

# Warfare Tactics and Techno-Managerial Solutions: The Public Private Management of the Brazilian Prison Crisis

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**Táticas de guerra e soluções tecnogerenciais: A administração público-privada da crise prisional brasileira** examina as interações entre os setores público e privado no processo de securitização tecnológica do sistema penal brasileiro, após uma série de rebeliões prisionais lideradas pela “facção criminosa” Primeiro Comando da Capital (PCC), no ano de 2006. Ao analisar os discursos e racionalidades mobilizados por políticos, legisladores e empresários no âmbito da CPI do Sistema Carcerário instalada no ano de 2008, o artigo evidencia que a crescente presença do capital privado no sistema de justiça criminal brasileiro vem ativando conexões táticas e discursivas entre a lógica gerencial de vigilância e a racionalidade repressiva militarista como estratégias centrais para a gestão prisional no país. **Palavras-chave:** Brasil, justiça criminal, gangues prisionais, violência, tecnologias de segurança, vigilância

This article examines the interactions between the public and private sectors in the process of increasingly endowing the Brazilian penal system with security technologies in the wake of a series of prison rebellions led by the “criminal group” Primeiro Comando da Capital (PCC). By discussing the discourses and rationales mobilized by politicians, legislators and businessmen within the scope of the Congressional Inquiry of the prison system established in 2008, the article shows that the growing presence of private capital into the Brazilian criminal justice system activates the technical and discursive connections between cost-effective surveillance and violent repression as the main strategies for prison management in the country.

**Keywords:** Brazil, criminal justice, prison gangs, violence, security technologies, surveillance

## Introduction

**T**his article examines the interactions between the public and private sectors in the process of increasingly imbuing the Brazilian penal system with security technologies on the heels of a series of attacks and prison rebellions led by the “criminal group” Primeiro Comando da Capital (PCC – First Capital Command). The main objective of the article is to analyze the connections between techno-managerial rationality and militarist logic in the public-private management of a Brazilian prison crisis that began at the turn of the century<sup>1</sup>.

The start of the 21st century in Brazil was marked by a rapid growth in the size of its incarcerated population. With a total of about 90,000 individuals in prison in 1990, the prison population jumped to 422,373 in 2007, according to data from the National Penitentiary Department (DEPEN/MJSP). In 2022, the total number of people incarcerated in the country reached 911,063, according to the National Prison Monitoring Bank of the National Council of

Justice. The incarceration rate jumped from 137.1 prisoners for every 100,000 inhabitants in 2000 to 358.7 per 100,000 in 2020. Prison overcrowding, the scarcity or lack of medical and legal assistance provided to detainees, and the total insalubriousness of Brazil's prison establishments led to the formation and consolidation of gangs within the prison units and to the outbreak of rebellions (JOZINO, 2004; BIONDI, 2010; DIAS, 2011; MANSO and DIAS, 2018). Formed in 1993, the PCC would, in the decades that followed, gain increasing economic and social relevance in Brazil's urban and prison environments (JOZINO, 2004; BIONDI, 2010; DIAS, 2011; FELTRAN, 2018). In response, as part of the penal system's so-called strategy of reasserting its capacity to manage and control prisons, public authorities progressively resorted to resources and services offered by the private sector. The first proposals for the privatization of the Brazilian prison system also date from the early 1990s, mainly inspired by US and British experiences (MINHOTO, 2000). In general lines, the rationale activated by the presence of private capital into the Brazilian criminal justice system was based the modernization of mechanisms for repressing prison rebellions and the implementation of new surveillance and monitoring technologies, both inside and outside prisons.

The next section briefly describes the violent episodes carried out by the PCC in May 2006, their social significance, and immediate political consequences. By reviewing the Brazilian sociological and anthropological literature focused on the "May attacks," as they became known, we identify some of the political strategies mobilized by the Brazilian State in response to the attacks. Following, we draw attention to a set of negotiations established between the public and private sectors in the development of technological solutions for the penitentiary crisis. In order to analyze the discourses underlying the private sector's intensifying penetration into the Brazilian criminal justice system, we examined more than 100 pages of notes from a 2008 public hearing organized by Brazil's lower congressional chamber, known as the Chamber of Deputies, during which new technologies for prisoner control were presented. Finally, we discuss the conceptual relations between warlike tactics and the managerial rationality underlying the use of new technologies of security and punishment. We argue that the growing presence of private capital into the Brazilian criminal justice system activates the technical as well as discursive connections between cost-effective control and violent repression as the main strategies for managing prisons and controlling crime.

## **The riots**

São Paulo, May 12, 2006. A series of actions coordinated by the Primeiro Comando da Capital put authorities and the press throughout Brazil on alert, by clearly revealing the destructive capacity of an organization that had been created within the very prison system. The

“May attacks” kicked off a mega-rebellion that spread across 84 prison units, and more than 300 attacks on government agencies, police stations and vehicles, fire stations, city buses, and bank agencies (ADORNO and SALLA, 2007; BIONDI, 2014; DIAS, 2011; FELTRAN, 2018). It was the biggest wave of armed attacks ever ordered from inside prison walls, and had been made possible by cell phones smuggled into the jails (DIAS, 2011). A “war on the system” had been declared by the PCC. The actions resulted in the death of 52 police officers and correctional officers; the government counteroffensive led to at least 221 people being killed by police in the week that followed (FELTRAN, 2018).

The trigger for the attacks was the planned transfer of prisoners belonging to the PCC to units in the interior of the state of São Paulo, distant from the prisoners’ social and family circles (ADORNO and SALLA, 2007). The so-called *Crime Party* (as the PCC is also known) had been strengthening its position for more than a decade, fueled by wide-scale incarceration and by the terrible living conditions in prisons, which required inmates to form their own management and organization networks to ensure their survival (BIONDI, 2010, 2014). This precariousness and overcrowding were the basic ingredients that would turn the prison apparatus into a mechanism for producing and amplifying violence. Rather than an instrument for correction, prevention or even merely punishment, the prison turned into a kind of time bomb.

Since its emergence in the early 1990s, the PCC has claimed for itself the role of regulating inter-prisoner relationships in the São Paulo state penitentiary system, with the explicit purpose of administrating living conditions within prison spaces and protecting the prison population from abuse and violence by prison guards and authorities (BIONDI, 2010; JOZINO, 2004). At the start of the 21<sup>st</sup> century, the group had consolidated itself and begun expanding through prisons and urban peripheries across Brazil, supported economically by the PCC’s administration of the illegal trade in drugs, weapons, and other contraband (FELTRAN, 2018; MANSO and DIAS, 2018). The attacks launched in 2006 were an important demonstration of the strength and violence of the group, which in a few years would become the largest criminal gang in the country. From that point on, its presence and capillarization throughout the nation would inform politicians’ plans and attempts to reform the Brazilian penal system.

The episodes of May 2006 mobilized the executive, legislative and judicial branches to put forward several proposals that pointed in different political and penal directions. On the one hand, an attempt was made to promote the “modernization” of the penal and penitentiary systems, taking into account global agreements and conventions linked to the defense of human rights. Guided by the 1<sup>st</sup> and 2<sup>nd</sup> National Human Rights Programs, launched by the Federal Government in 1996 and 2002, respectively, the executive and judicial branches pursued governmental actions that sought to increase the capacity of the prison system and reduce overcrowding (ADORNO and

SALLA, 2007), in addition to fostering the incipient policy of alternative sentences through the creation, in March 2007, of the National Committee in Support of Alternative Penalties and Measures (CONAPA). On the other hand, the attacks in 2006 revived recurring debates around the reduction of the age of criminal responsibility in the country and the approval of tougher disciplinary measures against prisoners. The attacks by the PCC triggered the hasty approval by Congress and by Brazil's President of Federal Laws 11,464/07 and 11,466/07, which, respectively, restricted prisoners accused of heinous crimes from serving in semi-open regimes or being allowed out on bail, and classified as a serious disciplinary offense the possession or use by prisoners of mobile phones or other communication devices (ADORNO and SALLA, 2007).

The set of measures proposed in congress included discussions around technological solutions offered by the national and international security industry as a way of overcoming the "disorder" that had established itself in prisons. Entrepreneurs and lawmakers began to engage in a series of conversations that sought to contain the prison crisis, which at that point had expanded beyond the institution's walls and was undermining the broader public security system. The market for punishment found, in the collapse of the Brazilian prison system, a continent-sized space for action and for opportunities.

Taking place in the national legislative arenas, these exchanges between the public and private sectors increasingly characterized how Brazilian criminal justice is administered. Using the far-reaching justification that Brazil needs to reestablish the managerial capacity of its penal system, the discourses of parliamentarians and of representatives from the ascendant punishment industry were based on two main tactics: a) the cost-effectiveness of penal practices and a modernization of punitive custody, made possible by the implementation of electronic surveillance and monitoring systems; and b) warlike effectiveness through technological improvement in procedures for neutralizing riots and rebellions inside prisons, involving the acquisition of technical and pyrotechnic security and repression devices. From the point of view of legitimacy, the international experience — especially in the US — has been distorted and converted into a supposed model to be followed.

The next section examines the official records of a public hearing held by Brazil's congress two years after the May 2006 attacks and rebellions carried out by the PCC. This is the most expressive mobilization of the legislative branch around the penitentiary issue in the turn of the century (CAMPELLO, 2021). Looking at the discourses of businessmen and legislators, the session presents the empirical convergences between the techno-managerial grammar, based on cost-effective crime control, and the belligerent lexicon, centered on the production of physical pain and the reestablishment of prison order. In addition to the content of these debates, which reveal the main penitentiary administration strategies developed in the aftermath of the attacks

and mega-rebellions, the performative aspects and dynamics of commercial negotiation established between the Brazilian State and manufacturers of security, control and punishment technologies are also highlighted. The conversion of legislative chambers into spaces where security equipment is exhibited and sold is indicative of the ways in which criminal policy came to be viewed in Brazil, especially starting in the first decade of the 21st century.

### **The trade show**

Chamber of Deputies, Brasília, April 23, 2008.

Public hearing during Penal System CPI (Congressional inquiry):

MR. CHARLES SABA – Good afternoon, Representatives. It's an honor to be here today. Thank for your invitation. (...) I came here to speak about a non-lethal piece of equipment called a Taser. (...) It's a pistol that conducts through an electric current, a T-Wave, that locks up the brain, leading the human to freeze up and fall to the ground. It works with a laser sight, like the one I have here behind me; pressing the trigger releases 50,000 volts (sound of firing) and it lasts 5 seconds. The person falls to the ground. It's instantaneous, however there are no permanent injuries, no lethal injuries. So the equipment that we use costs \$779, it's cheap and saves the lives of these men here (prison guards) when necessary. They have lethal weapons, which are for exceptional circumstances. This one here, non-lethal, is for everyday use. That one is life insurance, this one is health insurance.

REP. AYRTON XEREZ – What is its effect, please?

MR. CHARLES SABA – The effect is that it locks up the muscles of the person hit, and that person goes down' (CÂMARA DOS DEPUTADOS, 2008, pp. 17-18).

The dialogue presented above is an excerpt from the presentation by businessman Charles Saba, director of U.S. Police Instructor Teams (USPIT), an American company specializing in training around public security and civil defense actions, and a Permanent Consultant to the United Nations Latin American Committee on Standard Minimum Rules for the Treatment of Prisoners. Charles Saba described to the National Congress the innovations his company had developed for the prison environment. During his presentation, he explained how the Taser pistol works, noting its technical qualities and economic advantages: The stun gun acts on the central nervous system of its target, causing contractions in the individual's musculature and their consequent paralysis in a fraction of a second.

On that April 2008 afternoon, the public hearing hosted by the Chamber of Deputies dedicated itself to exhibiting the technology made available by the private sector to the Brazilian prison system. The exhibitors represented security companies as well as local and global manufacturers of products for the prison industry. They had been invited to speak by members

of the executive and legislative branches interested in the solutions that the market had to offer in the wake of the recent instabilities in the national prison system.

Following Saba's presentation, Antônio Carlos Magalhães Soares, Institutional Relations Director of Condor Non-Lethal Technologies, presented to the plenary a series of other devices designed to control disturbances:

'MR. ANTÔNIO CARLOS MAGALHÃES SOARES – (...) We have a family of products. (...) I will quickly talk about each one. Here, first of all, is controlled-impact ammunition, the famous rubber bullets. (...) This is a new line of ammunition with both controlled impact and explosive charges, charges with tear gas and even illuminators. (...) Chemical ammunition that is fired by a 12-gauge, or a 37/38, which is a weapon with a very large caliber, fires a tear-gas powder that incapacitates [*targets*] for a long time. (...) This grenade is a grenade for entry; it creates a very loud noise that stuns the criminal. So, it is thrown inside the environment, and the tactic group has 6 to 7 seconds to act, and it is very efficient. Stun grenades. An innovation that can be used in a prison environment. (...) There are situations that are solved with a stun gun; there are others that you will not be able to solve with the stun gun, you will need a rubber bullet, or a tear-gas grenade. (...) So, in this case, there is a certain number - a diversity of items - that can be used. This, within a penitentiary, provides great operational versatility' (CÂMARA DOS DEPUTADOS, 2008, p. 28).

The Condor executive brought a vast catalog to Congress. Tear-gas ammunition; pyrotechnics for signaling; rubber explosive grenades; pepper sprays; smoke grenades; non-penetrating plastic ammunition; and lights that cause momentary blindness, among others. The market was prepared for the “war on crime” and the maintenance of order in prisons. And the public hearing quickly took on the appearance of a punishment trade show.

The exhibitions seemed to excite the Representatives who, at the end of each presentation, asked for details regarding the technical capabilities, costs and implications of using the articles presented. With an air of fascination, the deputies applauded the speakers and stressed the “importance of using these instruments, which are today at the service of the penitentiary system [*and*] which are cutting-edge technological instruments” (CÂMARA DOS DEPUTADOS, 2008, p. 2). The diverse range of “non-lethal” weapons made available by the private sector and coveted by the government would become part of the political and strategic repertoire for managing the prison crisis.

Parallel to these warlike devices, the Chamber session also focused on the electronic and biotechnological control of access to and circulation within and outside of prisons. A diverse set of innovative mechanisms for prison surveillance and monitoring had been presented to legislators: ankle monitors tracked via satellite; X-ray equipment; metal detectors; body scanners; closed-circuit television; 360-degree mobile cameras; integrated IP camera systems with a bullet-proof coating; biometric access-control mechanisms; and infrared sensors for triggering alarms,

along with a series of other security devices developed for prisons, were all part of the arsenal offered up to legislators at the hearing.

Among the speakers were businessmen Sávio Bloomfield and Hebert de Souza, who presented Congress with their respective systems for electronically monitoring prisoners through transmitters tracked via the Global Positioning System (GPS). After Condor's Soares finished his presentation, Bloomfield spoke:

Good afternoon. I congratulate this Chamber for the initiative (...). My company is called Spacecom (...). Well, Spacecom is a 100% [Brazilian] company, we are the only manufacturer in Brazil of electronic prison monitoring equipment (...). We call our system SAC-24, that is, the 24-hour Custody Monitoring System. It is a system that monitors prisoners through the use of electronic anklets. (...) The advantages of this type of service, as we have seen here, are in removing prisoners or accompanying those prisoners who are serving a semi-open sentence. The main advantages are the social area, allowing the prisoner a better return to society, allowing the State to continue monitoring after [the prisoner] leaves the prison, or halfway house under the open regime, or during temporary custody. Savings, too, a reduction in current costs, as the Government's expenditures, approximately, as already said here in this commission, are around 1,300 reais a month per convict. This equipment could bring the costs to around 50% or 40% of those costs for the Government. (...) How does the prisoner use it? It is so practical that I use it, I am using one now, and nobody noticed it. I am wearing one around my waist and an ankle bracelet on my foot. My wife is always tracking me. (Laughter) (CÂMARA DOS DEPUTADOS, 2008, pp. 52-54).

Spacecom was thus presented to the federal legislative chamber. Carried out in an anecdotal manner, Bloomfield's arguments consolidated some of the main justifications and discursive elements that form the basis of proposals to overcome the shortfalls of prisons by having convicts carry out their sentences outside of penitentiary walls. By linking the resocialization argument to economic concerns, campaigns to promote alternative penalties intensified in Brazil at the beginning of the 21st century, put forward by both state entities and civil society organizations as a response to rising incarceration rates and an overcrowded prison system (CAMPELLO, 2021). On one hand, prisons are seen as a budgetary problem, too expensive for State coffers (BRASIL, 2007a; 2007b). On the other hand, the high rates of criminal recidivism revealed the inefficiency of the prison system in its purported task of rehabilitating offenders (BRASIL, 2007a; 2007b). Punishment outside of prison walls appeared as an effective and economical alternative, capable of substituting prison sentences in certain cases.

Nevertheless, it is worth noting that research on the social and political effects of penal measures in an open environment points to an expansion of penal systems, to the detriment of a supposed process of replacing detention with alternative penalties. In the United States, Lilly and Nellis (2013) showed that the development and application of electronic-monitoring systems did not lead to a decline in incarceration rates. In Europe, Aebi, Delgrande and Marget (2014) found that "community sanctions" have been applied, in general, as a punishment in addition to prison time. In Brazil, the penal system's expansion, driven by alternatives to prison, have been

highlighted and analyzed by Pires (2015) and Campello (2019, 2021). Rates of incarceration are increasing at the same time as there is an increase in the application of punitive measures outside of prison walls, reproducing the net widening effect described and analyzed by South African criminologist Stanley Cohen (1985).

In any case, the coupling of resocialization discourses with economic arguments has demonstrated their effectiveness in the process of developing and implementing open-environment penal measures in Brazil and elsewhere. The parameters of social and economic cost-effectiveness were highlighted by the advocates of the electronic monitoring in Brazil, serving as a common discourse in the public-private interface and a central argument within a managerial-criminological rationale that found a place within the Brazilian political-criminal imaginary. In addition to proposals to intensify the use of less-lethal weapons in prison spaces, the development of remote electronic-control techniques has become central in the new political repertoire for managing delinquency.

The Chamber hearing continued. After Bloomfield's presentation, it was the competition's turn. The Technical Director of STOP/BR, Hebert Saul de Souza, showed deputies the tracking mechanism developed by his company:

(...) the product we have to present, as Dr. Sávio [*Bloomfield*] says, is an electronic-monitoring product for prisoners (...). And STOP/BR is a company that is already located in Brazil (...). We use software called Very Tracks, which is already operating in a Portuguese version. Our headquarters is in Houston, Texas; we work throughout the Brazilian territory for South America. (...) And it is a revolutionary kind of GPS software. (...) So we have brief comments on where they can be used, right? People sentenced to parole, violators of the semi-open regime, as already mentioned by the Deputy. People awaiting trial should not be attending school, [*getting their*] master's, their doctorate in crime (...). So, I think that this social aspect that we have all mentioned, which is very important, is the main fact to be demonstrated here (CÂMARA DOS DEPUTADOS, 2008, pp. 68-71).

Stressing his social concerns, the director of the Texas company went beyond merely exhibiting his product, and outlined proposals for how his products could be used in the context of sentencing. Like his competitors present at the hearing, de Souza went beyond the role of mere supplier, developing a discourse centered around the legal applicability of the monitoring system and its penological justifications. And just as the social argument emerged in the manufacturers' discourses, giving the private agent a function similar to that of a legislator, the market lexicon was in turn adopted by the deputies participating in the session, converting the legislative arena into a business roundtable. Public authorities pretended to be businessmen and businessmen pretended to be public authorities in the elaboration of new punitive practices.

That afternoon's hearing can be taken as a political-institutional starting point for the expressive and widespread entry of private capital into the Brazilian penal system through the

implementation and use of new surveillance techniques and containment weapons. The exchanges, dialogues and convergence between politicians and entrepreneurs in the field would intensify over the following years, promoted publicly as efforts to combat criminal gangs and strengthen control over prisoners. The social implications of this process - linked to international debates around trends in the privatization of criminal justice - led to a massive expansion in the number of people submitted to penal surveillance in the country, both inside and outside of prison walls (CAMPELLO, 2021) and to the exacerbation of prison violence throughout Brazil during the 2010s, as will be mentioned below.

In what follows, we analyze some of the social, political and conceptual implications of contemporary processes of intertwining between public and private sectors in the criminal justice systems, with special attention to the relations between punishment, surveillance and warfare, triggered by the use of new technologies of crime control.

### **Surveillance and warfare within the public-private criminal justice**

The private sector's increasing participation in the elaboration and management of prison sentences raises questions about the legal, political and moral legitimacy of a process that extracts economic profit through the privatized exercise of the power to punish (CHRISTIE, 1994; MINHOTO, 2000, 2002; DAVIS, 2003; AVIRAM, 2016). An age-old function of the modern state — and a fundamental support for its construction — punishment is increasingly executed and managed by hybrid agents created through public-private partnerships. In addition to the debate around values, the process of commodification of punishment has led to the infallible expansion of the consumer market for sentences, fostered by the contractual demands of a minimal population (a number which nevertheless tends to always hit the upper limits) submitted to the penal apparatus to ensure a productivity coefficient and economic growth of the crime-control industry (CHRISTIE, 1994; MINHOTO, 2000, 2002; DAVIS, 2003; ACLU, 2011).

This does not mean, however, that the State is excusing itself from the task of punishing. The growth of private companies in crime control indicates more of a readjustment than a retraction of the State in the penal area. To that extent, the interpretive network presented here is in line with Hadar Aviram's (2016) analysis of the exchanges between the public and private sectors in the world of prisons. While private companies deal with basic punitive activities (supplying prison security systems and surveillance equipment, building penitentiary establishments, providing food services to prisons, carrying out administrative functions, etc.), state entities not only mobilize an economic-business grammar as a guiding principle of criminal policy, but they also

take on the practical roles of commercially and financially negotiating crime-management programs, making penal and security activities a profitable ground for capital investments. Penal law itself starts to be elaborated and instituted out of this exchange established between state agencies and private agents (AVIRAM, 2016; CAMPELLO, 2021).

This “functional de-differentiation” (MINHOTO and GONÇALVES, 2015) between legal, political and economic systems - leveraged by the widespread spread of government practices and rationalities that mirror the form of corporations (FOUCAULT, 2008) - creates additional consequences when the consumer good being negotiated is punishment. Consequences that are associated not so much with the deterioration of the ontological dimensions of public or private spheres, but rather to the influence of corporate groups on the definition of criminal policies and agendas (AVIRAM, 2016; MINHOTO, 2002), which unfolds as the unlimited expansion of the population subject to penal control as a condition for profitability and development. At the prison level, this de-differentiation is expressed in a criminal justice system that is increasingly detached from the objectives of providing public security and enforcing civil rights, instead mirroring the illegal practices of criminal organizations, in which prison is reconfigured as a trivial instrument of coercive revenue-extraction and a bargaining chip. As shown above, the growing presence of the private sector in the Brazilian penal system has been promoting the programmatic association between cost-effective surveillance programs and renewed techniques of repression of prison insurgencies, amalgamated by a modernizing lexicon.

Attached to the prison complex, the elaboration and spread of new control technologies have offered the electronics industry a fertile field for action. Between 2011 and 2015, the electronic bracelets company Spacecom achieved a 300% growth with the advance of GPS monitoring programs in Brazil (CAMPELLO, 2021). If, on the one hand, the increased use of electronic devices in the prison industry converts prisoners into “captive consumers in the crime control industry” (CHRISTIE, 1998), on the other hand, their availability encourages state consumption and feeds into the fetishist imaginary of politicians, public managers, and legislators around technological surveillance systems (NEOCLEOUS, 2007; PATERSON, 2013). State-of-the-art technology and cost optimization present their own powers of fascination.

Global Preventive Security (GPS). That is how Didier Bigo (2014) uses the acronym referring to the satellite geolocation system developed by the US armed forces during the Persian Gulf War and later used by the penal justice system to track criminals or suspects (FIELDS, 1999). Bigo analyzes the enforcement of surveillance practices, linked to contemporary intersections between the strategies of governing crime and the techniques of administering war. In addition to the overlap in technologies used by penal and military institutions, the capillarization of new control and repression mechanisms appears as an effect of and driving factor in the tactical and cognitive

symbiosis between internal and external security policies. The discourses and practices linked to contemporary security strategies are marked by an inter-penetration between the military, police and penal domains: a process by which the armed forces are called upon to intervene in internal matters (GRAHAM, 2010; MORELATTO and SANTOS, 2020), police are engaged in transnational conflicts (GARRIOT, 2018; STALCUP, 2018), and criminal justice systems are dedicated to the control and neutralization of the offender — viewed as an intimate enemy (ZAFFARONI, 2007; MALLART e CAMPELLO, 2020). Hence the analytical relevance, underlined by Bigo, of linking sociological research to internationalist studies.

A similar view is taken by Stephen Graham (2006; 2010), who draws attention to the impossibility of understanding the dissemination of technologies for surveilling and containing disturbances in cities without also noting the progressive militarization of urban spaces as a public management strategy. Returning to the perspective of Paul Virilio (1996), who places war at the center of political analysis, Graham discusses the relationships between global urbanization processes and the technical and discursive repertoire engaged by the armed forces in the US context. The use of geolocation techniques and less-lethal weapons constitutes one of the main aspects of redirecting military strategies to control urban insurgencies and to manage risks represented by crime.

In the penal context, Michel Foucault (2013) had already drawn important parallels between war and punishment in his 1973 course *La société punitive*. The philosopher discussed the theoretical formulations of penal law based on the assumption that crime is an attack on society, whereby the criminal assumes the role of “social enemy.” The idea that the offender declares war on society is one of the main pillars structuring the theoretical framework of modern criminal justice and the institutional complex linked to it. Based on this premise, the punitive exercise is understood and designed as a public counter-attack. The recent emergence of theories based on a “criminal law of the enemy” revisits the principle of the “social enemy-criminal”, against whom the penal system should act as a coercive instrument of neutralization (JAKOBS and MELIÁ, 2009).

Currently, Brazil’s so-called war on prison gangs updates the political and epistemological connections between criminal justice and the military *logos* by using the penal system as a mechanism of combat (MALLART e CAMPELLO, 2020). The employment of security techniques from the military domain, now coupled with the penal and prison apparatus, is one of the main vectors of this process, fed by the progressive participation of private capital and its creative versatility in developing new technological devices to produce pain and bolster custody.

The exacerbation of violence driven by discourses of war on gangs and organized crime manifested itself in the recurrence of bloody episodes inside correctional institutions over the last decade in Brazil, many of them managed through public-private collaborations. During the 2010s, the country’s penal system was marked by a sequence of prison massacres, mainly concentrated

in the North and Northeast regions of Brazil. Between 2010 and 2013, more than 80 prisoners were killed in the Pedrinhas Penitentiary Complex, located in the state of Maranhão and managed through a partnership between the state government and the private company Umanizzare. In 2017, a new massacre led to the death of almost 30 prisoners at the Alcaçuz Penitentiary, in the state of Rio Grande do Norte. Two years later, it was the turn of the state of Amazonas to witness prison carnage, with at least 55 prisoners killed in four different prison units in the capital city of Manaus, one of which was also administered by Umanizzare.

Parallel to the announcements of technological modernization through public-private interfaces, we have witnessed in recent years the reiteration of prison violence in its most rudimentary aspects. In this sense, the Brazilian penal system has been increasingly characterized by the overlap between the importation and adaptation of actuarial techniques and discourses and the eternal return of prison massacres.

### **Final considerations**

Risk and discipline, crime and urban order, proportionality and punitive excess, criminology of the self and the other, economic efficiency and penal populism, social status and penal status, administrative measures and penal measures, sovereignty and actuarial justice — these are some of the most notorious analytical pairs used by the hegemonic sociology of punishment to account for contemporary processes of mass incarceration and militarization of crime control — in particular, the ways in which they seem to overcome and break with the rationality of punitive regimes that preceded them.

From this point of view, a closer examination of the Brazilian case might create the possibility of some nuance in the entrenched use of these polarizations and, in this way, the very notion of a contemporary punitive shift; instead, the emphasis could shift to the various intersections (or “couplings”) that trigger and create new terms for topologies of power, processes of colonization between social spheres, and patterns in the transfer of control mechanisms between different social structures.

In this regard, we should note that the coexistence between actuarial justice and the criminal economy of excess has greatly impacted the modern experience of punitive regimes in countries such as Brazil. Punitive practices that directly affect the bodies of individuals and groups, as well as the instrumental calculations of selective control over the conduct of underprivileged portions of the population, have repeatedly relativized the possibilities of controlling crime within the limits of the rule of law.

This article took as its empirical basis the negotiations established between politicians and businessmen related to the penal sector to discuss the current connections between managerial rationalities and warfare tactics as complementary strategies for the administration of crime and punishment in Brazil. As argued, the relationships between proposals to implement cost-effective technological methods of penal control and the exaltation of new repressive techniques are established in the country through the growing presence of the private sector in the criminal justice system.

Thus, the investigation of the current transformations in penal practices in the Brazilian context shows the overlap, in the same territory, of degraded and overcrowded structures and correctional institutions, the technical and modernizing installation of new mechanisms of punitive control, and the updating and perpetuation of prison violence, now produced and managed by public-private interfaces.

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## Notes

<sup>1</sup> This study focuses on recent transformations in punitive practices and rationalities in Brazil at a national level, triggered particularly by the increasing participation of the crime control industry. To understand different and specific forms of public-private administration of prison facilities, see: Minhoto (2000), Pastoral Carcerária (2014), Grossi (2020).

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