



Chapter 35

Custodian and Custody: the formation as a cornerstone

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ABSTRACT

The present study focuses on the formation of the Criminal Police and its consequences regarding the custody of the prisoner. We take as a starting point the Instituto Penal Cândido Mendes on Ilha Grande, whose period of operation was from 1956 to 1994 (the latter date of its implosion). and we

did a comparative study, in terms of training, with the School of Penitentiary Management in its most recent moment. This approach is understood through the bias of memory and seeks to build it by observing the narratives of public agents of the period in question, as well as the use of data from research carried out by the Center for Studies and Research of the School of Penitentiary Management of the State of Rio de Janeiro. This comparison between statistical documents and narrative data presents us with a bias of how the state prepares employees, who work in the penitentiary environment, for their core activities. In this sense, we used two-time points, one of them focused on reports obtained in the year 2012 through field research, and the other a statistical survey from 2008 to 2016 with a sample of about 600 (six hundred) students, future public servants.

Keywords: Prison, Discipline, Training.

1 INTRODUCTION

The article proposes to present a study based on the narratives collected from retired employees, focusing on Social Memory, as well as to observe the research carried out by the Center for Studies and Research between the years 2008 and 2016, these carried out with new employees who joined at the Penitentiary Training School at the time, today the Penal Police Academy. In this sense, the present work has as its general objective to analyze, through legislation, narratives, and other documents, the process of formation and qualification of the penitentiary servant, emphasizing the Criminal Police pointing to the changes that occurred with the educational process of this worker in the scenario contemporary.

The specific objectives of the article and research are: Giving voice to the retired public servant through their narratives; Understanding the process of formation and qualification of the penitentiary staff; Identifying the changes that occurred in the context of the training and work of the Criminal Police; Analyze the importance of adequate preparation of the penitentiary staff for better treatment of the prisoner; Check how the training of the criminal police can be important for the work of the prisoner. Therefore, the article

has worked as its central theoretical category, and it is important to problematize this concept in an introductory way.

What is the job? This question can be answered quite simply if we use, for example, the definition contained in the dictionary by Houaiss and Villar (2008, p. 717): “Professional activity, paid or not; productive activity carried out for a certain purpose; result or the exercise of these activities; place where the activity is carried out”. However, the notion of work has undergone many transformations and variations and goes far beyond a simple definition, permeating different moments and societies, which allows us to think about it from another perspective: work is also the appreciation or not of the hand of work that constitutes it, the valuation or not of the product of this work, the class dispute, in addition to the formation of culture through this work in a certain time and place. To think about the concept of work is to think about the construction of society itself.

In this sense, we will present some reports of servers at different times, but whose common thread is work, this is a specific job as custodians and technicians who work in the prison system, and to carry out their activities, training, and qualification this is necessary. individual.

On the formation of the servants that we will deal with in the present study, according to the report of the Social Worker and teacher Maria Cândida¹ which created the first Penitentiary Training School, this initiative was due to several management problems with the custodians at the time, some from the Second World War and with serious problems of coexistence. Thus, the teacher suggested to the Director of the Penitentiary Professor Lemos de Brito the creation of a training course. That's when the first group appears, with a uniform and a pocketbook with instructions for daily and routine conduct being created, whose Guards graduated in 1962. With the departure of Professor Maria Cândida, this training ended in 1969, and the Escola de Closed and forgotten formation.

Next, we will present the speech of a public servant who was interviewed about the work she carried out at Instituto Cândido Mendes in the 70s, a period when the maximum security prison was still in operation in Ilha Grande. In the following report, the lack of adequate training for the public agents who worked in that prison unit is clear.

Mr. C – On Ilha Grande, Paulo Américo, I don't know if he got funding from the Governor, even took a little course on his own, with Physical Education classes. The guards didn't like it very much. He, Paulo Américo, went to teach the notions of weapons because he had been in the Special Police of Getúlio. Those who left later, I don't know if they had courses. (The 70's)

Only in 1985 did DESIPE resume the training process with the creation of the Training and Improvement Center. , in 1994, was renamed School of Penitentiary Training, and, in 2003, already as Secretariat, it was renamed School of Penitentiary Management. Therefore, the guards of the Penal Institute, without any training, were recruited, before 1968, by indication of officials and politicians. According to

¹ The testimony of the social worker and teacher Maria Cândida is in the archives of the Penitentiary Museum of the State of Rio de Janeiro.

Mr. C, the Director Paulo Américo², in his administration, he tried to give some instruction to the prison guard who worked at the Penal Institute, but this was only in the level of security and weapons, not reaching the current legislation in terms of rights and duties.

Through the narrative of Mrs. F, we realized that there were many illiterate guards and, therefore, the difficulty of learning the legislation was greater. This was reflected in the treatment of the prisoner, as the prison guard was not prepared to deal with the particular situations of work and social importance.

We asked Mrs. F if the guards were public servants, to which she replied:

Mrs. F – It was a contest, [Contest] there wasn't, hiring the first time we hired these two social workers, then everyone entered through a contest, now the guards are the ones I have a suspicion that it wasn't a contest thing, all old world, right... [Because I heard it is...] Because I have stories of old guards who were hired under the influence of friends.

Another factor that influenced the daily routine of professional practices was the numerous changes in the administration of Prison Units (UP), which greatly affected the intervention of professionals: some tried to carry out their projects, even if the administrative support was sometimes null, although not even always be observed concretely. In the final calculation, there was an interruption or even a breakdown of regular work, which diminished the enthusiasm of professionals who aimed to elevate and promote professional practice. There was no lack, however, of demanding results: the plans had to be carried out with the effort and passion of a missionary, regardless of the poor quality of the infrastructure.

Mrs. F presents us with the difficulty of accessing the Institute: after crossing by boat, he had to travel along a road with difficult access to the Institute; Once there, she would have to work and sleep in improvised accommodations in the settlers' houses, returning the next day. In this way, she reports as an example that after the retirement of a social worker, they could not find any other professional to provide this service, making it necessary for them to bring the prisoners to be attended to on the mainland, which demanded wear and tear on both the prisoners and the guards.

The employee of the former DESIPE, Alfredo José Gomes, in the letter sent on December 17, 1955, to the President and other members of the Federal Chamber, reports the difficulties of guard work and asks for equivalence with the Civil Guards. For this, he uses the following arguments as justification:

- a) Responsibility for the custody and safety of persons.
- b) Risk of life.
- c) Contact with people with contagious diseases.
- d) Exhausting work, depressing environment, etc.
- e) The complexity of the task.
- f) Possibility of access.
- g) Similar career situation.

And still, about the risk to the life of the guards, he cites the following:

² Paulo Américo- Director of the Cândido Mendes Penal Institute in the 1970s.

- a) They deal exclusively with criminals.
- b) They work and live together day and night with dangerous criminals.
- d) In case of conflicts, riots, and magpies they have to be disarmed, face the prisoners, and are often imprisoned.
- e) Lastly, they sometimes fall victim to the revenge of ex-convicts.

The quotations in the letter point to interesting points, such as the exhausting work and the depressing environment, in addition to the contamination by contagious diseases, the difficulty of accessing the Institute, and the non-use of weapons. These complaints seem to deal with the forgetfulness of the prison guard of the aforementioned period, the one who was responsible for the custody of those who are separated from society as if forgotten by the power of the State.

Another interesting fact is the way of naming the prisoners as dangerous criminals and perpetrators, since the job of these guards was precise to guard people who were judged and convicted of crimes and this does not seem clear to them, so much so that they claim based on discriminatory arguments.

In addition, it brings to light issues such as illness, difficult access to the Institute, and exhaustion in the work routine, which in a way made difficult the relationship between custodians and custodians. If the custodian was not adequately supported by the State, he was without adequate preparation, disarmed, and helpless due to a series of factors. This custodian, forgotten like the prisoners, created his methods of resistance, those linked to the way of working, or rather, the way of treating the prisoner, usually in a rude and truculent way, even verbally.

2 THE PENAL SYSTEM, SOCIETY, AND THE PROFESSIONAL IN THE PRISON CONTEXT

Legislation plays an important role in the prison system. Over time, it has transformed the issue of work in prisons, always adapting to the scope of the executive branch, which, in turn, does not dialogue in a comprehensive and planned manner with the legislature and the judiciary. This is because the legislation is made according to the international precepts of developed capitalist countries and is not feasible in the Brazilian reality, which is due to the lack of political will, the scarcity of resources, the changes in projects, and the social and political reality of the people. Brazilian.

The discussion involving the fulfillment of the sentence is present in the daily life of the Brazilian population, with a strong appeal from the media, placing the convict as a marginal subject. This is not, however, a recent reality, since the penalty carries with it the idea of punishment to the “bad man”, in this aspect Saint Augustine in Corsi (2005) is presented to us as a philosopher who separates good from evil in the individual. Now, if there is a good man, there is also a bad man, giving a unique and contrasting aspect to the individual, who comes to be understood in the West as opposite beings, the “good man” who is understood as different from the “bad man” called "marginal".

As for the recurrent aspect of prison and the punished individual, it is worth resorting to the words of Foucault (2009, p. 217), who argues:

The general form of an apparatus to make individuals docile and useful, through precise work on their bodies, created the prison institution before the law defined it as a penalty par excellence.

In any case, a penalty is a form of control and observation, establishing means of studies, techniques, and opinions about the punished individual. This fact establishes a difference between criminal justice and the penitentiary apparatus, since "the correlative of criminal justice is the offender, but the penitentiary apparatus is another person; he is the delinquent, biographical unit, the nucleus of dangerousness, representative of a type of anomaly" (FOUCAULT, 1996, p. 225). Foucault also asserts that "the margin by which imprisonment exceeds detention is filled by techniques of the disciplinary type. And this disciplinary supplement about the juridical, that is, in short, what is called penitentiary" (FOUCAULT, 1987, p. 221).

In this sense, Goffman (1977, p. 11) presents the Total Institution as a place of residence and work and that, in this place, people separated from society by a similar situation lead a closed and managed life.

In addition to the strong resistance and separation on the part of society, there is a great inconsistency on the part of the public power in the sense of overcoming the precarious situation in which the Brazilian penitentiary system finds itself, which does not fulfill its function of making the prisoner a citizen in fact, the which should occur through the fulfillment of the penal sanction. There is, at the moment, great effervescence in the studies and debates carried out by specialists in the area, in the sense that the overcoming of this "status quo" will only be possible with the joint efforts of the organs public and civil society.

Thinking about the work category that appears in the prison universe as resocialization therapy: "work represents the source of subsistence and the possibility of occupying a space in the hierarchy of a class society, since only the productive man can assume a place within it" (EVANGELISTA, 1983, p. 65). In addition, according to Brant (1994, p. 95), "the exercise of a certain occupation does not confer only learning or technical knowledge and experience that allow obtaining or improving the breadwinner", but also the dignity of the individual through what it produces.

According to Evangelista (1983), according to Jiménez de Asúa, "the primitive concept of punishment, embedded in repression and punishment, was transfigured and comes to exercise modern corrective functions of re-education and re-socialization, prevailing the educational and preventive character in the prison structure" (p. 16). At least that is what the text of the Law describes. Evangelista observes that punishment, in Modern Criminal Law, has a "[...] retributive and preventive character, which is embodied in the intimidation of the delinquent and the community – general prevention – and the amendment and readjustment of the offender to society – special prevention" (p. 16).

In a capitalist society, self-styled neoliberal, the issue of work is of paramount importance, since, according to capitalist ideology, the individual is worth what he produces. As a consequence of the practice of neoliberalism, the growth of informal employment is seen, whose roots are found in structural

unemployment and the growth rate of underqualified and/or disqualified labor, produced by the lack of educational structure and public policies aimed at the professionalization of the profession. Brazilian population.

Due to the rules and values that the prison system incorporates as its own, the prison universe presents itself as an unknown for the individual who does not belong to it. Thompson (1980) considers the penitentiary system as a universe born in social relations, assuming characteristics of "totalitarian" dimensions. There is a logic of control that encompasses, in addition to the prisoner, the penitentiary inspector, the technical staff, and the direction, weaving total control of the actions.

Work is considered of paramount importance to man's life in his quest for full and unrestricted citizenship. According to Marxian humanism, as indicated by Maria Ciavatta (2009, p. 372), "it starts from a historical and ontological view of man as a social being that is constructed through work as a source of human development". We agree with the view that work is a structuring category of human existence, a fundamental component of the conditions for economic and scientific-technological development, but that it also contributes to marginalization and impoverishment since capitalism segregates.

According to Netto (2012), work is beyond the specific activity of man in society and instrument to meet his needs, it has an emancipating role, it was through the historical process of work that man evolves as a social being.

The work implies more than the society/nature relationship: it implies an interaction within the framework of society itself, affecting the subjects and their organization. Work, through which the subject transforms nature (and, insofar as it is a transformation that takes place materially, it is a practical transformation), also transforms its subject: it was through work that, from groups of primates, the first human groups emerged in a kind of leap that gave rise to a new type of being, different from the natural being (organic and inorganic): the social being. (NETO and BRAZ 2012 p. 46)

In the same way, we think that work is the foundation of an ontology of social being; man is a fundamental part of the continuous process of social transformation. In this sense, we cannot forget that the custodian is also a worker and that a significant improvement in the penitentiary system necessarily depends on the training of the servant who acts as an interface between the State and the convict. Under the aegis of the discipline, different situations are embodied that demand an effective intervention by technicians capable of imprinting an imprint of dignity in the fulfillment of the sentence, a dignity that is threatened by "deviations" in the foundation of professional prison practice. However, there are many mishaps that the penitentiary team must overcome in this inhospitable path, permeated with postures forged by the "freezing" of traditional standards, standards that offer veiled or explicit resistance to the transformation of what is already sedimented.

The team is faced with the scarcity of resources and creativity of those who hold the decision-making power in the context of penitentiary policy and, many times, is forced by circumstances to remain superficial in terms of issues and possible solutions, postponing the implementation of the projects in which

they believe. Fortunately, although the technical parameter cannot theoretically be dissociated from the administrative one, an attempt is made to leave the conventional and the stagnant sedimentation, proposing to enable, in a contextualized way, the clear and open discussion and the referral of alternative solutions to be able to use of the active part of the professional's political power, defining points for improvement.

The numerous changes in the administration of Prison Units (UP) greatly affect the intervention of professionals: some try to carry out their projects, although administrative support is sometimes null and the changes cannot be implemented concretely. In the final analysis, there is an interruption or even a breakdown of regular work, which reduces the enthusiasm of professionals who aim to raise and promote citizenship. There is an excess of reverence for the issue of security to the detriment of distancing the imprisoned citizen from the central focus of the change process.

Contributing to the stagnation of this state, in a Machiavellian process of manipulation of public opinion, the media often spreads (in a demagogical, technically defective, and mistaken way) terror and inconsistency, which in no way favors the inhibition of criminality. On the contrary, it even encourages it, while public opinion is passively deceived and manipulated, introducing a repressive and discriminatory ideology.

The social profile of criminals also helps reinforce the association between poverty and crime: the perpetrators of crimes that are officially reported are generally illiterate, manual workers, and predominantly black (COSTA. 1992, p. 220).

Society creates stigmas of the convict as a "dangerous being" in essence, which excludes him from participating in the goods produced by it. The custodian, on the other hand, is always seen as brutal and ignorant. This leaves an open path for deepening their social detachment, feeling protected by a "fictitious power" to fight for their survival, without realizing that, "strictly speaking, power does not exist; there are indeed practices or power relations. Which means to say that power is something that is exercised, that is carried out, that works" (FOUCAULT, 1979, p. 14).

The media does not show, or shows with a disability, the work performed by professionals at the UP to respond to the issue of rights guaranteed by law, the individualization of criminal treatment, and the constant attempt to be concomitant with what is proclaimed by this law. Nor is the focus on the prisoner who worked or who managed to get out of crime with dignity.

It is, therefore, necessary for civil society to recognize that the prison system is the scene of social contradictions and that the "mesh" of power relations is characterized by great complexity, demanding from the professional who works there: specific knowledge of the institution as a throughout, permanent theoretical-methodological updating, critical reading and permanent evaluation of the complex reality of its scope of action, irreproachable ethical posture, participation in representative bodies and interpretation to the community of the real situation detected in the specific dimension of its performance, to seek

partnerships and minimize stereotypes, raise constant debates, and also recognize that the answers to demands are not just within its scope.

The professional's performance in the prison context is not limited to solving immediate everyday issues, it must go beyond the prison gates to articulate theoretical-practical and political-ideological actions, primarily those related to professionalization and placement of the convict in the labor market, formal or informal.

From this point of view, priority will be given to indispensable instruments for the dignity of the convict in terms of making use of the fundamental right of every citizen to overcome historically sedimented adversities and be able to enjoy a fuller life, expanding horizons, establishing new prisms within the limits of the issues we discuss, mainly regarding the social reintegration of the convict through work.

3 FINAL CONSIDERATIONS

In this study, we identified that the training and qualification of professionals working in the Prison System are fundamental. The DEPEN³ seeks to guide the State of the Federation Schools of Penitentiary Management, with the objective of better training the Penitentiary Employees through guidelines. All states were called upon to implement these Schools. In Rio de Janeiro, officially, in 1985, the Improvement Center was inaugurated through Decree n° 8.365 of August 27, 1985, but there is news of courses of different initiatives in the units and there is material (books) referring to courses of the decade in 60⁴ that demonstrate the existence of attempts, even if isolated, of some training. In 2003, its name was changed to School of Penitentiary Management (EGP) utilizing decree n° 34.285, it has its name changed to School of Penitentiary Management and in the year 2022, it started to be called the Penal Police Academy, which has since been with the same structure until today, requiring a new internal regulation, since the Federal Constitution recognizes the Criminal Police as a public security force in its Article 144⁵.

VI - federal, state, and district criminal police. (Wording given by Constitutional Amendment No. 104, of 2019)

Considering only that the custodians had legal recognition in 2019, the issue of assessments has always been important as a way of verifying and improving the quality of teaching and training of this individual who did not have a functional identity. 2008 to 2016 in all training classes, in the beginning, in the middle, and at the end of the course, had as its core the search for the improvement of training, starting from the understanding of the student's profile, as well as providing tools to understand what the understanding is preview about this student's Penitentiary System, deconstructing some narratives coming

³ DEPEN - National Penitentiary Department - It is linked to the Ministry of Justice and seeks to promote actions in different spheres in the Penitentiary System of the states.

⁴ Books from the 60s that are part of the Penitentiary Museum of the State of Rio de Janeiro. They are course books and work manuals

⁵ Constitutional Amendment No. 104, of December 4, 2019 - Amends item XIV of the caput of art. 21, § 4 of art. 32 and art. 144 of the Federal Constitution, to create the federal, state, and district criminal police.

from society reflecting on this new knowledge. Thus, understanding their previous training, which is familiar and school, as well as understanding, throughout the course, if there was any significant change in their way of understanding the prisoner and the prison issue. During this period, daily questionnaires were also applied after each class, to evaluate the instructor and the content covered in the classroom.

These practices proved the importance of training for understanding and working with the prisoner so that the student realizes that they are custodians and that the prisoner becomes their responsibility. Unlike the employee of the past, who was practically referred by someone he knew and without any preparation, he received a determination from a settled practice, often without legal basis. These public servants entered into their core activities without training and qualification, without reflection, which led to a prejudiced and continuous practice.

There is currently a training course for future Criminal Police Officers, although the practice leads most of these professionals to a perverse continuity of practices that are repeated and that are passed on by former employees. New employees have reception material and knowledge manuals about the work they will perform, which many old employees did not have and in a large number of cases they feel threatened by this new knowledge of the new employees who undergo training, seeking to belittle and even discredit this knowledge.

These practices proved the importance of training for understanding and working with the prisoner so that we can perceive the inspector as a custodian and he must understand that the prisoner becomes his responsibility. Different from the Prison employee in Ilha Grande who, in the past, was practically recommended for the job by someone he knew and without preparation to perform the function, who received a determination, without training and qualification, without reflection, and who led, through a continuism, the agent to a prejudiced and perverse practice.

We observed during the study that the level of training was high from the 1970s until the recent period studied, many employees entered the work activity as illiterates, today many public tenders enter with higher education and post-graduation and due to recent legislation regulating the career, everyone should enter with a higher education, which means that from new discussions within the penitentiary environment, new solutions emerge over time.

About the LDB in its TITLE II Art. 2nd "Education, a duty of the family and the State, inspired by the principles of freedom and the ideals of human solidarity, aims at the full development of the student, his preparation for the exercise of citizenship and his qualification for work." And it is only through the education that arrives through the formation and qualification of the penitentiary servant, that he can be, in some way, perceived as an agent of changes, not as a transformer, but the one responsible, in fact, for being an agent that advocates the rights and duties of the prisoner.

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