lot of soldiers to change for", Ex-con CV member, Econ4

"It is utterly impossible to conciliate sentencing with prison gangs. The negative routine of classification and interactivity eliminates any possibility of creating a proper criminological classification centre or any rehabilitation whatsoever", Ex-prison director and head of the Psychology Department, E5

6.1. Support Agencies Involved in the Study

The trajectories of the former inmates who participated in this study, especially those who were willing to leave behind their criminal lifestyle, revolve mostly around poverty, begging, violence, negligence, reoffending, and even starvation. There are accounts on true abandonment and mistreating. Many interviewees in my sample had no house to go to after imprisonment, and one interviewee had lived under a bridge relying on food donations from restaurants, in a true state of poverty.

'The worst thing is to still feel imprisoned after release. The second worst thing is to have no support whatsoever', Ex-convict TC member, Econ1

"There are days I have nothing to eat", Ex-con, off-brand, hosed at Evangelical Gallery.

"I can't go back to my house because my community was invaded by the militias", Ex-con, TC member, Econ8

"Nobody hires a convict. It is a damned mark. Only friends hire you for quick jobs. Currently, I'm begging even for my grave", Ex-con, offbrand, housed at 001 Povo de Israel, Offbr1

This section will give a brief account on the agencies involved in working with ex-convicts and some views and critiques of their work from the experience of the ex-offenders. When leaving the prison, former inmates have no information about the available network of support for them. It works as mouth-to-mouth information. The current available agencies are scarce and with very little resources. Even so, they strive to get their job done and offer some support for change and assistance.

"When the prisoner leaves prison he in on the streets. There is no policy to assist them. What is available is extremely limited. The State turns to the inmate and says: now you take care of your life again. A big problem that we need to face is the lack of a serious public policy, a policy that wants to make invest in the social reintegration of inmates, so that he or she can go back to live in the society, and do not return to the prison. Unfortunately, this does not occur because the number of inmates coming back to the penal system is great", Penal Judge, A3.

The Agencies Involved: A presentation

The RAESP – *Rede de Apoio ao Egresso do Sistema Penitenciário* - Network of Support for the Former Prisoner of the Penitentiary System – was created in 2006 as an initiative of a group of institutions interested in collaborating with the State in efforts to enhance the attendance of former prisoners and their families. Today, the services offered are social and psychological assistance, legal advices and services, regularization of documents, forwarding to work, housing, vocational courses, giving basic food parcel, and socio-educational lectures. The institutions that compose

RAESP are Banco da Providencia – linked with the Catholic Church, Instituto Manancial da Vida, Pastoral Carcerária, Fundaçao Santa Cabrini – linked with the Penitentiary Secretariat, Centro de Integração Social e Cultural, Incubadora de Empreendimentos para Egressos and Instituto de Cultura e Consciencia Negra Nelson Mandela. I visited all of them, and found that each one is responsible for a kind of service and most of them are barely surviving as institutions. Although they are under a network formation, they are independent organizations, far away from each other in physical distance and in reaching their institutional goal. The beneficiaries' participation in each institution has a limited time spam that might vary from 1 month to 9 months.

The *Agentes da Liberdade* – Freedom Agents – is linked with the Municipal Government and offer three months of assistance for 50 former inmates at a time. They give a financial aid called *bolsa-liberdade*, a type of condition cash transfer named freedom aid, of 100 reais (aprox 34 pounds) to help with transportation. *Agentes da Liberdade* identify pending issues related to documentation, schooling and professional formation and training. In the last month of the program they offer an unpaid internship with the Solidarity Committees composed of NGOs, public bodies, corporations, or other interested groups. The internship aims at introducing former inmates to job routines, rules of work, such as punctuality, attendance, hygiene, discipline, responsibility, and social interaction. This methodology aims at employability, and autonomy. Groups such as Narcotics and Alcoholic Anonymous are present in the *Agentes da Liberdade*. Since its start in 2002, they have assisted more then 1600 ex-convicts. To be accepted in the program, one needs to be an ex-inmate and have a fixed address in Rio.

The internship offered in the last month of the program is not remunerated and therefore is a big problem because most of the former inmates can't afford to go to them. The work of *Agentes da Liberdade* involves lectures on personal presentations tackling issues such as: personal hygiene, appearance (hair, nail, beard, clothing), vocabulary, behaviour, disposition, self-confidence, persistence, being energetic; lectures on motivation, effort, performance and reward; on starting a new job: planning, tackling difficult issues; on giving speaking if you are late, if you are going

to lunch, if you are making a business meeting; on concentration; on being polite and using gentle wording; and on assuming one's own mistakes, and don't criticize others.

The scope of subjects covered by the lectures further includes drug use and abuse, and chemical dependency; on how to understand a crisis as danger or opportunity for change; and on how to judge one's self; and on how to overcome the past, and on diseases; university professors give presentations on social inclusion, technologies, globalization, post-modernity, and about reconciling individualism with collectiveness. Beneficiaries also make use of aphorisms that according to them help create a positive thought and attitude when facing the hardships of a post-prison life – neglect, prejudice and adversity[104].

The experience of the program is a good one, but not without some critiques, especially when it comes to its duration:

"It's a good program, and it is remarkable the difference of behaviors by the end of the program. They motivate us, break taboos, and we learn a lot. It's just too short, only three months, and after that there is no follow-up", Ex-Convict Safe of the Safe, Econ10

"I wish it was longer, because I want to occupy my time. I can't find a job or any other type of assistance anywhere", Ex convict, CV member, Econ3.

The name of the program was also a low point in the view of the convict world. Some inmates and ex-convicts saw it as problematic due to the meaning of the word *Agente,* which also means warden in Portuguese.

"The name is not very well seen in the prison community and in the criminal world, and there is some resistance to come here due to the name Agentes. Despite the name,

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104 Aphorisms such as: "I free myself from all issues and judgments that limit me. I free myself to live in joy, love and peace. I compromise to feed positive relationships, be successful, feel pleasure in living, and to know that I have value and I deserve to be happy. I will go ahead, and in the process of living free, I free myself from any questions and expectations that I have placed on them. I choose to be happy. I forgive myself and all others".

I came here and saw that there is another meaning to it. But there are people afraid to come here", Ex-con, Off-brand, housed at TC prison, Offbr3.

Another important agency is The *Instituto de Cultura e Conciência Negra Nelson Mandela* - Institute of Culture and Black Awareness Nelson Mandela: founded in 1989 at the Lemos Brito Prison. It is a non-profit organisation and its main purpose is to defend the interests of the prisoners and their families by providing legal, social, educational, cultural and technical assistance. The Institute believes that assisting the prisoner's families is the main strategy to reduce violence inside and outside of the prisons, so it promotes opportunities for both prisoners and their families. It is however a very limited NGO in terms of resources and it struggles to keep their services.

The Evangelical Church: The Praise will set you free

Another important actor in the carceral world is the evangelical church, which embraces the former prisoner with assistance but in a very rigid routine even outside prison. They lecture about denouncing the devil and other temptations; they sing and chant about conformity, hope and prosperity. Passages of the bible related to prisoners are also praised in loud voices such as this one:

"After they had been severely flogged, they were thrown into prison, and the jailer was commanded to guard them carefully. [24] When he received these orders, he put them in the inner cell and fastened their feet in the stocks.

About midnight Paul and Silas were praying and singing hymns to God, and the other prisoners were listening to them. [26] Suddenly there was such a violent earthquake that the foundations of the prison were shaken. At once all the prison doors flew open, and everyone's chains came loose" (Bible Acts 16: 23-26).

Bible quotes and praises are meant to ask prisoners and ex-convicts for their surrender to God and consequently, through their dogma and understanding, to the good. It means among other hierarchical and financial guidelines, to accept a more humble

and simple life, without temptations and luxuries that the Evangelical Church might sees as ostentation and 'the work of the devil':

"I see now the devil's plan and projects. He wants to aggrandize men. He takes the man, puts a riffle in his hand, a pistol and a grenade, and makes him feel well, strong and prepared. But no! It's all an illusion form the devil. The life that God wants for us is full of peace", Ex-con, Off-brand, housed at Evangelical Gallery, Offbr2

The Afroreggae

The most famous and most resourceful agency involved in this project was the Afroreggae. In their own definition they are a 'sociocultural holding'[105] with a core purpose of both removing people from the drug trafficking and keeping them out of criminality by providing other opportunities (Neate and Platt, 2006). Currently it has 74 projects, 10 musical bands, TV program, Radio program, and partnerships with the four biggest businesses enterprises in Brazil. They give an individual investment in it skills, speaking class, politics and culture classes, Portuguese classes, and so on.

"When someone get out of prison or leaves the gangs, the first thing we do is to take him or her to know other areas, other people, socialize them, take them to other State such as São Paulo or Minas Gerais, and show a different world than he is used to know. Then we start to observe the qualities of this person, to motivate him, show him he has value, and sometimes we even lie just to keep them motivated...hahaha.. sometimes he literally doesn't know anything, but, he can and end up learning something", Ex-con TC member, Econ1, working now at Afroreggae.

Most prisoners seek passage from their degraded status to a socially acceptable one, and it is then necessary to provide socially approved access to these goals (Knox, 1994). The challenges and opportunities for prisoner reentry raise important questions about what can be done to better serve prisoners, their families, their communities, and society at large as prisoners release is inevitable (Solomon et al, 2004). The prison-to-work trajectory should have its foundation within the prison walls, should provide for transition to the community, and should include a plan for the long-term

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[105] Interview with its founder José Junior, E1.

maintenance of any progress made. And this is in no way what happens in Rio.

The Human Rights Minister Paulo Vanuchi advocate an interesting concept of participative rehabilitation as the way forward:

"It is essential to create the perception that former prisoners are reinstated citizens, entitled to full conditions of citizenship and economic capital sufficient to provide for their families, by overcoming the disadvantages former prisoners face on the labour market due to their ex-convicts label, and in order to open their possibilities beyond the informal market. This can be achieved by the involvement of many entities joining efforts to participate in this rehabilitation of society. The inadequacy of public policies towards this goal, added to the stigma of ex-inmate, forms an unpromising framework, aggravated by the disinterest of economic groups and public officials in the implementation of resources and in promoting efforts to assure the ex-convict means to professionalize and capitalize in terms of knowledge to enter in the labour market", Human Rights Minister, A13

Many aspects of imprisonment hampers prisoner's preparation for life after imprisonment (Irwin, 2005). They are coerced into repetitive, excessively reduced routines and trapped in ongoing state of extreme control formed by an extensive body of rules inconsistently, arbitrarily and prejudicially enforced by guards, administrators and prison gangs. Taken together, the harm of the contemporary prison creates human beings that are less equipped to deal with post release realities when returning to the free world. A prison social worker refers to the prison as a 'dangerous place' for its hidden negotiations and games, making reference to corruption and illegal arrangements that does nothing towards rehabilitation:

"Prison is a dangerous place much more for the hidden negotiations and games that goes on inside, than for holding criminals. The system itself does not help them", Prison Social Worker and Member of the Penitentiary Council, E3

"The backstage of the prison is terrifying. It seems that society has the pleasure in transforming us in monster, when the reality is that everyone is susceptible to go to prison. There are many good people in there, but society likes to paint us as ugly

beasts. It's all a lie. The system is the bad guy. All human beings can go to prison", Ex-con, Offbrand, housed at TC and moved to Evangelical Gallery, Offbr8

"Our major difficulties are twofold: finding a job and being accepted by society. And the penal system is to blame. Society thinks we are all the same. If the system had resources and the political will to divide prisoners as first-timers, recidivists, and by dangerousness, the system would greatly improve. The law must be applied, and this division by gangs needs to change and then the services would also change and be accepted and applied among the inmate population. The prison gangs have rotten what it is already bad', Ex-convict Safe of the Safe, Econ10

The harms created by the overall pains of imprisonment must be minimized in order to increase the former prisoner's ability to achieve economic and social viability, satisfaction and respect. Decreasing recidivism as high as 70% and breaking the cycle of repeated incarcerations requires not only a more humane prisoner management but also a realistic preparation for release.

'Prison can be seen as a pregnancy: you feel sad, then depressed, you feel ugly and horrible, feel sick. But then, when you are out is like a baby is born, you feel so happy. I was born for the free world when I left the prison. Freedom is an immeasurable right', Ex-convict Safe of the Safe, Econ10

"I blame entirely on the State that is convenient with crime. The leaders of the gangs do whatever they want inside", Ex-con, off-brand, housed at TC prison, Offbr5

Fleicher and Decker (2001b) found that prison gang members encounter challenges to post-imprisonment community life that non-gang member may not encounter, or encounter with similar intensity. Gang identity is linked to self-identity, and it may offer the former inmate an identity in their neighborhood that has social and economic values. Economic and social pressures push the former inmate back into the lucrative criminal lifestyle.

"With time you start to be fond of the gang. These friendships can mean work when outside too when you start working on the inside, you have a higher moral, more

status and better treatment. They helped me with money and materials and I helped them with drugs. But here, in the outside, is like inside, if you do something wrong, they kill you. I saw a guy die with his neck cut off because he had snitched some information right before his release was due. I saw people go hungry inside the prison, rebellions that you have to participate otherwise you might be killed, and the system don't even have aspirin in the pharmacy. So, I'm fond of them, but worked for them only inside, and not here. I want to work honestly. The counterpart is this: I can't find anything, and can't afford even food", Ex-con, offbrand, housed at TC prison, Offbr3

"In the prison I had more visibility among the leaders, so then when left I went straight into the drug trafficking as a manager, and I went all the way to general management in a few years", Ex-con, CV member, Econ6.

The low paid spot jobs they are able to find are related with construction such as bricklayers and plasters, servants, and cleaning jobs.

"I got used to a lot of money and had tried to adapt to a low paid formal job. I also feared reprimands from criminal enmities and the police because they never believe you actually decided to leave this criminal life behind. After I left prison, I had the same difficulties over and over again of not finding a job and being accepted anywhere. So then, I went back to this life and started robbing truck loads", Ex-con, CV member, Econ2

"I tried to leave crime many times. But there are a lot of seductions within the capitalist system we leave in. Consumerism only increases this seduction…cars, gold, trips, clothing, and money in your pocket. And I put a son in this world who is hungry and thirsty…", TC Prisoner, P1.

"The justice of the poor is a poor justice. Rehabilitation is utterly impossible in the current system. It's like wanting to train a footballer in an elevator", Catholic Priest, E8

Research suggests that new roles, new routines, and new social supports are the

essence of a successful transition (Solomon et al, 2004). Researchers and practitioners agree that a necessary first step in the process of desistance is a conscious decision to refrain from criminal activity. Once this decision is made, the individual then must learn new skills and must be open to taking on new roles and self-concepts, such as that of an employee. This suggests that employment programs will be helpful only to those former prisoners who are motivated to turn their lives around. In this way, employment indicates a fundamental change, but is not the agent of that change.

"I had to go through this experience because how can you tell heaven from hell? Now I know and I've made my choice, I want out", Ex-con CV member, Econ4

"I stay vigil for me and for the others. I don't drink anymore, and I do not go out where there is a lot of people". Ex-con, Safe of the Safe, Econ10

"Nowadays all I do is work-home, home-work, and on the weekends go out with my wife and kids. I don't go out at nights anymore. I like having my rules", Ex-con CV member, Econ3.

Chambers (2011) on her study with young people's resettlement after prison found that their experiences within the system reinforce their perceptions as a 'collective other', furthering their feelings of being disenfranchised and detached from society and eroding their hopes of positive futures (pp 13). The impact in prisoners in general is further amplified due to longer sentences and more time in incarceration and diminished access to education and training programs (Solomon, et al, 2004).

Although everyone who enters prison is subjected to many of the above-stated pressures of institutionalization, and prisoners respond in various ways with varying degrees of psychological change associated with their adaptations, it is important to note that there are some prisoners who are much more vulnerable to these pressures and the overall pains of imprisonment than others (Haney, 2004). If prison is not truly rehabilitative, it should at least do not further damage to inmates (Moore, 1978).

There is a missed opportunity to expand the skill sets and employment prospects of prisoners during incarceration. If individuals emerged from prison with fortified skill

sets, solid work experience, and connections to legitimate jobs at market wages, the prospects for positive outcomes in terms of earnings, family support, self-esteem, and recidivism could be amplified. In this scenario, the experiences of prisoners during incarceration could potentially offset the potential harms that a criminal record and limited skills might pose (Solomon, et al, 2004).

"It is a standard procedure that any prisoner without gang affiliation go straight to Comando Vermelho (CV), but then it is in his technical file that he is CV. The system stultify the prisoner", Head of Institution Member of RAESP, E9

"I started to use drugs inside the prison, and also do trafficking. Never done any before I was incarcerated", Ex-con, TC member, Econ8.

6.2. Lions in a Cage: Getting Out of Prison and Out of Crime
One of the most important moments in a man's life is the decision he makes when he leaves prison. What is he going to do? Leaving prison, and leaving the criminal life style may be two very distinct moments in an inmate's life. One interviewee describes criminal career in three moments: fascination, intoxication, and depression.

"There are a lot of people who leaves prison straight to the drug trafficking work with gangs. But you have to make a choice. You have to decide at some point", Ex-con, CV member, Econ4.

Econ4 used to be in charged of financially dealing with 70 millions Reais monthly in drug trade (aprox. 23 million pounds). *"Now I work as a donkey pulling carts because it's the only job people open for people like me",* Econ4.

The decision to leave the criminal life seems to be amplified by the length of their time in prisons. Recidivists and convicts with longer sentences, the ones who have seen enough, mostly reported imprisonment as the worst moment in a man's life. However, to leave the criminal lifestyle has meant for many of the interviewees some kind of breakdown at any point in their lives or when they are older, with more criminal experiences in their careers. Some say they've seen God; others had burst into tears and depression; and some have lost the will to kill. These are very a

particular, peculiar, difficult, and meaningful moments in one's life.

But when the decision is taken, that is when Afroreggae, for example, goes beyond *RAESP* and it offers individualized and personalized attention to each new comer towards employability and sociability, with strict follow-ups. "*We have to think in macro politics respecting individuality and their single capacities. It's about seeing their qualities before their deficiencies and then addresses them. There is a financial investment in the first moment that Afroreggae offers, such as paying a house, rents, food, but never debts. "There are a lot of people who use you, manipulate you, and lie to you. We know that. We've already invested in people who returned to crime",* José Junior, founder of Afroreggae, E1.

Each case is one case, that's what Junior says. And each case represents a set of problems such as gang rivalry, persecution, prejudice and poverty.

"*We work with people nobody wants to deal with. But people do change, and everything and everybody has its contradictions. Change is fundamental to the human being be able prosper",* E1.

"*I tried leaving the gang many times, but couldn't. Now that I managed to leave with the help from Afroreggae, I don't go inside any favelas, and I've moved out from my community",* Ex-con CV member

José Junior, the founder and executive manager of Aforeggae, says that 8 out of 10 criminals they speak to reveals a wish to leave criminality:

"*It is a high rate. If you give opportunity, they will grab it. Rivalry of gangs will end only when drug lords, the public authority and society wants it. The experience we have of putting historical enemies together is through investments, not only financial wise, but sometimes is about investing time to listen to them",* E1.

Interestingly, each mediator of Afroreggae, who approach criminals for desistence, is also ex-gang members and is specialized in their gang issues. There is someone for CV, another for TC, for ADA, and for militias. *"They understand their daily universe*

and can connect more directly", says Junior, E1.

6.3. 'Identity Politics' and Discrimination

More than four decades ago, Irwin (1970, p107) observed that the 'impact of release of inmates is dramatic … The problems of the first weeks are usually staggering and sometimes insurmountable … and for many impossible'. After their release from prison, offenders are faced with many hardships that hinder their reintegration efforts. When most people first enter prison, they find that being forced to adapt to an often harsh and rigid institutional routine, deprived of privacy and liberty, and subjected to a diminished, stigmatized status and extremely sparse material conditions is stressful, unpleasant, and difficult. According to Haney (2004), among the process of institutionalization, or 'prisonization', includes some psychological adaptations such a dependence on institutional structure and contingence; hyper vigilance, interpersonal distrust and suspicion; emotional over-control, alienation and psychological distancing; social withdrawal and isolation; incorporation of exploitative norms of prison culture; diminished sense of self-worth and personal value; and post-traumatic stress reactions to the pains of imprisonment.

The criminal justice is a cycle and it's difficult to get out of it. Police extortions after prison or after a decision to leave the criminal lifestyle had been a recurrent topic on the interviews. Afroreggae is even trying to negotiate and create with the Criminal Justice system a type of amnesty for those ex-criminals who can prove they left criminality. The project of the amnesty is controversial and provocative and it has not advanced yet. But in theory would mean to pardon those criminals who want to leave the criminal life but doesn't due to his or hers police files and consequently imprisonment[106].

Police corruption in Rio is a major problem (Neate and Platt, 2006; Caldeira, 1999). There are around 45 thousand professionals on the street, both military and civil

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[106] An example of the Amnesty proposed by Junior would be: Afroreggae has mediated the exit of a drug dealer from the gang. And though Afroreggae, the ex-gang member found a job, but the moment he goes to the new and formal work, he would be imprisoned due to his previous crimes. So what Junior is trying to advance is that if he can prove that the ex-offender has left the gang and is enrolled in formal work and engage and has judicial monitoring, he would not be prosecuted.

officers[107]. They act separately and have different functions. No one knows the number engaged in corruption, but their actions are substantial enough to undermine the police image and the institution as a whole.

Police corruption is understood here as the misuse of police power and authority: the abuse of office, of power, and of trust, and manifest itself in many ways but most frequently in "consensual and exploitive relations with criminals, in discrimination against certain groups, in excessive violence and in infringements of the rule of law and due process" (Punch, 2011: pp31). The following quotes from the fieldwork reveal that police corruption is endemic, pervasive and systemic in Rio: extortion, persecution, abuse of violence and close links to organised crime are just some of the actions police officers are accused of engaging.

"The worst thing is when the police try to extort an ex-criminal. That is why we try to shield those who work with us by putting them in the media, to meet authorities and give lectures about their path. This mixture is fundamental for transformation and change creating a bridge, a big connection among people and demystifying all sides", Jose Junior, E1.

"We all think about leaving someday. But we need to have a place for our family where nobody knows us. Otherwise the police and the criminals might get you. I exchanged this life for a work with social security. But the police caught me five times in four weeks for different reasons, one of which was an old phone conversation they've tapped. The police told me he would always stop me on the street because I was a popular figure on crime", Ex-con CV member, Econ4.

One week before the first arrest, Junior had taken Econ4 to meet the Secretariat of Public Security. Whenever the police caught Econ4, he phoned Junior, who phoned the Secretariat who in turn asked the policeman to let Econ4 go.

Accounts of extortion, persecution and violence were enough reasons that make

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[107] As explained in a previous chapter, there are three principal police forces in Brazil. Military police, responsible for preventive policing and public order; civil police, responsible for investigating crimes, and federal police, that are responsible for inter-state and international criminal activity (Neate and Platt, 2006)

former inmates not only change their behaviors, their place of living, but sometimes even return to criminality.

"I left criminality with the help of the Evangelical church. My major difficulty was insecurity on the streets. The police is the first one to doubt you", Ex-con CV member, Econ9

"Its difficult to get out of this life, which I'm been living for a very long time. I tried once, and started a business selling squids that I bought in the lake region and sold it in the city of Rio. But then the police took all I had at the time, money, fish, car, and then I had to go back to this life. I feel I can never say I will not be involved because it's not only up to me, you see. We suffer a lot of persecution from the police, a lot of extortion. When I leave prison, I will go back to ADA, they were the ones to welcome my family when I left CV", ADA Prisoner, P2.

A long side police corruption and persecution, comes stigma. Prisoner's public identity remains unchanged even though they might have undergone a "moral regeneration" (Knox, 1994). Society itself bars access by legitimate means to the socially approved goals the prisoners may have been led to covet. Little is done either for the prisoner or for his family to strengthen the traditional values and existing networks that might operate in favour of his assumption of a noncriminal way of life (Moore, 1978). The high proportion of recidivism found in most penal populations complicate the problem further for these individuals, and under these conditions intense pressures towards deviance arise. The recidivism rate in Rio is estimated in 70% (Depen, 2012). It is important to understand that the post release period is crucial to the rehabilitative process.

Amartya Sen, author of identity and Violence, argues that identity is robustly plural and the importance of one identity need not to obliterate the importance of others. And the importance of a particular identity will depend on the social context (Sen, 2007). Sen calls attention to the issue of role choice. Reason is involved in the choice of identity and may take not of the social context and the relevance of being in one category or another. There are various influences on our reasoning and we may not lose our ability to consider other ways of reasoning just because we identify with, and

have been influenced by a membership in a particular group. Influence is not the same as complete determination and choices remain despite the existence and importance of cultural influence. Since we have different ways of identifying ourselves even in our given location, it means there are opportunities to change and develop. This opens rooms for possibilities to gradually disentangle gang influence in prison, making social organization work for an individual re-construction, and try to break the cycle of ex-prisoners as stigmatized category.

"The prison is a mark on you. You see violence, torture, innocent people imprisoned, people going mad… All who were with me in prison are already dead. I'm the only one alive, because I changed my path. All human beings are capable of recovery. All human beings", Ex-con, CV Member, Econ2.

Becker (1963) stated that deviant behaviour does not exist until it is defined as such by members of society. Goffman defined stigma as a 'deeply discrediting' attribute in the context of a set of relationships (1963:3). The focus of his analysis was primarily the stigmatized person's techniques of 'information control' by which discrediting, undisclosed, information could be managed. He believed that those who had been labeled would not act in ways that would contradict the label, but would rather exhibit behaviours that would confirm it. Goffman recognized that the management of potentially damaging information was critical for three aspects of our identity: the 'personal', the 'social' and the 'ego'.

Our personal identity is what makes each of us unique; it consists of 'identity pegs' (such as fingerprints) and life histories (1963:57). Our social identity is what others understand about us by virtue of the groups to which we belong. Our ego identity refers to what we think about ourselves. Goffman introduced the term 'identity politics' to characterize the interactions between the stigmatized, the 'normals' and the 'own' (who understand the world of the stigmatized without being stigmatized themselves).

Mendonça et al (2004) calls this stigma Statistical Discrimination, which occurs due to informational problem. As the employer does not know all the characteristics of the worker, the latter is attributed the average characteristics of the group, which he

belongs. Thus, group characteristics will be attributed to the worker even though he does not necessarily possess them (pp 2). Their work in Brazil verified wage discrimination in the labor market for former prisoners and show that the access of the ex-convict to the labor market is restricted to the spot, or temporary labor market where training, experience and incentive have little relevance.

Psychologists have stated that stereotype threat results from the knowledge of belonging to a stigmatized group, and the fear that ones actions will confirm the stereotype. Stereotype threat[108] is a term used to describe the feelings of inadequacy and resulting poor performance exhibited by an individual who is part of a negatively-stereotyped group. The current literature on stereotype threat indicates that when an individual belongs to a stereotyped group, they worry about being typecast and often seek to avoid behaviours or actions that would result in the confirmation of the labels (Steele & Aronson, 1995). Consequently, offenders are also likely to be affected by stereotype threat, as they are aware of the negative connotations associated with the label, and the stigma they face, and they will act to ensure that they conform to society's norms, opposed to this stereotype. In Canada, Bree (2011) in a small sample of former prisoners found that due to a fear of negative stereotyping, offenders fell victim to the effects of stereotype threat and consequently failed in their reintegrative efforts[109].

Jovchelovitch (2012) in her study in Rio's *favelas* found that it is possible to reaffirm a sense of agency in contexts of deprivation through individual and social factors that interact to shape choices and decision-making in the routes of socialisation. Through a study of the work of two local organizations in poor communities - one of them being Afroreggae which this thesis also had access to - she found that social development in this scenario of poverty, exclusion and violence is founded on the human self as protagonist and the value of dialogue as tool for managing difference and conflict. The emergence of these grass-roots organizations has been without precedents in

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[108] Stereotype threat is a fairly recent concept, as the first work on this phenomenon was published in 1995. Most of the prevalent stereotype studies to date revolve around the effects of racial stereotypes or intelligence stereotypes on performance.

[109] This very interesting result shows the need for further research into the effects of stereotype threat on offender reintegration to investigate the interconnections between stereotype threat and employment.

terms of social technology and manifestations of civil society, resisting stigmatization and homogenization towards a pathway of resilience, intelligence and proud identity.

A more holistic approach requires a long-term strategy to improve local neighborhoods economies and their social organization (Fleisher and Decker, 2001b). Community development refers to the nature of the relationship among local residents, schools and businesses.

Afroreggae openly compete with the drug trade for influence in the routes of socialization and work as mediators of conflict in disputes of drug factions, the police and *favela* dwellers (Jovechelovith, 2012). In her analysis of their methods, Jovchelovitch revealed that AfroReggae 'puts emphasis on the regeneration of the built environment of *favelas*, on the construction of spaces for positive sociability and conviviality, and on psychosocial interventions that aim to foster self-esteem, self-control and conscientisation for the transformation of individual and collective trajectories', (2012: pp80). Attention to individual life stories and self-esteem is a crucial aim to the path of recovering the self as a resource for re-writing individual and social lives (Ibid). Their methodology includes development of the self in terms of skills and employability, self-expression but also expansion of networks towards partnerships and breaking social boundaries.

"Afroreggae is not where peace is. They are in loco of the problems and troubles. When I decided to leave, they took me to lectures, courses, and I started to gain knowledge. Today my guns are my mind and my heart", Ex-con, CV member, Econ2.

Theories of stigma and labeling have demonstrated that the further the deviant is processed into the system, the harder it is to return him to normal life, and that prevention should lie in the community (Cohen, 1985). One of AfroReggae's main targets is the prison system, where they develop a combination of interventions at the individual level. 'They use life stories as the raw material that exemplifies how self and society combine to define human life' (Jovchelovitch, 2012: pp130).

The idea of a more individualized treatment for inmates seems almost impossible once correctional institutions are overcrowded and inmates outnumber staff.

However, work towards enhancing individual identity and inmate's perspectives can be better targeted in the current situation of the penal system. Personal change comes as a result of personal decision – the interviews revealed the moments of that decision such as a breakdown, a loss of will to live in criminality, depression and so on; it is not something that can be imposed against one's will but it can be motivated and demystified. Prisons must provide prisoners with opportunity to change their behaviour and see future possibilities.

In his work, Cotton (1992) revealed a truce between Los Angeles two main gangs, the Crips and the Bloods, in the South Central area that apparently was responsible for a dramatic decrease in violence in that area. Gang war continues unabated elsewhere, especially in the largely Hispanic East Los Angeles area. The change in that area came because "gang members themselves 'woke up and realized what we were doing to ourselves and our families,' says Charles Rachal of South Central Blackness, an organization formed by former members of seven gangs that have disbanded and forgot" (1992: pp 1). Cotton's work supports the idea of breaking certain paradigms in criminal careers and criminal lives. There is always room for change, truce, and peace, but we must find that way.

6.4. Symbolic Practices and Operational Practices

Social control system is invariably accompanied by much talk which Cohen (1985) termed words (symbolic practices) vs deeds (operational practices). A body of risk factor research indicates that street and prison gang members possess an array of risk factors, ranging from poor education to poor mental health to poor job skills to poor social support in the community. In the modern economy, where will former inmates, with inadequate skills, personal problems, grade school reading levels, and a history of felony convictions and imprisonment, fit in the marketplace? (Pyrooz and Decker, 2011).

Engaging into the formal labour market is very restricted and when it occurs they are poorly remunerated. If compared to the job offers in the drug market and the need for manpower in drug trafficking with remuneration much higher than in formal jobs, it is not difficult to understand the logic that feeds into the work force in the world of drugs. In 1989, Goldman found an interesting case that for early parole, sometimes an

illegal job offer would sometimes be presented to the prison social services as not illegal at all. There would be a process of 'work laundering', where this type of job relied on established firms and lawyers who'd offer letters of employment to prisoners for the illicit work (pp 197). The involvement of these prisoners with the criminal world establishes a vicious circle, which increases the statistics of criminal and repeated offences that reproduces and extends the relationship between prison and crime.

"I've been in prison for 11 years and when I decided to leave crime, my first six months were shit. All doors closed, even family would not help. I started to owe rent, and then starve. I can starve but to see my little girl starving is nerve-racking. Then and auntie gave a trolley I could bake potatoes on to eat and even sell them. I want to look for help in an evangelical church that asked me if I had something of valor, and I did, my recent acquired trolley. He told me to burnt it in the "holy fire" that I would receive in double! I got so mad, that I left. This was ridiculous, to burn my only subsistence at the time. But then I met Junior, and after we talked, he paid my rent, gave me money to buy food for my family and supported me for three months, and then gave me a job, which I'm actually good at. I owe him my life and my family's life as well", Ex-con, CV member, Econ3.

According to RAESP, the former inmates need to understand that the formal work market is a competition, and not solidarity.

"It is an psychological and emotional issue. It is such a difficult area, that if you don't see this, they think you are the solution to his problems, and his life. The proposal is to not solve his immediate problems, but to change his perception and attitude", Head of Institution Member of RAESP, E10.

"When you leave prison you become more famous and recognized in the criminality. What rehabilitates it's not prison, it's the decision you make. I often have troubles with ex-convicts from different gangs. We were working on this recycling job in partnership with the university and they started to divide themselves according to gangs, and argue among themselves. I said here, on the formal job life, this does not exist, and that we are here to work together. Some left, others stayed", Head of

Institution Member of RAESP, E10.

"The great majority of inmates can be ressocialized. The ones who are truly criminals will never make the decision to leave it behind and go to a formal life. But these ones are the minority", Head of Institution Member of RAESP, E9.

6.5. Roadblocks to Reentry: Realities of Finding Work upon Release

Employment is recognized as a way to enhance and facilitate resettlement by offering a way in which a person can gain self-respect, confidence and skills, facilitating their participation in society (Peacock, 2008; Petersilia, 2001). The period immediately following release from prison is challenging. In order to reintegrate successfully after a period of incarceration, offenders need to secure legitimate employment. This is often extremely difficult as many employers do not wish to employ ex-offenders, and many jobs have conditions, which prevent them from hiring individuals who possess a criminal record. For the individual who has served time in prison it is more difficult to find stable employment. Here stable employment is defined as one in which the individual can develop a career or work for a long period. If the individual does not participate in this segment of the labor market, it is said that he is linked to the short-term labor market or " spot market ". In relation to training, very little or no specific training is given to the individual entering the spot market.

In long-term occupations, however, companies invest in training and usually do not demand any specific knowledge. For this reason it makes sense that once the firm has invested in the education of their human capital, it also makes an effort to maintain the employee in the company. This can be done in a variety of ways, the most common being to offer a program of incentives to the employee: a gradual wage increase, etc. Short-term employment is different. Due to the nature of the activities of this market almost nothing is done in terms of training, and the programs of incentives are more related to reaching productivity goals and not specifically the worker's permanence. Both of these facts occur because of the easiness of labor substitution in the spot market.

"Before I left prison, I thought hell was inside, but then I came out and started to look for a formal job and notice that hell, for me as former inmate, was here on the

outside", Ex-con CV member, Econ9

"The devil works 24/7. So all I care about now is my family and I. I don't want to know other people's problems that they keep asking me to solve. I can't think about the others and forget about me", Ex-con CV member, Econ4.

Haney (2004) argues that, as a result of several trends in American corrections, the personal challenges posed and psychological harms inflicted in the course of incarceration have grown over the last several decades in the United States. The trends include increasingly harsh policies and conditions of confinement as well as the much-discussed de-emphasis on rehabilitation as a goal of incarceration. The challenges prisoners now face in order to both survive the prison experience and, eventually, reintegrate into the free world upon release have changed and intensified as a result. This is also true in the case of Rio.

Peacock (2008) mentions a *third space* to designate the moment where former prisoner is between exclusion (the prison) and inclusion (full citizenship in the community). The contours of this third space comprise multiple layers including practices of surveillance and social control and the negotiation of individual identity.

"I leave prison at 8am. At 7am I can already leave. If I had a job I would wake up, take a shower, work all day, and then go back to prison tired and I would just sleep. But I stay all day in the square, on the streets. Everyday I'm on the streets, trying to find a job, any job, but mostly I have to beg.", Ex-con, off-brand, housed at TC prison, Offbr3

Offbr3 is not from the city of Rio, but from another municipality within the State of Rio. He can't go home because it's a four-hour drive only to get there, and he has to sign in every night in the prison. *"My worst fear is to go back to crime. My worst fear is to lose my freedom again. I'm strong, I think I'm achieving things slowly"*, Offbr 3.

Employers express a greater willingness to hire former prisoners when there is a third party intermediary agency that will provide ongoing support (Solomon et al, 2004).

"Society has to contribute, and maybe large companies should have a social policy directed to the penitentiary system. We should make public private partnerships. We would solve a lot of things. Recently we had a manager of a shipyard that has hired 50 prisoners to work. It was stir in the prison unit because the inmates went to work in a multinational company. But this was an isolated initiative, and that the day we had a ceremony with the presence of the State Governor. If this were a common thing, there would be no such ceremony. So I think the businessmen needs to come, and the State must have the will. We could solve many problems with these partnerships. In Rio we have around 24 thousand prisoners. Another 3 or 4 thousand awaiting sentence. Of these 24 thousand if put in serious work, not 70% would be back in prison. But unfortunately this is not the reality", Penal Judge, A3.

The connection between work and crime is multifaceted. Because the link between employment and crime is complicated by other factors, including housing, health care, and drug treatment, employment is only one component of a multifaceted approach to assist returning prisoners. Holding a job is a signal that an individual has made a commitment to change and to become involved in a more pro-social. Yet research has suggested that work has benefits that reach multiple levels, including the individual, family, community, and societal levels. Individual-level benefits include rehabilitation—work offers former prisoners an opportunity to develop new roles as productive members of society. Holding a job serves as an important signal that the individual is moving toward a crime-free lifestyle. At the family level, work provides former prisoners with an income, enabling them to provide financial assistance to their familial and social networks. The larger society also stands to reap public safety benefits when former prisoners are engaged in legitimate work. (Solomon et al, 2004). Information on how well former prisoners fare in this job market is sparse.

It is not reasonable to ask a person to resettle, reintegrate and participate in the community when there is a contradictory agenda ignoring ideas of social inclusion (Peacock, 2008). Getting and holding a job requires a set of skills and attitudes—willingness to follow a schedule, work well with colleagues or team members, and set long-term goals—which are needed to succeed in a variety of activities and responsibilities in society (Solomon et al, 2004).

Holzer et al (2003) surveyed potential employers and their documented reluctance to hire workers with criminal records. More specifically they found that employers were least likely to hire former prisoners compared with other disadvantaged groups, such as welfare recipients; employers were more likely to hire former prisoners for construction and manufacturing jobs than those in the retail or service sectors, which required significant contact with customers; employers' attitudes varied depending on the offense committed by the former prisoner and whether any relevant work experience had been acquired since release; and employers were most reluctant to hire individuals convicted of violent crimes, and were more willing to hire low-level drug offenders.

In prison, at the most basic level, allowing inmates to work reduces inmate idleness and fosters a sense of productivity among prisoners. Research has suggested that prison labor programs offer prison administrators an effective management tool, and can lead to reductions in misconduct, violence, and disturbances among the prisoner population. In one study, conducted by the Federal Bureau of Prisons, inmates in prison industry programs were less likely to be involved in institutional misconduct (Saylor and Gaes 1992).

Work programs also benefit inmates, who have the opportunity to develop job specific skills and workplace habits while incarcerated, thereby addressing deficits in their pre-prison employment histories. The same goes for educational programs and schooling (Solomon et al, 2004). In Brazil, for every 3 days of work, 1 day of the sentence is cancelled.

"I have three years of work in prison, more than R$ 2 thousand reais to receive (aprox. 680 pounds), and 109 days of remission, and I have receive none, and if you ask, they claim bureaucracy", Ex-con, Safe of the Safe, Econ10

On the one hand is the desire to assist prisoners, as far as possible, to rejoin the normal community when their sentence ends: on this view, work in prison should aid rehabilitation by preparing inmates for employment outside. On the other hand is the pressure to keep more and more offenders securely segregated from the rest of society, and not to spend too much money on them: in this scenario the functions of

prisoners' work are control and discipline, and the maintenance of the segregating system. Using up-to-date terms one may say that the tension is between pressures for social inclusion and social exclusion (Simon, 1999)

Allegations of overpay and over-budgeting, in terms of food and medicine, and stolen good, from clothing, food to bedding, by wardens and prison administration have been made by many of my interviewees.

"The whole SEAP is corrupt. The only way to have such level of organization among these crime syndicates inside prison is through corruption", Delegate of the Federal Police, A15

"The prison is a great business. Don't be fooled. The Administration is buying one liter of milk for R$ 2,60, when it costs R$ 1,53. And this is for everything bread, cheese and so on. The budget for the supply of the evening snack alone is R$ 72 million reais (aprox. 2, 400 million pounds)", Head of Institution Member of RAESP, E9

"Mafia, corruption and stealing. That's SEAP. From bleach, tooth paste, warehouse, everything. Almost nothing reaches the prisoner. And this corruption is allied with the gangs. To such a degree that nobody trust no one in the system: the informal and the formal, the legal and the illegal, it's all grey there", Catholic Priest, E8.

"There is no oversight to check if the goods reached the prisoners. Everyone in the system takes a little, that's how it works. We all know that the diversion of goods is done at night. Everything of better quality such as sandals, canned deserts and so on, do not reach us. Our families see the trucks being unloaded, they see what's in there, and it never reaches us. Not even our money when we work gets to us", Ex-con, Off-brand, housed at TC prison, Offbr3

Wages earned from prison-based employment may enable inmates to contribute financially to their families at home. The ability to make such contributions and participate in a productive environment may benefit inmates emotionally and psychologically. Further, research has shown that inmates involved in employment

programs are less likely to be rearrested upon release and more likely to obtain employment in the period following their release from prison (Saylor and Gaes 1992).

6.6. Discovering Desistence

Desistance from crime, the long-term abstinence from criminal behaviour among those for whom offending had become a pattern of behaviour, is something of an enigma and more than just about more than the criminal justice (McNeill et al, 2012). Dimensions and understanding of desistence varies and concern age-graded explanations, choice or volition, relationship and bonds between the individual and society, opportunity structures, and the importance of self-identity in the process of desistence (Ibid). Maruna (2001: 8) identified that 'to desist from crime, ex-offenders need to develop a coherent, pro-social identity for themselves' (2001: 7). This draws on his finding that individuals who were able to desist from crime had high levels of self-efficacy, meaning that they saw themselves in control of their futures and had a clear sense of purpose and meaning in their lives. They also found a way to 'make sense' out of their past lives and even find some redeeming value in lives that had often been spent in and out of prisons and jails. The desisting ex-prisoners he interviewed often said they wanted to put these experiences 'to good use' by helping others (usually young people in similar circumstances to their own) avoid the mistakes they made.

Since desistance is in part about discovering self-efficacy or agency, interventions are most likely to be effective where they encourage and respect self-determination. Desistance is a social process as much as a personal one, and that no amount of prison-based support for change could secure desistance without community-level and broader social and political commitment to ex-prisoner reintegration. Sometimes, the road from crime – to restoration as a citizen – might require direct mediation of the conflicts that crime reflects and creates. Ultimately, the pathways to desistance are through repaired relationships – within families, within communities, within the state – and not just through 'correction' of the individual.

"Prison is the worst thing in a man's life, only anguish and suffering. I could not handle another imprisonment. The gang members in prison are still earning their money every 15 days, their boss sent them and they do their business inside. When

they leave, they just go back. I don't have any of these. I have an eight-year old daughter I saw for the first time last week. I want to breath a more tranquil air. Formal work is the initiative for everything now in my life", Ex-con, off-brand, housed at 001 Povo de Israel, Offbr1.

"I prefer to lose millions in the drug business, but I don't want to lose the love of my wife and kids. I want to live", Ex-con CV member, Econ4

6.7. The Way Forward

The Canadian philosopher Charles Taylor in his Politics of Recognition and multiculturalism (2009) raises important questions, which can be applied here. What type of reasonable accommodation is possible for former prisoners? There is a lot of misinformation, disinformation and fear from society that distorts stereotypes. But the fear is there among the people, and the Government needs to do something about what bond us together under contemporary democracy to reconcile these social bonds. There is a demand for recognition: "The demand for recognition is given urgency by the supposed links between recognition and identity, where this latter term designates something like a person's understanding of who they are, of their fundamental defining characteristics as a human being. The thesis is that our identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being" (2009; pp 25).

Among themselves, prisoners and former prisoners agencies call this Procusto Syndrome. Procusto in Greek Mythology was a giant who invited people to spend the night on his iron bed, but he insisted that the visitor would perfectly fit in the bed: if too tall, he would cut their legs, if too short, he would stretch them. The syndrome then means that it is unachievable to spend too much energy trying to fit in society's views, standards and ideals, neglecting who you really are. It's about imposing

someone else's truth and will upon the other, which only leads to manipulation, frustration, and most probably failure.

More attention is needed to the problem of creating opportunities for the prisoners to make a successful adjustment following release (knox, 1994). No significant amount of progress can be made in easing the transition from prison to home until and unless significant changes are made in the normative structure of prisons in the areas of prison conditions, policies and procedures; transitional services to prepare prisoners for community release; and community-based services to facilitate and maintain reintegration (Haney, 2004).

There is an urgent need to re-conceptualize the practice of the criminal justice system for policy purposes. The beginning point is usually arrest, followed by court processes, then sentencing with incarceration as a last resort, and then, the return to the community. Changes to existing policy and practice showing even modest improvements over the current state of affairs have the potential to transform the way in which the phenomenon of prisoner reentry impacts society. Rather than draining community resources, safety, and morale, prisoners who return to the community with support systems in place can become productive members of society, thus saving resources, strengthening family and community ties, and expanding the labor force and economy (Solomon et al, 2004). It would be appropriate to place him/her in some kind of program to stay in touch with the labor market with the objective of insertion into the trajectory of long-term employment. This would help to decrease the stigma of being an ex-convict (Mendonça et al, 2004).

A range of structural and programmatic changes is required to address these issues. Among other things, social and psychological programs and resources must be made available in the immediate, short, and long-term. That is, modified prison conditions and practices as well as new programs are needed as preparation for release, during transitional periods of parole or initial reintegration, and as long-term services to insure continued successful adjustment (Haney, 2002). The Norwegian government, for example, created a legally enforceable 'reintegration guarantee', so as to require state, voluntary and private agencies to honour their obligations to support those who have served their punishments (McNeill et al, 2012).

One of my interviewees had suggested a creation of a program of sponsorship of released prisoner, which I found it was extremely promising. *"A great start would be if each and everyone of us could do a little bit to help their integration and end stigma",* Prison social worker and member of the Penitentiary Council, E3.

Other suggested quotas for ex-inmates in the job market: *"It is a very difficult job, one which there is zero public interest, and a daily disappointments. It's very discouraging. I think they should create quotas to hire ex-convicts in the formal job market",* Head of Institution Member of RAESP, E11.

Conclusion

Theories of stigma and labeling have showed that imprisonment hampers inmates' preparation for life outside prison walls. The experience of imprisonment itself has the power to irrevocably shape and even deny an individual's potential to live a meaningful and purposeful life (Cox and Gelsthorpe, 2012). When leaving prison, prisoners find themselves in total abandonment from the State and sometimes from their families. There are no resources to assist them and what is available is extremely limited. However, most prisoners seek ways to change their degrading status to a socially acceptable one when leaving prison and when making the decision to leave criminal life. The recapture of this latent identity is normally achieved after a breakdown moment in the offenders' lives. There are many variables that may influence that decision, but the burden of the inmate readjustment to society should fall on communities rather then on individual former inmates. For a successful community reintegration it is required a communitywide planning, including the job market, and an understanding of the realities faced by ex-convicts (Fleisher and Decker, 2001b).

This chapter had showed that prison gangs might act as a post prison opportunity for inmates regimented while incarcerated, and for continuing career criminals. And that incorporation of violence and exploitative norms into prison culture just make the experience of imprisonment more traumatic for inmates after release. The penal system itself helps promote and perpetuates the stigma of violence after release, when it should be finding ways of tapping into human potential, growth and change, and an

overall impact on individual's ability to thrive, relate to others and on their sense of self-respect and dignity (Cox and Gelsthrope, 2012).

Desistance is a social process as much as a personal one, and the available network of support for the former inmate must repair relationships within communities so as to allow ex-convicts to choose the path to citizenship. There is a clear need to inform prisoners before their release about the agencies available to them, once - as this chapter has shown - there are many former prisoners ready to make the right decision:

"It's better to have bread with God than caviar with the Devil. I want to live my life, and I want to able to tell MY story to my kids and grandkids", Offbr8

"I can't change my sad past, but I want to make my future happy", Offbr3

The next chapter will seek to understand what are the barriers to justice and legitimacy in prison.

Chapter 7
Conclusion

Traversing Carceral Borders

"He who opens a school door, closes a prison."
Victor Hugo

There are systemic transformations inside any prison system, with a dynamic interplay between the broad influences such as the political, economic and legal powers that influence individual behaviours. Unfolding the origins and influences of the inmate social system is extremely important to understand the complexities of prison life and relations. The study of inmate culture and prisoners' integration contributes to criminological and penological knowledge and advances the understanding of prison life in order to achieve better-suited penal reforms. This concluding chapter aims to put together theoretical conclusions and policy implications drawn from my research. It will show the main themes of the work and some specific examples from the Brazilian context that challenge the international literature.

This thesis has looked at the nature and dynamics of prison life and the prison experience. It has explored the stratification of the prison system, and has identified differences between categories of prisoners, providing an evaluation of life in prison to assess the current prison regime and its policies. Prisoners participate in a complex set of social relations, including social contacts, associations, alliances, compromises and conflicts. In a paper about prison gangs in 2001, Jacobs (2001) asks the following question: "Is it desirable or possible to separate gangs by tiers, cell houses, work assignments, recreation and even by prison?" This question, he says, "is yet to be answered and could help in trying to reduce the prison gang phenomenon and the challenge it represents". I hope that my research can provide a new insight into the debate on prison gangs, and my answer to Jacobs is, yes, it is possible to do this, but no, it is not desirable. Not only is the stratification of prisons not compatible with rehabilitation, but this type of segregation also has detrimental effects on the prison experience for inmates, especially the off-brands, that I term *the meat market* of the prison community. This classification system perpetuates a cycle of violence and deviant identity through criminal activities and violent social processes.

A central conclusion of this study is that multiple mutually exclusive categories of prisoners have been created over the years, that have gone beyond gang affiliation, and which have had detrimental effects on prisoners' routines and progress. No off-brand remains unaffected by a gang's presence and control. On the contrary, their lives are dictated by a rigid and coercive discipline and a silent compliance. They are the subjects of exploitation, extortion, intimidation, corruption and punishment. The prison administration seems to have a similar perspective to that of the gang members regarding how unaffiliated inmates spend time in prison. Their perception is one that "if you stay quiet and don't interrupt in our affairs, nothing happens to you". Both dominant discourses, of the formal and informal authorities within the prison system, could not be further away from the perspective of "the meat market", and totally contradiction the perception of the off-brand inmate himself about doing time in prison.

These inmates face a disturbing impairment to their social interaction while they are incarcerated that should be promptly addressed and taken seriously. The perpetuation of violence is another major theme of my research, together with the dimensions of the influence of gangs on the inmate community, that has the capacity to act both inside and outside prison, stretching convict relations far beyond prison walls. Even if one does not have links with gangs, once inside the prison the links are inevitable in the current social organization of the system. The administration of the prison is done through a perpetuation of criminal logic. It ends up being a mechanism to incite violence. The State then goes beyond the legitimisation of prison gangs and their dominance, and also incorporates their traditional elements of violence to evaluate and influence prisoners' sentence progression and evaluation.

The classification established in Rio's prisons has spread to multiple criminal justice agencies. This research indicates that prison gangs have severely affected the daily routine of the prison by making inmate leaders the central figures in the control process of the prison. A network of social relations exists in which the leaders of the gangs take over the gap left by the State, and the everyday practices of the Social Services are changed, i.e. the provision of education, medical care, work opportunities

and even prison paperwork related to prisoners' rights. This reveals that the criminal culture of the prison gang has become a bias factor within the criminal justice system.

This study understands the prison experience as a moment in the interviewees' lives trajectories – not the most important and not the least important - but a snapshot of their lives. These major topics are extremely important, informing each other, in order to assess pre-prison links with crime and criminals, the experience of incarceration in itself, post-prison accounts, and how each stage influences the others. A key debate in the sociological literature on prisons (Clemmer, 1940; Sykes, 1958; Goffman, 1961; Irwin and Cressey, 1962, 1968; Fong et al., 1955; Moore 1985, Sykes and Messinger, 1977; Cloward, 1977; Jacobs 1974, 2001, Buentello et al., 1991) centres on the extent to which the inmate culture is a product of the prison environment, referred to as the indigenous origin (1950s-1960s), or, whether it is an extension of external subcultures, known as the importation model[110] (1970s-1980s). The prison gangs in Rio arose in prison to a position of absolute dominance within the inmate community, more than 20 years ago. They are an important case to study, not only their native origin and their projection to the outside, but also due to their continual reliance on the prison system as a locus of power.

Many researchers have challenged both the importation and indigenous models over the years (Taylor and Cohen, 1972; Akers et al., 1977; Hunt et al., 1993; Knox, 1994; Fleischer, 2005), who have proved that the offenders and gangs have created new dynamics that do not fit the twofold models. Sykes (1958) did not acknowledge the influence of latent criminal behaviours in the inmate social system. He saw the deprivations and frustrations caused by imprisonment as playing a crucial role in shaping the inmate social system. Taylor and Cohen (1972) argued that offenders' ways of coping with long-term imprisonment largely depended upon the nature of the inmates' pre-incarceration criminal lives and ideology. Akers et al (1977) found evidence to support what they called an Integrative model, where both perspectives of the inmate social system complement each other. Knox (1994) showed that gangs could also be exported to the community. Fong (1990) showed that gangs could not only be exported, but also expanded into criminal activities i.e. the Aryan

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[110] Meaning that the walls of the prison are inherently more permeable to external influences than they first appear to be.

Brotherhood in California.

Others, like Fleisher (2005), called upon research on prison gangs to start anew, since modern prisons also hold other types of criminally oriented groups, such as domestic and foreign terrorists, hate groups and criminal motorcycle groups. In America, the term prison gangs has been substituted with Security Threat Groups and Inmate Disruptive Groups, to account for the wide variety of groups posing particular risks (Fleischer, 2001b).

Supporting this change in the prison community, the concepts and categories that emerged from the fieldwork reveal a transformation in terms of interpersonal relations and behaviour among inmates, and these relations are marked with tensions and conflicts. The inmate subculture in Rio is a culture of organised criminal groups, with slight differences in the degree of rigid routine, discipline and the use of violence among the gangs. In my research, some subcategories which all of the prison gangs had in common, and therefore which the inmate subcultures also had in common were: dominance over the inmate community, negotiation with the prison administration, regulation of prison activities, distribution of goods, trafficking, solidarity, protection, extortion, recruitment and affiliation of new members, business-making, violence and corruption, parallel tribunal, power, and links to the outside. For the off-brand inmates some subcategories were: fear, abandonment, distrust, obedience, violence and corruption, rivalry, discipline, career, drugs, crime, money, and family.

Classification errors can have a long-term influence on offenders, and post-release prisoners offered a rich account on this perspective. The subcategories that emerged as key components from the interviews with this sample were related to identity, the self, stigma and discrimination, expansion of networks, fear and hope, revolt, future, links to organised crime, secrecy and so on.

In Rio, the stratification of the prison system and the multiplication of prisoner categories did not bring about improvements to inmates' lives, but instead brought an apparent stability of the system through a scenario of strategies towards hegemony. There exists a multiplicity of power relations, which are the constant focus of

negotiation and struggle. One important factor that determines the environment of a prison is the homogeneity of the inmate population (Irwin, 1980). While homogenous populations can give the inmates power, the consistency provides the formal organization with environmental stability when dealing with inmates. A variety of different groups ultimately require more organizational structure to ensure control (Patrick et al, 1999; Irwin, 1980).

The chapters in this thesis revealed that convicts experience prison in many different forms according to their involvement with the inmate subculture, and that the experience of incarceration is a lot more stressful and damaging to the off-brand inmates, the less conspicuous convicts, who not only have to learn a new subculture - the culture of the gang - but also have to obey rules and rituals, and engage in illegal activities and extortion, perpetuating a cycle of violence and deviant behavior in a geopolitical gang space behind bars.

A silent dynamic is referred to in chapter 4, which is the devastating social interaction among inmates and the degree of control that gangs have over the prison units. Gangs have the capacity to distribute benefits such as assignments, jobs and contraband, as well to punish inmates and recruit new members for the gang.

My analysis has a variety of implications for contemporary debates and futures investigations. My research has led me to conclude that the Judiciary and Executive powers have institutionalized and legitimized prison gangs in the belief that there are life risks in allocating inmates to prisons from a rival gang. They believe almost unanimously that the policy is illegal "but an inevitable and lesser of the evils".

One hypothesis that has been verified by this research is that current segregation dismantles prison routine, and that prisoners belonging to certain categories are badly reviewed by the prison administration and the Judiciary. This means that the State goes beyond segregation by gang affiliation; it incorporates elements of its violent tradition to assess and influence justice and prisoners' progression in a true State of Exception (Agambem, 2005). Chapter five gave an account of the State's response to prison gangs and unraveled the reality of prison routine, revealing a serious deterioration in the quality of life and the prison's social service at the expense of

security. Contemporary lawmakers see imprisonment as a means of achieving a variety of crime control objectives such as retribution, general deterrence, isolation and rehabilitation, but the goals of rehabilitation are quite different from the ones of retribution. Sutherland et al (1992) state that an obstacle to humanitarian intervention in the prison system is the need to justify it because "correctional systems are political units whose budgets and activities are, in the last analysis, controlled by politicians and most politicians who want to be re-elected must be opposed to crime" (1992: pp 493).

7.1. One for All, and All for one

The issue of prison gangs needs to be better understood and integrated into the larger multifaceted debate. It is not just a correctional question or just an administrative one. Prison gangs in Rio perform several functions within the system that have impacts far beyond prison walls. But gangs mimic the capitalist society they live in, and seek to exploit its workforce (Knox, 2005). Gang members are then, the essential capital in any crime oriented social groups (Fleisher and Decker, 2001a). In total institutions such as the prison, where men live together 24 hours a day, social relationships take on a peculiar form, and where prison gangs have been consolidated, they have had an adverse impact on prison life and penal affairs.

Clemmer (1940), in his great work on the prison community, discussed the structural stratifications of inmates, by which he meant the existence of spontaneous formed groups. When describing ways in which the society of prisoners could be seen, he pointed out - but did not pursue - the idea of an administrative stratification of inmates. However, he indicated that this non-spontaneous division of prisoners 'causes isolation, and precludes to some degree spontaneity in the development of social relations among convicts' (1940: pp 296). Clemmer had a holistic comprehension of prison life in which prisonization goes beyond prison walls. Clemmer defined as the completion of prisonization the influences inmates bring with them from the outside. This is what he called criminalistic ideology, and it depended on the prisoner's personality, the extent of their relationships with people outside the prison walls, whether or not the inmate became affiliated to a group, and whether or not the inmate accepted the codes and dogmas of the prison culture. This is what Sykes (1958) later called the structural-functional perspective on imprisonment. I

guess that both authors would not be surprised upon reading about the systemic extortion among prisoners that goes on in Rio de Janeiro.

Jacobs (1977), in his research at Stateville Penitentiary, found that gangs in prison perform an important economic and psychological function, and to some degree act as a buffer against poverty. By fulfilling these roles, Jacobs affirms that prison gangs have contributed to the politicization of the prison. Rio's prison gangs have been successful in projecting their power and expanding their operations beyond the prison walls to such a degree, that some authors say that they have outgrown the term 'prison gangs' (Lessing, 2010). Yet as a native group formed inside prison, they retain a culture informed by the prison experience and continue to rely in important ways on the prison system as a locus of power. They have however, as Jacobs described, changed the social organization of the prison system so far as they consolidate and propagate. Jacobs (1977) does not analyse the impacts that gangs have on off-brands, as this research investigates. Importantly, he infers that the more established the gangs become, the more precarious the lives of non-gang members become.

Parenti (2000) also found in his book *Lockdown America,* that prison gangs serve a convenient function for the prison establishment. They help regulate rogue and rebellious elements within the prison population without intervention from prison authorities. By keeping the inmate population divided, prison gangs perform a valuable function, serving as an added disciplinary weapon for officials, through punishments and threats to gangs of non-affiliated prisoners or rival gangs.

7.2. The State of Exception

Around the world, prison gangs may form around racial, ethnic, religious or geographic cleavages among prisoners. The dominant characteristic of US prison gangs for example is their racial character. Brazilians are of mixed race, and social and racial discrimination and inequalities have been interlinked and perpetuated since postcolonial times (Salvador, 2011). Brazil has one of the most unequal income distributions in the world and around 45% of its population are below the poverty line[111]. The population of Brazilian prisons and jails is estimated to grow by between

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[111] Brazilian Institute for Geography and Statistics (IBGE, 2011)

5% and 7% a year, and they are mostly inhabited by blacks and pardos, who account for 47% (FGV, 2007), and in Rio alone, 65% (Neri et al, 2006). The theoretical fundamentals of the relationships between poverty, inequality, income and violence are not easy to unravel. Social inequality is a structural problem in Brazil. Class differences and ethno racial stratification generate discrimination based on the colour of the skin in the justice system (Wacquant, 2001b). It is no exaggeration to speak of a State of Exception (Agambem, 2005), where the weak and vulnerable are included in the law, merely in the sense of being excluded from its safeguards (Walsh, 2005).

Increasing incarceration and the elimination of welfare programmes are indicative of the transformation of the state from the primary agent of the social inclusion of the poor (through welfare programs) to the agent of their exclusion (under the rubric of criminal justice and crime control and neoliberal economic policies (Barmaki, 2009; Bauman, 2002). Latin America is characterised as having liberal welfare regimes. The terms Latinamericanisation or Brazilinasation were coined to describe an economic development strategy, premised on unregulated inward investment and minimal welfare provision (Dean, 2002). Societies under this model tend to exclude both those who have failed in the economic marketplace and those who fail to abide by the law (Cavadino and Dignan, 2007). Both types of exclusion are associated with a highly individualistic social ethos: economic failure is seen as the fault of the individual, not as the responsibility of society. Crime is then likewise seen as the responsibility of the offending individual.

The penitentiary system in Brazil is undergoing a crisis that grows worse every day, and can be seen in the overcrowded cells, the lack of assistance to prisoners, the conflicts among prison gangs, and the drug trafficking inside the prisons, with a high number of extremely violent prison riots, escapes and staff murders. Various police forces are plagued by corruption, entangled with organised crime, and accustomed to violent and illegal methods of action (Caldeira and Holston, 1999).

7.3. Reform and Rehabilitation

The mission of improving the quality of life inside prisons is a shared responsibility between criminal justice systems and civil society (Jackson, et al, 2010). Over recent decades, there has been a dramatic rise in the number of jurisdictions worldwide and

also in the use of imprisonment, and as a result prison gangs have been a challenge for the penitentiary administration in many countries (Wacquant, 2005; Knox, 2005). Gang rehabilitation requires immediate measures to address the more systemic socioeconomic problems (McAnarney, 2013). Private-public partnerships are considered the next step on a rehabilitative continuum (Ibid). The current prison gang problem is a sharp reminder of the serious repercussions of ignoring life at the margins of development.

Given the complexity of prison gangs, there is a need for effective penal interventions, policies and practices that include strategies for community re-entry and more collaboration between agencies (Fleisher and Decker, 2001a). The legitimacy of criminal justice authorities is established and reproduced through the fairness with which those authorities treat those they govern (Jackson et al, 2010). Feelings of procedural injustice experienced by a large number of inmates impact on prison legitimacy through the failure of consistent and fair procedures and practices (Liebling, 2004). The procedural justice approach stresses that it is the subjective experience of unfairness, which is a key determinant of dissatisfaction, anger, and the delegitimation of prison regimes (Jackson, et al, 2010).

Bauman (1998b) speaks of spatial segregation in which imprisonment is the ultimate and most radical form of spatial confinement. According to the author, the deepest meaning of this separation is the banning or suspension of communication, and therefore the forcible perpetuation of estrangement, which is the core function of spatial segregation - reducing and compressing the view of the other. Prisons today are "factories of exclusion and of people habituated to their status of the excluded" (Bauman, 1998b: pp 113).

Ways in which resettlement, law enforcement and surveillance may be mutually supportive or work against each other remain largely unexplored (Hucklesby and Hagley-Dickinson, 2007). The unique nexus of a managerialist prison culture and a punitive culture makes the potential programmes that sow the seeds for individual change much more difficult in prison. It then looks at new imaginations and experiences that try to spur targeted rehabilitation and prevention initiatives in prison.

Philip Zimbardo (2007), famous for his prison experience in 1971 at Stanford University, refers to social psychological factors that can explain transformations in human character and what make good people engage in bad and deviant actions. He calls this the *Lucipher Effect,* and describes seven social processes in the transformation of ordinary good people into perpetrators of evil actions: mindlessly taking the first small step, the dehumanization of another, de-individuation of the self (anonymity), diffusion of personal responsibility, blind obedience to authority, uncritical conformity to group norms and the passive tolerance of evil through inaction or indifference. His theory states that situations have the power to make people become either perpetrators of evil, inactive or heroic. He states that people can recover with help, and be reformed and rehabilitated because individuals and groups can sometimes act otherwise in certain circumstances.

Chapter 6 showed that time in prison may strengthen ties to antisocial peer groups, and as a consequence, restrict awareness of or access to legitimate work opportunities. The contemporary prison experience also incorporates violence and exploitative norms in prison culture that may influence inmates upon release, and prison gangs provide post-prison work opportunities for many former inmates who have been regimented while incarcerated. This research found two main moments in inmates' lives: leaving prison, and making the decision to leave the criminal lifestyle behind. But the difficulties in exiting the criminal life and the criminal justice continuum seem endless, and remind me of the famous Al Pacino quote in The Godfather Part III: "Just when I thought I was out, they pull me back in".

But desistance is a social process as much as a personal one, and no amount of prison-based support can secure desistance without community-level support and a broader social and political commitment to ex-prisoner reintegration. Sometimes, the road from crime – to restoration as a citizen – might require the direct mediation of the conflicts that crime reflects and creates. Ultimately, the pathways to desistance are through repaired relationships – within families, within communities, and within the state – and not just through 'correction' of the individual.

7.4. Penal Reconstruction Around the Principle of Human Rights

Most neo-liberal countries have higher rates of imprisonment (Cavadino and Dignan, 2006). Countries like the USA[112], England and Wales[113], Australia[114], New Zealand[115], South Africa[116] and Brazil[117] have law and order dominant penal ideologies and an exclusionary mode of punishment. Social democracies such as Sweden and Finland have lower rates of imprisonment, 73 and 70 per 100,000 people respectively (Ibid). Countries considered to be corporatist societies such as Germany[118] and France[119] also have lower rates of imprisonment, and this tends to be due to their pursuit of more inclusionary economic and social policies. Such cultures use a system of Penal Welfarism (Garland, 1990), which seeks a rehabilitative mode of penal ideology and mixed or inclusionary modes of punishment (Cavadino and Dignan, 2006). There is a greater emphasis on rehabilitation and resocialization than on punishment, which means a more welfare-based approach for young offenders in particular (such as a higher age of criminal responsibility) than is found in most neo-liberal states (Garland, 1990).

A description of the welfare model and penal trends in Scandinavia drew my attention due to the impact of the ideology of the welfare model and its emphasis on humanitarian beliefs in the criminal justice system. Bondeson (2005) describes why imprisonment rates in his country have remained low - around 60 per 100,000 inhabitants: "Historically, long-standing Social Democratic regimes with an ideology of full employment and solidarity have had an effect on the way of taking care of the weakest citizens in society. Those persons ending up in our prisons usually belong to the least privileged groups and should thus be embraced by the solidarity principle" (Bondeson, 2005, pp: 198).

The author goes on to explain that prisons in Scandinavia remain small and to a certain extent open. They usually have a capacity of fewer than 50 places and not more than 500, and staffing levels are usually high (Ibid).

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[112] Imprisonment rate is 701 per 100,000 population (Cavadino and Dignan, 2006).
[113] Imprisonment rate is 141 per 100,000 population (Ibid).
[114] Imprisonment rate is 115 per 100,000 population (Ibid).
[115] Imprisonment rate is 155 per 100,000 population (Ibid).
[116] Imprisonment rate is 402 per 100,000 population (Ibid).
[117] Imprisonment rate is 274 per 100,000 population (Ibid).
[118] Imprisonment rate is 98 per 100,000 population (Ibid).
[119] Imprisonment rate is 93 per 100,000 population (Cavadino and Dignan, 2006).

But the reality in the neo-liberal states is different from the one described above. The penal crisis is a pressing political and moral problem that requires drastic action. The ways in which offenders are treated can and should be made more effective by pursuing rehabilitation on both personal and societal levels. Crime prevention strategies should concentrate on the social causes of crime and alternative methods of punishment. Governments should invest more money in inclusive approaches towards offenders in society such as robust community service, more methods of restorative justice, treatment for addicts and care for people who are mentally ill (Liebling, 2004). Incarceration should only be used for serious and dangerous offenders, and not for the 'shareholders of nothing'- those that make up the majority of the inmate community and are the first ones to be targeted by the police (Zaccone, 2007).

Relationships and treatment inside the prison system are currently inhumane and as seen in this research, relationships are based in deviant behaviour and corrupt negotiations; the system is deeply unjust. The penal system needs "a massive injection of genuine justice", including a human rights approach and consistent justice in sentencing (Cavadino and Dignan, 2007: pp 384). A less punitive strategy towards crime could be more beneficial to the public generally (Coyle, 2002).

When a state deprives people of their liberty it takes on the responsibility of looking after their personal and environmental security and their general health (Coyle, 2002). Adopting a human rights approach to penal conditions means above all providing resources that will improve conditions for penal subjects and a consistent approach to prisoners' rights. As for human basic needs and fundamental rights, prisoners do not lose guarantees because they've transgressed the law. A minimum code for prison conditions has to become legally enforceable and the autonomy and personal responsibility of prisoners should be preserved while they are incarcerated (Cavadino and Dignan, 2007; Liebling, 2004).

According to Doyal and Gough (1991) and their theory of basic human needs, physical health and personal autonomy are preconditions for any individual action in any culture. They constitute the most basic human need, where to be physically healthy and autonomous requires more than the negative freedom of non-interference, but rather positive action. This set of 'intermediate need satisfiers' as Doyal and

Gough call them, are necessary conditions for attaining physical health and autonomy, and are represented by adequate housing, a non-hazardous environment, nutritional food and appropriate health care. They emphasize that the wider physical environment itself either contributes to or undermines the health and autonomy of individuals.

These authors provide a forceful argument that it is the duty of the State to meet, to the best of its ability, the diverse range of needs of all its citizens. Shue (1996) argues that State parties are obliged to respect rights by not violating them; to protect such rights by preventing their infringement by third parties; and to fulfill rights to the extent that resources permit. International law makes it clear that a lack of resources does not excuse a State from its obligation to provide proper and humane conditions of detention. States should therefore develop conditions that will promote welfare to the greatest possible extent including inside prison walls.

Brazil has one of most progressive criminal codes in the world (Foley, 2012). On paper, the formal protection of human rights is drawn on international human rights standards, as is Brazil's prison rule, which is based on the UN Standard Minimum Rules for prisoners. Article 43 of the Law on Penal Execution (LEP), contains individualized treatment, protection of inmates' substantive and procedural rights, and guarantees adequate food, medical, educational, social, religious, and material assistance, as well as contact with the outside world, education, work and other rights.

Brazil's penal legislation is based on the concept that all prisoners should be treated as individuals and their sentences should reflect their particular circumstances, with the ultimate aim being their rehabilitation and reintegration into society (Brazilian Penal Code, article 59). The laws state that the main purpose of imprisonment should be re-socialization and rehabilitation, rather then punishment. Brazil's prison population is around 500,000 people of whom 280,000 are sentenced prisoners and 230,000 are being held in pre-trial custody (Foley, 2012). The laws encourage judges to use alternative sanctions such as fines, community service and suspended sentences as often as possible. The number of prisoners is rapidly increasing and the number of pre-trial detainees is also growing. This has overwhelmed the capacity of the already overcrowded prison system.

The creation of the Mutirão Carcerário, a type of prison task-force with a working group of Criminal Enforcement agents, was established in 2008, due to the realization that the Brazilian penal system was in crisis and that there was an ever growing caseload that neither the judiciary nor the prison authorities were able to cope with (Foley, 2012). They found that hundreds of people had spent far longer in pre-trial detention than they could have expected to serve as sentenced prisoners. In 2010, Gilmar Mendes, the president of Brazil's Supreme Court, announced that the Mutirão had examined 111,000 cases. As a result, 20,700 prisoners had been released from detention and 34,000 more prisoners were benefiting from a reduction in security levels (Ibid). Gilmar Mendes stated that prison numbers were growing by over 7% a year, and prisons were becoming more overcrowded, unhealthy and dangerous (Ibid).

Brazil has the fourth highest prison population in the world, and the numbers are growing rapidly. Part of the reason for this is that a large number of people are being imprisoned illegally, or being denied their entitlement to release, or progression to lower forms of security (Foley, 2012). The crisis in Brazil's criminal justice system should serve as a frightening warning to many other countries about the need for reform. But a range of political, social, economic and cultural factors influences penal policy, and there is strong public pressure for 'tough' penal policies in societies that suffer from high levels of violent crime, such as Brazil (Foley, 2012). This is what Garland (2001) calls a culture of control, where more crimes lead to less tolerance of crime in general, which leads to harsher punishments and consequently more incarceration. Brazil did not collect official statistics on criminality for the country as a whole until the late 1990's. However, the murder rate in Rio de Janeiro reached a peak of 61 cases per 100,000 people in 1994. It has been declining since; in 2004 there were 41 cases per 100,000 people, and recent data shows that there were 24 cases per 100,000 in 2013 (Indio do Brasil, 2013).

The increase in violent crime in Brazil had a big impact on the political discourse during the transition to democracy in 1980s. Defending human rights became associated with the defence of criminality (Caldeira, 1999). Prisons became increasingly overcrowded and the conditions in them became more inhumane. Prison rebellions were brutally suppressed, such as the one that occurred in 1991 in Sao

Paulo, at prison Carandiru, in which 111 inmates were killed. The prisoners who survived this massacre formed the Primeiro Comando da Capital – PCC (First Command of the Capital), which was to become the most powerful criminal gang in Sao Paulo, and which currently has associations with Rio's Comando Vermelho (CV). Many human rights organizations have documented the system's failings, but little seems to have changed.

As an emerging economic power and with an increasing influence in international debates, Brazil's experience of justice reform is of international relevance. For the period 2007 to 2011, the government created the Programa Nacional de Segurança Pública com Cidadania – PRONASCI (National Programme of Public Security and Citizenship) and invested in it a total of R$ 6,7 billion (around 2 billion pounds). The programme comprised a set of structural actions to modernize the criminal justice system and a series of local programmes, which aimed to strengthen social and economic development at local level (Foley, 2012). In practice this meant the modernization of the police and penitentiary systems, and the building of new prisons.

7.5. The Cultural Goodwill

The idea of rehabilitating offenders has greater political value than treating them as equals and granting them full rights (Cheliotis, 2012). With the culture of managerialism having come to infiltrate and dominate penality, prison programmes must be based on evaluation evidence and, almost always, statistical results. But when assessing rehabilitation on subjective terms, for example, with the use of artwork in educational programmes in prison, results might not be in the form of numbers and may not be administratively convenient to prison officers. When speaking of rehabilitation, training and education in prisons, one may also include prison artwork - spanning the visual, design, performing, media, musical and literary genres - as an alternative valuable tool for empowerment, work, improvement of self-esteem and self-expression, and autonomy (Cheliotis, 2012).

Yet, it is not certain to what extent offender rehabilitation is a desirable outcome for prison authorities and the public, as long as society demands harsh punishments and retribution for offenders (Ibid). Moreover, artistic development signals the acquisition of a source of symbolic capital, creating possibilities for distinction and upward

mobility and upsetting established power differentials (Cox and Gelsthorpe, 2012). It seems not occasional that often there seem to be operational difficulties in rehabilitation programmes on the part of prison officers, such as posing inflexible protocols, being hostile to practitioners, mocking prisoners who take part in the programmes, claiming that it goes against punishment and so on (Ibid).

Prisoners then receive only a 'suitable amount of rehabilitation', to compose a discourse of 'good stories', are eventually trapped in what Bourdieu (1984) terms 'cultural goodwill' - where prisoners may become familiar and learn to appreciate artwork, but are denied the means to achieve its expression. It can therefore furnish precisely the opposite function of what is intended in terms of boosting autonomy, self-control and confidence (Cheliotis, 2012; Cohen, 1985).

Carrabine (2000) adds that managerialism and the new penology represent the extension of a bureaucratic means of governance, the demise of rehabilitation, and that the aim is not to intervene in people's lives for the purpose of asserting responsibility or rehabilitate them; "it is instead a strategy to manage dangerousness" (pp 19).

7.6. Gangs, Rehabilitation and New Imaginations

From a managerial perspective, the crisis of prison overcrowding leaves prisoners serving sentences in subhuman living conditions and under the effective control of criminal gangs. Prison gangs play an important role in aggravating violence and crime within prisons and constitute a key issue in prison management (Lessing, 2010). Brotherton (2007) however has been researching whether street gangs and their counterparts in prison can perform as politicized subjects and engage as social actors in a process of collective resistance with regard to their community. In his study of the Almighty Latin King and Queen Nation, a Hispanic street gang in the United States, he found an increased sense of political volition and a process of conscious development that has led to a transition process for the gang towards becoming a more political and positive movement.

The gang, according to Brotherton (2007), had three main political opponents: law enforcement, the media and other rival gangs. But the radical change that the Latin

Kings and Queens underwent found some converging factors in regard to its qualitative change in nature. First, they have sought an internal and external presence of intellectuals and other experts with whom to collaborate, and to provide advice, training and a network of support for their reform; second, the systematic police assault on the group over the years had the unintentional consequence of compelling the organization to seek new leadership and a new identity; and last, the news of the reform in the organization has attracted a new kind of members, youths who are more motivational by nature, who have a positive sense of self and embrace the activist agenda in relation to the resolution of everyday social problems in their community.

The political rhetoric and new goals represent a set of new imaginations with regard to what that excluded society could be. The culture of the gang gives its members a sense of identity, of being, and a place to address some of the extraordinary contradictions of daily life, which they have neither the power nor resources to change. The gang and its culture have become fundamental and enhanced in these excluded communities, and have become a way of life in multiple generations of gangs. The gang culture then is institutionalized and its set of complex culture dynamics is also perpetuated, through symbols, style, music, and a way of life (Brotherton, 2004). But, despite this change in nature, and the recent truces between violent gangs, there is an ongoing movement that must be watched closely.

In 2012, the government's security minister and a representative of the Catholic Church facilitated a secretly negotiated truce between El Salvador's two biggest gangs, Mara Salvatrucha (MS-13) and Barrio 18 (Dudley, 2013). There is little information about the nature of the exchange between the gangs and the government but the truce started after the gang leaders were shuttled to lower security prisons in the dead of night (Ibid). There is controversy about whether or not the truce was a good strategy, but it has been an interesting experiment that other governments, multilateral organizations, academics and analysts are watching closely. Homicides are down by close to half, and gang leaders are calling for their members to get involved in job training and other programs.

As has been argued here, rehabilitation in prison in itself is a difficult and controversial issue. Rehabilitation in prisons with gangs has been little researched. In

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El Salvador, the Government has recently announced a plan to implement a new youth violence prevention project that will combine work training, institutional strengthening, and gang member rehabilitation and reinsertion programs (McArnaney, 2013). The project features a number of communal programs that include sports, art, and training in the prevention of intra-family violence designed for at-risk youths aged between 15 and 25. In addition, one of the key parts of the program is a rehabilitation component for prisoners—the construction of "farm-jails." Crime and violence have filtered into all levels of society, resulting in a collective fear that not only impacts on the personal life of each person, but also on the country's economic growth. Investors seek safer places to put their money and capital. It is estimated that the private sector spends 4.5% of sales on security costs and losses due to crime (Ibid).

According to McArnaney (2013), in a press statement, the spokespeople for the MS-13 and Barrio 18 in El Salvador said, "Despite the mistakes we made, for which more than 10,000 our members are serving sentences in prisons, society cannot deny that we are also Salvadorans and we are a by-product of social policies and the disastrous socioeconomic consequences of the models that have been implemented in El Salvador for many years, the very same that took us to war in the eighties. We are the children of this war, because most of our members lost their parents in that conflict, and others came from disintegrated households due to the migration of their parents and themselves to other countries and the uprooting that resulted from being moved from their places of origin."

It is critical to decrease violence and gang membership so that investors can gain confidence and the overall competitiveness of the Salvadoran market can increase. But to achieve lasting advances in reducing criminal activity, the economy must provide options for youths. In a country where youth unemployment hovers at 34%, it takes time to foster new areas of the economy to attract investors and create new employment sectors (Ibid, 2013). In Brazil, youth unemployment fell from 22.6% in 2002, to 13.2% in 2012 (ILO, 2013). In the Metropolitan area of Rio de Janeiro, the numbers are higher - 15% (SEBRAE, 2013).

Private-public partnerships are considered to be the next step on a rehabilitative continuum, after formal institutional intervention, as their establishment requires extensive business knowledge and money. Employment generating opportunities in El Salvador have led companies to play a key role in forging private-public partnerships focused on gang member reinsertion. The initiatives are multi-faceted and include the collaboration of religious groups, psychologists, drug rehabilitation services, on-site childcare and residential facilities, and salaries above minimum-wage levels (McArnaney, 2013; Dudley, 2013).

Prisons in California, Michigan, Washington and other American states, which are traditionally known for their turbulent prison systems, are innovating and forming partnerships with universities and the private sector to create an alternate model to promote rehabilitation and reduce costs. This has been termed the Green Prison Reform (Novis, 2011). The sum of opportunity, choice, commitment and responsibility has guided these and other states towards what appears to be an alternate future path for the prison systems: the design and construction of prisons with LEED ® certification for green buildings. These institutions will recycle, produce organic food, have systems to capture rainwater, use solar energy through panels that reduce electricity by more than 50%, use wind energy, have efficient ventilation systems, save water on their laundry, and even have IT systems that are more efficient and less polluting. The environmental discourse does hide the managerialism approach to prisons, but this just might be an interesting marriage between modernization and rehabilitation.

One successful experience has been the Washington State Department of Corrections, which is responsible for more than 17,000 inmates in 12 prisons, and The Evergreen State College. Together, in 2008, they created the Sustainability in Prisons Project, engaging inmates in a collaborative and intellectually stimulating environment in which the prisoners play key roles in conservation and advancing scientific knowledge (SPP, 2013). The California Department of Corrections and Rehabilitation has announced 16 adaptation projects to save $ 3 million / year in energy costs by using solar and wind power, and bio fuels. The correctional departments of Virginia,

Ohio, Indiana and Nevada have announced other green projects such as wind turbines and biomass boilers, among others (Novis, 2011).

It was seen in chapter six that employers express a greater willingness to hire former prisoners when there is a third party intermediary agency to provide ongoing support (Solomon et al, 2004). In Brazil, especially in Rio, the intermediary agency that has been most successful in this area is Afroreggae. This is due to this agency's holistic approach to the subject matter from crime prevention and the rehabilitation of prison gangs members, to employability and partnerships for a variety of projects.

The goals of a fair, humane and effective prison system are more likely to be achieved if there are fewer people in prison. In an overcrowded system, control is prioritized and rehabilitation, skills, reintegration and other goals aimed at challenging recidivism rates are marginalized (Hoyle, 2013). A significant alternative to the new punitiveness is the global movement towards restorative justice (Bakers and Roberts, 2005). Hoyle advocates that a more thorough and imaginative use of restorative justice[120] can be a viable alternative to imprisonment, and a pathway to rehabilitation. In Canada, restorative justice programmes have long existed and include sentencing circles, circles of accountability and support and victim-offender reconciliation programmes (Baker and Roberts, 2005). Hoyle (2013) explains that there has been a reluctance to conceive of restorative justice as an alternative to prison due to a lack of courage and an excess of caution, a lack of political support, and the emphasis being on disposal rather than a process, which means that one-off restorative interventions do not result in desistance. Hoyle pushes for a series of structured interactions between offenders and significant others to seek constructive responses to the dynamics of a particular person's offending (Ibid).

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[120] Her definition of restorative justice includes, at its essence, "values, aims and processes, which have as their common factor attempts to repair the harm caused by criminal behaviour. Most restorative justice advocates agree that its core values include: mutual respect; the empowerment of all parties involved in the process; accountability; consensual, non-coercive participation and decision-making; and the inclusion of all the relevant parties in dialogue, namely offenders, victims and those who make up the wider community in which the crime occurred" (Hoyle, 2013 pp: 17).

Newburn and Shiner (2005) advocate the use of mentoring as a creative response to the problems of youth crime, for young people at risk, and drug and alcohol misuse while promoting social inclusion and attachment to mainstream values. The term mentoring describes guidance and its practice encompasses a form of intervention with young people who are perceived to require some extra direction and support when presented with disruptive behaviour, offending and/or substance use. The authors explain that mentoring is a formalized response to social exclusion and social welfare problems, and the existent evidence on its effectiveness reveals that, in the US, mentoring corresponds to the highest and most effective community based programme for juveniles, creating strong bonds with them, and showing some improvement in self-esteem, self-confidence, social awareness, self-control and relationships. Also, the results point to a reduction in drug use and some effect on lower recidivism (Ibid). There is still a need for more thorough research on the subject, but there is no doubt about the positive effects of mentoring juveniles.

Moreover, Newburn and Shiner (2005) look upon the lack of attention generally given to processes of individual change with juveniles, and that youth justice agencies have developed a more bureaucratic rather than therapeutic stance prioritizing containment over behavioral change. Where a more therapeutic approach was considered, the emphasis has been placed on the importance of motivation to change, rather than objective results, once desistence is described as a "back and forth" process (pp: 178).

Prison is the universal sanction for serious crimes, applied more than any other punishment (Morrison, 2005). Over 9 million people are held in penal institutions across the world, either as pre-trial detainees or having been convicted and sentenced. Incarceration rates bear no relation to the amount of crime in a state, but to political and cultural choices that are inherent in penality (Wacquant, 2005). It is important for the judiciary, the executive, the legislature and civil society to work more closely to monitor and put pressure on the criminal justice reform process.

7.7. Policy Implications and Future Research

Life in prison is not particularly rich in variation. On the contrary, it is very limited, repetitive and restricted, so one can reach a saturation point with a relatively small sample (Campos Coelho, 2005; Irwin, 2005). But because my sample was not quantitatively exhausting, results cannot be considered definitive. Nevertheless, they provide a useful insight, not only into contemporary prison life but also into the role of gangs. There are many limitations to my analysis and room for improvement in several dimensions for a larger work, but this investigation offers a sound contribution to the re-examination of the role of inmate culture and calls for further research into penal policies designed to make the prisons more responsive and interventionist in addressing inmate needs.

Additional research into a number of areas related to prison gangs would further highlight the broad impact of incarceration in a stratified prison system and provide indicators for changes in public policy. It is difficult to quantify how many convicts have become gang members since their release, or how prisoners' participation in trafficking activities, and other criminal engagements inside prison, increase a gang's power and profit, if at all. Perhaps the answer does not rely on quantitative results but rather on qualitative outcomes. However, there is room for extensive qualitative and quantitative research on prison gang members and off-brands. One may want to use quantitative research to measure associations among them and to see the differences and similarities between them. They may not be so different socio-demographically, but there are differences that are important for prison policies: do they face more difficulty in finding jobs? How do gang members participate in rehabilitative and educational programs? Moreover, quantitative research can help measure the phenomenon of object identification to determine the individual's level of identification with the gang. There are numerous possible ways in which any given inmate might identify with other formal or informal groups within the prison and their degree of incorporation into the individual's self. This might inform policies to help disentangle the presence of gangs in prison.

It might be helpful for future work to draw additional samples from older inmates and compare these to the younger group. Future studies into the Brazilian prison system need to take into account the profound impact that prison gangs have on inmates'

interactions, on penal affairs and many other aspects of prisoners' lives. It is not possible to understand the current inmate culture if the stratification of the prison system is not considered. In the context of prison gangs and turf wars on the streets, there is a need to amplify the comprehension of this devastating division of prisoners into a more holistic approach. An in-depth study of secondary prisonization, the experience of families with incarcerated members seems urgent. During my interviews, prisoners reported having difficulties in receiving visitations because the visitors lived in turf areas belonging to gangs that were rivals of the ones they were incarcerated with. Moreover, as a prison control strategy, inmates are sometimes transferred to other institutions overnight, which impacts on family members. Studies such as the one by Comfort (2008), show that prisons exert a persistent influence over the lives of those who sustain relationships with inmates.

Research into rehabilitation and empowerment projects must also take into account the deep roots of prison gangs and "what goes on at night in the prison". A prison worker told me that there are two prisons in every prison: one during the day – the visible prison with rehabilitative initiatives; and one during the night – the invisible prison, where interactions take shape and schemes are hatched.

The terms prison gangs, gangs and organized crime, are loaded and encompass many possibilities of organizational levels. This thesis has used the term organised crime to describe the street counterparts of the respective prison gangs, for two reasons. The first is to emphasize the territorial dispute and turf defence outside of the prison walls. They strive to monopolise an activity and a territory, and whereas the prison is the head, the street is where the body of organised criminals carry out the activities hatched inside bars. The second reason is the writing method and avoiding the use of many acronyms and repetitions for the reader.

In this research I have discussed the social structure and the social processes operating reciprocally as a force in the formation of the attitudes of inmates in Rio's prison system. This research has looked upon both the microsociology of prison life as well as the macrosociology and penal change. There is an urgent need for a dialogue from the judicial and penal systems towards reform and program initiatives to resolve the problem of prison gangs. The Government should invest money in robust community

service, treatment for addicts and care for people who are mentally ill. In 2010, Cezar Peluso, then president of the Brazilian Federal Supreme Court, stated that the Brazilian prison system was on the verge of total failure and represented a 'State crime against its people' (Vieira and Carvalho, 2010). The walls of the prison are more permeable to external influences than they first appear to be, and more collaboration between correctional institutions, criminal justice, universities, and civil society is key to create strong and alternative solutions to the penal crisis.

The Parliamentary Inquiry Commission in 2008 held the state of Rio de Janeiro responsible for the total breach of international law with regard to prisoners' rights, and for the omission, connivance and continuous human rights violations of inmates (Dutra et al, 2008). A humane regime is a fundamental condition to attain order and legitimacy in prison (Snacken, 2005). A humane and fair procedure reinforces the permanently fragile legitimacy of the prison and influences staff-prisoner relation, local culture and the institutional climate (Sparks et al, 2006). As a whole, the role of incarceration and the execution of sentencing need rethinking. Generally, governments facing organised criminal groups behind bars should be aware that increased incarceration rates cannot substitute for addressing the root causes of crime. For civil society, it is important to draw attention and ask for public scrutiny on the inner workings of the prison. As Lessing (2010) reminds us, the consequences of prison gang growth may remain, for a time, contained within the prison system, far from the pubic eye, and it is easy for politicians to ignore them.

There are many harmful influences of the dynamics of prison gangs on the prison experience of inmates, and the structural problems can't be ignored any longer. The policy implications of the key findings of my study are outlined below:

- **The criminological centre** should be re-established, where new inmates can be evaluated and recommended to a specific institution. The type of work they should do can be determined, together with any special education they may need, and medical treatment can be individualized as determined by both the national and international laws – the re-establishment of PIT;
- **Ending the automatic classification by gang affiliation** is the first step to reducing the role of prison gangs in the lives of the inmate community. It is

estimated that core prison gang affiliation is around 10% of the total inmate population, and gangs dominate the prison community (Zaccone, 2007). Taking into account the importance of institutional and personal securities, this would be a gradual process and part of other initiatives and social policies.

- **Desistence should be motivated and supported inside prison** for both gang affiliation and crime, through more robust and consistent educational and training programmes that relate to the inmate's reality and his difficulties;

- **There should be a permanent spread of general awareness of the influence of prison gangs** in penitentiaries and among inmates. Civil society must shed light on this topic and require changes, transparency and monitoring of prisons;

- **There needs to be urgent strengthening of post-release programs** for the future egress of the system and strengthening ties with RAESP. Current programs show relative success but they have extremely limited funded and very limited resources. There is an urgent need for more investment to allow growth for creating opportunities and thorough guidance;

- **Public-private partnerships** should be motivated to generate employment and opportunities for prisoners and ex-prisoners;

- **Alternative sentencing**: the judiciary must refer to community sentences and other alternative sentencing as a punitive measure aiming at education, training and rehabilitation. In Sao Paulo, the recidivist rate of incarceration is around 50%, and for alternative sentencing it is around 2%. In Brazil, the numbers are 85% for recidivism to incarceration, and 12% to alternative sentencing (Dutra et al, 2008);

- **End prison overcrowding**: Allowing prisons to be overcrowded and inhumane is not just a problem from a human rights perspective, it can also be a threat to public security as a whole, once prison gangs take advantage of the failures of the system to achieve political power among inmates, using the need for better conditions of imprisonment and so on. Moreover, it is estimated that only 35% of current prisoners should be incarcerated; 25% of the total inmate population could have been given an alternative sentence; and the rest would fit in different custody levels such as low or medium security prisons, or in open prison regimes (Dutra et al, 2008);

- **Restorative Justice** should also be explored more as an alternative to incarceration. Its main function is to avoid the exclusive use of punitive practices

only; it promotes reintegration into the community and participation in the resolution of the conflict.

There is a need to promote awareness and critical thinking on a large scale in regard to the prison system and the influences of prison gangs. I will end this thesis with a quote from the Brazilian educator and philosopher Paulo Freire, from his seminal work The Pedagogy of the Oppressed:

"True dialogue cannot exist unless the dialoguers engage in critical thinking – thinking which discerns an indivisible solidarity between the world of men and admits no dichotomy between them – thinking which perceives reality as a process, as transformation, rather than as a static entity – thinking which does not separate itself from action, but constantly immerses itself in temporality without fear of the risks involved… For the critic, the important thing is the continuing transformation of reality, on behalf of the continuing humanization of men" (1970: pp81).

Annex 1
Interview Codes

Code Description of interviewees

Experts:
E1 José Júnior, founder of Afroreggae
E2 Justice Prosecutor
E3 Prison social worker and member of the Penitentiary Council
E4 Criminal lawyer and member of the Penitentiary Council (prison watchdog)
E5 Ex-prison director and head of the Psychology Department
E6 Justice Prosecutor
E7 Evangelical Pastor
E8 Catholic Priest
E9 Head of institution member of Raesp
E10 Head of institution member of Raesp
E11 Head of institution member of Raesp

Authorities:
A1 Orlando Zaccone, Chief of Police, 52 Precinct Station (Nova Iguaçu)
A2 Criminal Lawyer
A3 Penal Judge
A4 Maximum Security Prison Director
A5 Maximum Security Prison Director
A6 Maximum Security Prison Director
A7 Prison warden
A8 Prison warden
A9 Prison warden
A10 Prison Subsecretariat
A11 Prison social worker
A12 Marcelo Freixo, State Deputy
A13 Paulo Vanuchi, Human Rights Minister
A14 Chief of Civil Police
A15 Delegate of the Federal Police

Sensitive sample:
PR1 CV prisoner on remand
PR2 CV prisoner on remand
PR3 CV prisoner on remand
PR4 CV prisoner on remand
PR5 CV prisoner on remand
PR6 TC prisoner on remand
PR7 VIP prisoner on remand

P1 TC prisoner
P2 ADA prisoner
P3 Safe of the Safe prisoner
P4 Federal prisoner

Econ1 Ex-con TC member
Econ2 Ex-con CV member
Econ3 Ex-con CV member
Econ4 Ex-con CV member
Econ5 Ex-con ADA member
Econ6 Ex-con CV member
Econ7 Ex-con ADA member
Econ8 Ex-con TC member
Econ9 Ex-con CV member
Econ10 Ex-con Safe of the Safe

Offbr1 Ex-con, off-brand, housed at 001 Povo de Israel
Offbr2 Ex-con, off-brand, housed at Evangelical gallery
Offbr3 Ex-con, off-brand, housed at TC prison
Offbr4 Ex-con, off-brand, housed at Safe of the Safe prison
Offbr5 Ex-con, off-brand, housed at TC prison
Offbr6 Ex-con, off-brand, housed at CV prison
Offbr7 Ex-con, off-brand, housed at CV prison
Offbr8 Ex-con, off-brand, housed at TC and moved to Evangelical gallery

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May we be reminded here of our highest aspirations
And inspired to bring our gifts of love and service
To the altar of humanity

May we know once again
That we are not isolated beings
But connected in mystery and wonder
To this universe
To this community
And to each other

Karen Tse
International Bridges to Justice