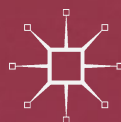


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# Conviviality and Survival

Co-Producing  
Brazilian Prison Order

SACHA DARKE



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Sacha Darke

# Conviviality and Survival

Co-Producing Brazilian Prison Order

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# 1

## Self-Governing Prison Communities

Things were clearly going wrong in *pavilhão cinco* (pavilion five or cell block five) of Carandiru. When Jocimar, who headed the cell block *faxina* (literally, cleaning, in Brazilian prison slang also meaning cleaning team or, as in the context here, cell block housekeepers), was confronted by the head of security, Luis, over rumours members of his team were abusing their position and collecting drugs debts and protection money directly from prisoners' families, the best explanation he could provide was that it was not possible for him to control everything that happened under his command. By refusing to take responsibility for a matter that went to the heart of inmate relations at the men's prison<sup>1</sup>—“*só pode se dirigir a um familiar do outro se convidado a fazê-lo*” (“never approach another prisoner's family/acquaintance unless he asks you”) (Varella 2008: 128)—Jocimar must have known he was treading on thin ground. Luis had every right to warn him of the consequences of not restoring order as quickly as possible. A few evenings later the status quo in the cell block was completely shattered, when the six guards on duty were taken hostage by the occupants of one of the cells

set aside for members of the *faxina* on the second floor.<sup>2</sup> Landing staff had been held hostage many times before, but what was unusual this time was that the inmates assaulted one of the officers in a bid to hasten their transfer out of the prison. Luis resisted demands from other guards to allow them to retaliate to such a clear breach of trust by beating up the hostage takers once they had reached the apparent safety of the police van and released their captives. Fortunately for the outraged prison officers, any informal agreements they had with prisoners not to *reagir* (react) in hostage situations did not apply to the police that transported them.

Luis was faced with a dilemma. Transferring Jocimar was the easy part. Having overseen the extortion of prisoners' families and the humiliation of guards, Jocimar was also guilty of failing to enforce codes relating to inmate solidarity and dealings with prison staff. He would not be missed on the *galerias* (galleries or wings<sup>3</sup>). Removing the other 200 inmates that made up the current cell block hierarchy would be far more risky and certainly controversial. Running a leaderless cell block of 1500 inmates was not an option with the handful of guards Luis had at his disposal; and a cell block *faxina* seen to be put in place by the prison management would never gain the confidence of other inmates. In a successful Machiavellian manoeuvre, Luis approached Pirulão, a powerful prisoner he knew he could trust on pain of exposing him to other inmates as a previous police informant and now prison snitch. Within a few days, Pirulão had gathered a group of more than 300 disgruntled prisoners. Shortly after lockdown they removed the old cell block *faxina xadrez* (literally, chess here meaning shared cell) by *xadrez*,<sup>4</sup> masked and armed with sticks and knives, before beating them and handing them over to officers to distribute them to the *masmorra* (dungeon or segregation unit) in cell block four.

I return to the significance of this episode, narrated by Drauzio Varella (2008) in the book *Estação Carandiru* (Carandiru Station), in a moment. Varella worked voluntarily as a doctor at the prison for more than 10 years, from 1989 to 2001. *Estação Carandiru* was originally published in 1999. It was later adapted for the award-winning film *Carandiru* (Babenco and Kramer 2003).

## Managing in Prison

When I visited the by then deactivated and part demolished Carandiru prison, in the Brazilian city of São Paulo, with my brother-in-law in April 2005, I had just submitted a doctoral thesis and was in search of a new research project. Carandiru made international headlines on 2 October 1992, when 300 shock troops, many armed with machine guns, entered cell block nine in response to a dispute among rival groups of prisoners. Within 30 minutes, at least 111 prisoners were dead or mortally injured (Veja, 14 October 1992).<sup>5</sup> Most prisoners died at the hands of the equally infamous military police unit Rondas Ostensivas Tobias de Aguiar (ROTA) (Folha de São Paulo, 21 June 2001), whose 700 officers were responsible for a large proportion of the 1470 citizens killed by São Paulo state police that year (Caldeira 2000), and continued to be responsible for up to one in five police killings in the state in the 2000s and into the 2010s (Veja São Paulo, 11 August 2010; Folha de São Paulo, 28 January 2012). As the police entered the cell block, television reporters read out the names and death records of their commanders, including Captain Wanderley Mascarenhas, five of whose 34 previous victims had died at the same prison 10 years earlier (Ramos 2003). Guards, prisoners and police that witnessed the killings give varying descriptions of the source of the dispute that led to the tragic police incursion, from unpaid debts, the results of a game of football, an accusation of sleeping with a sex offender, to someone's space being taken on a washing line. What is clear is that the *faxina* running the cell block failed to prevent what had started out as a relatively minor, everyday dispute from escalating out of control. Varella depicts the riot as an illogical, chaotic affair, and is quick to point out that cell block nine was populated by first time prisoners, who not surprisingly were renowned for being undisciplined and volatile. They also made the mistake of allowing the guards on duty to leave the cell block rather than take them as hostages (Mendes 2009; Varella 2012). Tragically, and in complete contrast to the inexperience demonstrated by these prisoners, Varella (2008) laments, ROTA's response was unleashed with military precision.<sup>6</sup>

Aware inmates across the prison were in fear of their lives, the officer in charge of the neighbouring cell block eight convinced its 1700 prisoners to return with their weapons to their cells, with the promise he would leave the keys to the cells in the hands of the cell block *faxina* in case the shock troops did not stop at cell block nine (Varella 2012). Explanations for why the police took control of cell block nine with such deadly force also vary, from public expectation (ROTA, for instance, could count on the support of the majority of the São Paulo public, despite their reputation for summary executions), prisoners threatening to attack officers with knives covered in HIV contaminated blood, to a systematic attempt to rid the cell block of its inmate hierarchy. What is broadly agreed is that most of the killings occurred on the *faxina*-occupied second floor, and that by the time ROTA reached this floor prisoners had, like those in cell block eight, discarded their weapons and fled to the nearest cells. Survivors claim officers fired their machine guns into many cells, in some cases through the service hatches (e.g. Ramos 2003; Rap and Zeni 2002). The police forensics team that examined the crime scene concluded a number of prisoners had also been shot while kneeling or lying down. Of the 397 bullets that reached their target, 126 were to the head (Justiça Global 2001; see also Pereira 2015; Willys 2015). Carandiru did not recover from the controversy surrounding the operation and was eventually deactivated in September 2002. Two months later three cell blocks, including cell blocks eight and nine, were imploded live on television. The remaining cell blocks were demolished just a short while after I was there in 2005. Paradoxically, the final victims of the Carandiru massacre, as the event came to be known, were the governor<sup>7</sup> of the prison, José Ismael Pedrosa, and the head of the São Paulo state military police, who commanded the operation, Ubiratan Guimarães. Pedrosa was assassinated in 2005 on the orders of the Primeiro Comando da Capital (First Command of the Capital: PCC), a gang formed in the aftermath of the massacre with the explicit aim to protect prisoners from such a tragedy being repeated. Today the PCC operates in over 90% of São Paulo prisons and is Latin America's largest criminal organisation. Guimarães was sentenced to 632 years imprisonment in 2001, only to escape punishment by being elected onto the São Paulo state legislature before

winning an appeal against his conviction in 2006. Seven months later he was shot dead in as yet unexplained circumstances.

On the day of my visit I was aware of the massacre, but not the depth inmates participated in governing the prison. Nor did I have any idea of the symbolic significance the prison would have on my next 10 years of research, or the effect visiting it would have on my understanding of what it was about Brazilian prisons I would be drawn to study. Although 15 years have passed since Carandiru last received a prisoner, not only was it the largest ever prison in Latin America, at times holding as many as 9000 prisoners, but it also remains the most written about and filmed prison in Brazil. Equally important for the purposes of this book, first-hand accounts of the prison teach us as much about the daily lives of its inmates and staff as they do about prison conditions.

As I sifted through a pile of rubble just inside the outer wall of the prison compound that contained the remains of cell blocks eight and nine (see Fig. 1.1), I remained in my comfort zone. A law graduate versed in the language of human rights and prison abolition, I contemplated the degrading treatment Carandiru's prisoners must have experienced. The security guard on duty at a gap in the wall we had entered hesitated to allow us to go any further into the compound, but as Brazilians are fond of saying, *sempre tem um jeito* (there is always a way) or *a gente pode dar um jeito* (we can find a way). This was the first of many occasions when the word *jeito*, or the diminutive *jeitinho*, would come to the aid of my research and analysis. It is a word I find increasingly important to understanding the flexible and clientelistic characteristics of everyday political and social interactions in Brazil.

When the security guard eventually agreed to let us in, we walked through the compound to what I later discovered to have been cell block four. Wary of the security guard getting into trouble if anyone else showed up, we spent a few frantic minutes taking photographs of the yard, corridors and cells, before crossing over the ruins of cell block six to take more photographs in cell block two. On the way into and back out of the prison compound we passed by cell block five, scene of the breakdown of governance at the prison described above, and then in the early stages of preparation for the filming of the part fact, part fictional



**Fig. 1.1** The remains of cell blocks eight and nine of the deactivated Carandiru prison, São Paulo, Brazil. In the background, cell block five to the viewer's left, cell block two to the viewer's right. Photograph taken by the author 8 April 2005

television series, *Carandiru: Outras Histórias* (Carandiru: Other Stories) (Babenco et al. 2005). Besides the utter physical disrepair of the prison, what caught our attention in each of the cell blocks were the murals and scribbled writing left behind by prisoners in almost every cell and communal area. A few of these referred to the PCC. Others depicted religious scenes or artefacts, most Christian, some spiritualist or demonic. The majority were more mundane—emblems of São Paulo's major football clubs; messages of love for those on the outside; and messages of support for those on the inside.

Opened in 1952, the Casa de Detenção de São Paulo (São Paulo House of Detention: Carandiru prison) remains the largest ever or at least most populous self-contained prison in Latin America. In 1992, it held 7000 prisoners, three times the number for which it had been

built. Since the massacre numerous first-hand accounts of life in Carandiru have been published, including Luiz Alberto Mendes (2005, 2009, 2012, 2015), Drauzio Varella (2008, 2012), Luiz Wolfmann (2000), and (Rap and Zeni 2002), and also a quite remarkable documentary film, *O Prisioneiro da Grade de Ferro* (The Prisoner of the Iron Bars) (Steinberg and Sacramento 2004), shot by prisoners over seven months the year before the prison was deactivated.

The Carandiru massacre highlighted two aspects of life behind bars in Brazil. The first, and the basis of most academic and governmental literature, concerns the appalling conditions in which prisoners find themselves, from severe staff shortage and overcrowding to wholly inadequate facilities, legal and medical cover. Varella (2008) devotes several chapters to prisoners' health, outlining among other things the devastatingly high levels of drug abuse and serious illness such as tuberculosis, leprosy and HIV Aids. I briefly explore such matters in Chapter 2. The second aspect of Brazilian prison life highlighted by the massacre, and the main focus of my research, concerns the means by which Brazilian prison managers, staff and inmates manage to get by in spite of such adversity and state neglect. This, we will see, is due in part to the amount of time the majority of inmates spent outside their cells, often from sunrise to sunset, mixing freely in the cell block corridors and *pátios* (courtyards or exercise yards). It is also part due to prison work. At Carandiru, most prisoners had some form of paid activity to occupy their time. Some were employed by private contractors, not always officially, manufacturing items such as toys, umbrellas, footballs or greetings cards. The prison even had a bakery and ice-cream factory. As in other prisons in the country, these inmates gained up to—although usually far less than—three-quarters of the national minimum wage. Inmates also got by through participating in the prison's thriving informal economy in drugs, alcohol, pornography, sex, even clothing repairs. A further 1000 inmates affiliated to the prison's *Assembléia de Deus* (Assembly of God) spent five to six hours a day in prayer or religious learning. As many as 3000 family visitors filled the cell block yards each weekend, 20,000–25,000 at Christmas, Easter or on mothers' day (Varella 2012). 2000 prisoners' wives or girlfriends were registered for intimate visits. Sexual services were also provided by

prisoners housed on the Rua das Flores (Street of Flowers) or Paris, a corridor that in the past had housed female prisoners and by the 1970s had become perhaps one of the first spaces in a prison anywhere in the world to be reserved for transvestites.

I explore aspects of what I have come to understand as the collective nature of life at Carandiru and other Brazilian prisons I have visited in Chapter 4. What continues to fascinate me most about Carandiru, like Varella (2004),<sup>8</sup> is how the prison operated despite employing very few staff, in particular the roles played by inmates in running the prison, and the formal and (mostly) informal relations they maintained with prison staff. At the time of the massacre, Carandiru's main cell blocks (five, eight and nine) each held up to 2000 prisoners, guarded by five or six officers during the day, even fewer during the night time (Varella 2012). In order to govern the prison, staff relied on its inmates.

Varella's (2008) interest in inmate participation is made clear from the first few pages, where he describes the work carried out by prisoners loading and unloading vans used to transport prisoners, food and building materials. He goes on to explain that some 1700 of the prison's 7000 inmates worked alongside or in the place of staff in the 1990s, up to 1000 officially as trusty prisoners, for instance as porters, couriers, cooks, cleaners, laundry washers, tailors, hairdressers or clerks. Like other prisoners formally employed by private contractors, trusty prisoners gained a day's remission of sentence for every three days worked. Most were held separately in cell block two, but carried passes that allowed them access to other parts of the prison. It is Varella's first impression of the prison that sets the central theme and my interest in the book: how inmates are formally recruited to work as janitors and administrators, and how prisoners organise themselves to provide security, discipline and material support on the wings. In chapters four to six, we will see that, while much has been written about the rise of major gangs like the PCC since the 1980s and 1990s, few studies have provided more than a partial picture of the nature of inmate involvement in running Brazilian prisons, or the complexity of relations between inmates and prison staff.

Having outlined the functions played by trusty prisoners, whose work was restricted to the communal areas of the prison, Varella (2008) moves on to explore the work of prisoners who worked unofficially in the remaining cell blocks, 150–200 in each of cell blocks five, eight and nine, and 20–30 in cell blocks four, six and seven. In total around 700 prisoners were integrated into these cell block *faxina*, most of who we have seen accommodated in cells on the second floor.<sup>9</sup> Each cell block had its own inmate hierarchy. In addition to performing domestic tasks such as sweeping corridors, mopping, cooking and distributing meals, we will see that these *faxineiros* (cleaners)—or the grammatically incorrect but more commonly used word in Brazilian prison slang, *faxinas*, or as a collective noun, *faxina*—acted as cell block leaders and representatives, and maintained order through enforcing inmate codes and, as we saw in Varella’s account of the changing of the *faxina* in cell block five, tacit agreements with prison staff. Through enforcing the decisions of ad hoc quasi-legal *debates* (debates) when prisoners are accused of breaking inmate codes (which at Carandiru, as elsewhere, included averting your eyes from others’ visitors, remaining in your cell and not using the bathroom during mealtimes, maintaining silence during sleeping hours, not getting into debt, not resorting to violence without permission, and sharing food, toiletries and clothing brought in by your family), the cell block *faxina* set the *ritmo* (rhythm) of the prison. Carandiru guards did not interfere with the organisation of the *faxina*, nor with its management of the wings unless prisoners were severely beaten, though even an execution would more often than not be settled by a *laranja* (orange or scapegoat), typically an indebted crack addict, stepping forward to falsely confess to the crime. Moreover, guards would consult senior *faxina* before making their own decisions as to when and how to discipline wayward prisoners. Varella refers to the cell block *faxina* as essential to order at the prison:

The *faxina* is the spine of the prison. Without understanding its structure, it is not possible to comprehend everyday life [in the prison], from ordinary moments to the most serious ones. Its function is to... distribute cell by cell the three daily meals and do the general cleaning [...] Dialogue

between the administration is [also] fundamental for maintaining order... for keeping violence in check. Without the agreement of the cell block leader, nothing can be done. (Varella 2008: 99 and 100)

In focusing on the collective nature of Brazilian prison life, I do not intend to play down the desperate plight faced by many prisoners, or to question the need for criminologists to challenge political and media discourses that lend legitimacy to Brazil's apparently insatiable appetite for more and more imprisonment. Nor is my purpose to steer prison researchers away from lending support to the important work of international and local penal reform and human rights organisations in giving voice to the grievances of Brazilian prisoners, and exposing the appalling situation under which three quarters of a million people now find themselves incarcerated or working. Compared to the relatively well-resourced prisons of the post-industrial world, the average Brazilian prison is remarkably overcrowded and unhealthy. I deal with these matters in Chapter 2. My point is simply that to understand what it is like inside Brazilian prisons, it is also important to study the means and extent to which they continue to operate and the ordinary inmate and staff member get along in spite of their poor conditions of work and incarceration: to study everyday matters of prison management and situational adjustments as much as deprivations, staff shortages and the need for decarceration. In my experience, Brazilian prisons are as striking for the fact they continue to exhibit complex social orders as the fact they are effectively abandoned by state authorities. Central to my analysis is that the daily lives of front-line prison workers and inmates are entangled to an extent that would be hard to imagine in the west of Europe or north of America. Not only do prison inmates rely on each other as much as they do on prison staff, but prison staff also rely on the cooperation and support of prisoners. Prison staff also experience diminishing levels of everyday authority, as cell block, prison, city, state, even nationwide inmate collectives, including self-proclaimed criminal gangs such as the PCC, increasingly step in to occupy historical voids in state responsibility and governance. At the same time, prison staff rely on prisoners' families and local volunteers to make up for shortfalls in state provision, including bedding, clothing, pharmaceuticals,

food, cigarettes, legal and medical services. As a result, the barriers between prison and community life are generally more permeable than they are in, for instance, the USA, the UK or Norway. Prison life in Brazil, therefore, is shaped as much by attachments as detachments, between inmates and staff, and also between prisons and the localities in which they are situated. Under such conditions, shared, or my preferred term, co-governance (for reasons I will explain later), is a social (or institutional) fact of increasing importance in Brazil. Human rights abuses tell one side of the story of what it means to live or work in a Brazilian prison; co-governance tells the other. Remarkably, at the time of the Carandiru massacre prison staffing levels were significantly higher than they are today. In São Paulo, for instance, the official number of inmates per member of prison staff has risen from around two to one in the early 1990s to eight to one today. Once shift patterns, staff roles and absence through sickness are taken into account, it is quite normal to find one officer on duty per 100, even 200 prisoners (Karam and Saraiva 2017; Salla 2006). To make up for staff shortages, not only are as many as one in ten prisoners officially employed by prison authorities in trusty positions (henceforth referred to as trusty *faxina*; I explain this in due course), but thousands more prisoners work informally on the wings, usually with the implicit or explicit support of prison staff, as was the case in Carandiru. As for situational adjustments to the deprivations of prison, at the weekends the number of visitors sometimes exceeds the number of inmates. Families start queuing up outside prisons with their *jumbos* (bags of food and other basic goods—toiletries, confectionaries, cigarettes, clothing and so on—they are allowed to take for those they are visiting) from well before dawn.

Indeed, accounts of prison life point towards an everyday reality in which inmates and staff are often able to create and maintain relationships of accommodation and trust in even the most despairing of settings. This, I have previously written, broadly applies to prisons across Latin American (Darke and Karam 2016; Darke and Garces 2017a). Similar to the ways in which alternative systems of governance have filled the gap left by ineffective state governance in the country's urban slums (see, inter alia, Biondi 2014; Feltran 2010; Santos 2002), most Brazilian prisons continue to operate under

normative, if generally “thin and multilayered” (Darke 2014a: 65) and “forced” (Darke 2013b: 280) reciprocal and customary orders, based not upon the democratic rule of law or bureaucratic regulations, but on organically produced *regras de procedimento* (rules of procedure) (Varella 2008: 78) or *regras de convivência* (rules of conviviality or rules of coexistence) (Marques 2010b: 318). As Arruda (2015), Human Rights Watch (2015b), and Muñoz (2015) demonstrate in the case of the Curado complex in the North-eastern state of Pernambuco, in some prisons officers have gone so far as to delegate even their most basic of tasks—security and discipline—to inmates. Pernambuco has the highest level of prison overcrowding and lowest staff-inmate ratio of the 27 states in the country. A Brazilian parliamentary report I explore in some detail in chapters two and four found an average of just five guards on duty in the complex, which at the time was holding 4200 inmates (Câmara dos Deputados 2008). To make up for these shortfalls, prison governors rely on police to secure the spaces between the three prisons in the complex, and on *chaveiros* (key holders) to manage the spaces within its 17 cell blocks. At another prison highlighted in Câmara dos Deputados (2008), Penitenciária Lemos de Brito, in the central-eastern state of Bahia, the parliamentary investigators found the head inmate leader had a key to his own cell. When the discovery was reported to the press and police officers subsequently arrived to transfer the prisoner, the governor of the prison had to knock on his door (ibid.). Sensationalism aside, the fact is it is not so unusual in Brazil for prisoners to be entrusted with keys. In some cases, this may mean no more than having a key to a room in which they work, for instance a kitchen or library. In other cases, prisoners may be given keys to allow them access to individual prison wings, for instance to distribute meals. Besides the Curado complex, inmates are also employed and entrusted with keys to control access to and from the wings in at least two other major prisons in Brazil, Cadeia Pública de Porto Alegre (Porto Alegre Public Prison; more commonly referred to by its previous name, Central Prison) in the Southern state of Rio Grande do Sul (Bassani 2016; Sager and Beto 2016; França et al. 2016), and Alcaçuz prison complex in the Northern state of Rio Grande do Norte (Madeiro 2017), scene of a recent gang-related massacre that

I explore in Chapter 3. In Chapter 5, we will see a similar situation was to be found in Rio de Janeiro's<sup>10</sup> now deactivated police *carceragem* (lockup; units of holding cells) system. During my prison visits and communications with prison workers, I have heard of inmates being entrusted with keys to the cell blocks at police *carceragens* in São Paulo in the 2000s and at a remand prison in Rio de Janeiro today (I describe this latter prison in Chapter 3). Most recently, I learnt of a prison in Bahia where prison officers have resorted to passing keys to gang leaders to lock the cells on their wing at the end of the day. Inmates also control the wing entrances in dozens of community prisons across the country, nine of which I have visited in the states of Minas Gerais and São Paulo. I introduce Rio de Janeiro's pre-trial system, and Minas Gerais and São Paulo's community prison systems below.

Moreover, Brazilian prisons do not inevitably become violent and disorderly or their governance illegitimate when the power to maintain order and security is delegated to prisoners. In this book I describe many prisons, including Carandiru, where co-governance has arguably been to the benefit of inmates and staff. In doing so I endeavour to identify the possibilities and potential dangers of including inmates in administering the prisons in which they are incarcerated alongside and in place of staff. This does not signify that certain aspects of co-governance should be adopted as prison policy in Brazil or anywhere else, but that in many cases prison inmates and staff are simply better off with than without it. This book is concerned with realities more than ideals. I leave the latter to the judgement of the reader.

## Getting By

Compare my reflections on my initial impressions of Carandiru, and Varella's description of the changing of the *faxina* in cell block five, with my field notes of my first visit to a *carceragem*, in Rio de Janeiro in 2010, where I returned in September the same year to complete the first of two fieldwork prison studies. I was accompanied on this initial visit by Judge Maria Lúcia Karam and Orlando Zaccone, a senior civil police officer and prison and drugs prohibition abolitionist.

Zaccone coordinated the state's 16 *carceragens* from 2009 until he succeeded in closing them down in the early 2010s:

Orlando picked us up soon after 1 p.m. As we drove to Polinter,<sup>11</sup> he explained that with a current population of around 650 inmates the *carceragem* was the largest in the state. Prisoners stayed on average six months while they waited for spaces to become available in remand prisons, when by law the police were only allowed to hold them for 24 hours.<sup>12</sup> Many chose to stay there until they were tried and sentenced, so as to stay closer to their families, who were treated with as much dignity as possible when they visited. The officers that worked there received no resources to run the *carceragem* apart from the delivery of prison meals. Converted from police horse stables, there were no outdoor spaces to allow prisoners their legal right to a minimum of two hours *banho de sol* (literally, sunbathe; here meaning access to exercise yards) a day, but the police had been able to open up a corridor that ran along across the front of the cells. Orlando assured us relations were good between officers and the Comando Vermelho (CV), Rio's largest and Brazil's second largest "criminal" gang after the PCC, that ran one of the two wings at the *carceragem*, and the Povo de Israel, made up of prisoners that were not accepted or not interested in gang membership, that ran the other, the *seguro* (literally, insurance: vulnerable persons unit). Importantly, Orlando had managed to put an end to police violence. He had also ended the strip-searching of prisoners' families and made sure the family of every prisoner was able to visit almost any day of the week. In response, the CV and Povo de Israel leadership assured the safety of the police and trusty prisoners, and discipline and order in the cell block. They had also agreed to ban weapons and hard drugs from entering.

When we arrived, it was immediately apparent that Polinter was far from large physically (see Fig. 1.2). With the use of Google satellite images, I later discovered the single-storey *carceragem* occupied a space of no more than 1200 m<sup>2</sup>. A whiteboard in the office showed there to be currently 603 inmates, around 550 of which were being held across nine cells, or rather caged former animal stalls, which I subsequently estimated to be an average of 25 m<sup>2</sup>. When I returned to the



**Fig. 1.2** The entrance to the police *carceragem* "Polinter", Rio de Janeiro, Brazil. Real name blacked out. At the top of the gate is written *carceragem cidadã* (citizen police lock-up), a title Zaccone first introduced in 2008 when had inaugurated an award-winning civil police initiative, Projeto Carceragem Cidadã (Citizen Police Lock-up Project), while governor of a second *carceragem* in the city, Nova Iguaçu. Photograph taken by the author, 17 September 2010

*carceragem* to conduct fieldwork six months later, a prisoner told me that a year earlier he had shared one of the cells with over 100 people.

Orlando took us straight to the office where, besides two of only three officers working that afternoon (the other was stationed at the entrance to the *carceragem*), we met the first of perhaps 50 *colaboradores* (collaborators: Rio de Janeiro prison worker's preferred term for trusty prisoners) at the *carceragem*, who worked as clerks. Alongside the police, they were dealing with a group of newly arrived prisoners, represented by a current prisoner who I was soon to realise to be the leader of the *carceragem*'s CV. Sitting down for coffee after the new prisoners had been registered and taken to the cell block, one of the officers explained

the police could not run the *carceragem* without their *colaboradores*, and that at night there was sometimes only one officer on duty. (I later discovered it was actually unusual to have more than one officer on duty overnight.) At these times he slept with his mobile phone by his bed, not as I inquired because of the risk of escape or rebellion, but in case a prisoner was taken ill and had to be rushed to hospital. Clearly appreciating the effect this would have on me, he broke into a grin. It wouldn't look good if there were only prisoners left in charge, he added. I only understood the full irony of this otherwise throwaway comment when I returned to start research. When I arrived on the first day, the governor was away. While I waited for him to return, I was left in the hands of two former police officers, now prisoners and chief *colaboradores*. Together with the governor, these two *colaboradores* were referred to by other inmates as Polinter's *administração* (administration). Both carried mobile phones and keys. These included keys to an unstaffed back gate, which was used as a trade entrance, and also keys to the cell block.

After coffee, Orlando took Maria Lúcia and I onto the CV wing to explain my plans for research. Crossing the few metres of the yard to the cell block, a group of prisoners on the *seguro* shouted out to Orlando, "*tu vai ser o novo presidente!*" ("you're going to be the next president!"), in reference to nationwide elections that were due to take place later in the year. As *colaboradores* opened the gate to the CV wing, inmates on the other side noticed Maria Lúcia's presence and the word was spread that a woman was entering. In spite of the cramped conditions and searing heat (Orlando instructed me to put my hand up to a grill to the outside, where the 30 degree centigrade air coming through felt as cool as if it were emerging from an air conditioning unit), the 250 or so prisoners quickly put on immaculately clean and pressed white T-shirts (each of the cells had a stove, which allowed them to boil water for washing and filling two-litre plastic soft drinks bottles for ironing). We squeezed along the wing corridor to speak with the CV leader I had seen in the office, who greeted Orlando and, encircled by his entourage, agreed to my research schedule. On the way back to the town centre, Orlando remarked that he was quite sure he was the only police officer the CV shook hands with. I wondered whether I was the first prison

researcher they had given permission to conduct ethnographic research on their organisation and structure.<sup>13</sup>

Polinter is the focus of Chapter 5. If Varella's accounts of disorder at Carandiru help introduce the reader to the realities of co-governance as a means of negotiating personal safety (of resolving conflicts, and allowing prison inmates to keep their heads down and do their time safe in the knowledge that to do so would not be interpreted as a sign of weakness), my intention in focusing on my first impressions of Polinter is to emphasise the broader importance of co-governance in enabling prison staff and inmates to get by. Without the support of prisoners and their survival "know how", it would not have been possible for the police to do any more at the *carceragem* than patrol the perimeter walls and deliver food to the entrances to the cell block, even had there always been two officers on duty. Not only would escapes have been more likely, and disputes between and among prisoners and staff more difficult to resolve, as already noted, but who for example would have distributed the food to the cells? Subsequently collected the empty food containers? Swept the floors? Organised cell rotas for the use of corridors during unlock, and in-cell rotas for the 40–50 prisoners who had to share each shower and toilet? Attended to prisoners with ailments? Regulated their medication? Registered and seen to the needs of visitors? Checked that the *jumbos* brought in by visitors did not contain weapons or drugs? Made sure prisoners stood out of the way and averted their eyes from each other's families during visiting hours, and kept their voices down in the evening so others could get to sleep? Dealt with lawyers, court and prison service officials? Represented the *coletivo* (collective or inmate body) in dealings with *colaboradores* and police? Mended the showers, water taps and fans that prevented the temperature from rising to life-threatening levels such as the 56.7 degrees centigrade recorded at the *carceragem* shortly after Zaccone took over (Globo, 11 February 2010)? Of course, all of this does not happen in every Brazilian prison. It is also true that under Zaccone's oversight, Polinter was also going through extraordinary times. But it is equally true that hunger and sickness are no more in the interest of those who live and work in any Brazilian prison as are conflict and disorder; nor the ill-treatment of prisoners' families, without whom prisoners would

have to go without some of the most essential of items. To the extent prison staff and inmates want routines to run smoothly, and for neither to be damaged by their prison experience, they likewise have to negotiate. In most prisons, staff and inmates cobble together ways to co-produce everyday matters of survival as well as personal safety. In chapters three to six, we will see many of the practices I observed at Polinter are common to prisons of all types across Rio de Janeiro and the remainder of the country. The pertinent question is not why, but under what conditions they manage to do so.

More generally, I make use of this narrative of my first visit to the *carceragem* in order to highlight three areas in which my analysis departs from much of the existing literature on Brazilian prisons alluded to in this introduction.

First, Brazilian prisons are not necessarily as disorderly or violent as they are often depicted. In most Brazilian states, homicide rates are not significantly higher in prison than on the outside, and in many cases are lower than homicide rates among young men in the areas prisoners come from. This includes Pernambuco. It included Carandiru, and also Rio de Janeiro's police *carceragens*, where no prisoner was killed during Zaccone's three-year tenure. Similarly, while it is arguably mistaken to regard the gangs that increasingly monopolise networks of co-governance as having "pacified" the prison system (Dias 2013), it is equally important not to underestimate the role prison gangs play in supporting systems of mutual aid and protection. In a groundbreaking study of the unprecedented drop in violence in prisons in California and other parts of the USA over the past two decades, Skarbek (2014) demonstrates prison gangs have the potential to make the average prisoner safer and their lives more predictable. "Governance institutions", Skarbek (2014: 6) writes, "[are] necessary for people to live orderly, prosperous lives". In this book, I explore similar claims that have been made about understaffed prisons in other parts of the world, especially in Latin America and, my focus, Brazil.

Second, in Brazil prison governance is a largely temporal and localised matter that varies from one context to another. This remains the case despite the rise of prison gangs and is the main reason I have adopted

the term prison communities in the title to this opening chapter (the other reason being entanglements between individual prisons and the localities in which they are situated). The examples of inmate trusty and inmate leader systems I cover in chapters four and six each vary in form and substance. Further, while many of these practices may have been absorbed and formalised by local prison authorities and prison gangs, in most places co-governance continues to be more fluid and customary than bureaucratic and prescriptive, and grounded as much in interpersonal and social interactions and everyday interdependencies and accommodations, what Garces, Martin and I refer to as informal prison dynamics (Darke and Garces 2017a; Garces et al. 2013), as hierarchies and impositions of formal rules. In this sense, prison governance is made up of informal practices that are not so much shared, as if they were the result of calculated policies, as co-produced from convergences in everyday practices of coexistence, which will be different in one context to another. Some prison researchers in Brazil argue, convincingly in my view, that co-governance is less hierarchical as habitual even in the PCC prisons of São Paulo. This can be noted in the position occupied by the PCC leadership. Important decisions are collectively made among affiliated gang members, and most roles are interchangeable (Dias 2013). Moreover, local gang members are typically chosen among those considered to have good skills of negotiation and control over their emotions and impulses (ibid.), *humilde* (humble) (Biondi 2010, 2014), and committed to *igualdade* (equality) and *paz entre ladrões* (peace among thieves) (cf. Marques 2014) rather than their depth of involvement in crime. (A former PCC member once told me inmates in the prison he was currently incarcerated, and I was researching, were willing to open up to me because I was *humilde*; hardly the attitude one would expect from a person familiar with top-down, bureaucratic structures). All prisoners participate in the PCC's quasi-legal processes of adjudication. In some prisons, PCC codes of conduct are enforced even in the complete absence of gang leaders. PCC affiliated prisoners do not feel obliged to take orders from gang members that vary from the codes to which they are accustomed. At the same time, inmate codes of conduct vary with the *ritmo* of one PCC prison to another:

Even the most general of ideas, including ‘peace’, ‘equality’, and the PCC itself are inscribed by and with the local conditions of their emergence, in relation to which they vary. Thieves refer to these variations as ‘rhythm’. (Biondi 2016: 157)

Finally, and closely related to this methodologically, is the importance, first and foremost, of studying places (in this case Brazilian prisons) in their own terms. To paraphrase Nelken (2010), a criminologist should only draw comparisons on issues of crime and justice between one place and another, or between one place and global averages, once they have an understanding of its history and culture. In a brutally honest account of the time she spent working at the University of West Indies in Trinidad and Tobago, Cain (2000) emphasises the difficulties she encountered as a British academic making sense of, among other things, relatively low levels of youth crime, and the importance attached by women’s anti-violence movements to their male colleagues’ experiences and standpoints. The social and criminological theories utilised by feminist and youth crime researchers in the UK, Cain demonstrates, are of limited use in the Caribbean context. An estimated 90% of articles published in social science journals were written by academics in Northern America or Western Europe (Aas 2012). As they are tested and revised over time, theories of crime and justice become academic common sense. Yet, as postcolonial theorists such as Said (1978) and more recently Comaroff and Comaroff (2006, 2012), Connell (2006, 2007), Coronil (2000, 2004), Karstedt (2001), Lee and Laidler (2013), de Souza Santos (2007; Santos et al. 2007), and Tuhiwai Smith (2012) observe in their analysis of the historical and continuing global dominance of Western thought, few social science theories have been adequately put to the test beyond the Global North, yet many are presented as if they are of universal application. At the same time, too many social scientists in the South continue to privilege the standpoints and knowledge of Northern experts, and to rely on utilising Northern concepts and theories in contexts that are often very different to those upon which they were developed.<sup>14</sup> This is certainly the case in Brazil (Dwyer 2012; Godoi 2016; Steinberg 2016) and in Latin America more widely (see, *inter alia*, Blaustein 2016; Bortoluci

and Jansen 2013; Castro 1987, 2000; Codino 2014; Coronil 2004; Mascareño and Chernilo 2009; Olmo 1981, 1999; Rosa 2014; Santos 2010, 2012; Sozzo 2006, 2017; Supervielle 2012). This is not to say localities should not also be studied in the light of what happens elsewhere. Nor is it to say Latin American social scientists have failed to adapt imported theories to local situations. There exists a wealth of liberal and critical Latin American research that has focused on reinterpreting Northern theories on matters relating to order, liberty, marginalisation and authoritarianism, as well broader sociopolitical issues pertaining to race, social movements, colonisation and North-South relations (Santos 2012; Supervielle 2012). Still, it is not an exaggeration to say that Latin American social science scholarship, as Northern scholarship on Latin America, continues to be restrained by domestic colonisation (Supervielle 2012: 65) and corresponding tendencies either to adapt Northern theories in a way that serves to legitimise existing exclusionary and repressive policies (Olmo 1999; Salvatore and Aguirre 1996; Zaffaroni 1989) or to downplay the value of locally produced knowledge altogether. Both of these tendencies are likely to become further entrenched with the increasing importance attached to policy and international impact in global university rankings (Blaustein 2017). The strain towards Northern perspectives starts early in a Brazilian social scientist's career. PhD. students invariably depend on state funding bodies rather than university bursaries for research grants. They are required to have working knowledge of at least one European language besides Portuguese and Spanish, gain particular prestige if they do a sandwich or postgraduate year in a Northern America or Western European university, and are expected to publish in English and/or "international", that is American or British peer-reviewed journals (Dwyer 2012). Moreover, like researchers anywhere else in the world, Brazilian social scientists naturally tend to focus most attention on the Northern theories published in languages they understand or those that have been translated into their native language. Italian and German research is particularly well cited in Brazilian criminology. Many academics are second- or third-generation Italian or German immigrants. French and Spanish research is cited less. For example, Foucault's (1977) *Discipline and Punish* was barely cited in Brazilian prisons

research before it was translated and published in Portuguese in 1985 (Salla 2017).

With this epistemological position in mind, a major aim of my research has been to question the extent to which our established (Northern) understanding of prisons is useful in Brazil. Throughout the research process, it has also been necessary for me to critically reflect on the presumed standpoints and knowledge I have developed through my own academic training in England, as well as the privileged position I have enjoyed in Brazil as a researcher from the North. In this book I draw on the work of scholars that are concerned with developing nuanced accounts of prison life beyond the West. Most of the works I cite are either written by Brazilians or by foreigners who conducted their research in Portuguese. Moreover, I am constantly reminded of the dangers highlighted by Blaustein (2016, 2017), Cain (2000), Cohen (1988), Fonseca (2018), Jefferson and Jensen (2009) and others that even the most benign transfer of criminal justice theories and practices developed in one part of the world to another may do more harm than good. This Northern occidental mindset (Cain 2000: 257) is at the centre of much that is wrong with international prison reform. After three weeks participant observation, I came to the conclusion it would have been potentially disastrous if prison staff were not allowed to co-govern Polinter with its prisoners on the assumption inmate and staff-inmate relations are inherently predatory and conflictual in overcrowded, under-resourced prisons. I could not help but be troubled by many of the practices I observed and outline in Chapter 5—prisoners handcuffing and strip-searching other prisoners; prisoners being entrusted with weapons; officers turning a blind eye to minor assaults; prisoners deciding who was allowed to talk with officers; prisoners being required to share food brought in by their families with their less fortunate cellmates—but I knew I had to set aside my cultural sensibilities and academic training to evaluate these practices objectively.

Equally concerning is the opposing tendency—emerging from an orientalist mindset (*ibid.*)—for criminal justice policies to be tainted by underlying assumptions that certain aspects of Southern cultures and everyday realities are quite different to those in the occidental North. In Brazil, perceived differences map on to a long colonial and postcolonial

history of social and political divisions and take on radical class, gender and racial identities. We will see some of the discourses employed by advocates of penal reform in Brazil inadvertently shift attention beyond the toxic nature of poor prison conditions towards popularised notions of the dangerous, irrecoverable prisoner. If my work is to inform prisons policy in Brazil, and as a research activist my ultimate goal is indeed to make a positive difference, however small, to the lives of those caught up in prison, it is paramount I remain committed to exploring the local conditions under which international penal and human rights norms might be implemented. I outline the potential policy implications of my research in Chapter 7.

## Mutual Aid

Counter-intuitively perhaps, Brazilian inmates do not leave prison any more harmed socially and psychologically than prisoners in the USA or England and Wales. Prison guards likewise appear to suffer no more than their Northern American or Western European counterparts. In Chapter 4, I cite studies that point to relatively low levels of both self-reported and diagnosed psychiatric illness. Where it is able to take root, it appears inmate conviviality provides support networks and a sense of togetherness that shield the average prison inmate from some of the most debilitating pains of imprisonment (Sykes 1958) and institutional processes of mortification (Goffman 1968). We will see the chances of a Brazilian prisoner dying or being maimed by accidents or preventable illnesses or disease are relatively high. Overcrowding also has negative psychological as well as physical effects (Inter-American Commission on Human Rights 2011). On the other hand, fewer experience the pains of isolation, and fewer live in fear of being humiliated or bullied by disciplinarian or sadistic prison guards. As previously stated, most enter a climate of violence that is little if any more intense than they experience outside. Finally, their families will have suffered, and they will face the stigma of having been imprisoned, but most former prisoners will soon find work, at least in the informal economy (see Madeira 2008). A survey of prisoners in São Paulo in the 1980s found

only one in a hundred had never worked (Brant 1986, cited in Goifman 2002). Nor does prison have quite the same impact on people's social stability as it does in many Northern countries. 17 in 20 male prisoners maintain regular contact with their families throughout their sentence (Câmara dos Deputados 2008). In Chapter 4, I analyse inmate adjustments to the pains of imprisonment in the context of what at first sight might appear to Western, jaundiced eyes a quite surprising fact about Brazilian prisons: that prisoners are, if anything, less likely to suffer from anxiety, neurosis or depression as a result of their incarceration than their Northern American or Western European counterparts. Moreover, comparatively fewer Brazilian prisoners resort to self-inflicted harm or suicide.

None of this means people exactly flourish in Brazilian prison. To borrow again from Skarbek's (2014) analysis of North American prison gangs, it is simply to state that the more prison authorities fail in their responsibilities towards prisoners, the more they are replaced by alternative, informal systems of governance. As anyone else, most prisoners need systems of collective responsibility to help them cope with the uncertainties of their social/institutional selves, and to enable them to make better use of their time. It also means going to prison in Brazil may not interrupt the processes by which most young people eventually leave crime behind to the extent it does in the North. I will explain what I mean by this in a little more detail in a moment. First I present one more narrative of prison co-governance, this time taken from my field notes regarding an incident I witnessed during my second field-work study in 2012, at a faith-based, voluntary sector prison:

When I arrived back at the semi-open unit of Franz de Castro prison,<sup>15</sup> after a day out visiting another prison in the area, a scuffle broke out in the workshop. A prisoner from the Conselho de Sinceridade e Solidariedade (Sincerity and Solidarity Council: the CSS) had just approached another prisoner to escort him back to the cell block after work as punishment for refusing to stand up during morning prayers earlier that day. Both had to be physically restrained by other prisoners. Once CSS members had taken the two culprits to their cells, the

president of the council immediately called for a disciplinary hearing, where it was informally agreed that the second prisoner, who had picked up a metal instrument, was mostly to blame. When the president told others on the council the governor's initial reaction to the incident had been to suggest both inmates return to the closed unit, they complained the governor was also partly to blame, having only that morning overridden a decision they had made following the first incident not to allow the second prisoner to lose both an evening's association and a day of work. While the CSS was solely responsible for dealing with breaches of low-level offences, the governor had been right to insist prison rules did not allow for the offender to lose his right to work. Nonetheless, some members of the council insisted it was still a decision that was theirs to make, and the governor had not understood the culprit, a known troublemaker from since their school days, was bound to use the fact he had worked all day as an excuse for argument. Since arriving at the prison two weeks earlier, I had already formed the opinion the governor exercised limited authority at the prison, and that this was partly due to him being the first governor in the prison's by then 17 year history not to have previously served time there himself. The last two governors had both risen through the CSS ranks at Franz de Castro to become governors of the prison on release. In a clear show of defiance, when it came to recording their testimonies, each witness, including several council members, downplayed the entire incident, now "officially" telling the president they had not seen any weapons being raised at all. Still, at the end of the meeting, the president explained to the governor the council would be recommending the second prisoner return to the closed unit, but that the first prisoners receive no more than a few days' loss of association. When the prison's disciplinary committee received the CSS's formal report on the incident, it agreed to their suggestion.

To enforce the second prisoner's punishment (I shall call him Robson), the CSS temporarily moved the tuck shop he ran in the evenings into the cell block. In the immediate days after he had completed his punishment, Robson was given the responsibility to sleep on a sofa in a corridor of the administrative block to care to the needs of Mário Ottoboni, the elderly founder of the APAC (Associação de Proteção e Assistência ao Condenado: Association for the Protection and Assistance of the Convict) movement, who was staying for a few days during the movement's 40th

anniversary celebrations. I was also staying in the administrative block and was quite annoyed at having lost the sofa, which I had been sleeping on for two weeks due to sharing a room with another guest who snored profusely (I also found it difficult to take my mind off the fact the room had in the recent past been used for intimate visits). One late evening Robson told me he was ashamed of himself for rising to the provocation, and that he still had much to learn before he was released. Over breakfast one morning, Mário told me the story of one of the first APAC prisoners, a particularly troublesome young man who eventually went on to help develop the APAC methodology. Mário claimed to have finally turned him around following a similar violent incidence by giving him money and sending him to the shops to buy some prison supplies. Sometime after I finished my research at Franz de Castro Robson became president of the CSS on the prison's semi-open unit. Like many CSS presidents before him, after he is released he may return to the prison to work as a volunteer or paid guard. From the number of times he has appeared in news items on the *Fraternidade Brasileira de Assistência aos Condenados* (Brazilian Fraternity for the Assistance of Convicts: FBAC)'s website and Facebook page, I expect he has already been identified as a potential APAC prison governor.<sup>16</sup>

The title APAC is associated with a Catholic Cursillo group that in the early 1970s opened Brazil's first voluntary sector prison wing at Humaitá, São José dos Campos, São Paulo, before taking full control of the prison in 1984. In 1985, the group established a second non-profit legal entity to inaugurate a new APAC prison, Franz de Castro, in Itaúna, Minas Gerais, and a regulatory body, FBAC, to oversee the two. Only a handful of APAC prisons opened over the next 20 years. However, the movement advanced considerably from the mid-2000s, principally in Minas Gerais. In 2006, state legislation came into effect that authorised prison authorities to enter into formal agreements to fund the building and maintenance of APAC prisons irrespective of the fact they operated without state employees, including police or prison officers. In the past decade, the APAC movement has spread to other parts of Brazil, for instance Maranhão (which opened its first APAC prison in 2008), and Paraná (which opened its first APAC prison in