

**UNIVERSIDADE FEDERAL DE VIÇOSA**

**Penal policy analysis through the perspective of the Prison Staff in Minas Gerais - Brazil and Bergen – Norway**

Davi Mendes Málaga  
*Doctor Scientiae*

**VIÇOSA - MINAS GERAIS  
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Thesis submitted to the Business Administration Graduate Program of the Universidade Federal de Viçosa in partial fulfillment of the requirements for the degree of *Doctor Scientiae*.

Adviser: Suely de F. Ramos Silveira

Co-adviser: Anna Linda Groning

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This Thesis is dedicated to all whom suffer from penal policies around the world, in either side of the cell bars: Beware the people who are more concerned with bottom lines and the next elections, rather than the suffering of their fellow men and women.

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To God.

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- We are sincerely grateful to all the participants in this research, who told us their stories and the problems they face at work and after work. For them: You know who you are, and this work is done to try and make your voices heard, shining some light into problems many people from outside do not even know of. If this research helped made your life a little better, it has fulfilled its purpose.
- Somos sinceramente gratos a todos os participantes desta pesquisa, que nos contaram suas histórias e os problemas que enfrentam no trabalho e depois dele. Para eles: vocês sabem quem são, e este trabalho é feito para tentar fazer com que suas vozes sejam ouvidas, trazendo à tona problemas que muitas pessoas de fora nem sequer conhecem. Se esta pesquisa ajudou a tornar sua vida um pouco melhor, ela cumpriu seu propósito.

"You can never know everything, and part of what you know is always wrong. Perhaps even the most important part. A portion of wisdom lies in knowing that. A portion of courage lies in going on anyway"  
- Al'Lan Mandragoran, The Wheel of Time

## ABSTRACT

MÁLAGA, Davi Mendes, D.Sc., Universidade Federal de Viçosa, February, 2025. **Penal policy analysis through the perspective of the Prison Staff in Minas Gerais - Brazil and Bergen – Norway**. Adviser: Suely de Fatima Ramos Silveira. Co-adviser: Anna Linda Groning.

This work proposes a critical analysis of the imprisonment model adopted in Brazil, which has been consensually considered as perennially under crisis. Between the current unconstitutional state of things and systemic issues with overincarceration, Brazilian prisons require immediate change, else the already escalating issues may spiral out of control. In this thesis, we performed two case studies to identify policy characteristics through the analysis of its organization by speaking with its main implementing actors, the member of the prison staff as a street-level bureaucracy. This study also examines an alternative policy model on incarceration, the one implemented by the Norwegian Prison Service (Criminal Care Service). We accomplished this goal through a few partial goals: i) Examine the legal, institutional, organizational and practical aspects of the current Norwegian prison policy model, to comprehend an alternative model to mass imprisonment; and ii) Examine the legal, institutional, organizational and practical aspects of the Brazilian prison system to understand roots and dimensions of the proposed research problem through the point of view of its main implementing actors, the Prison Staff. The data collection techniques used in the methodology were: i) semi-structured interviews; ii) Systematic social observation; iii) documentary research; iv) bibliographic review. For the data analysis, this research used categorial content analysis. As results, we find a series of resource limitations and limiting factors within the career of the prison officers that affected negatively the performance of the prison units and eroded the results of the policy in Brazil. As contributions, we suggested an array of proposed changes that may contribute to the addressing of the unconstitutional state of things in Brazilian prisons and help refute the mass incarceration prison model that is into place in Brazil today.

Keywords: Prison Policy; Mass Incarceration; Street-Level Bureaucracy; Prison staff; Case Study

## RESUMO

MÁLAGA, Davi Mendes, D.Sc., Universidade Federal de Viçosa, fevereiro de 2025. **Análise da política penal sob a perspectiva dos agentes penitenciários em Minas Gerais - Brasil e Bergen - Noruega.** Orientadora: Suely de Fatima Ramos Silveira. Coorientadora: Anna Linda Groning.

Este trabalho propõe uma análise crítica do modelo de encarceramento adotado no Brasil, que tem sido consensualmente considerado como perenemente em crise. Entre o atual estado inconstitucional das coisas e os problemas sistêmicos com o encarceramento excessivo, as prisões brasileiras exigem mudanças imediatas, caso contrário, os problemas já crescentes podem sair do controle. Nesta tese, realizamos dois estudos de caso para identificar características da política por meio da análise de sua organização, falando com seus principais atores implementadores, o membro da equipe prisional como uma burocracia de nível de rua. Este estudo também examina um modelo de política alternativa sobre encarceramento, aquele implementado pelo Serviço Prisional Norueguês (Serviço de Cuidado Criminal). Atingimos esse objetivo por meio de alguns objetivos parciais: i) Examinar os aspectos legais, institucionais, organizacionais e práticos do atual modelo de política prisional norueguês, para compreender um modelo alternativo ao encarceramento em massa; e ii) Examinar os aspectos legais, institucionais, organizacionais e práticos do sistema prisional brasileiro para entender as raízes e dimensões do problema de pesquisa proposto pelo ponto de vista de seus principais atores implementadores, a equipe prisional. As técnicas de coleta de dados utilizadas na metodologia foram: i) entrevistas semiestruturadas; ii) observação social sistemática; iii) pesquisa documental; iv) revisão bibliográfica. Para a análise dos dados, esta pesquisa utilizou análise de conteúdo categorial. Como resultados, encontramos uma série de limitações de recursos e fatores limitantes na carreira dos agentes penitenciários que afetaram negativamente o desempenho das unidades prisionais e corroeram os resultados da política no Brasil. Como contribuições, sugerimos uma série de mudanças propostas que podem contribuir para o enfrentamento do estado inconstitucional das coisas nas prisões brasileiras e ajudar a refutar o modelo prisional de encarceramento em massa que está em vigor no Brasil hoje.

Palavras-chave: Política prisional; encarceramento em massa; burocracia de nível de rua; staff prisional; estudo de caso

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## Introduction

After eight years of processing, on October 3, 2023, the Federal Supreme Court (STF<sup>1</sup>) issued a decision on ADPF<sup>2</sup> n° 347, which partially upheld the plaintiff's claims (Portal STF, 2023; Supremo Tribunal Federal, 2023). In this decision, the court recognizes that the Brazilian prisons are in an unconstitutional state of affairs, a systemic state of crisis of disrespect for human rights of the incarcerated Brazilian population.

Among the problems raised in the context of this action are the deplorable conditions of hygiene and food, instances of torture and sexual violence, the dominance of criminal factions within prisons, lack of access to assistances of all types to the imprisoned, lack of state control over the execution of sentences and overcrowding (*Ação de Arguição de Descumprimento de Preceito Fundamental n° 347/2015*, 2023). This situation of the maintenance of prison institutions, characterizes risk to life and to the integrity of incarcerated people through cruel, inhuman and degrading treatment (CIDH, 2021). Said conditions, that not rarely can be lethal to the imprisoned population (Amnesty International, 2018), justify that the Brazilian prison system has been considered a 'prison hell' by the Brazilian state itself (Brasil, 2009).

The unconstitutional state of affairs cannot be understood in isolation from mass incarceration. There is an overcrowding situation in Brazilian prisons caused by the adoption of a massive incarceration system, which has the third largest prison population in the world, with 835,643 individuals in prison (Brasil, 2020; World Prison Brief, 2022). This imprisoned population, which has been on the rise at least since 2000, grew by 257.6% in just 22 years (FBSP, 2023), and this scenario is being built through a political culture of punitivism and “tough-on-crime” policy solutions, originating from a militaristic ideology which guides the zealous actions of lobbyists linked to public security at the Brazilian Congress, increasing spending on public security in Brazil from 1999 onwards (Macaulay, 2017).

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<sup>1</sup>Directly translated from the Portuguese as “Supreme Federal Tribunal”. It is the highest ranking court in the Brazilian legal system.

<sup>2</sup>Directly translated from the Portuguese as “Allegation of non-compliance with fundamental precept”. It refers to a specific class of legal action that deals with violations of the constitution from the State.

The state of affairs that affect incarceration also cannot be understood apart from ethnic, economic and social issues that surround it (Foucault, 1999). As a result, we have incarceration that is not only massive, but selective, and focus criminal repression on the black and poor population, aggravating pre-existing social vulnerability factors (Souza, 2009, 2021). The criminal justice system, of which the incarceration apparatus is a part of, has a deep and structural connection with racism, promoting ever worsening social inequalities and vulnerabilities based on racial hierarchy (Borges, 2018).

Furthermore, Brazilian incarceration is an instrument for producing social stigmas, which last beyond the end of the sentence, producing the social death of black men and women who go through prison (Borges, 2018), becoming both a tool of social control and exclusion through the maintenance of long-lasting criminal records. Prison, when it is capable of publicly tarnishing a person, produces social isolation through stigmatization, which prevents their reinsertion into society and the establishment of social relationships with their peers (Goffman, 2004, 2011).

In the ADPF 347 decision, in addition to recognizing the unconstitutional state of things in Brazilian prisons, the supreme court has determined that federal and state governments must present concrete plans to overcome the unconstitutional state of affairs within six months (Portal STF, 2023). With the return of the penitentiary system crisis to the public agenda, Brazil finds itself in a critical juncture, where the situation may, depending on the chosen solutions, be an opportunity for either a meaningful prison reform or an even greater decline of the situation (Cavadino & Dignan, 2002).

At this moment, the Supreme Court, by deciding that the state of affairs must change, instigates the executive power to decide on how to carry out the much-needed reforms to Brazilian penitentiary policy to term, in order to solve the problem of violations to human rights that gave rise to the unconstitutional state of affairs. It is in this context that this thesis examines the Brazilian penitentiary policy, having as its objective to analyze normative-structural, organizational and practical aspects of incarceration policy that interferes with policy results, through the standpoint of the agents that are responsible for the implementation of said policies, the prison staff. As the main core of this thesis, we state that as central elements to the implementation performance, such as work conditions, salaries, qualification, basic training and

institutional support, are neglected and overlooked, they create structural problems which either hinder the policy results or prevent them to be achieved altogether.

The intention of this research is to study Brazilian prison institutions as a public policy and manifestation of the state's concrete action, and therefore, it aims to understand this object of study through a framework. For this purpose, we chose the Institutional Analysis and Development framework (IAD), which will be presented in the following chapter. For the realization of this thesis, we carried out an analysis of the prison systems in Brazil and Norway through two case studies. In Norway, we chose to produce a report about Bergen Prison, which is located in the West Region of Norway, since the prison system is unified and managed by the federal government. In Brazil, we selected the State of Minas Gerais as the case to study, as it is the second largest state in terms of imprisoned population in Brazil and it displays characteristics that represent well the unconstitutional state of affairs that was judged upon by ADPF 347, such as a mass incarceration prison model, which includes issues of overcrowding, precarious condition of some penitentiary services and a particular tension between security and human rights in prison.

We designed this search in the shape of two interrelated articles. The first article, titled "Alternative incarceration paradigms: The Norwegian case", it is a work derived from the study carried out by the Ph.D. candidate during the guest scholar period<sup>3</sup> of stay abroad, in Norway, funded by CAPES during the year 2022/2023, where we studied the Norwegian incarceration model in order to understand the functioning of the implemented incarceration policy.

After a preliminary study carried out through documentary research, we conducted a single case study on Bergen prison, using semi-structured interviews with 16 members of the prison staff, as well as direct observations made through guided tours of the prison establishment. In this article we look at how the Norwegian incarceration policy works in practice, to understand an alternative paradigm to the mass incarceration, different from the one that is currently being applied in Brazilian incarceration.

Next, we have the second article, whose title will be "The Brazilian Prison Policy in Practice: The Case of Minas Gerais", which has the objectives of examining the penal policy of the State of Minas Gerais, understanding the organisational factors that helped

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<sup>3</sup>Also known as the "sandwich doctorate" program in Brazil.

manifest the unconstitutional state of affairs in the State's prisons. To plan this article, we conducted bibliographical reviews and documentary research, and after approval by the Research Ethics Committee of the Federal University of Viçosa (CEP-UFV), we conducted 37 semi-structured interviews with prison *staff*, since these are the stakeholders closest to the practical implementation of penitentiary policy. As a conclusion for this thesis, we wrote a small section to detail our findings and criticisms about the different policies in imprisonment.

For this work, we aimed to understand the perspectives of policy implementation from the standpoint of the prison staff in the penitentiary system of Minas Gerais, Brazil, understanding it as a public policy aimed at social control, in order to build knowledge to challenge the mainstream view on the unconstitutional state of affairs and the permanent crisis of mass incarceration, which shows itself to be traditionalist and punitive, in order to lay the foundations for an eventual political change, contributing towards a future realigning between policy practice and the objective proposed by the Penal Execution Law to Brazilian incarceration.

## 2 Theoretical Framework

### 2.1 Administration and Public Policies

#### 2.1.1 Institutional Analysis and Development Framework

Policy or program evaluation is defined as an assessment of program or policy outcomes, necessary to distinguish valuable social programs from ineffective ones (Rossi et al., 2019). The assessment can be done at any time, from when the policy has not yet been implemented, such as the *ex ante* evaluation (Brasil, 2018), until well after the policy is already active and producing results, the *ex post* evaluation, including during the implementation or execution of public policy, where process evaluations or mid-term evaluations may also take place. In any case, evaluations serve as a reference for the political decision on whether to maintain, change or discontinue it, based on the results presented (Jann & Wieglich, 2007). This thesis studied Brazilian prison policy in the practical context of the State of Minas Gerais, aiming to critically evaluate the current policy.

Evaluating public policies means seeking answers to several important questions about policy efforts, such as: “how does the program theory work?”, “what is the process of this program and how does it generate its results?”, “what are the results of politics?” and “are these results compatible with the proposed objectives?”, and other central questions to be addressed by the evaluation process, according to the purpose of the evaluation itself (Rossi et al., 2019). However, in order to evaluate public policies, it is necessary to understand the problem through an analysis model, so that the policy, its operating dynamics and the change it produces in concrete reality are capable of being analyzed and interpreted in light of the underlying theory (Cruz-Rubio, 2010).

The intention of this research is to study Brazilian prison institutions as instruments of public policy and manifestation of the state’s concrete action, and therefore, it aims to understand this object of study through a framework. For this purpose, we chose the Institutional Analysis and Development (IAD). This analysis model was proposed in the mid-1970s (Cruz-Rubio, 2010), and has had its greatest theoretical exponent since then in Elinor Ostrom.

The classic application of IAD builds its theory on the theoretical framework of new institutionalism and behavioral economics, studying the policy under analysis as it relates to the intersection between three main elements: i) institutional norms; ii) collective action; and iii) the set of so-called common resources, which support, guide and condition the economic performance underlying the policy. The IAD framework understands the institution as a set of formal and informal rules that are understood, applied and used by a given community, establishing what an individual is expected to do or not do in daily interaction, with other individuals and with the system in which they operate, when pursuing a common goal or managing a resource on which they mutually depend (Hess & Ostrom, 2006).

The intention of this framework is to propose a scheme or general framework, to understand both the way in which institutions affect the incentives incident on individuals and their behavior and the dynamics of institutionally conditioned collective action, guiding the predecessor theory of economic neoinstitutionalism (Cruz-Rubio, 2010). The IAD is designed to analyze static and dynamic situations, considering different elements of a normative and social nature, in addition to the actions and interactions and results that occur around political activity (Hess & Ostrom, 2006).

Among the main uses for the IAD framework are the analysis of specific resources and situations in a myriad of different types of inquiries (Hess & Ostrom, 2006), and carrying out comparative studies on policies with the same purposes in different contexts (Hess & Ostrom, 2006). More recent uses of this framework suggest its application to understand the institutional environment in which the policy is implemented (Mekala & Hatton MacDonald, 2018), the conditions that allow policy to achieve certain results depending on the context (Omori & Tesorero, 2020), and the influence of exogenous variables on the practical results of the policy (Witkowski et al., 2023).

It should also be noted that the IAD framework is a fluid and malleable analysis model, and therefore can be applied in conjunction with various theories, models, methods and even other frameworks. It is possible to highlight recent examples of its application in conjunction with theories of Policy Cycle (Rojo et al., 2018), Policy Design (Iychettira et al., 2017), Institutional Grammar (Dunlop et al., 2019; Herzog et al., 2022; Siddiki et al., 2022), Game theory (Kimmich & Tomas, 2019), System Thinking and System Dynamics (Amsler & O'Leary, 2017; van der Heijden et al., 2021), Collaborative

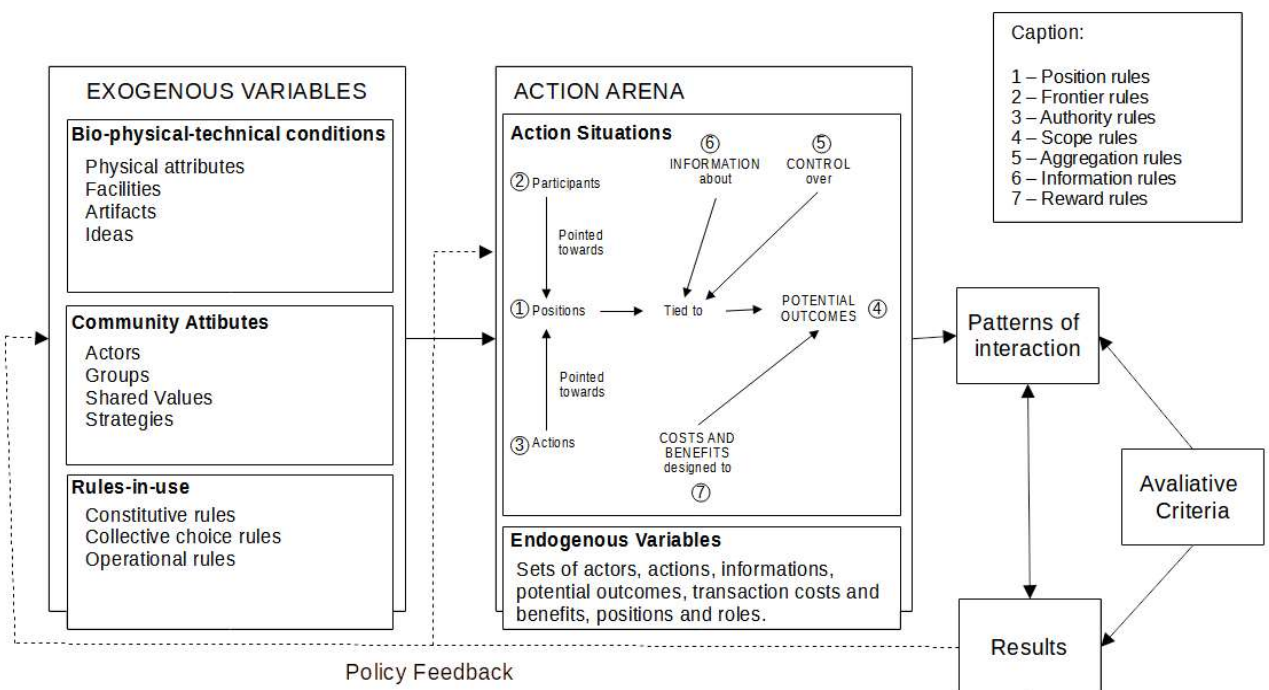
Governance, Collective Action (Amsler & Vieilledent, 2021; Horndeski & Koontz, 2020; Omori & Tesorero, 2020; Roth & de Loë, 2017), and Institutional Adaptation (Cuevas, 2018).

The IAD framework is not incompatible with Case Study methods (Horndeski & Koontz, 2020; Witkowski et al., 2023) and the ethnographic method (Orihuela & Mendieta, 2021) and not averse to joint application with other analysis frameworks, such as the Advocacy Coalition Framework (Herzog et al., 2022). The wide range of theoretical and methodological options compatible with the IAD framework (Gräbner, 2018) allow it to be fully adapted to the research scope, enabling a closer approach to the object of study. That said, for the present thesis, the IAD framework has clear relevance and applicability. For this thesis, a version of the Institutional Analysis and Development Framework was adapted to the needs of the empirical study, and therefore, composed of the elements present in figure 1. Such elements and their constituent parts will be explained and presented below.

Figure 1: Institutional Analysis and Development Framework

Source: (Hess & Ostrom, 2006; Ostrom, 2005, 2007, 2011; Theesfeld et al., 2017)

This approach was chosen for its broad scope, being able to consider different aspects of the problem and the solution at once (Hess & Ostrom, 2006; Ostrom, 2005), including aspects and elements external to the policies themselves, providing fertile support for qualitative and quantitative analyzes and contributing to a greater



understanding of the chosen subject. This structure helps question certain elements surrounding the policy, and not just the policy itself, which is especially relevant when considering that a task relevant to achieving the objectives of this project is to understand the exogenous factors that make incarceration policies of different countries capable of obtaining such different results.

The IAD is a framework used to develop a taxonomy and an analytical tool for understanding the complexity of opportunities and constraints faced by individuals in any situation of interdependence with layers of components that create both the structure that influences them and the outcomes they achieve (Natarajan, 2018; Ostrom, 2005). Studies that are oriented to the application of IAD framework concentrate efforts to identify rules as keys to explaining the solution of social dilemmas (Herzog et al., 2022; Ostrom, 2005).

This framework is dedicated to the analysis of public policies considering them to be institutions, in the sense of prescriptions, concepts or constructs shared between individuals to guide their actions in a diverse and repetitive set of organized situations by rules, norms and strategies (Hess & Ostrom, 2006; Natarajan, 2018; Ostrom, 2005). In fact, public policies are institutional arrangements that determine the norms of a social game where actors work together to provide public goods and resolve complex social dilemmas (Heikkila & Andersson, 2018).

The objective of this framework is to identify the elements and relationships between elements that researchers need to consider when analyzing institutions, organizing diagnoses and carrying out prescriptive inquiry, organizing a general set of variables that can be used to analyze all types of institutional arrangements (Ostrom, 2011). For teaching purposes, the IAD framework can be divided into three main parts: i) The exogenous variables, ii) the arena of action, and iii) the policy results. These parts interact with each other in specific ways, and are closely related to one or more practical resources upon which the system operates.

Exogenous variables include three elements, the bio-physical-technical characteristics, community attributes and rules in use; action arena includes pre-established action situations and the actors involved in them, and policy results include the immediate consequences of these action situations (Hess & Ostrom, 2006). These

factors influence the action and interaction of individuals and are influenced by policy results, forming cycles of feedback that can be identified by the IAD (Gräbner, 2018).

Bio-physical-technical characteristics are defined as the set of all physical attributes of resources under which politics operate and that have the capacity to shape community and political decisions, such as size, location, limits, capacity and abundance of these resources (Hess & Ostrom, 2006). This element includes facilities, artifacts and ideas. Facilities comprise the apparatus necessary to store and make available artifacts, which are observable, nameable and discrete representations and expressions of ideas, which in turn name the intangible content and non-physical flow units contained in the artifacts (Hess & Ostrom, 2006). As examples of categories established for biophysical categories, the political environment, the bio-physical conditions of politics and the socio-cultural factors that affect its development can be considered (Mekala & Hatton MacDonald, 2018).

The second element that makes up exogenous factors are the attributes of the community. This is represented by the set of actors that can be observed interacting in action situations present within the action arena, comprising groups involved with politics at several different levels, exercising their own strategies based on available information and through values shared among themselves, shaping interaction patterns (Hess & Ostrom, 2006).

Regarding the last element that makes up the exogenous factors, we have the rules-in-use, which refer to the set of normative understandings on which a participant who finds himself in a specific position can (or must) do or can not (or must not) do, limiting interactions between actors and between actors and the environment (Hess & Ostrom, 2006), guaranteed by a sanction for non-compliance (Hess & Ostrom, 2006; Ostrom, 2005). These rules include both formal and written norms and informal, merely consensual, ones.

The rules-in-use can be analyzed according to three levels of application: i) the operational level, whose rules determine the actions and interactions concretely considered; ii) the level of collective choice, or policy level, whose norms regulate the interactions of individuals, as well as the possible actions of actors; and iii) the constitutional level, which defines who should, may or may not participate in collective

choices (Hess & Ostrom, 2006). Institutional choices regarding which norms will become part of the list of rules-in-use can occur at multiple levels (Heikkila & Andersson, 2018).

There are seven types of rules recognized as critical for structuring the interaction of factors in each action situation (Heikkila & Andersson, 2018; Ostrom, 2005), which are: i) Position rules, which specify a set of positions and how many participants can occupy them; ii) Boundary rules, which determine who is eligible as a participant in the action situation; iii) Authority Rules, which specify what a participant should, should not or can do, defining the authority that a person has in a particular position and at a particular point in the decision-making process; iv) Scope rules, which define the functional scope and geographic domain that may be affected by the item being discussed or decided; v) Aggregation rules, which refer to decision-making processes and the participant's contribution to a final decision on the action to be taken; vi) Information rules, which define what information participants in a certain position should, should not or may communicate to other participants at a given moment in the decision-making process; and vii) Payoff Rules, which refer to incentives and disincentives in terms of resources available to the actors involved, to external sanctions linked to certain actions of non-compliance with regulations (Ostrom, 2005, 2010; Theesfeld et al., 2017).

The second part of the framework, the action arena, is the heart of the model, and consists of a decision-making environment by policy participants that is located within a factual situation, affected by exogenous factors, which will result in patterns of interactions and varying results (Hess & Ostrom, 2006). This is the arena where actors interact and where the dynamics within the system are triggered, the identification of which is central and must be done by researchers immediately after defining the problem (Gräbner, 2018; Heikkila & Andersson, 2018).

Within the action arena, where interaction occurs between the actors involved with each other and with politics, are contained: i) the set of actors that comprises all the individuals involved; ii) the set of actions that individuals can take, the description of the control that each of them has over their own choices; iii) the information available to support them, iv) the set of potential outcomes of aggregated individual actions; v) the respective economic costs and benefits that the choices represent for each individual (Gräbner, 2018; Ostrom, 2005, 2011) and; vi) the set of positions and functions occupied by each of the actors involved (Theesfeld et al., 2017). This overview of the action arena

can be found in figure 1, together with the rules that apply to each of its constituent elements.

It is also necessary to highlight that the set of action situations through which policy is developed and exercised, present within the action arena, can involve the same actors and similar situations, in a way that allows their overlap in space, in time and across functional sectors, to be understood organically, capturing the development of interdependent collective action (Möck et al., 2022). Thus, to facilitate the understanding of applicable action situations, it is useful to understand them by grouping them according to their circumstantial characteristics, such as the individuals involved, so that it becomes possible to systematize the action situations by classifying them in relation to the applicable rules-in-use.

The third part of the framework is the set of policy outcomes, which comprises interaction patterns and outcomes, or results. These elements are strongly related to the evaluation criteria, which refer to the set of measures that allow the researcher to understand them (Hess & Ostrom, 2006). Interaction patterns are elements that draw contributions from the other elements considered in the framework, such as exogenous characteristics, incentives, actions, and actors that contribute to its formation, which can be conflictual or cooperative between actors (Hess & Ostrom, 2006).

The outcomes, or results, of the policy being implemented or exercised, can be used to ground and motivate the policy analysis, especially when considering the reasons why the results of a given policy are different when considering different contexts of application (Hess & Ostrom, 2006). Another importance of analyzing policy outcomes is that they allow the analyst to make specific predictions and strong inferences about likely patterns of behavior and outcomes (Ostrom, 2011).

Together, the elements described in this section form the Institutional Analysis and Development (IAD) framework, which is the analytical model that will be used to understand the incarceration policy in this thesis. Its concrete application, however, will be described in the section regarding research methodology (3.2.3).

### 2.1.2 Logic Model and the construction of program theory

An instrument to explain the program theory, the logical model aims to facilitate planning and communication of what is intended to be achieved with the program and how it is expected to function (Cassiolato & Gueresi, 2010). Used by IPEA<sup>4</sup> since 2005, but with roots dating back to the 1960s in the United States (McLaughlin & Jordan, 2015), the technique for evaluating public policies through the development of logical models aims, through user-friendly, intuitive and widely used tools for monitoring and evaluating public policies in different countries, to objectively represent the program theory (Krause, 2020).

The reference logical model, as a method of evaluating public policies, aims to promote the “reverse engineering” of the public policy under analysis (Becker, 1998). The application of the logical model occurs through the application of a logical structure in order to organize references for evaluation with an emphasis on explaining the program theory (Cassiolato & Gueresi, 2010), in order to build an understanding of the interconnected parts of the policy and how it works, organizing the component actions of a program in conjunction with the expected results, hypotheses and ideas that give meaning to the intervention (Krause, 2020).

The construction of the logical model occurs in five stages: i) Collection of relevant information; ii) Clear definition of the problem that the policy and program will solve and its respective context; iii) Definition of program or policy elements in a table for initial meaning formation; iv) Design of the theoretical model to reveal the theory of change of the analyzed program or policy; and v) Verification of the program logic with stakeholders (McLaughlin & Jordan, 2015).

The first step of the logical model, the collection of relevant information, should gather information relevant to the program or policy simultaneously from multiple sources (McLaughlin & Jordan, 2015). In this thesis, the collection of information relating to penitentiary policy was carried out through various documentary sources, especially legislative ones, did will not exclude information from other reliable sources, such as

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<sup>4</sup>Instituto de Pesquisa Econômica Aplicada. Directly translated from the Portuguese as “Institute of Applied Research in Economics”.

scientific studies, journalistic sources from trusted and verified providers and documentation from government agencies involved with the penal execution in Brazil.

In addition to understanding the process in which the program operates, it is important to also collect information about the theorized connections, allowing us to address the mechanisms that mediate processes and outcomes in practice (Weiss, 1997). All information collected is initially aimed at shedding light on elements that revolve around a central problem, where in the next stage, other problems will be stated, according to links of cause or consequence in relation to the central problem (Cassiolato & Guerese, 2010).

The second stage of forming the logical model aims to clearly define the problem and its context, understanding how the problem motivates and makes it necessary to carry out the intervention, through clear descriptions of the factors that “cause” the problem (McLaughlin & Jordan, 2015). In this stage, the macro-problem, or central problem, will be identified and analyzed together with the factors identified in the previous stage and the interventions that were indicated as necessary to solve this problem (Cassiolato & Guerese, 2010; Krause, 2020).

At this stage, the group of causes or factors considered critical will also be analyzed through causal models represented by diagrammatic causal chains, that is, that combine three characteristics: i) high impact on changing the problem; ii) centrality of practical action; and iii) being politically appropriate to act on the identified cause (Krause, 2020). According to these characteristics, causal relationships that govern the problem in question will be identified, which in turn will be represented graphically in subsequent stages.

The third stage of creating a logical model is defining the elements of the program in tabular form, in order to allow the identification of patterns and meanings in the data and information collected, and the discovery of salient elements of the program and intervention, as well as the initial identification of relationships between the elements that will make up the model (McLaughlin & Jordan, 2015). At this stage, the logical model aims to carry out the initial exposure of elements relating to five categories: i) the chosen problem and its context, ii) the policy (program or project), iii) the inputs, iv) the products (outputs), and v) the expected results (outcomes) in the short, medium and long terms (Cassiolato & Guerese, 2010; Krause, 2020; McLaughlin & Jordan, 2015).

In the fourth stage, a subsequent analysis of the information already organized in the previous stage will be carried out, culminating in the design of the logical model itself, in order to reveal the theory of change of the program under analysis and the rationality by which it is stated that the program is configured and behaves as directed, allowing an audience to understand and evaluate the hypothesized logical links (McLaughlin & Jordan, 2015). At this stage, logical models are developed that express elements that make up a problem and the causal relationships that interconnect them, linking inputs to outcomes (McLaughlin & Jordan, 2015).

Finally, the last stage of the process of developing the logical model relating to any public policy relates to verifying and confirming the program's logic. This verification, whose theory recommends being carried out through contact with stakeholders involved with the policy, aims to confirm the accuracy of the premises and assumptions used to formulate the logical model, the anticipated external contextual factors and their respective influences, the logic that governs the program, and the conditions through which the program works to achieve short, medium and long-term objectives (McLaughlin & Jordan, 2015). The involvement of stakeholders can occur towards collaborating with the explanation of the problem, with the logical structure, with the definition of context factors or with the validation or refutation of any element present in the model, whether in checking these components or in analyzing the vulnerability of the model (Cassiolato & Gueresi, 2010).

## 2.2 Penology: The objectives of Incarceration

This thesis aims to study aspects of the penitentiary system, and for this reason, we chose penology as one of the theoretical bases to support this thesis. Penology is the multidisciplinary scientific field concerned with studying and evaluating the application of criminal sanctions, focusing on forms of punishment, regulation and control and on the justifications, characteristics and effectiveness of penal institutions (Scott, 2008).

When discussing the applied incarceration model, it is useful not to forget that it is a recent construction. Punishment through prison was conceived long before its use as a total institution of the State, so much that prison precedes its use by criminal law (Foucault, 1999). That said, it is not surprising that the purposes of punishment serve

finalities that mainly just barely overlap with those contained in the letter of the law, since the results of current penal policies do not appear to be resonant with the legal framework on which it is based today in Brazil.

The current state punishment model, with regulations that denote concern for human rights, such as UN minimum standards, is very recent. Humanity has not always resorted to incarceration as the State's response to the conducts considered criminal acts. Until the 18th century, it was common for criminals to be tortured until they confessed, and after their conviction, they were executed in a macabre public spectacle, in the most creative and bloody ways, such as dismemberment (Foucault, 1999). The purpose of the torture was to shock the public, making the executed an example to dissuade other people from committing the same offense, the same deterrence effect which today commonly guides punitive discourse, but which has already been proven to be inefficient and ineffective in deterring potential criminals through sanctions (Petrosino et al., 2013; Wagenaar et al., 2007).

Today, even though the spectacularization of punishment through public and violent punishment by the state has been legally forbidden by the Brazilian Constitution (Constituição da República Federativa do Brasil, 1988), the Brazilian State directs a vast amount of resources and efforts to maintain the imprisonment apparatus, which contained around 1413 prison establishments in operation in 2019 (Brasil, 2020), 1397 of which currently are still in operation today (Brasil, 2022a) to serve all legally established penalty and individual monitoring regimes. This apparatus occupies a significant part of the available public resources, both financial, with the expenditure of 373 million reais<sup>5</sup> by FUNPEN alone in 2018 (Brasil, 2022b), as well as human, with the provision of the necessary labor force to house all 811,707 prisoners who are kept in the custody of the State (Brasil, 2020), in sentences that can last up to forty years, as determined by art. 75 of the Penal Code (Código Penal, 1940), amended by Law no. 13.964, of December 24, 2019 (Lei nº 13.964, de 24 de Dezembro de 2019, 2019).

This demand makes so that the State needs to keep and manage an apparatus whose proportions should be capable of housing the third largest prison population in the entire world (Fair & Walmsley, 2021). However, there are several possible explanations

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<sup>5</sup>Converting as of rates on December 2023 (1 BRL = 0,21 USD), this comes to a total of 76.709.501,50 USD. It is equivalent of 170.623.994,91 Norwegian Kroner (1 BRL = 2,22 NOK).

as to why penitentiary institutions would perform their function in the way they do. The Penal Execution Law, in its article 1, determines that the objective of incarceration is, simultaneously: i) to implement the criminal sentence or decision, and ii) to provide conditions for harmonious social integration, in favor of the target of the criminal decision (Lei de Execução Penal, 1984).

However, to understand what would actually be the answer to the question “what is punishment for?”, by which incarceration is conceived as it is currently configured, it is necessary to turn to Penology, the field of studies that focuses its efforts on the effectiveness of incarceration on preventing recidivism, examination of penitentiary institutions and routine practices of violence and discrimination that impact prisoners (Arrigo & Milovanovic, 2009).

The discipline finds its object in the study of the various means of repression and prevention of crimes, of application methods and post-penitentiary action, in order to cover both pre- and post-sentence with a practical purpose and directed at the offender, instead of the sanctioning norm (Mendes, 1980). Penology is multidisciplinary, and by examining the social, historical, economic and political contexts that permeate incarceration, it aims to study the application of criminal sanctions to individuals who exhibit deviant conduct. The study of incarceration deals, albeit indirectly, with characteristics of the culture in which the treatment of prisoners by the State occurs, which in turn adapts to particular and specific economic, social and political conditions (Eriksson, 1964), routinely focusing on related topics, such as alternatives to punishment, human rights, legitimacy, the pains of incarceration, prison reform, public safety and security, rehabilitation and social justice, among others (Scott, 2008).

It is also important to highlight that even though penology works directly with the analysis of the individual under the edge of the State's punitive wrath, it does not necessarily look towards crime or criminality itself. The relationship between crime and punishment is complex, and the attention of penology not infrequently focuses on other factors related to incarceration rather than focusing only on the criminological factor and, as a consequence, it is possible to derive from the works of some penologists such as Emile Durkheim, Georg Rusche and Michel Foucault that incarceration can and should be interpreted separately from the phenomenon of crime, and must consider other factors (Scott, 2008). Studying incarceration can, and should, be carried out in a way

focused on punishment, independently of studying the crime that gave rise to it, being necessary to look at the treatment that the State gives to the prisoner himself.

That said, this thesis considered that the penalty or criminal sanction, to be classified as such, must follow five criteria: i) it creates suffering or unpleasantness for a human being; ii) arises as a direct result of an offense attributed to the individual suffering the sanction; iii) is directed exclusively at the individual to whom the offense is attributed; iv) it is intentional and not just accidental; v) is inflicted by an authorized entity and representative of the rules or laws of the society in which the offense was committed, as delegitimized and/or unfounded justice cannot be accepted (Banks, 2012; Flew, 1954; Scott, 2008).

Penology conceives three major philosophical approaches to debating the purpose of punishment, which are: i) justificationist philosophies, which justify punishment as mechanisms for preventing future offensive behavior; ii) retributivist philosophies, which focus on responding to the offense itself; and iii) abolitionist philosophies, which maintain that punishment is neither morally nor politically justifiable (Scott, 2008). The first two aspects attribute a purpose and a justification to the penalty, while the third states that the penalty would be unjustifiable, politically or morally (Ferrajoli, 2002). Utilitarian and retributivist theories of punishment are in blatant and open contradiction among themselves, and they also contradict abolitionist theories, by definition (Quinton, 1973).

The first of the philosophical aspects of punishment, the abolitionist, differs from the other aspects by divorcing itself from the intention of attributing any objective or utility to punishment on the part of the state, stating that the penalty would be unjustifiable. This aspect is subdivided into two, radical or anarchic abolitionism, and Marxist abolitionism. For abolitionism, therefore, every penalty would be unfair, limiting, arbitrary, devoid of legitimacy and causing suffering, leading to a discussion of the justification regarding whether to punish or not (Ferrajoli, 2002), drawing attention to the prisoner's own point of view in the study of criminal sanctions.

As representatives of theorists of anarchic abolitionism, we can mention the works of Stirner (1907), Hulsman (1993), Bianchi (1985) and Christie (1981) (Ferrajoli, 2002). Stirner (1907) starts from a philosophy of human nature as selfish, individualistic

and mercenary, focused on individuality<sup>6</sup> and in indivisible freedom, where the rejection of law and punishment would be the maximum expression of individual freedom. This conception, which rejects the order represented by the penalty to admit the crime as the maximum expression of individual freedom, justifies its reasoning by understanding the individualist perspective, considering freedom as a value that does not admit any limitations.

Christie (1982) states that any attempts to justify the punishment of the delinquent, which would be nothing more than intentional pain practiced by the State, would be attempts to hide the sadistic nature of the punishment, and that purposes attributed to the punishment, such as changing the delinquent, they would create justice problems by creating rigid systems that are insensitive to individual needs (Christie, 1981). Considering the practical aspects of penal institutions, the author recognizes that the way in which punishment occurs is flawed, as it disregards the interests of both the direct recipients of the sentence, the offenders, and society in general. Punishment would behave similarly to a top-down policy, which is the implementation modality where policy decisions are concentrated on a specific group of actors, in order to exclude the participation of others from certain choices (Hill & Hupe, 2021).

Hulsman (1993), in turn, treats the conception of a state punitive system as an obstacle to the production of justice and as an instrument of stigmatization, exclusion and class domination resulting from the organization of life through the capitalist mode of production (Hulsman & Celis, 1993). Bianchi (1986) also criticizes the penal system as incapable of protecting society against crime, which through a monopoly of force against the individual and the application of criminal sanctions in a way that does not consider the desires or needs of either the victim or the offender, causing a worsening of the crime situation (Bianchi & Barker, 1986). This abolitionist conception of punishment opposes the utilitarian assumption that punishment would have the power to prevent future crimes, stating that prison became a den of criminal reproduction instead.

Marxist abolitionist theorists understand the penalty as an instrument of repression of the capitalist state on the racialized individual (Alexander, 2018) and punishment as an

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<sup>6</sup>In the original the author uses the word “*Eigenheit*”, which is difficult to translate. This term was translated into “Ownness” in English, which has a similar meaning to “individuality”, at least for the purposes of this reference.

inflection of the neoliberal State against the individual (Wacquant, 2003). Marx himself wrote very little on the subject of crime and punishment, but his work gave rise to a whole strand of radical criminology and penology, which interpret punishment in the light of Marxist theory (Spitzer & Tunick, 1994).

According to this aspect, policing and repression of the individual are not capable of generating a reduction in crime, but rather serve only as an instrument of protection, not of society in general, but of the property rights of a dominant class, which allows the perpetuation of injustices against the dominated class in the name of their own interests (Rusche & Kirchheimer, 2017; Spitzer & Tunick, 1994). Repression, then, would find its cause in the class struggle typical of the capitalist mode of production, which main driver, according to Marx, are the dynamics of exploitation and surplus value that are produced and reproduced between the bourgeoisie and the proletariat (Marx, 2011).

The armed police, by serving as an imperialist guarantee for the interests of the State, which is controlled by a dominant class and possessor of the wealth related to the means of production, becomes an instrument of exploitation of the oppressed class (Lenin, 2009), and by reflex, prisons start to focus more on minor crimes, committed by the proletariat, than on major crimes, committed by the bourgeoisie (Spitzer & Tunick, 1994). In this way, the penalty would only be necessary as an instrument capable of protecting the *status quo* through the protection of property and maintaining its recipients, those considered inferior to the proletarian classes for being naturally unproductive, oppressed and pacified (Rusche & Kirchheimer, 2017; Spitzer & Tunick, 1994). Through imprisonment and forced labor, individuals are then dehumanized and exploited as resources (Adamson, 1984; Silva & Saraiva, 2016), serving the interests of the class to which they do not belong. However, when considering the State's instrument of penal coercion as a result of the capitalist mode of production, it is admitted that there is no perpetuity in the prison-state relationship, so that it finds limits on the extent that elements of regulated society assert themselves, either ethical state or civil society (Ferrajoli, 2002; Gramsci, 2001).

The Retributivist Strand of penological philosophy brings together authors who understand state punishment as an end in itself, and based on a moral parameter, seek the justification of punishment in the past by stating that the function of punishment is to repay in some way the harm caused by the crime (Ferrajoli, 2002). This aspect

understands the penalty as the natural consequence of the crime in several different ways, depending on the perpetrator in question.

As examples of retributivist theorists, we can highlight Plato, Hegel, Kant and Von Hirsch. According to Plato, human beings only become evil through the corruption imposed on them by their education or by flaws in the laws that govern their lives, they would naturally be moral and good (Pauley, 1994), and in this way, states that the penalty would have the power to cure and purify the criminal, extracting from him the evil of the crime through pain (Scott, 2008).

Hegel brings to the discussion a perspective based on Catholicism and the conception of the human being as a moral being, and inspired by the notion of sin and repentance by attributing to punishment the power of restoring the individual's degraded morality through suffering (Ezorsky, 1973). The penalty, therefore, would be the right of the punished individual, who, as a rational individual, should be honored by the application of the penalty, which represents a violation of the very violation of rights represented by the crime, in restoration of the balance of values through retribution (Materni, 2013). Hegel establishes a legal retribution of punishment, where the suffering of the guilty person would be responsible for restoring the validity of the law (Ferrajoli, 2002).

Kant's philosophy removes the basis for the exercise of punishment from one's own *jus puniendi*<sup>7</sup>, by stating that justice would be mischaracterized by giving in to any consideration, in a reinterpretation inspired by *lex talionis*<sup>8</sup> aiming to repay the criminal what he deserved (Banks, 2012; Materni, 2013). This conception of punishment as an ethical atonement for crime, where the individual would need to go through the pain of punishment to have their morality restored and the sovereign's right satisfied, resonates with the Kantian principle by which the human being cannot be manipulated as a means to production of an end that does not belong to themselves (Kant, 2004; Pauley, 1994).

The last philosophical strand presented in this section, the utilitarian one, aims to justify the punishment of the state to the detriment of the individual not by looking at

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<sup>7</sup>From Latin, right to punish. Kant refers to the right of the State, as sovereign, to punish the individual and inflict pain and anguish on them in response to a crime committed (Kant, 2004).

<sup>8</sup>From Latin, law of retaliation. Famous for the motto “an eye for an eye, a tooth for a tooth”, it fully embodies the essence of the retributive theory of punishment.

the past, but at the future (Materni, 2013). Through moral values such as justice and mercy (Pauley, 1994) this strand strives to justify the existence of the penalty by attributing an intrinsic utility to incarceration, which always aims to achieve an end or objective, stating that socially useless penalties should not exist (Ferrajoli, 2002). For utilitarianism, the penalty must always be justified by the valuation of the consequences arising from it, that is, by its utility (Quinton, 1973), justifying the costs of applying criminal law with indispensable moral or social objectives, reasons or functions (Ferrajoli, 2002). As great exponents of this aspect, we can mention the names of Beccaria (1764), Von Feuerbach (1799) and Bentham (2015).

Jeremy Bentham (2015) attributed to punishment the ability to prevent future crimes and distribute security to the community, maximizing the happiness of the group to the detriment of punishing an individual (Mill & Bentham, 1987), and when it is unable to deter future crimes, punishment only adds to the totality of human suffering (Banks, 2012). The author starts from an economic point of view in relation to punishment sanctioned by the state, in the sense that he admits that the interests of society can override the rights of the individual after the crime has been committed.

Beccaria (1764) also states that the purpose of punishment would not be to torment or inflict pain on the offender, nor even to compensate or undo the crime already committed, but only to prevent the criminal from causing new harm to others, and to dissuade others from doing the same (Banks, 2012; Materni, 2013). Von Feuerbach (1799) also diversifies the effects of punishment by establishing a difference between the threat of punishment, personified in criminal law, which only produces effects of deterring criminal conduct by the effect *ne peccetur*<sup>9</sup>, and the penalty itself, which produces other forms of prevention through an effect *quia peccatum est*<sup>10</sup> (Ferrajoli, 2002; Materni, 2013).

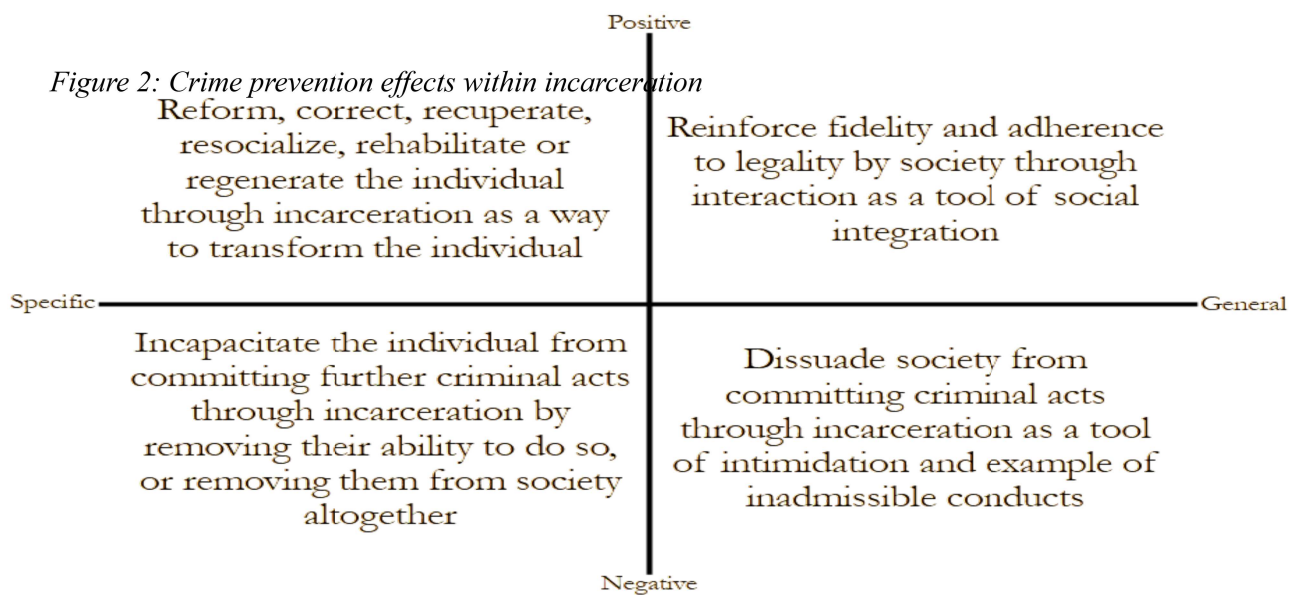
The justificationist aspect, in general, starts from the argument that the penalty has the function of preventing future crimes from being committed (Scott, 2008), through different modalities, such as deterrence, rehabilitation or incapacitation (Materni, 2013). These, species of the prevention genus, interpolate the issue of penalizing the individual in different ways, producing prevention in different ways.

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<sup>9</sup>From Latin: Lest you sin, do not make mistakes.

<sup>10</sup>From Latin: Because it is a sin, because it is wrong.

Utilitarianism understands that the prevention of future crimes through the punishment of individuals would occur in four distinct and intrinsically related ways, which are: i) specific positive prevention; ii) general positive prevention; iii) specific negative prevention; iv) and general negative prevention (Ferrajoli, 2002). These types of prevention can be organized into two axes, referring to their recipient, whether general or special, or to the crimes from whom the punishment aims to prevent; and the nature of the penalty, whether positive or negative, as shown in figure 2.



Source: (Ferrajoli, 2002).

The first type of prevention, related to the positive specific effect, is related to the purpose of reforming or rehabilitating the prisoner, terms used as synonyms but which result in different consequences in practice. Reforming carries the meaning of promoting change or transformation of the offender, educating him, teaching him, training him or instilling a new morality, assuming that the modification of the individual would not be necessary if he had not committed the crime, and the term rehabilitation does not intend to modify the offender, but to restore him to the state he was in before the crime was committed, which presupposes that he suffered unwanted changes due to the commission or that the degradation of the individual that gave rise to the crime itself (Scott, 2008).

Positive general prevention, referred to in the second modality, affects society when the State, by punishing the individual, promotes deterrence and intimidation of the commission of future crimes by individuals through example (Ferrajoli, 2002). This type

of prevention refers to the figure of general deterrence, where the individual sees the pain caused to others by the penalty and decides not to take part in the activity that led to this result (Scott, 2008). Negative general prevention arises from the prohibition of crimes and the legislative threat more than from the penalty itself, relating to the idea of deterring certain conduct by society through the legal threat of criminal sanction (Ferrajoli, 2002). And finally, negative specific prevention, where the State acts on the individual to prevent him from committing new crimes by incapacitation (Ferrajoli, 2002). By incapacitation, utilitarianism refers to reducing the offender's ability to commit the crimes to protect the general public (Scott, 2008).

Incapacitation, normally aimed at offenders who are considered irreformable, irrecoverable or irresocializable, with a high risk of recidivism (Banks, 2012), can occur by removing the individual from social life, a position where he will not be able to commit new crimes, or by eliminating or neutralizing the defendant himself (Ferrajoli, 2002). The effectiveness of deterrence and incapacitation is often attributed to the characteristics of certainty, speed and severity of punishment (Dye, 2013). Notably, there are three fundamental problems with incapacitating prisoners as a way of preventing crimes: i) the effectiveness of prevention is linked to the ability to predict recidivism, which is extremely limited and subject to false positives and negatives (Scott, 2008); ii) morally, you cannot punish individuals for crimes that were not committed, based solely on the risk of these people committing them (Banks, 2012); and iii) Incapacitation through incarceration, although capable of having short-term effects, promotes the socialization of the individual into crime<sup>11</sup>, which may worsen the issue in the medium and long term by promoting the stigmatization of the individual and their social isolation (Goffman, 2004) and specialization in criminal conduct, with the total number of days incarcerated and exposure to already socialized individuals positively correlated with the degree of benefits that the individual is able to derive from criminal conduct, especially in adolescents (Nguyen et al., 2017).

Furthermore, the discussion on the objectives of penitentiary policy is not exhausted by the abolitionist, retributivist and justificationist strands of penology, but has undergone a profound paradigmatic change since the beginning of the 1990s. In an article, Feeley and Simon (1992) discuss a change in the objectives of incarceration away

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<sup>11</sup>This is called the school of crime hypothesis, or *crime school hypothesis*.

from individual issues, focusing on an actuarial and managerial approach to incarceration as a whole, an aspect called new penology<sup>12</sup>.

New penology is a strategic formation in the penal field based on an actuarial, strategic, statistical, systematic and collective approach, which moves away from the objectives of classical penology by proposing that incarceration considers the following central elements: i) the approach to offenders as an aggregate of individuals, instead of adapting the State's responses to punishment by considering the individual in isolation; ii) the objective of incarceration as divorced from the moral implications of crime prevention, rehabilitation and control, focusing on the systematization, management and control of processes internal to incarceration that affect incarcerated populations; and iii) the adoption of the languages of probability and risk as a way of overcoming the discourses of clinical diagnosis and retributive judgment (Feeley & Simon, 1992; Shichor, 1997).

A direct result of a conservative turn in penal and social ideology in the 1970s and 1980s, the rise of the new penology had as its main consequence the change in repressive prison policies in several countries towards state responses to the social harm represented by crime, with a focus on identification, classification and management of the groups that make up the penitentiary population, through dangerousness indicators and statistical data (Shichor, 1997).

In this sense, the new penology, which aims to control a population that is considered permanently dangerous (Feeley & Simon, 1992), rekindles the historical notion of underclass<sup>13</sup> (Cheliotis, 2006), or dangerous class traditionally connected to the urban poor (Shichor, 1997), which in turn takes away the basis of the figure of lumpenproletariat<sup>14</sup>, an aggregate composed of mostly deskilled people who sometimes operate outside the licit economy (Wang, 2018), a “class” of disadvantaged, exploited and potentially dangerous portion of the proletariat, whose members do not have class consciousness and, instead of fighting against the ruling class to change social and

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<sup>12</sup>This was named as such due to lack of more descriptive terms at the time (Feeley & Simon, 1992).

<sup>13</sup>It designates a lower portion of a class, which in this context refers to the marginalized individual who is considered a high risk to society, and who therefore needs to be controlled and managed by the State (Cheliotis, 2006).

<sup>14</sup>Translated from German as lumpesinate, subproletariat, or rabble proletariat.

economic conditions, harm and prey on their proletarian compatriots, being considered traitors (Shichor, 1997). This conception of an institution to control unproductive classes renews a past significance for imprisonment, reminiscing to the total institutions aimed to control vagrancy through forced internship, previously known as houses of correction, workhouses, poorhouses or asylums, among other names (Melossi & Pavarini, 2006).

So, with the new penology, these “dangerous classes” become subject to policies inspired by actuarial and statistical principles and the analysis of systems for the creation, implementation and decision-making related to criminal policies (Shichor, 1997; Simon, 1988), subordinating prison policy, which goes from recovering individuals to managing risk groups, to be guided by principles of Weberian formal rationality, efficiency, calculability, predictability and control (Shichor, 1997). This aspect of penology removes the influence of the new public management<sup>15</sup>, transforming the criminal justice apparatus into providers and citizens in general into clients of the criminal service (Brownlee, 1998).

The influence of new public management over new penology shifts the approach to incarceration from objectives external to the sentence, such as resocialization, reintegration, or even punishment, for the incapacitation of managed populations, seeing crime as a phenomenon that should not be fought, but managed to be maintained at acceptable levels within a society (Brownlee, 1998), because it is to be considered a perennial and ineradicable event. Thus, when acting in the systematization and management of incarceration, the new penology takes us to Durkheim's (2010) concept of social anomie, through which it would be necessary to manage and adapt the state penal apparatus, in order to understand it as a system, to avoid a situation of social anomie resulting from the intensification of crime. In other words, it would be enough to control, not combat, crime and its causes.

Prison policies that are based on neopenological foundations direct efforts to classify offenders into groups based on risk profiles, through certain variables that express predictions about how likely a certain individual is to reoffend, distributing them into different degrees of punishment, control, restrictiveness of incapacitation and intensity of surveillance according to these profiles (Marquart et al., 1999). However, this new way of

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<sup>15</sup>From English: New Public Management.

penal organization inspired by new public management ended up being distorted in certain practical contexts.

These so-called neopenological policies apply concepts that are theoretically incomplete and not validated in empirical and historical terms, which are not capable of corroborating the emergence of a postmodern movement in the strict sense of penology (Cheliotis, 2006). By partial application of new penology, resulting from populist influences that blur the boundaries between the social and the personal and often resort to individual factors to explain criminogenesis and the need to maintain the state punitive apparatus, penal policies locate the causes of crime in individual failures, which excludes values social, ethical and legal, and constitutional principles of political decisions and dissociates short-term and long-term consequences in public security actions (Brownlee, 1998).

Policies inspired by the neopenological approach also often downplay the role of human discretion in the application of sentences, ignoring the potentially positive aspects of managerialism by ignoring the continuity between short-term and long-term consequences (Cheliotis, 2006). As examples, it is possible to mention the three-strike-laws<sup>16</sup>, originating in the United States (Shichor, 1997) and the Crime and Disorder Bill<sup>17</sup>, established in the penitentiary apparatus of England at the end of the 20th century (Brownlee, 1998).

In both cases, the criminal legislation itself is based on incomplete neopenological arguments to limit discretion in sentencing, determining that longer sentences should be applied in situations where there is recidivism, even prescribing mandatory minimum sentences (Brownlee, 1998), and even a mandatory life sentence for committing a third offense (Shichor, 1997).

The dissociation of the immediate and mediate consequences of criminal measures arise from the removal of groups considered at high risk to environments removed from society, the prisons (Cheliotis, 2006). While in the short term incarceration produces a significant and temporary effect in reducing recidivism through incapacitation,

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<sup>16</sup>From English: law of three strikes. They are based on the brochure of *baseball* of “three strikes and you’re out” to justify harsher sentences for repeat offenders.

<sup>17</sup>From English: law of crime and disorder. Refers to specific criminal legislation in force in England at the end of the 20th century.

in the long term this ends up resulting in the growth of the prison population and the loss of the very efficiency sought by the system (Shichor, 1997), caused by the inability to resocialize resulting from the penitentiary apparatus' lack of interest in this objective.

Therefore, the incomplete application of the precepts of the new penology in repeated frustrated attempts by the new public management on penitentiary policy can be considered a possible explanation for the growth trend of the penitentiary population in recent decades. When discussing prison policy, understanding and defining the objectives of incarceration becomes imperative, since a policy that does not know where it wants to go will lead nowhere.

That said, the present thesis agrees with the justificationist principle of excluding socially useless punishment, while still recognizing that if any measure would attempt to solve the contradictions of protecting society from crime through prison in a long-term, it would have to be through a radical reform, which is unlikely under capitalism, or even the abolition of the prison system entirely, which is even more unlikely. When stating that prisons play a role within the economic system and are the primordial manifestation of the State's public incarceration policy, it follows that it is not possible to understand it as divorced from its inherent purpose. Prison and punishment cannot be understood as completely separated by the social and economic system that surrounds it (Foucault, 1999). As will be addressed in a further section, prison in Brazil comes from a long tradition of incarcerating and punishing the lowest-ranked integrants of the poor social classes and black people of Brazilian society, and this is the reason why Marxist abolitionism is so relevant to this thesis.

### 2.3 Who goes to prison in Brazil? The social dynamics of imprisonment

It is necessary to consider prison in Brazil not as an isolated element, but also attached to the current economic and social system that allowed its emergence and guided its formation, once the exercise of the state's repressive power is intimately connected to the economic and disciplinary foundations of the system (Foucault, 1999; Valle, 2021). Brazilian incarceration, like law enforcement and the criminal justice system, is selective and not immune to the power relations in which it is immersed on.

To understand the penal apparatus is selective, one should look at the imprisoned population in Brazil, which is overwhelmingly made up of men (93.53%), up to 45 years old (84.8%), black and brown (67.78%), without pay (50.13%) or with remuneration of less than a minimum wage (30.19%), who did not complete high school (81.19%) (Brasil, 2023). Thus, the problems that arise from mass incarceration mainly affect young, black and poor people, who typically commit minor crimes (Monteiro & Cardoso, 2013).

Among these prisoners, 36.14% are serving sentences for theft, robbery and fencing, 27.76% are responsible for drug trafficking and association with it, and 13.77% for homicides and robberies with killing<sup>18</sup> (Brasil, 2023). There is a tendency that crimes against property, such as theft or robbery, contribute more significantly to filling up prisons than crimes against life, such as homicide (Monteiro & Cardoso, 2013).

The correlation between ethnic profile and types of crime committed also finds a difference in the degree of severity of the punishment applied, with black people having, on average, a greater chance of being punished, and also longer sentences on average, which demonstrates selectivity in sentencing (Adorno, 1996; Alves, 2017; Monteiro & Cardoso, 2013). The configuration of the Brazilian penitentiary apparatus, which has a known main demographic, is consistent with the prison found in countries that follow a neoliberal political-economic tradition, whose measures against crime are applied in a paradoxical way, applying the police and repressive “maximum state” over the social and economic “minimum state” (Monteiro & Cardoso, 2013; Wacquant, 2003). The prison, as a instrument of social control, combines colonial and pre-capitalist elements, using of social repression and the perpetuation of class privileges to justify the existence of a sub-class of Brazilian citizens, migrating the stigma that comes from “being enslaved” to “being a criminal” (Alexander, 2018), as individuals stigmatized by prison still mostly come from the same groups: black, poor and periphery-dwelling<sup>19</sup> (Souza, 2009).

Brazilian incarceration suffers from a problem of structural racism (Brewer & Heitzeg, 2008; Cohen, 1997; Earle & Phillips, 2012; Grace & Nelson, 2019; Purdum et al., 2021; P. R. F. Santos, 2020; Western, 2006), which is multidimensional, and through the

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<sup>18</sup>The cumulation of crimes robbery and homicide is treated as a aggravating factor of the crime of robbery, which is called “latrocínio” in portuguese.

<sup>19</sup>Translated from the original portuguese “periférico”, which refers to a person that lives away from the city center, specifically in impoverished urban areas.

combination of class racism and racial racism, allows the latter to command the process of social and political domination that explains Brazilian social and political life (Souza, 2021).

This domination based on structural racism is the pustulent manifestation of the colonialist and neocolonialist wound reflected in the incarceration system (Almeida, 2019; Buntman, 2019; Guenther, 2022; Kang, 2016; Kaufman, 2012; Stone-Mediatore, 2019), where the economic system based on slavery and racial hierarchization of society perpetuates and extends over time (Souza, 2021), propagating itself based on the discrimination of the incarcerated bodies this time, instead of enslaved. This phenomenon assigns new forms to old elements, such as the stratification of society based on race (Wacquant, 2000), the creation of a caste society that is a pillar of the current social, political, economic and legal system (Wilkerson, 2019), and the maintenance of social inequalities that make it difficult for marginalized populations to access rights (Alexander, 2018).

Further consequences of the imposition of the colonial mode of production are the construction of segregational spaces (ghettos<sup>20</sup>) for vulnerable populations on urban peripheries (Wilkerson, 2019) often with a high incidence of crime, disease and dilapidation (Wacquant, 2000), and the strong presence of narcotics and the consequent harsh policing actions in these environments, with the emergence of the so-called war on drugs (Alexander, 2018). The war on drugs also create a dynamic of militarization of the law enforcement response through socioeconomic polarization caused by the application of neoliberal policies towards vulnerable populations (Valenzuela Aguilera, 2013; Wacquant, 2008).

The prison institutional complex, connected to the ghettos through a link of structural symbiosis between instruments of social control and exclusion of populations considered unwanted and inassimilable (Wacquant, 2000), complements the creation of segregational spaces within society, in a highly intimate dynamic where the poor population is shared between those two spaces. After all, racism is at the core of mass incarceration and the transformation of the welfare state into the neoliberal debt state and the penal state (Wang, 2018)

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<sup>20</sup>In Brazil, these peripheral communities that are home to many impoverished people are often called Favelas or Morros.

## 2.4 Public policy and comparative penology: is there another way to incarcerate?

The other extreme of the politics spectrum towards the prison policy spectrum are the Scandinavian countries, which have the most expressive *welfare state* in the world. They are also the countries with the smallest penitentiary apparatus, denoting a negative correlation between social policy and penal policy (Lappi-Seppälä, 2011). When we consider the Scandinavian approach on incarceration, we see very different results from Brazil.

The four countries that make up Scandinavia, Norway, Denmark, Sweden and Finland, all have low incarceration rates when compared to the rest of the world. These countries are known for their moderate length sentences, good prison conditions and generous social welfare schemes, which refer ex-prisoners to employment services, offering extensive support pre- and post-release (Aaltonen et al., 2017). These rates are present in Table 1.

*Table 1: Statistics regarding scandinavian countries' prison systems*

	Prison Population	Incarceration Rate	Recidivism Rate <sup>21</sup>	Occupancy Level
Norway	2.991	54	20%	80.7%
Sweden	8.635	82	43%	105.0%
Denmark	4.106	69	29%	97.4%
Finland	2.839	51	36%	94.9%

Source: (Fair & Walmsley, 2021; World Population Review, 2023)

Prison institutions present in Scandinavian countries are oriented towards desistance and not punishment, which profoundly affects their results. As a reflection of the highly egalitarian societies, social structures and welfare state of these countries, the punishment itself is considered the maximum extent of state punishment (Pratt, 2007b), contrary to the way Western countries operate, especially Brazil and the United States, by isolating imprisoned people, and promoting their stigmatization and social isolation (Goffman, 2004). These circumstances are a result of a decades-long struggle towards abolition, undertaken by several activist groups such as KROM (Norway), and KRIM (Denmark) and KRUM (Sweden) (Mathiesen, 1974)

<sup>21</sup>Studies on recidivism are notoriously difficult to undertake and standardize. The data from this study is from 2005

Scandinavian prisons are organized very differently than Brazilian, and often house 100 inmates or fewer at a time, as Sweden's largest prison only held 350 inmates (Pratt, 2007b). Meanwhile, the largest Brazilian penitentiary in 2019, the First Penitentiary of the Federal District (PDFI) houses 4,352 inmates at the same time (Brasil, 2020). However, the prisons in Norway, despite their humane 'texture' and higher penal sensibility, they are still prison institutions, and as such, end up causing pain to the imprisoned population (Crewe et al., 2022)

Even so, the results of prison policy, and the degree of humanity with which incarceration is performed in the Scandinavian countries are very different from those perceived in Brazil. The difference on the prison experience among countries can vary based on the different underlying political systems, with different goals and value practices, through which they can deliver very different outcomes.

In specific, by looking at the experience of Norway and analyzing the imprisonment policy characteristics that allow these results to be achieved, this research aims to understand how the gaps that Brazilian prison policy presents between its objectives and its daily practice could be faced, in order to take concrete actions to seek results similar to the ones which countries like Norway have been experiencing. We are not aiming to compare the Norwegian and Brazilian prison systems, first because controlling the necessary variables for any direct comparison is impossible, and second, because any readymade solution that comes from such comparisons would not be applicable to Brazilian practice.

## 2.5 Policy implementation through discretion: Prison Staff as Street-Level

### Bureaucracy

Another element central to the discussion developed in this thesis is the understanding that the prison staff member is also a street-level bureaucrat. Street-level bureaucrat is the worker which incarnates the bureaucratic rules and structures of State authority during policy implementation, fulfilling a central role through discretionary power and through direct contact with the policy client (Lipsky, 2019). These actors are the main drivers for adjustment of the policy planning towards practice, alleviating unforeseen limitations and adapting interventions to the reality that the policy is

implemented upon, being fundamental to the success of any public policy (Van Meter & Van Horn, 1975).

The concept of street-level bureaucrat includes several categories of workers that otherwise would be seen as performing very different functions, such as school teachers, police officers, nurses, governmental clerks and even the main subjects of this thesis, prison staff. According to Lipsky's (1980) definition, to be considered a street-level bureaucrat, one must consider four prerequisites: i) the worker must be providing services or fulfilling roles for the State, or in other words, be a public servant (bureaucrat); ii) this person has to directly interact with the recipient of the public services the policy provides, in a continuous manner that considers dealing with the real problems as they are presented, taking in demands and complaints from the public clientele of the provided services (street-level); iii) must be able to exercise varying degrees of discretionary power; and finally, iv) must have a relative degree of autonomy to make such decisions, not merely following orders, but effectively making decisions regarding how the policy objectives are performed in a case-by-case basis (Lipsky, 2019).

To understand how this category of worker is being studied in the academic medium, as well as to try and identify the social and functional dynamics that one must face when performing a role as a street level bureaucracy and how these challenges apply to the prison staff in their daily work lives, we performed a scoping bibliographic review.

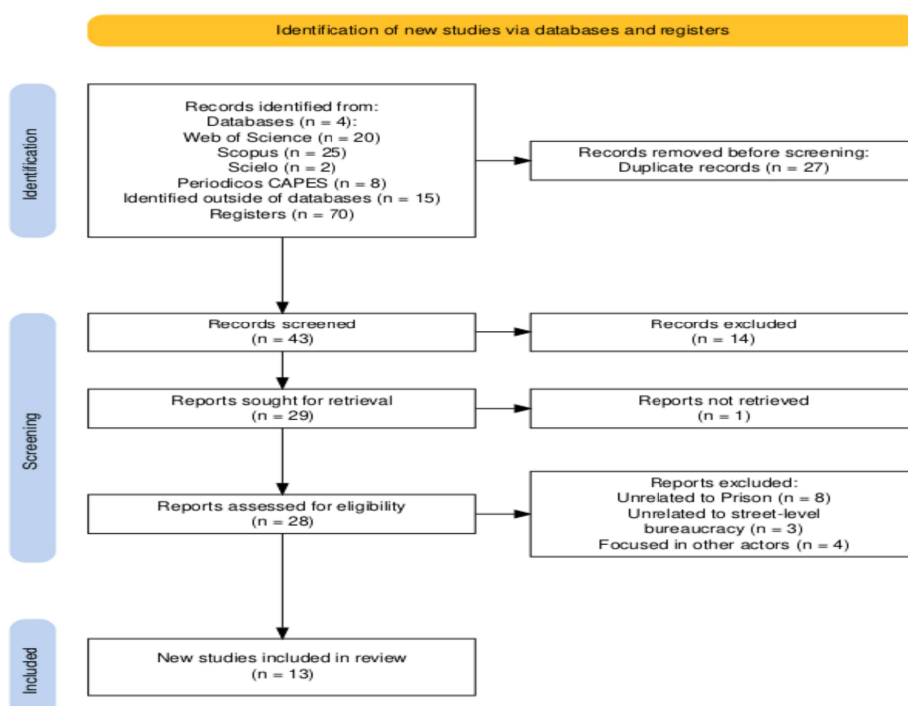


Figure 3: Scoping review,

*street-level bureaucracy on prison*

Source: Author; (Haddaway et al., 2022)

Through application of the PRISMA methodology, we aimed to identify the state of the art on street-level bureaucracy and the work of prison staff. This review included 4 major article databases<sup>22</sup>, and after the application of the selection and filtering techniques, we identified 13 relevant articles that were included in the discussion related to the current section of this thesis. The string<sup>23</sup> used for the searches include the following terms, both in English and Portuguese, according to the specific syntax of each database, with each term within parenthesis being linked by the boolean term OR or equivalent, and each term outside being linked by AND or equivalent. The review included as databases for the search: Web of Science (Clarivate Analytics), SCOPUS (Elsevier), Scielo and the broad search from Periodicos CAPES. Further studies were added to the corpus as they were identified, without additional searches in other databases, yielding the results that are observable in Table 2.

<sup>22</sup>

<sup>23</sup>String: (Prison\*, Penitentiary\*, Carceral, Incarceration, Incarcerated, Imprisonment, Imprisoned), (street-level bureaucra\*, street level bureaucra\*).

*Table 2: Studies reviewed of Street-Level Bureaucracy and Prison Staff*

Author	Year	Object	Methodology	Technique
Sentse, N; Van Ginneken, E.F.J.C; Palmen, H.	2023	Selective rule enforcements and individual misconduct in prisons	Quantitative	Multilevel regression analysis
Raaphorst, N.	2023	Hybrid performance regimes and street-level workers	Qualitative	Interviews
Jensen, D.C.; Pedersen, M.M.	2023	Identity and Discretionary decision-making practice of Street-Level Bureaucrats	Quantitative	Survey
Johnston, J.M.; Holt, S.B.	2021	Representative Bureaucracy and Management Models in Prisons	Quantitative	Survey + Regressions
Lerman, A.E; Harney, J.	2019	Officer Attitudes and Policy Feedback towards Rehabilitation	Quantitative	Survey + Regressions
Jefferson, A.M; Schmidt, B.E.	2019	Concealment and revelation as bureaucratic practices in prison work	Qualitative	Ethnography
Martins, T.P; Dias, C.C.N.	2018	Performance of Prison Officers as Street-Level Bureaucrats	Qualitative	Theoretical Essay
Bullock, K.; Bunce, A.; Dodds, C.	2018	Implementation and reform of correctional programs	Qualitative	Interviews + Content Analysis
Lerman, A.E; Page, J.	2016	Partisan identification and politicization of crime policy on officers' concept on punishment	Quantitative	Survey + Factor Analysis (Index)
Shannon, S.K.S.; Page, J.	2014	Officer's perceptions of work environment and attitudes towards prisoners	Quantitative	Survey + Structural Equation Modelling
Rudes, D.S.; Lerch, J.; Taxman, F.S.	2011	Cultural challenges to the implementation of a reentry framework	Mixed Method	Survey + Observation + Interviews
Hussemann, J.M; Page, J.	2011	Gender Diversity and Prison Reform	Quantitative	Survey + Regressions
Cheliotis, L.K.	2006	Penal Managerialism	Qualitative	Theoretical Essay

Source: Author.

After a complete reading of the selected articles, as well as posterior searches to add articles that were identified in later dates along the research process, the results of the performed review were registered in Figure 3, and the main results of this review is present in Table 2. Additionally, this review also benefitted greatly from the seminal works of Sykes (1958), Lipsky (1980) and Liebling et. al (2011), as they contribute greatly to the objective of this section and were cited in some of the reviewed articles.

According to the results of this review, we argue that members of the prison staff fulfill all the requisites to be considered street-level bureaucrats, and as such, must be considered so. They perform an essential and majoritarily public activity, being responsible for the security and custody of almost ten million incarcerated people throughout the world who find themselves under the State's responsibility (Fair & Walmsley, 2021; Shannon & Page, 2014). They also constantly and directly interact with the clients, effectively providing essential services they are not allowed to procure for themselves due to being deprived of freedom of movement because of a criminal sentence (Franca Júnior et al., 2020).

Prison staff also exercise a fair amount of discretionary power, and have to decide in practice by tapping into scarce institutional resources on prison units, to provide or not a wide array of requests from incarcerated people (Liebling et al., 2011; Sykes, 1958). Fundamentally, officers use discretion sparingly and in view of other actors within the prison unit, to avoid managing rule infractions through the official disciplinary system, as maintaining social relationships in the prison environment, which are mostly long-term affairs, is essential for keeping the peace while not adding to one's workload (Haggerty & Bucerius, 2020).

The employment of discretion is aimed to fulfill policy directives that are determined in theory, but fall short in practice, with a broad range of objectives that may range from crime prevention through resocialization to incapacitation of potential recidivists and management of population groups considered dangerous (Ferrajoli, 2002), acting with relative independence and autonomy. Prison officers play a central role in penal policy implementation, as they represent a significant population with a clear self-interest in crime policy, and their attitudes influence how they conduct themselves at work (A. E. Lerman & Harney, 2019).

As part of the street-level bureaucracy that act within prison units to implement a country's penal policy through incarceration, the prison staff members are expected to face several challenges that are antithetically common to other street-level bureaucrats who share similar work conditions (Lipsky, 2019). Street-level bureaucrats often are responsible to mediate between expectations of their clients, the recipients of the policy themselves, for more responsiveness and effectiveness and the citizens at large, which want more efficacy and efficiency of the public services, as indirect responsables for the funding of those services through taxes, being responsible to mediate the relationship between citizens and the state itself (Lipsky, 2019). This tension is present in the work of the prison staff, as they act as gatekeepers between the inmates and available resources that are often under effectuation processes and cutbacks from state funding, such as social services like custody, healthcare, education, among others (Shannon & Page, 2014).

The main problem that any public bureaucracy must face is a balance between sustainably and effectively spending the resources available for the implementation of a policy, which are finite and sometimes scarce, and demands from the public towards the services provided by the state. This problem originates in a particular characteristic of

public services where demands usually rise to meet available resources, creating a tenuous balance that keeps the policy in the brink of scarcity, in a situation that may not admit a solution, but only management (Lipsky, 2019).

The available resources and client demand are often close to each other, either because they are cut down and relocated when they are excessive, or because they are increased to the limit that the demand requires, to the point they are nearly enough to satisfy one another. This phenomenon can be perceived by examining effects that the construction of new prisons usually have towards incarceration, as the consequence is often the increase of the imprisoned population and the massification of the current incarceration model, as instead of representing better conditions (Sellers & Arrigo, 2018; Wacquant, 2003).

This situation demands that the street-level bureaucrats often act to preserve available resources such as money, time and information, through the prioritization of cases and simplification of their routines (Lipsky, 2019). In practice, there are only so many hours a day a member of prison staff can work by providing services to a often very high rate of inmates per staff member, which therefore requires that priorities are established between what services can be effectively provided.

Another consequence of the resource affair to street-level bureaucrats is that implementing agents bear responsibility for the policy results, as prioritization of activities are most likely affected by positive or negative incentives towards certain performance measurement (Lipsky, 2019). Performance measurements in management may affect SLB's discretion space by curtailing it, creating continuance by creating mechanisms of resistance to measures, or by enabling the fulfillment of their tasks (Raaphorst, 2024).

Measurements of performance, especially related to productivity, coupled with a large volume of demands and limited institutional resources, may lead not only to an increase in work environment pressure but also the deterioration of work conditions for prison staff, which may direct efforts towards activities that will be evaluated directly (Liebling et al., 2011). This can also be perceived more sharply where scrutiny is more intense, such as the case of private prisons, where performance indicators determine how much the State pays for the private partner's services (Cabral et al., 2010; Cabral & Ménard, 2019; Cabral & Saussier, 2012).

Street-level bureaucrats may also deal with unwilling clients, in the cases the State has a monopoly of the provided services or the cost to obtain them through a private provider is too elevated, and in such cases, the tension between the client's demands and the measures taken by policy objectives may also be affected, as the clients, with no alternatives, may be forced to bear elevated costs to obtain these services (Lipsky, 2019). This is the case of the services provided by prison staff, as interactions are deeply ingrained in power relations and assume the form of continued relationships within the prison units, and the inmates, who are most certainly not there by their own will, are often forced to suffer the harsh discipline of the prison staff, complete with physical coercion through the specialized use of force (Liebling et al., 2011; Sykes, 1958).

Discretion, the main tool that a street-level bureaucrat uses to face everyday problems, is defined as the freedom to determine the nature, quantity and/or quality of the services and benefits distributed by the organizations that one is part of (Argyris, 2017; Lipsky, 2019). One example of the use of discretion is from corrections, where the prison staff is expected to produce order and conformity in prison, often through punishment for insubordination and disrespect, which have very subjective definitions, varying according to criteria established by the staff themselves (Liebling et al., 2011; Lipsky, 2019). Prison staff may choose to turn a blind eye to minor violations to create goodwill among incarcerated individuals, which may help enforce the more important rules by reinforcing interaction (Haggerty & Bucerius, 2020; Sentse et al., 2023). Although very subjective, several factors can be linked to the discretionary use of force from prison staff members, as individuals within organizations may also change opinions and their subjective aspects based on stimuli originated from their environment (Rudes et al., 2011).

The application of discretionary power is also tightly related to Bourdieu's (1992) concept of habitus, which refers to a collection of historical relations that takes the form of durable cognitive structures of perception, appreciation and action, guiding individual action while forming a sense of the rules about how to interact socially in a determined context (Bourdieu, 2008; Haggerty & Bucerius, 2020). Habitus, as the framework where the individual and subjective aspects direct how institutional decisions are taken by the street-level bureaucrat, varies according to subjective elements from each prison staff member, including political alignment, as prison is fundamentally a political institution which reflects the state monopoly in the use of force to promote domestic order and

public safety, as well as often serving an use by politicians to shore up legitimacy (A. Lerman & Page, 2016).

Discretion use is also related to staff's perception of the inmates' behavior through a bilateral relationship, with decisions regarding selective rule enforcement on prison units being taken according to odds of displaying misconducts of verbal, physical, property and contraband (Liebling et al., 2011; Sentse et al., 2023). Different treatment over individual behavior is more likely to be dispensed to incarcerated individuals while depending if the identity of the prison staff member is more heavily aligned towards rule compliancy (state-agent) or discretion exercising (citizen-agent) (Jensen & Pedersen, 2023). The representativeness of the imprisoned individuals in the prison workforce is also very likely to influence the corrections performance and reduce the levels of facility violence (Johnston & Holt, 2021). Elements such as those described in this section justify the importance of the questions regarding the subjective elements of the prison staff to the current research. As staff opinions regarding shortcomings, challenges, objectives and other aspects of the prison policy might end up shaping those elements through their action, as members of the street-level bureaucracy, their understanding is necessary to examine the ways policy is shapen accordingly, linking planning to practice through street-level bureaucracy.

### 3 Methodology and Epistemology

In order to understand the scope of this research, it is necessary to trace some of its epistemological, ontological and methodological boundaries. In this sense, the following two sections aim to present and justify the decisions that guided this research.

#### 3.1 Epistemological path

Regarding the epistemological positioning of this research, it is stated that it was carried out within the scope of Applied Social Sciences, in the Administration field of study. Regarding the ontology of research, it is assumed that there is no extemporaneous truth to the facts, and even if there was, it could not be considered as absolute, since it depends on a series of personal and subjective assumptions and perspectives that will be combined within the results.

This thesis sought to reveal the essence of its object, which is the policy model of incarceration in Brazil, represented by the State of Minas Gerais, and in Norway. However, it recognizes that the discoveries must be based on the point of view of the Prison Staff, through the concrete and material reality of the subject-participants, in order to provide the researcher with information related to the object of study, even if permeated by the subjectivity of each individual and thus devoid of any pretention of seeking absolute objectivity.

The intention was to discuss the practical situation of the Brazilian incarceration model, as well as systemic issues that affect Brazilian prison institutions, whose highly complex origins makes necessary to understand the subjective links that guide the practical elements of the research. Therefore, this research observed subjective elements under its analysis, such as organizational culture, values, objectives of incarceration, among other aspects of its object, and it was not possible to do so without discussing these, in favor of a vain search for impartiality or an utopian objectivity, in the way positivist epistemology positions itself.

In another twist, objective elements of the research, which make up the core of the discussion, also cannot be neglected. Even though this thesis moved away from a

positivist standpoint of rejecting metaphysics and reducing the phenomenon only to what is sensitive and measurable, one limitation of this research is recognized in the sense that there are certain aspects of the phenomenon that may be beyond the practical reach of the researcher, and then, the focus will still be on capturing and interpreting the phenomenon in the most accurate, complete and rigorous way possible. The epistemology exposed here is oriented towards objectivity. A Reductionism would make the results myopic, so that they become unable to reflect the reality that the participants experience.

However, it is also necessary to recognize the resilience of this same system, which has maintained with special emphasis the *status quo* for decades on end, adapting to changes caused by the vicissitudes of the State and Society. Based on this characteristic, this thesis project seeks solutions oriented to incrementalism and the sociology of regulation, since the aim is to seek solutions to structural problems that already have an effect on an existing set of penitentiary institutions, allowing them to produce the criminal desistance that is the objective stated in the criminal execution law (Lei de Execução Penal, 1984). The aim of this thesis is to expose the conditions and changes that the present system will have to go through to remain alive (Burrell & Morgan, 2017), given the spread of the prison population problem that arises with late-stage capitalism.

Like this, we argue that this work has a functionalist epistemological nature. As characteristics of functionalist epistemology that this project partakes in, we have the predominance of instrumental rationality in search of a determined practical and pragmatic objective, and the positioning focused on the objectivist and regulatory aspects of sociology (Burrell & Morgan, 2017). The functionalist character of this thesis is also present in its main purpose, which is aimed at finding possibilities to address a specific problem, oriented towards the efficiency of penitentiary institutions in the sense that incremental advances in policy are promoted, moving it away from what the policy is towards what the policy should be.

### 3.2 Methodological Path

The methodology built for this thesis applied qualitative techniques of research. All partial objectives, and the methodologies proposed for their achievement, have their

summarized version presented in Table 3. The same theoretical and epistemological perspectives will guide articles I and II (Sections 4.1 and 4.2, respectively), in their respective scopes of application, which are Norway and Brazil, since this research aimed to understand a problem with the intent of proposing measures for its mitigation, and a basic theory that combines the evaluation of public policy and incarceration.

In this section, the techniques that make up this methodology and the justifications for our choices in the research design will be presented. We intended to evaluate Brazilian prison institutions as institutional manifestations of a public prison policy, and therefore, as practical manifestations of the State's activity to promote criminal execution and efforts related to the production of criminal desistance and prevention of recidivism.

N°	Goal	Aspect of Analysis	Data Collection Methods	Data Analysis Methods
1	Develop a public policy model that expresses the legal-normative framework that governs the functioning of penitentiary policy in theory	Theoretical-Normative	Documentary Research	Categorial Content Analysis
2	Develop an institutional model that expresses the organization of public entities whose activities are related to the state prison apparatus	Organizational-Institutional	Documentary Research	
3	Analyze the practical functioning of incarceration policy from the perspective of the main street-level bureaucrats related to criminal execution, the prison staff	Practical-Empirical	Semi-structured Interviews; Systematic Social Observation;	
General	Analyze the theoretical, practical and contextual aspects of the incarceration policy under analysis			

*Table*

### *3: Methodology of analysis for each case study*

Source: Author

In this thesis, three main sources were used together in collecting data for specific objectives of each of the articles: i) documentary research; ii) semi-structured interviews; and iii) Systematic Social Observation. Next, these data collection methods, as well as their relevance to the present research project, will be presented.

Documentary research, or document analysis (Given, 2008), in the context of this study, refers to the analysis of any verified information that is relevant to the proposed study. In particular, legislation that govern the activity of prisons and documents that carry the legal norms that guide this same activity, prison census population reports, which allow understanding the distribution and composition of the prison population,

and historical documents such as trusted and verified journalistic sources, were used for this research. such as news, official notes and other manifestations from the State and Society, which aim to provide evidence on the pre-defined aspects of analysis.

However, especially at this moment, even though the documentary sources that will be used are indicated here, it is worth highlighting that this list is not exhaustive, so the prerogative of using additional sources that may arise from contact with the empirical field remains reserved, as the limitation of these sources is not compatible with the research interest of obtaining pertinent information for data triangulation. The acquisition of this information always followed two principles: a) it must be verifiable, as the source of the data must be clearly defined and subject to review; and b) it needs to be reliable, as the information must not be partial or manipulated for any type of ulterior motive that could compromise the security of the research results.

Documentary research here do not exclusively refers to information originating from official sources, as it can be collected from non-academic sources, not yet treated analytically, ranging from direct statements to perceived contextual elements, guaranteeing a certain degree of objectivity from the researcher (Sá-Silva et al., 2009). The application of this method on the chosen subject aims to exhaust all clues capable of providing useful and interesting information available, ensuring saturation on the subject (Cellard, 2008), helping to create an in-depth understanding of the inner workings of different prison systems.

Another method chosen for this thesis's data collection is semi-structured interviews. These refer to a strategy of qualitative data collection in which the researcher asks participants predetermined but open-ended questions (Given, 2008). In the present context, it relates to the identification and dialogue with certain key actors working in prison institutions as a source. These actors, who fulfill different roles with decision-making power in relation to different aspects of the entire penitentiary system, such as: penitentiary officers, directors, police chiefs, or administrative agents whose activities have a direct relationship with penitentiary policy, who were identified in relation to concrete contexts as soon as contact with the field was established.

Much valuable information can be gathered through conversation with these people, providing a deeper understanding of how the prison works and its intrinsic rules. The interview protocol made use of a semi-structured script, which aimed to present

subjects to the participants, instead of closed questions, so as not to restrict the answers obtained when defining questions, allowing a full and clear manifestation of the participant, in a way halfway between the unstructured interview and the survey (Bryman, 2004). The interviews were considered satisfactory if the subjects that make up the script are covered in depth, even if the information contradicted the researcher's theoretical expectations regarding the empirical field.

Qualitative research through interviews, however, was carried out using an application protocol that aimed to ensure both that the research is capable of generating reliable, accurate data related to the object of the research, and also to ensure that no losses would be incurred to potential participants. The application observed certain elements of scientific rigor for carrying out the research, such as: i) indication of the research design; ii) adequacy of procedures to the methodology; iii) openness to diversity of information arising from empirical practice; iv) rigor and creativity in using the method; v) constancy and flexibility; vi) adherence to formulated criteria and strategies (Flick, 2009).

Certain ethical principles were observed at all times: i) The protection of participants against damage and disruption; ii) Guarantee of informed consent; iii) Respect for privacy; and iv) not using deception in research (Flick, 2009; Gray, 2011). To ensure that all these elements were observed, the research protocol was submitted to the Research Ethics Committee (CEP) of the Federal University of Viçosa.

Because the research plans involved data collection to be carried out in more than one country, the research project was submitted for consideration to the NSD<sup>24</sup>, to guarantee compliance with the data standards of the GDPR<sup>25</sup>. Following the approval from NSD, the project was submitted to the Norwegian Correctional Service for authorization, which was granted in mid-April 2023.

The third data collection method, Systematic Social Observation (SSO), was carried out along with the interviews. Originated from the Chicago school of urban sociology to understand phenomena related to crime and social disorder, Systematic

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<sup>24</sup>Stands for *Norsk Senter for Forskningsdata*. Translates to Norwegian Center for Research Data.

<sup>25</sup>Refers to General Data Protection Regulation. It is the European standard for research data protection and research ethics.

Social Observation is a standardized technique for direct observation of physical, social and economic characteristics of certain events (Sampson & Raudenbush, 1999).

This technique is based on the direct observation of social analysis units by the researcher, such as neighborhoods (Raudenbush & Sampson, 2004; Sampson & Raudenbush, 1999) in search of certain data and indicators aimed at allowing the analysis of a specific problem. For this thesis, Systematic Social Observation took place considering as a unit of analysis the facilities of prison units, in which staff work through their daily routines and produce the results of the penal policy. It includes the internal environment of the prison, a place around which the boundaries of the prisoners' individual freedom are established, the prison facilities, where the prisoner must have access to a range of services to guarantee their rights, and the external part of the prisons, which highlights architectural elements that can shape social conceptions and values relating to imprisonment and the treatment given to the imprisoned population by the State.

The SSO was carried out through collection of publicly available secondary data, as well as simple observations carried out during the same visits as the face-to-face interviews, to environments where access was permitted by the prison institution. Furthermore, the environments analyzed are all the described elements that researchers will have access to in the empirical field. As a result of applying this technique, we collected information about living conditions in prisons, which was used together with data from the interviews, especially regarding the physical, social and/or economic characteristics related to prison work.

Another reason for using more than a single form of data collection for the proposed study was to verify the data from the research. In this sense, when a source provides information that can be verified by others, an information verification network is created, which excludes peripheral data and repels external manipulation of findings. This provides an additional degree of security to the research, preventing people with bad intentions from interfering with the results by providing incorrect or false information. The joint application of these methods helps to build a robust knowledge of the conditions that permeate criminal desistance and the context in which it occurs, allowing the general objective of the present research to be met by proposing measures to the problems of incarceration.

Regarding the data analysis, which converts the data collected to the information substrate necessary to reach the conclusions, we state that the method chosen for this thesis was the categorial content analysis. Categorial content analysis aims to shape the data obtained by categorizing the information, dividing it into analytical categories, to organize them so it is possible to simultaneously analyze and interpret different material sources (Laville & Dionne, 1999). The dismemberment of these sources into analogical regroupings called categories (Bardin, 1977), allows for either a qualitative analysis, examining the content for the presence of themes and certain meanings in the text, and a quantitative analysis, examining the frequency of certain terms in the sources (Bardin, 1977; Caregnato & Mutti, 2006). This data analysis technique will be applied in all specific goals, as specified in Table 2.

However, as the research went into its implementation, some factual aspects demanded some light alterations in the expected methodology, and represented limitations for the current research. In the beginning, we expected a certain degree of resistance to participating on the research, as being asked questions from outside researchers would be perceived by the research subjects, as street-level bureaucrats, as an effort of performance measurement which would be detrimental to the participation in the research. However, due to the prison officers and penal police being a class of workers that is well known to be closed to outside research (Liebling et al., 2011), and for the fact that prisons are total institutions that anchor their daily operations in limiting and controlling information fluxes between the outside and the inside, we also expected a further degree of individual and institutional resistance to academic analysis.

This research bottleneck demonstrated itself to be quite paradoxical in practice. When the research went into practice in Norway, we were denied the possibility to invite research participants on the majority of prison institutions we requested access to, even when displayed credentials. On Norway, we asked to conduct research on 30 different prisons, and an executive decision, which was centralized in Kriminalomsorgen, permitted us to access only one of them.

In the prison we were allowed to access, an appointed contact person from Kriminalomsorgen would gather potential participants which performed certain key roles we requested, and would invite them to come in for an interview. The contact person did

not have access to anything each participant said during the interviews, and their role was limited to connecting the participant to the researcher.

In Brazil, due to a high heterogeneity of Brazilian prisons, caused by the fact that prison administration is an affair that is done by the States instead of the federal government, and due to limiting factors for this research such as time, resources and manpower restraints, we were faced with a decision, regarding where the geographical boundaries of the research, and which case or cases were going to be chosen. After careful consideration, we chose the state of Minas Gerais for a few reasons, including the aperture we had to perform a research, as we believed that the weight carried by the name of the Federal University of Viçosa helped us achieve institutional authorization.

The policy of the State of Minas Gerais also held a great deal of importance towards the analysis, as a state that is not economically poor and has a sizeable imprisoned population and penal apparatus, while not being the biggest in Brazil on neither of those indicators, discarding the concept that this state is an outlier from the rest. For example, interesting as it would be to study prison policy in the State of São Paulo, we expect to find different problems and questions in there, and the same is also expected to happen if we chose the state of Maranhão, which has a much smaller incarcerated population in comparison. Aiming to perform a study that could apply to other realities within Brazil and not suffer from distortions of being too big or too small a case, as well as developing a research approach that could be posteriorly performed in any other case, we made our choice.

After a request for institutional authorization, we were permitted by the Government of Minas Gerais and the Secretariat of Justice and Public Security to conduct our research, we requested access to 24 different prison institutions in the state of Minas Gerais. The decision was that we were allowed to extend the invitation to all prisons we requested, but it was still dependent on the availability and interest of each prison institution itself.

That being said, the respondent rate was still low, as only 4/24 prisons expressed interest on participating in the research. Many of the institutions we reached for, did not respond or did not have interest in participating. From the few that showed interest, we kept 3, due to constraints of time and manpower that would be required for the interviews, as we had only one researcher available to personally collect and analyse data.

These prisons, which will not be identified here due to security safeguards, are one small-sized, one medium-sized, and one large-sized, picked among two distinct administrative regions (RISPs), as the first region selected did not possess a large-sized prison unit. When we went past the institutional barrier, though, responses became more frequent. Many participants felt encouraged to participate in the research because of the lack of opportunities they had to speak out about their daily lives and problems at work.

### 3.2.1 Research design and data collection methods

To accomplish the objective stated in the previous section, we intended to study the Norwegian Prison Policy in practice through a Case Study methodology, which is a research approach where one or a few instances of a phenomenon are studied in depth (Given, 2008). We chose Bergen Prison as the paradigm for this case study.

Before initiating the procedures to start the field research, a preliminary and exploratory study was conducted, aiming to understand the legal and institutional aspects of the Norwegian Prison Service. Additionally, the research proposal was submitted to the Norwegian Centre for Research Data (NSD)<sup>26</sup> for analysis, to ensure this research complied with the General Data Protection Regulation (GDPR) standards, and the regulations that are applicable.

After that, we sought and got the authorization from *Kriminalomsorgen* West and from Bergen Prison to conduct this research, and a contact-person that worked in the prison was assigned to help in this endeavor, working in cooperation with the researchers to schedule several research appointments during the months of June and July of 2023.

For the visits, we planned to collect data through a series of methods that are compatible and complimentary among themselves, so that any given information from one of them could be confirmed, or contradicted, by the others. The chosen methods are three: i) Documentary Research; ii) Direct Observations; and iii) Semi-Structured interviews.

For the first one, documentary research, it consists in the gathering of information from a wide array of different sources and documents already made publicly available, such as: governmental organizational charts, descriptions from official websites, official reports about the Norwegian Prison system, applicable laws and regulations, legislation, as

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<sup>26</sup>From the Norwegian: *Norsk Senter for Forskningsdata*.

well as reports from international bodies of research. The first method of collection was used for a preliminary stage of the research where a model of the Norwegian prison system, a preliminary understanding of the phenomena under study, was developed, and furthermore to confirm and support the information we used.

This model was then used to prepare the data collection instruments for the next stages of the research, which were the interviews. Documentary data was also gathered directly from Bergen Prison during said visits, whose staff was kind enough to share and refer to additional sources that helped elucidate how the prison policy works in practice.

For the second and third methods of data collection, the Direct Observations and Semi-Structured interviews, they were performed in tandem, during the physical visits to the facilities of Bergen Prison. The plan was to interview prison staff, to ask them about their work, attributions, challenges and several other topics related to the prison policy itself.

During some of those visits we could have access to guided tours through the prison facilities, where the guides would show the researchers the physical facilities and describe how the prison operates, while being asked several questions about the subject, which were not recorded except for some notes, taken afterwards.

During those appointments, this research conducted a total of 16 interviews that ranged between 35 and 110 minutes on duration each, totaling nearly 15 hours of recordings that were, as soon as the collection was over, anonymized, transcribed into 300 pages of written data, and immediately permanently erased, as a safety measure to prevent identification of the participants from any party external other than the researchers. All the participants were also required to choose an alias, for another layer of privacy protection, and therefore, all names mentioned in this research report do not correspond to the real names of the participants, of which no registers were kept.

As for the interview script used in this research, it was developed based on the framework presented in the next section, which focused the interview efforts to understanding elements that are mostly inaccessible through the other sources of data, such as the rules within the action situations of the policy. On the script, present in Table 1, within Annex I, we established categories *a priori*, guiding the choices of questions asked during the interviews. These categories, as is common practice in many studies,

underwent changes when practice starts, as some categories have shown themselves to be more relevant than others.

However, on many occasions, the participants showed greater insights than what was expected to be found in practice, gave answers without being asked particular questions or demonstrated during the conversation that the information we had regarding certain topics was irrelevant for our understanding of the policy, rendering a part of our planned question set obsolete. For that reason, the interviews were conducted with an open mind, as we understand that variations on the original questions are not only welcome, but encouraged, as it shows that elements of the policy that went previously unnoticed. The interview protocol, within reason, must be able to adapt to these new findings, and this is why we opted to semi-structured interviews, to allow flexibility on both questions and categories.

### 3.2.2 Data Analysis Method

For this research, we used the Categorical Content Analysis method. This method is defined as a set of techniques of analysis of communications that try to achieve, through systematic and objective descriptions of the message content, indications that allow for the inference of knowledge related to those messages (Bardin, 1977; Caregnato & Mutti, 2006). Essentially, content analysis technique is a way of listening to the message that the data is able to convey, so one can have enough information to reach conclusions about a certain subject or set of subjects. This strategy of research aims to, through careful analysis of data categories, understand the meanings encoded within the gathered data (Flick, 2009; Gonçalves, 2016).

We performed a content analysis through three simple steps, in the protocol we developed and refined for this investigation. First, we treated the data through transcription and revision, to allow for greater accuracy regarding the interview process. During transcription, which took more than three weeks of time, the transcriber, which purposefully was the same person who collected the data through the interviews, listened to the interview audios carefully and typed the entirety of the conversation by hand. Through this measure, we were able to register even the unconscious manifestations of the participants, such as laughs, signs of nervousness, long pauses, gestures, and other

non-verbal manifestations, which would later help us reach conclusions that are intended to be as close as possible to the meanings conveyed by the participants during the conversations.

Then, we proceeded to organize the data into categories, corresponding to each of the topics in Part IV of this report, where we sift through the data collection and copied excerpts that thematically related to each of the categories. We ended up with a table, with each participant's alias in the Y axis and each category in the X axis, allowing for straightforward visualization of the collected data. After that, for the last stage we analyzed the data for each separate subject, integrating information from the other sources we used, according to the categories presented in the following section.

### 3.2.3 Analysis Framework

In this section, the framework of analysis used to study the Norwegian prison policy in practice will be described in detail, as well as its application in the practical aspects of the research. Since the object of study is a complex public policy that involves different actors working together to accomplish a common goal, we chose to start our investigation from a public policy evaluation standpoint, which requires itself a framework of analysis (Cruz-Rubio, 2010; Rossi et al., 2019).

For that reason, our choice was to develop a framework based in the Institutional Analysis and Development framework (IAD), where we designed the interview script to ask questions oriented towards these elements. This Framework, proposed in the 70s (Cruz-Rubio, 2010) and developed by Elinor Ostrom since then, understands the policy as a manifestation of the institution, which is a set of formal and informal rules that are understood, applied and used by a given community, establishing what an individual is expected to do or not to do in everyday interaction with other individuals and with the system in which they operate when pursuing a common goal or managing a resource on which they mutually depend (Hess & Ostrom, 2006).

This framework can be used to comprehend the way that institutions affect individual behaviour and comprehension of the dynamics of collective action analyzed institutionally (Cruz-Rubio, 2010), as well as analyze static and dynamic situations,

pondering about different elements in a myriad of questions, or even the studies of politics aligned to the same goals in different contexts (Hess & Ostrom, 2006). The IAD framework is compatible with the case study method (Horndeski & Koontz, 2020; Witkowski et al., 2023), as well as a wide array of theoretical and methodological options (Gräbner, 2018).

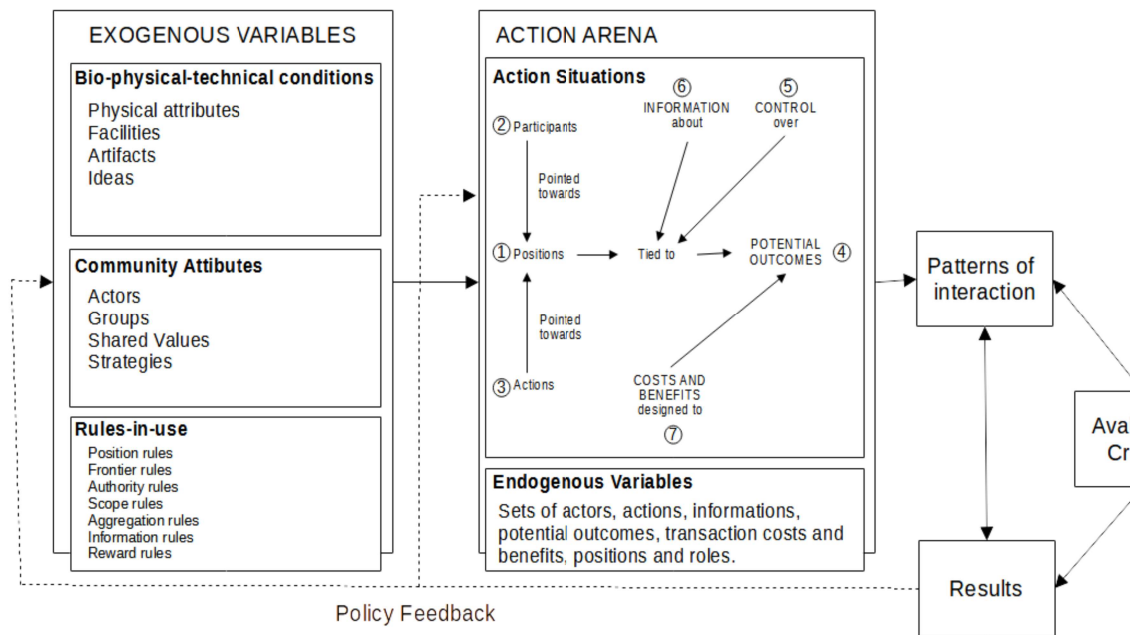


Figure 4: Modified Institutional Analysis and Development Framework

Source: (Ostrom, 2005, 2010, 2011; Theesfeld et al., 2017)

The Institutional Analysis and Development Framework (Figure 4) is able to provide a view of the policy problem and solution at once (Hess & Ostrom, 2006; Ostrom, 2005), allowing for a fertile substrate for qualitative analysis such as the present research's proposal.

However, again, the focus is not to conduct a complete policy evaluation in itself, which would take far more time, manpower and resources than we originally had available. The presented framework is intended to be used as a solid theoretical basis to guide the investigation, and direct which questions to ask and which aspects of the policy to try and comprehend, rather than a strict application of the framework itself.

## 4 Results

This section of the thesis will present the results of this research, obtained as the methodology presented in the previous section was implemented. This section is composed of our two articles, each referring to a case study performed in the selected model of imprisonment, the Norwegian model implemented by Kriminalomsorgen, and the Brazilian model, represented by the incarceration model implemented by SEJUSP, from the State of Minas Gerais.

### 4.1 Alternative Paradigms to Imprisonment: The Norwegian case

With a prison population of 2.975, an occupancy rate of 80.7%, an imprisonment rate of 55 per 100.000 (World Prison Brief, 2023), as well as a 2-year reconviction rate of 20% (Aebi et al., 2023), Norway's imprisonment policy arguably yields some of the best results in the world, in theory. Some scholars have advocated for a phenomena called Scandinavian exceptionalism, where all four Scandinavian countries present similar statistics, with very low recidivism rates, prison population, imprisonment rate and occupancy in contrast with most other western societies, which are mostly attributed to aspects of the policy design, small prisons, often with less than 100 inmates, a clear focus on normalization and resocialization, and an exclusively public management developed through a bottom-up approach to policy (Pratt, 2007a).

However, one must be wary that not all aspects of the policy may work according to the proposed ideal. As a manifestation of a public policy, and as a product of the application of collective efforts towards solving a social problem, the imprisonment in Norway is also liable to mistakes and shortcomings, and therefore, the mysticism of a perfect model of imprisonment should be dispelled firsthand, to avoid forgetting there's still room for improvement on the system.

Motivated by the results achieved by the Norwegian Prison Service, represented by the low prison population, imprisonment and reconviction rates exposed earlier, as well as its reputation abroad as a possible exceptional policy model (Crewe et al., 2022; Pratt, 2007a), we took interest in the Norwegian prisons, proposing a closer look into their inner workings and everyday operations, to answer this research question: How does a prison in Norway work in practice? For that, the objective of this research is to analyze and

understand how the Norwegian imprisonment policy is developed, and the research design planned to accomplish that objective through a case study in Bergen Prison.

A variety of sources of data were used to study the way Bergen prison operates, through the eyes of the people who are the most familiar with the policy itself, the staff. Over the course of the months of June and July 2023, we performed several visits to Bergen Prison, and interviewed a total of sixteen staff members who work in a wide array of different functions within the prison.

#### 4.1.2 The Norwegian Prison Policy

##### ***4.1.2.1 Normative Regulations and Policy objectives***

Norway's legal system is entrenched in a civil law tradition, where the statutes are the main source of law, but with particular emphasis on Supreme Court precedent (Advokatforeningen, 2023). The main statutes that regulate the prison activity in Norway are: the Norwegian Constitution<sup>27</sup>, the Penal Code<sup>28</sup>, the Execution of sentences Act<sup>29</sup>, and the Regulations on the Execution of Sentences<sup>30</sup>.

As it is *praxis*, the Constitution concerns itself with determinations of individual and collective rights, and broad axiomatic determinations that should be followed at all times, rather than the concrete rules that govern the prison policy themselves. Therefore, the Norwegian constitution regulates Norwegian prisons by establishing principles and guidelines for general state action, human rights and other very important categories, not unlike every other activity of the State. It must always be minded, never contradicted, but also does not intend to clarify policy details such as what should the officers do when an inmate is out of control, or how much meat should be in each of their meals.

The Penal Code and Penal Process Law, albeit relate to some aspects of the prison policy through regulation of the penal process, criminal justice system and rules on detention, also do not regulate the brass tacks of the imprisonment policy itself. This is done in the Act relating to the execution of sentences and its Regulations. They establish that the prison policy has clear-cut objectives in sight, on which incarceration serves a

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<sup>27</sup>From the Norwegian: *Kongeriket Norges Grunnlov* (Constitution of Norway, 2023)

<sup>28</sup>From the Norwegian: *Straffeloven* (The Penal Code, 2015)

<sup>29</sup>From the Norwegian: *Straffegjennomføringsloven* (The Execution of Sentences Act, 2002)

<sup>30</sup>From the Norwegian: *Forskrift om straffegjennomføring* (Regulations Relating to the Execution of Sentences, 2002)

dual purpose for society: i) Prevent recidivism and the commission of new criminal acts through the re-socialization of the inmate, and; ii) reassure society and satisfy its need for security (The Execution of Sentences Act, 2002; Regulations Relating to the Execution of Sentences, 2002).

These statutes also determine major principles for the imprisonment policy, on which the state's power to punish is correlated to the duty to care for the inmates, providing care, arrangements to remedy the negative effects of isolation and provide a framework for a restorative process (The Execution of Sentences Act, 2002). Another particular characteristic of the Norwegian Law that shapes its prison policy is a greater emphasis on alternative sanctions *in lieu* of prison time, and the necessity of reducing as much as possible the time that someone spends inside a prison. The focus of Norwegian Penal law is further away from imprisonment than other legal systems, especially because even after the sentence has been passed, just a small part of sanctions involve imprisonment.

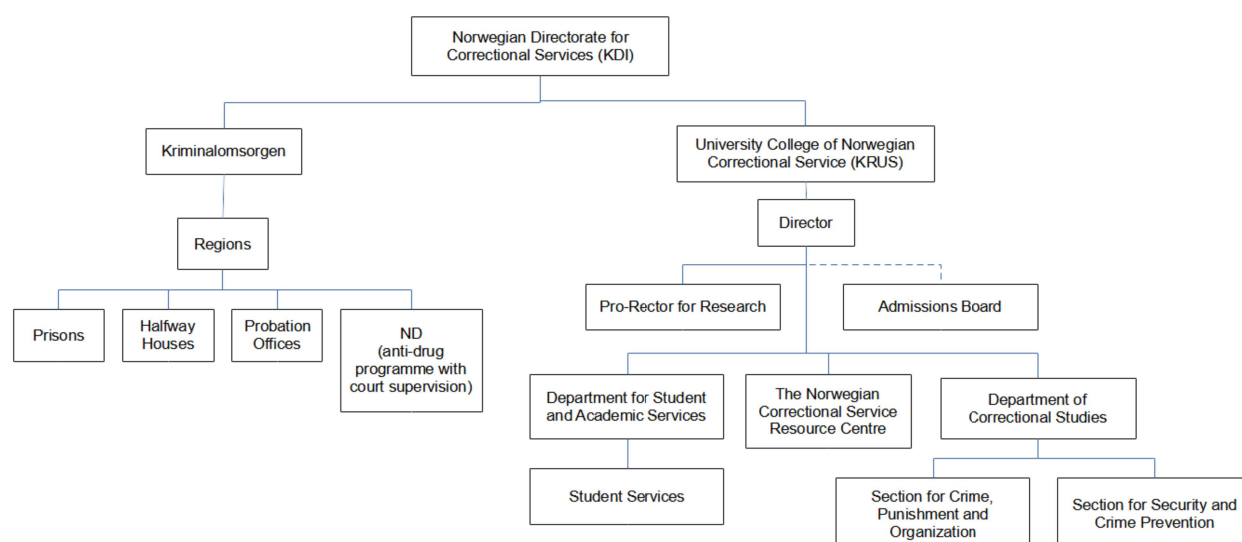
Most of the sanctions are composed only of an on-the-spot fine, and only a small part of them lead to imprisonment or detention. In 2021, that was the case for 5.9% of the total number of sanctions (Statistisk sentralbyrå, 2022). This element resonates with the tenets of a minimal penal state, which aims to reduce imprisonment and the degree of violence against the individual, with the law not only mandating the reduction of coercive measures (The Execution of Sentences Act, 2002), but also reducing the burden on prisons, who have the possibility to operate with fewer inmates, helping keep standards of care heightened.

Norway also admits extension of the sentence time before release, as well as a minimum period of time inmates must be compelled to serve in their sentence before being allowed to go to parole or probation (Kriminalomsorgen, 2023b; The Penal Code, 2015). As when someone is judged to be unfit for release at the end of their sentence, their time can theoretically be extended within prison well beyond the maximum limit of twenty one years.

#### 4.1.3.2 Institutional Design and Organization

The executive branch of the Norwegian government, is divided into eighteen ministries: Finance, Foreign Affairs, Research and Higher Education, Fisheries and Ocean Policy, International Development, Climate and Environment, Children and Families, Defence, Transport, Labour and Social Inclusion, Health and Care Services, Culture and Equality, Trade and Industry, Education, Agriculture and Food, Petroleum and Energy, Local Government and Regional Development, and Justice and Public Security (Regjeringen, 2009).

Figure 5: Organization of the Norwegian Directorate for Correctional Services (KDI)



Of special importance for this research is the Ministry of Justice and Public Security, which, in one of its many attributions, is responsible for the prison system in Norway. This ministry is further divided into nine departments in addition to the Press Office and the Section for European and International Affairs, each related to one of the aspects of justice system and public security thematics (Regjeringen, 2007). Logically, as the aim of this section is to describe the organizational aspects of the prison system in Norway, we are concerned only with the Department of Crime Prevention and its subdivisions, and therefore we will not address the others in depth.

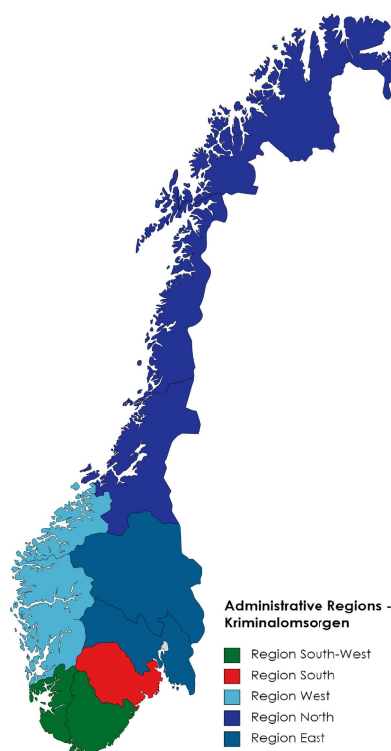
The Department of Crime Prevention is further subdivided into two subordinate agencies: the National Mediation Service, and the one responsible for the prison system in Norway, the *Kriminalomsorgsdirektoratet*<sup>31</sup> (Regjeringen, 2007). This agency is further

<sup>31</sup>In Norwegian, meaning: Norwegian Directorate for Correctional Services. Also known by its acronym, KDI.

organized into two entities: The *Kriminalomsorg*<sup>32</sup>, and *Kriminalomsorgens høyskole og utdanningscenter*<sup>33</sup>. The organization of the Norwegian Directorate for Correctional Services, hereafter referred to as KDI, is present in Figure 5.

The two entities that compose the KDI, have a very particular and intertwined institutional relationship, where they work together for the implementation of the prison policy in Norway as a common goal. The division of labor between those institutions is that the implementation of the prison policy and all related attributions are under the scope of *Kriminalomsorgen*, while the University College, KRUS, is in charge of the training and qualification of prison staff, being a mandatory qualification for every person that wants to become a prison officer in Norway (*Kriminalomsorgens høyskole og utdanningscenter*, 2020).

Figure 6: Administrative Regions under KDI



While we'll tangentially approach the role of KRUS in the Norwegian prison system, the focus of this research is on the activity developed by *Kriminalomsorgen*, as the objective is to understand how this policy works in practice through the lens of prison staff, which are part of *Kriminalomsorgen*<sup>34</sup>. The organizational structure of *Kriminalomsorgen* is arranged in one central entity, based in Oslo, and one regional entity for each of the five administrative regions of Norway, North: West, East, South-West and South. The rough geographical division of those regions is as shown in Figure 6, and a more detailed representation of each institution that is part of the Norwegian Directorate for Correctional Services (KDI) is presented in Annex II.

The 5 regional directorates of *Kriminalomsorgen* are responsible for the upkeep and organization of 57

<sup>32</sup>In Norwegian, meaning: *Correctional Service*. Directly, it translates to Criminal Care Service.

<sup>33</sup>In Norwegian, meaning: University College of Norwegian Correctional Service. Also known by its acronym, KRUS.

operational prison units<sup>35</sup> in 33 prisons (Kriminalomsorgen, 2023d), as well as other kinds of institutions related with the imprisonment activity, such as halfway houses, probation offices and the ND<sup>36</sup>, the anti-drug program with court supervision (Kriminalomsorgen, 2023c). The focus for this research is, however, strictly defined as the activity within one of the prison institutions *strictu sensu* under the West Region of *Kriminalomsorgen*, Bergen Prison.

*Kriminalomsorgen* West is responsible for one youth department<sup>37</sup> one halfway house<sup>38</sup>, and 5 prisons of High and Low Security, who attends to both male and female inmates. In the following section, we'll present and analyze the particularities of Bergen Prison, and how those characteristics contribute with the implementation of the prison policy in practice.

#### 4.1.3 The Norwegian Prison Policy in Practice: The case of Bergen Prison

In this section, this report will present and analyze each of the aspects of the norwegian prison policy, as they were perceived in this investigation performed in Bergen Prison. In the IAD framework, there are three main clusters of variables to be analyzed: i) Exogenous Variables; ii) Endogenous Variables; iii) Action Arena, to be explained in each particular section.

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<sup>34</sup>Both terms *Kriminalomsorg* and *Kriminalomsorgen* refer to the same institution, the Norwegian Correctional Service. The difference between those terms stem from the original language, Norwegian *Bokmål*, which adds the suffix “-en” to words as a definite article. Therefore, *Kriminalomsorg* would be directly translated as “Criminal Care”, while *Kriminalomsorgen*, would translate as “The Criminal Care”.

<sup>35</sup>This count of prison units considers different departments as being a single unit by themselves

<sup>36</sup>ND stands for *narkotikaprogram med domstolkontroll*, which is roughly translated from Norwegian *Bokmål* to “narcotics program under supervision of the courts”.

<sup>37</sup>This youth department (*ungdomseininga*) houses young offenders, between 15 and 18 years of age, and is under Bjørgvin Prison.

<sup>38</sup>The halfway house (*overgangsbolig*) is located in Lyderhorn, and works with people, both men and women, who are in the last step before full, unsupervised release.

#### 4.1.3.1 Exogenous Variables:

##### 4.1.3.1.1 Bio-physical-technical attributes

Bergen Prison is one of the largest prison facilities in Norway, with total capacity for 221 inmates (Kriminalomsorgen, 2023a). It has facilities for High Security of Men and Women, Low Security for Women, and a series of programs to attend necessities related to mental illness, drug abuse, and anger management.

The overall facilities of Bergen Prison can be found in Figure 7. Below, we will present a brief description of what facilities have which function.

*Figure 7: Facilities of Bergen Prison*



Source:

Author:

It is located in Hylkje, a

neighborhood in the rural area of Bergen, between the commercial district, Åsane, and the bridge that leads to Flatøy. To get there, one needs to take a bus trip that is 30-35 minutes from the city center. One would also notice that the prison is surrounded in green, with several trail paths, farms and mountains within hiking distance. Also, straight across the prison, on the other side of the highway that leads to that place, there is a residential neighborhood. On the back side of the prison, there is Bjørgvin Prison, for low security sentences and the youth department, then a forest, and after that, a Fjord, so there are no routes on that side.

The road that leads up a hill to Bergen Prison (1) is a small, winding asphalt road of about 400m, with a vehicle checkpoint around half this distance. The road up to the halfway point is wide, allowing one single vehicle each way plus a pedestrian sidewalk. Beyond that, the road narrows to a single lane plus the sidewalk. This road is well-lit with plenty of light poles, and is surrounded by a grassy marsh on the south side, and a field with hiking paths on the north side. There is little tall vegetation, with the exception of a few trees.

Adjacent to the end of the main road, there is a well-kept flower garden and a simple building where the *Fengselsutsalg*<sup>39</sup> operates (2). This store<sup>40</sup> sells products made by inmates in the several prison workshops, such as soap, coffee, mugs, metal and wood furniture, textiles, kitchen utensils, among others, and is manned by inmates themselves.

Beyond the prison store, there is the outer wing, D-Wing (3), which is responsible for housing female inmates on low security, on their last step before release. Located on the other side of the parking lot from the main prison, the installations for D-wing are surrounded by a low chain-link fence, to prevent escapes.

D-Wing (3) is comprised of a four houses, with individual rooms for each inmate, who share a common area, with living room, fully equipped kitchen and outdoor space. The houses lie in a circle to create a small, outdoors space in the space between them, in the same way a *villa* or a *condominium* is built. At North-west end of D-wing, there is the administrative building and offices, where the prison staff and vigilance equipment is, complete with fully furnished office spaces and computers with internet access. Upon request, there inmates can work, study and have supervised access to the internet and a

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<sup>39</sup>In the Norwegian, meaning: prison store.

<sup>40</sup>The products can be found in <https://www.fengselsprodukt.no/>.

phone line, if they need to solve problems or access one of the many services the State provides online in Norwegian society.

Beyond that, one can see a tent (4), with woodworking equipment, and a patio and a garage, used to keep wood, finished products and additional equipment. In the other side of D-wing, between the houses and the prison store (2), there is a small greenhouse, where the inmates who live in D-Wing can plant their own spices and vegetables. The west side of the premises is also surrounded by gardens (5), planted and kept by the inmates themselves. Around the premises, there is also a dirt path (6) that the inmates, upon request, have access to go hiking when they have free time during the day.

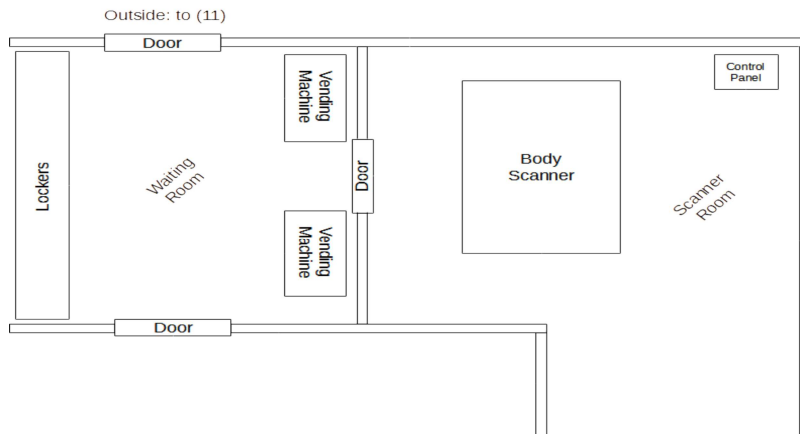
On the other side of the parking lot (7), we have the main prison gate (9), It is surrounded by a tall concrete wall, bent inwards at the top on a hook shape inwards, to prevent escapes, resulting in a clean and sterile wall, with no places to hold or climb, from the outside. The walls do not have barbed wire or any other device, usually meant to hurt or maim people attempting escapes.

The main gate (9), as tall as the wall, leaves no gaps between the outer wall structure and the electronic gate. To enter prison, one must go through a checkpoint for official vehicles, or if on foot, identify themselves through a intercom system. The building is surrounded by cameras, and the part the outer wall is adjacent to a hill, there is an exclusion zone with another fence, circling the perimeter of the prison grounds.

As one goes in through the main gate, directly in front of them is the administrative building (10), where the interviews were conducted. At their left, one would see the reception area (11), where newcomers arrive at the prison on police cars and are received and processed, and the temporary custody (16) and visitation departments (12 and 13), where visitors can have contact with inmates.

Through the entrance of the reception area (11), one can get to safety cells, which are a very restrictive environment where the inmate would be placed until they were designated the definitive lodgings. These cells are used only for very short periods of time, and where there is necessity, as for example, risk of suicidal or violent behavior.

Figure 8: Layout of the scanner room in Bergen Prison



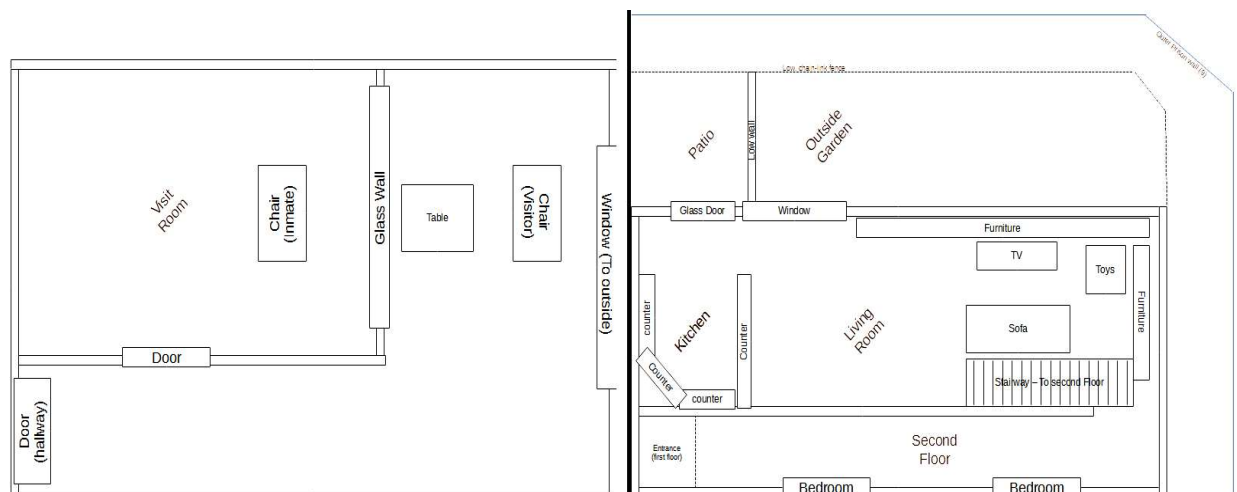
The restricted cells have very limited installations, having less and less furniture, to be used as the risk of violence, self-harm or suicide increases. Also, those cells have only a squat toilet and a shower without a faucet, which can be used normally, but can't be broken off to

become weapons. These cells are seldom used, and when they are, only in short periods.

As for the visiting department (12 and 13), visitors go in through a corridor, equipped with vending machines and coffee, as they are not allowed to bring any food or foreign objects with them in the visits. Then they go through a body scanner to look for small objects within their clothes, and if there is suspicion that they are carrying something they shouldn't, such as narcotics, a body inspection, following a strict protocol and a thorough report, especially in case of visits, which are not monitored.

For the visiting procedures on the visiting department (12 and 13), there is a wide array of rooms for each necessity, ranging from a small, meeting room that is usually used for inmates to have short meetings with lawyers, to rooms with glass walls when there is risk or court-mandated restrictions involved with the visits, to a full-furnished apartment with outside area, used for longer visits that can be up to five hours in length.

Figure 9: Layout of Glass Wall and Visit Apartment in Bergen Prison



In the administrative building (10), most of the administrative staff and have their offices. The place is usually frequented by staff throughout the day for meetings, and counts with a waiting area, two lunch areas, several bathrooms and a security checkpoint that everyone, visitors and staff alike, needs to go through. Visitors leave cellphones on the way in, and staff leave their keys on the way out, in yet another strict protocol.

To the left of the administrative building's staff entrance, we have the office area, and to the right, we have a cantina for staff to buy, heat up and have their lunches and lunch meetings. This cantina is also the entrance to the prison kitchen (15), which prepares the meals for all the inmates.

Equipped with high tech industrial-grade cookware, complete packaging equipment with nitrogen gas, a dishwashing station, and several storage rooms for all kinds of ingredients, the prison kitchen (14) prepares and packages food for those that can't make their meals themselves, the people in the Restricted section, and food for everyone on special occasions, such as christmas or other holidays. The inmates of the less restrictive wings, A-Wing, B-Wing, C-Wing and M-Wing, get pre-packaged ingredients with which to make their own food, as well as an allowance, on which they can purchase supplies in the prison grocery store. Beyond the kitchen, there is a empty room that is planned to become a classroom, as well as the unloading area for delivery trucks (15) and the supply of cooking gas, which goes to the kitchen through pipes.

As one exits the kitchen through the back door, there are two wings to the left side (17 and 18), and three on the right (19, 20 and 24), plus , school, gym and inside sports court (21), woodworking (22a) and metalworking (22b) workshops, the prison grocery store (23), and outer yard (25), which can also serve as an event area and outside sports court.

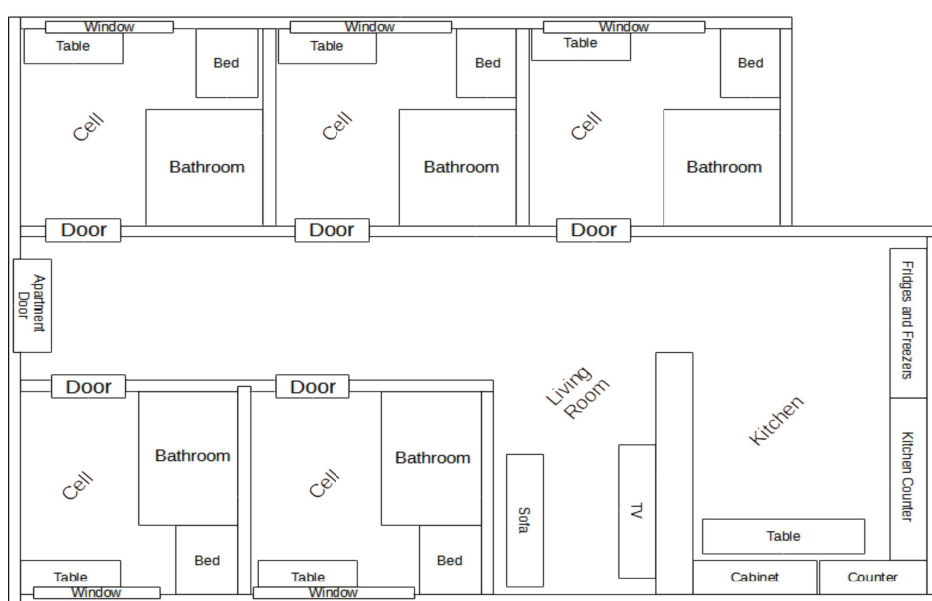
Regarding each of the wings in Bergen Prison, they are in number of six: A-Wing (17 and 18); B-Wing (19); C-Wing (20); D-Wing (3) and M-Wing (24). A-Wing (17 and 18) are dedicated to the general public, on which live people who have restrictions of no-contact from the court. C-Wing (20) and M-Wing (24) are wings of high security level, but for specific populations of inmates.

M-Wing (25), has 30 inmates divided into two sides. The first one serves the sexual offender treatment program, and is composed of only 14 inmates sentenced for sex crimes, that agreed to participate in the program. The other side, with 16 people, is house

only to regular inmates with suspected mental issues, which do not participate in the program.

Inside the prison, between each section of the prison grounds, there are internal separations by chain-link fences with analogic gates, around two meters tall, imposing only a short barrier around each environment. The inmates, depending on their security status, may have less or more limitations of access to the environment around them, and can often request to walk around the premises accompanied by an officer.

*Figure 10: General layout of the living quarters inside Bergen Prison*



Each wing has subdivisions similar to apartments, where inmates have a common area where they can do activities together, and individual rooms<sup>41</sup>. The layout of this apartment is brought on Figure 10.

In each of those rooms, that have similar space to a small hotel suite, is a single bed, a bathroom, a desk with no computer and a TV system with maybe a video-game console. It is the living space of only one inmate, which is responsible to clean and maintain it in good conditions. This layout of space is similar to single rooms in student collectives, found in many colleges around the world, where the kitchen and living room is usually shared.

These rooms are separated from the living space by a plain steel door with a looking eye pointed to the inside, lockable with keys the inmates themselves and the prison guards hold. The doors are opened early in the morning and closed at bedtime, when the inmates must stay in their rooms until next morning.

<sup>41</sup>The units where the inmates live in are not called cells in Bergen Prison, but rooms.

With the exception of the restricted unit that are used for people in crisis situations, court-mandated isolation or in risk of suicide, all other wings have facilities with a fully equipped kitchen and a living room, where the inmates are expected to make their own meals, either with supplies they receive from the prison kitchen or with ingredients they purchase from the prison grocery store. In the following section, we will describe the artifacts and ideas that are part of the imprisonment policy of Bergen Prison.

#### ***4.1.3.1.2 Artifacts and Ideas***

Hess and Ostrom, when studying scientific knowledge as a system of common-use resources, define “artifact” as a discreet, observable and nameable representation of an idea or set of ideas, “facility” as a resource system storing those artifacts and their ideas, and “idea”, as nonphysical flow unit contained in an artifact (Hess & Ostrom, 2003). In this study, we draw from their work to refer to artifacts as the nameable theoretical units that orient action within the norwegian prison system, and to ideas, as the information units contained within those artifacts.

On this section of the study, we will focus on the main artifact that affect the prison policy: the operational strategy of the norwegian correctional service. This strategy, which focuses on the execution of sentences as the core of *Kriminalomsorgen’s* social mission, contains ideas regarding imprisonment as a means to enable change within inmates, so that they can stay away from further criminal activity (Kriminalomsorgen, 2021). Within the strategy, Kriminalomsorgen highlights a set of ideas, which are: i) Future-oriented execution of sentences; ii) Safety and Security; iii) Organisation; iv) Knowledge and Competence; v) and Reputation.

Behind future-oriented execution of sentences, lie a few overarching meanings. The first, is that the inmates, as individuals, are dissociated from the criminal conduct that led them to get into prison at first. Therefore, the execution of sentences must be pragmatic, and oriented towards addressing individual needs to ensure that the individual has the support necessary to be able to eventually return to society and stay away from criminal conduct. This idea manifest in the treatment dispensed to the inmate, which has plenty of planning since the initial moments. The planning, which is individual, assumes

the assessment of needs, resources and risk of each case, so a concrete plan on the sentence can be developed.

The dispensed treatment is also guided by the principle of normality, which is also established within the Rule 5 of the United Nations Standard Minimum rules for the treatment of prisoners<sup>42</sup>, to get life within prison, the “inside”, as close as possible to life in the society at large, the “outside”. Not only the prison provides the same services that are available outside, such as welfare, health and mental health assistance, but it also dispenses active efforts, such as allowing inmates to wear regular civilian clothing, do their own groceries and interact closely with officers as one would do with a neighbor.

These measures are meant to create a sense of normality through environmental and policy planning, aiming to avoid the sensation of strangement and de-territorialization that usually happens when the person experiences sudden cultural and spatial changes (M. Santos & Marques, 2002), as well as the potential changes in identity and isolation caused by stigma (Goffman, 2004), both which the individual can be exposed to when serving a criminal sentence.

The inmates themselves are involved in the process of resocialization, and enter binding agreements with *Kriminalomsorgen*. This is a measure aimed to create an active and responsible participation in the planning of their sentences, allowing them to have a certain degree of agency in their own progression. As long as there is compliance with the general norms and respect and trust are upheld, the inmates are encouraged to develop competences and qualifications, as well as engage socially with others in daily, ordinary activities, helping prevent isolation (*Kriminalomsorgen*, 2021). This agency and active role of the individual in their own penal execution, however, is shown to be limited by the available options, which can vary from institution to institution.

The progression of the sentence also involves many external stakeholders and institutional support from services outside of *Kriminalomsorgen*, such as actors of the criminal justice chain, welfare agencies, non-governmental entities, and user organizations (*Kriminalomsorgen*, 2021). This includes institutions like Helse Bergen, Red Cross, Wayback and many other entities and stakeholders that play a part in each individual trajectory, bringing additional resources and expertise that can be applied and adapted to many different necessities and individual demands.

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<sup>42</sup>Also known as the Nelson Mandela Rules.

The second idea, about safety and security, is aimed towards the creation of a safe environment for everyone involved with incarceration, including but not limited to the inmates themselves, prison staff, families, the victims, and others. For this, the prison service makes use of frequent and thorough risk and necessity assessments, as well as initiatives oriented the specific addressing of vulnerabilities that are identified in them (Kriminalomsorgdirektoratet, 2021). In Bergen Prison, there are specific anger management, drug abuse, sex offender and mental health programs, which aim to provide a broad array of support for the inmates' necessities.

*Kriminalomsorgen* planned to create this environment through the tandem application of organizational, static and dynamic security measures (Kriminalomsorgen, 2021). This includes, obviously, physical security, with measures described in the previous section, such as fences, high concrete walls with curved tops, steel doors and electronic gates, intercom systems, body scanners, alarm systems, CCTV<sup>43</sup> and cell windows that do not open all the way through.

However, the security in the Norwegian prison system is not limited to those measures. It also includes efforts of procedural security, which ensure that prison staff is prepared to deal with any undesired incidents that may happen during their daily work, avoiding the exposure of the prison staff to harm that could come from unlawful violence, as well as protecting the inmates themselves and their rights from it. Also, the security measures also include an informatic system of coordination, and require of a lot of effort towards reporting facts, aiming to provide safety through transparency and accountability, and a culture of informality entrenched in the organizational hierarchy, ensuring information flows and cooperation between street and management levels.

Dynamic Security, which is used in tandem with other, static, security measures, refers to an additional layer of security comprised of the development of positive relationships between staff and inmates based on firmness and fairness, which allow for the development of the understanding of inmates' situations and potential risks through direct involvement (United Nations Office on Drugs and Crime, 2015). Essentially, by being alert and developing connections and create bonds with inmates based on trust and respect, prison staff heightens the security level, avoiding many incidents that can not be

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<sup>43</sup>The acronym stands for Closed Circuit Television, and refers to the system of cameras that monitor the internal environment of the prison.

stopped by static security alone (Kriminalomsorgen, 2021). These measures of dynamic security require a great deal of involvement from the prison officers, which are expected to socialize with the inmates they are responsible for, in a process heavily reliant on their discretionary space (Lipsky, 2019), in the continuous construction of lasting relationships based mostly on the environment's rules, the perception of fairness and mutual respect (Liebling et al., 2011).

Regarding the third and fourth ideas present on strategies, "Organisation" and "Knowledge and competence", the prison service in Norway places strong emphasis in the flexibility and adaptability of their prison model, as well as in its innovation (Kriminalomsorgen, 2021). To become a prison officer, one must undergo centralized training in the University College of Norwegian Correctional Service (KRUS), of a college degree that will take three years to complete and on which they will be paid to attend, including a year of hands-on experience working in practice.

Furthermore, staff is subject to a continuous process of training and preparation that goes beyond college to throughout their work, and may take courses and further formal instruction upon request. However, prison staff is not only expected to learn with the current model, but can also propose changes and innovations to problems they perceive in practice, striving with each adaptation to build a system that is simple, efficient and uniform.

The last element highlighted in *Kriminalomsorgen's* strategy is Reputation, which refers that the service strives to create unity and cohesion between their employees. Through high ethical standards, criterious dissemination of credible information, modern and strategic communication platforms, they strive to create a good work environment, motivating the employees and attracting new candidates (Kriminalomsorgdirektoratet, 2021). Prison staff work has a high degree of cooperation and collaboration, which as it will be described in detail further ahead in this report, was seen to produce closeness and horizontality in their team-building relationships. This collaborative work culture also includes two unions in the case of Bergen Prison, which were briefly seen promoting events directed to prison staff during the scheduled visits.

#### ***4.1.3.1.3 Community attributes***

In this section, as we already described the strategy in the previous section, we will focus in describing in detail three attributes of the community within Bergen Prison, which are: actors, groups, and shared values. Regarding actors, we consider them people that are involved with the activity developed by Bergen Prison, and by groups, we consider sets of those actors that can be grouped together, either by being in a hierarchical relationship with another actor, or by performing a similar or related function to another actor.

We were able to identify two actors that are permanent in the prison setting, the staff and the inmates. The relationship between inmates and staff in prisons is mostly an involuntary client-bureaucrat relationship, where the inmates depend on the staff to provide essential services, while having little to no choice regarding the details of the provision, in a clearly defined power dynamic where client dissatisfaction does not constitute a loss to the bureaucracy *per se* (Lipsky, 2019). However, due to the establishment of continual and daily relationships between these groups (Liebling et al., 2011), as well as the prime directive of dynamic security as the main concern of the officers' work, the norwegian system has a clear priority in client satisfaction, which is also an incentive for good behavior.

Beyond those permanent actors, we have also temporary actors, that come and go through the prison gates quite frequently, but are not there every day permanently. Their periodicity and frequency varies, and must be analysed in a case-by-case basis, should one attempt to enter their roles in depth. In many cases they are external groups, both public and private entities, and service providers, both hired by the state and by the inmates themselves, that come to the prison to work in their related expertise fields. As part of the import model, on which the conditions inside the facilities must be as similar as possible to the conditions outside, there are service providers such as doctors, instructors, teachers and others, that come from outside to work, meeting the inmates' needs. In this research, we were not able to invite external service providers for the interview process, as our authorization by *Kriminalomsorgen* did not include them, and as such, unfortunately we lack the data necessary to analyse their role in depth beyond the service they provide, which will have to be done in a future study, if possible.

On those cases where an external actor visits the prison with certain regularity, they may end up exerting some pressure towards the policy design by creating, manifesting or reducing demands for those services. In their case, however, every external actor needs to work with the prison administration, as well as to obtain preceding authorization through a thorough procedure, since even Norwegian prisons are still total institutions, with strict rules in place about who is allowed or not to access<sup>44</sup>.

Another temporary group that is important to highlight in prison are the families of inmates. Present usually during visitation time, families must be appointed by each inmate in a list of authorized people, and must go through a background check and through scrutiny from the prison administration before they go in. People with a prior history of incarceration are usually not allowed to visit, as their influence may interfere with resocialization process of the inmates that are still inside. The prison staff cultivates a particular relationship with this clientele, as

The hierarchy in Bergen Prison is configured in two sectors, with three distinct rankings in each. All staff is characterized by their employment position, and bring distinct markings to symbolize and externalize their rank in the shoulders of their uniform, in all occasions they are required to wear it. They are divided in two sectors, gold stars and silver stars.

Bill: (...) On... the separate units, like, we have for... the take care of the units, so... with the gold stars, and then we have the gray stars, that's the other unit. We're taking care of how to run the prison. i take care of the kitchen, we have some units with the boards, and the market, and the metal, and the cleaning. This is where the gray stars are different from the units. They're about how to run the prison.

Gold stars are the prison officers that have been through the three-year KRUS and have specific training for exclusive functions related to imprisonment, such as riot and crowd control techniques, physical restraining, body and cell search, report writing, the interactions for dynamic security, among other competences. As for silver stars, they are responsible for other accessory functions essential to the imprisonment activity, that require other kinds of expertise and skills, such as psychological assistance, health and

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<sup>44</sup>This also applies for external researchers, such as us. Every person that comes into the prison must adhere to the rules and expectations set by the prison administration and *Kriminalomsorgdirektoratet*. In our case, we were even asked to sign a confidentiality agreement, which highlights the strictness of the rules for accessing the prison.

mental health treatment, administrative work, food preparation and kitchen management, among others. Silver stars do not necessarily have to go through the same course from KRUS as gold stars, but can have an array of other expertises and academic backgrounds, especially as they are not the ones responsible to uphold control functions within the prison, but focus on their own particular attributions.

Ronnie: (...) is hard to combine, to be a contact officer and do a lot of this control jobs, that's what i like with being silver star instead of gold star. We can actually just never mind security, and i actually created my own security by... giving care to the people that came to the shop and they felt... yeah, it clicked pretty well.

About the hierarchical structure of the staff, which works similarly between the two sectors, it has four tiers: one star, two stars, three stars, and warden. Each of these tiers have increasing degrees of discretionary power (Lipsky, 2019), and decisions that exceed one's discretion are always escalated through the chain of command in an integrated manner.

One star refers to the lowest hierarchical tier among the professionals. They are the floor officers on each team, the street-level bureaucrats which have not yet been promoted to the higher tiers. Although they might have less experience or less time in their careers, this is usually not a rule for all, as the promotion process require that they apply for the next tier, which may not be interesting for every professional.

The second tier, which has two-stars as its symbol, requires that the professional applies to a promotion, as it refers to a position of leadership within the units' teams. These professionals have a higher degree of responsibility in their respective activities, as they are responsible for orienting, training and helping their teammates, which usually escalate unforeseen or surprising incidents to their leader.

As for the third tier, which has three stars in its symbol, we have the higher echelon of the prison hierarchy, the coordinators. They can manage multiple teams at once, serving as the reference for the leaders of each of them. They are also responsible for the interface between the director/vice-director and the lower staff tiers, bringing up demands and problems found in practice and disseminating solutions, measures and implementation of policy changes.

The fourth and last tier in the hierarchy of Bergen Prison is composed of only two people, the director and vice-director. With almost identical functions, they are a team

among themselves that is responsible for overseeing the managerial functions of the facility and all other internal groups, as well as representing the institution in press manifestations and agreements with external institutions and organizations, as the central leadership positions and face of Bergen Prison before government and society.

#### ***4.1.3.1.4 Shared Values***

Shared values are rules and meanings that define social relationships within organizations, helping actors define the position they occupy and interpret expectations and situations (Fligstein, 2007), and through the organizational culture, guide internal integration and external adaptation, orient identity formation (Bertero, 1996) and guide practical action towards what is considered proper by the institutional order (Berger & Luckmann, 2007). These values also allow for sharing of meanings between actors in an organization, reproducing the culture in a way that allows it to perpetuate itself over time, even if the people in the organization change over time (Daft & Weick, 2005).

In the case of Bergen Prison, each aspect of the organizational culture has its own values, which need to be understood for the chosen framework of analysis, as they can influence decisions taken in a policy setting. In this sense, we argue that the formal culture carries values that are composed from what *KDI* deems important to establish as rules in their strategy.

For the formal values, *KDI* defines Transparency, Safety and Innovation as the tenets that guide everyday behaviour, reflect a culture and depict and characterize a common identity, as both employees and part of an organisation (Kriminalomsorgen, 2021). For Transparency, it is emphasized that people, especially leadership positions need to listen and communicate, including stakeholders in processes of policy development and implementation, as well as in decision-making, which characterizes a strong bottom-up approach within the imprisonment policy.

Safety refers to the creation of a safe environment based on trust and respect for all groups and actors involved, in the manner described in a previous section, on which we discussed the artifacts and ideas from this policy. As for Innovation, it refers to an emphasis of flexibility and adaptability in policy, where the rules allow for some change, if the other values of safety and transparency are not contradicted.

However, as a theoretical disclaimer, it is important to highlight that the organizational culture is also not a monolithic, unified construction that encompasses the entire organization, and it can form in a heterogeneous, unequal and multivocal fashion (Goldberg, 2011) which does not mean consensus (Rossoni et al., 2021), and therefore their comprehension can vary for each individual (Hunzaker & Valentino, 2019). Therefore, we argue that there are at least two culture characters in every organization, the formal one, which is official and pragmatic, and is often shared through power relationships, and the informal one, which is spontaneous and extra-official, and often can be devoid of an underlying objective (Motta & Bresser-Pereira, 1987).

As for the informal culture, in turn, might vary according to the shared conceptions of what values could be perceived as important from the participants' reports. However, an in-depth analysis of the informal values will not be performed in this report, as it's not the main focus of this thesis, and would rather benefit from a discourse analysis perspective, rather than the categorial content analysis that is performed herein.

#### ***4.1.3.1.5 Rules-in-use***

An important part of the exogenous factors that make up the policy, the rules-in-use is a broad category that refer to the rules, formal or informal, that are followed in practice (Theesfeld et al., 2017), regulating interactions and policy action within a given policy, when linked to its action situations (Ostrom, 2005). This set of rules is distinct from what is called rules-in-form, which refers to the constitutional, legislative and administrative settings that regulate the policy in theory and are augmented by decisions taken by individuals in particular settings (Ostrom, 2011). Those were described in another section, and therefore will not be addressed again here.

In this section, we will instead focus on the seven categories of rules-in-use that can be perceived as applicable within Bergen Prison, which are: i) Position Rules; ii) Boundary/frontier Rules; iii) Choice/authority rules; iv) Scope rules; v) Aggregation rules; vi) Information Rules; and vii) Reward/payoff rules. However, the analysis of these rules as perceived within the action situation of the policy will be done in the next section.

Position rules refer to the set of positions or anonymous slots that connect a set number of participants, who are allowed to participate in that position, and authorized actions, which are assigned to specific junctures in a decision process (Ostrom, 2005). These rules define a set of positions and how many participants hold them (Theesfeld et al., 2017).

In other words, position rules bring us the idea of a who a person or people are from the viewpoint of the system, and what actions can they perform at a given moment. Questions such as “who occupies this position?” and “how many people that are doing this?” are related to the position rules.

Boundary rules, Also known as Frontier rules or entry and exit rules, these tell us three things: i) Who can enter a position; ii) Which process determine who can or must enter these positions, and; iii) how does someone enters or leaves a position (Ostrom, 2005, 2011). In other words, they tell us who is eligible as a participant and how a certain person that holds a position can leave it (Theesfeld et al., 2017).

In this study, we interpreted boundary rules in an objective standpoint, on which what characteristics does someone need to have as requisites to be invested on a position, and also in a subjective standpoint, meaning which skills and characteristics the people who occupy those positions think it is important to have to perform the job they're responsible for. For this, we presented questions such as “Which skills one must have to do what you do?” and “If you were going to choose someone to do your job, what would you look for?”.

Choice rules, also known as authority rules, tell what a participant must, must not or may do, as well as define the authority a person has towards a decision process (Theesfeld et al., 2017). These rules specify, given a particular position, what are the required, permitted or forbidden actions, depending on a specific situation, prior actions taken by themselves or others, and attributes of relevant state variables (Ostrom, 2005). The Choice Rules are a residual category, for rules that don't fit in position, boundary, information, payoff or aggregation. If a given rule do not fit any of the other categories, if they're aimed at an action, are put into the Choice rule category (Ostrom, 2005).

When considering together aspects within a single policy that are so different among themselves, pretty much the choice rules approach a description of the performed job. While discussing choice rules in the action situation, we aimed to present to the

participants questions about attributions, challenges of the job, difficulties, among others, as an attempt to understand their perspective about what means for them to do what they do.

Scope Rules define functional scope and geographic domain that can be affected by the item being discussed or decided (Theesfeld et al., 2017). They relate to where the decision have its effects. The scope rules also describe which variables are affected on the outcome of the action, in kind of a residual situation. If a rule is not a position, boundary, information, payoff or aggregation rule, then it's either a choice rule, if its aim is an action, or a scope rule, if its aim is an outcome (Ostrom, 2005). Simpler to define than the other rule types, the scope rules focus on the consequences of the actions taken, its results within the policy, and what constitutes each participants' workplace and its meanings.

Aggregation rules refer to decision-making procedures, where the participant is contributing to a final decision about action (Theesfeld et al., 2017). These rules determine if a decision or action by certain participants is needed so an action can be initiated at a node in any decision process (Ostrom, 2005). They tell us when certain people can or must get involved in that decision or give permission for someone else to perform an action, as well as the participants' involvement with any collaborative and innovative processes that happen within the prison policy, either from hearing others' inputs or being heard by others.

Information rules define what information the participant must, must not or may communicate with other participants holding particular roles at certain moments (Theesfeld et al., 2017). They authorize and dictate how information flows between participants assigning obligation, permission or prohibition to communicate certain informations to participants in positions at particular decision nodes, as well how this communication of information will happen and with which language (Ostrom, 2005). Questions regarding these rules often communicate aspects of individual behavior, such as what subjects people can discuss with others, what groups they communicate with and if they frequent spaces made for sharing potentially sensitive information.

At last, Reward rules, also known as payoff rules, refer to incentives and disincentives for performing certain actions available to certain position holders (Theesfeld et al., 2017). They assign external rewards or sanctions to particular actions

that have been taken by participants or to certain outcomes that are expected of certain variables (Ostrom, 2005).

Regarding this type of rules, we focused on questions related to the feedback the participants usually got from their work, if they are rewarded in some manner for excellent performance, and the responses they get on a critical failure within their jobs. We also focused on defining expectations about the costs and benefits of each action, with questions about “what do you consider success?” and “what would be a good day of work for you?”.

In the next section, we will discuss each of the rules-in-use as we describe the endogenous variables that make up the action situation, to prepare the field for discussing, in the following sections, the action situation itself as the primary manifestation of the imprisonment policy.

#### ***4.1.3.2 Endogenous variables***

##### ***4.1.3.2.1 Positions and Boundary Rules: Sets of actors, positions and roles***

As discussed beforehand, several groups make up the community that is involved with the imprisonment policy in Bergen Prison. Between staff, inmates, their families, external service providers and non-governmental support entities, there are many stakeholders involved with the activity developed by Bergen Prison, both being interested in its outcomes and contributing to them.

However, since we have only interviewed prison staff, we will avoid making assumptions regarding the other stakeholders, and will only refer to them from what we can safely infer from the data we were able to collect. We have to keep in mind that insights about what meanings the other groups have built from the day-to-day operations within of prison policy are inaccessible, and will have to be left to future studies. This is applicable for all aspects discussed in this work, not only in this section. Past that disclaimer, informations regarding the positions, roles and how many people they share a team with, are present in Table 4, for each of the participants of this study.

Table 4: Positions, Roles and Team structures of the participants

Participant	Position	Role	People in team
Maria	Prison Officer – Resource Team	Communicate with inmates in isolation, reducing adverse effects and preventing suicides.	5 + leader
Ronnie	Workshop Instructor	Help inmates adapt to prison environment, socialize and participate in activities related to professional work.	3 + leader
Steve	Prison Officer – Instructor	Educate and prepare prison officers for professional performance.	4 + supervisor
Lisa	Principal Officer	Supervise and manage prison officers, officer formation, programs and other attributions as second-in-command <sup>45</sup> of Bergen Prison.	Works in many teams at once
Yankee	Vice-Director	Top leadership in Bergen Prison, responsible for final administrative decisions within Bergen Prison and institutional political representation.	2
Mie	Principal Officer	Supervise and manage prison officers, responsible for reception, <i>liaison</i> with police, remand and scheduling for sentence execution.	Works in many teams at once
Olivia	Prison Officer – D- Wing	Manage and assist inmates’ needs, schedules and appointments in D-Wing.	5 + leader <sup>46</sup>
Bill	Manager - Kitchen	Manage chefs, run supply and production chains and other responsibilities related to the kitchen activity.	4
Marie	Senior Officer (B-Wing) <sup>47</sup>	Manage and assist officers in B-Wing.	24
	Manager in Poland exchange program	Manage and assist ambassadors on the Norway-Poland prison office exchange program.	2
Justin	KDI – Statistician	Manage the flow of monetary resources, and statistical information, and budgetary planning.	N/A <sup>48</sup>
Anna	Prison Officer –	Manage and assist inmates’ needs, schedules	5 + leader <sup>49</sup>

<sup>45</sup>Lisa is a third-tier officer, as explained on section 4.1.3.1.3. In the hierarchy, above her there is only the Director and Vice-director, who can be considered a two-man team within the same position for practical purposes, hence our choice in using the expression “second-in-command” and not “third-in-command”.

<sup>46</sup>This is the standard configuration on team schedules for each wing. Shifts of 6 officers, five plus a leader, and in evening shifts, the role of the leader is performed by a prison overseer (*Verksisjef*) or experienced officer, that acts in case of emergencies.

<sup>47</sup>Marie was a Senior Officer (Leader) for years. She left that job a short while ago, to dedicate full-time to the prison officer ambassador exchange program with Poland.

<sup>48</sup>The interview with Justin was focused in his own work and the economic situation of Bergen Prison, so the question about team structure was not asked, since he works outside of Bergen Prison.

Participant	Position	Role	People in team
	M-Wing	and appointments in M-Wing.	
Mike	Prison Officer – C-Wing	Manage and assist inmates’ needs, schedules and appointments in C-Wing.	5 + leader
	Stand-in	Cover shift variations in other units and can stand in on night shifts, in the place of a leader.	7-8
Emma	Prison Officer – A-Wing (West)	Manage and assist inmates’ needs, schedules and appointments in A-West.	5 + leader
Erik	Program instructor - Sexual Offenders (M-Wing)	Inmate recruitment, program management, individual and group counseling and institutional communication.	5
Bambi	Environmental Therapist – Drug Abuse Program	Inmate recruitment, program management, individual and group counseling and institutional communication.	2
Astrid	General Manager	Program management and development, assistance to leaders and inmates.	6

Source: Author.

The staff in Bergen Prison have around 125 prison officers working in all four units, in various shifts. However, this number reaches up to 200 people, when considering people that don’t work in the unit floors:

Lisa: When it comes to staff, prison officers working in the unit, it's about 125, and then we are... some leaders, and some people working in the administration, So... perhaps 200? I don't have the exact number.

This number is distributed around shifts, morning, evening and night, and teams with 5 members and a responsible leader each shift.

Mike: Six, yeah. we're supposed to be six.

Interviewer: Six including the leader?

Mike: No, that's without him.

Since the vigilance in the wings must be constant, during evenings, nights and weekends the officers on duty are backed up by the general manager<sup>50</sup> in case of any incidents:

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<sup>49</sup>See footnote 21.

<sup>50</sup>From the Norwegian: *Verksjef*.

Interviewer: So when the leader is absent, then you have the <verkssjef> [general manager] in there? So he covers up?  
 Emma: Yeah. And in the afternoon, and night shifts and the weekends, <verkssjef> [general manager] is the chief. So, they are a first officer with the distinctions, but they have the operative responsibility for the entire prison.

However, the proportion between the number of inmates and staff is liable to fluctuate due to special circumstances, such as seasonal arrangements and vacations of colleagues, during which personnel are reduced, while the number of inmates is expected not to exceed 210. The position rule for the inmates in Bergen prison say that they can only be as many as the number of vacancies in the prison, as care conditions must be kept consistent with standards set by Kriminalomsorgen, with a single person per room.

Lisa: Oh, when it comes to inmates, i think we have room for 210, at the moment. At the moment, we have one unit... we have paused one unit, because it needed to be fixed, and we have lack of money and staff. But it will be open again on monday, but then we will pause another unit.

As boundary rules, to become invested in Prison Officer positions, the common requirement is that each person goes through the College course offered by *KRUS*, which is a commitment of three years for college, but may even represent more time, as you first have to be selected, through a written test and an interview:

Lisa: Oh I had to... I had to go through a test to be admitted to the school. It was an interview and it was a written paper and it was a physical test. And then I was admitted and then I had to be at the school and work in here for two years before I was... had my diploma.

During their time on *KRUS*, the officers are acquainted with the dynamics of street-level bureaucracy they are going to work in, and are prepared to internalize the formal culture of the organization through repeated testing. One spends six months of the first year in *KRUS*, which is located in Lillestrøm, on the East part of Norway, to go through basic training. Then, one year in a hands-on working experience in the prison they are allocated to, and then another six months in Lillestrøm. After this is finished, they have to work as an officer in training<sup>51</sup> for a year, to start their career.

Maria: We go to a school, called a prison school, in Lillestrøm (...) *KRUS*, yeah. And we have a half year, six months, in *KRUS*, and then we have one year... that we have school and work... then we have a half year back at Lillestrøm...

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<sup>51</sup>From the Norwegian: *Pliktor*.

and then we will be back at <pliktor> [Officer in training] where we have to work one year to get finished with... Yeah..

Mie: They start... With a short course in the school, or academy, sorry, which is in Eastern part of the country (...) And they spend a year here, in, for instance in this prison, and they have... one officer that's in charge of them, who are trained to do that, and they also have at least one day a week, sometimes two days a week, where they are at school here in the prison. And they also give several exams while they're here. But they also, as now in summertime, they will act as prison officers. (...) So at the rest... in the rest of the year, they are working under guidance. And then they go back to the academy, and they are in a year of theory.

Most of the time, this requires people to move from their hometowns all around Norway to study, which requires a certain degree of adaptation from the candidate, sometimes including living away from their families:

Lisa: Now that was interesting, because I had to leave my family at home. By that time KRUS was located in Oslo, so I moved in with another person that went to the same school. I had never met her before and after, this was January, and after a few weeks I thought i had way too much spare time.

However, the candidates have full support from day one, as even candidates in training receive a salary from the first year of training. For that reason, the candidates are required to work for a year after they're finished with training:

Mie: And then after school, because they are paid during the training, from day one, they have a salary (...) they have to work one year, after the training is finished. And then you can continue or leave, whatever, but you have to give back one year of work. So, in total, that's three years.

The theoretical training, however, continues throughout the period of practical experience, as the candidates must apply for a particular prison among the few that are prepared to receive officers in training. KRUS supplies the prison with material to be used in continued officer training, and the practical work is done under supervision of an experienced officer:

Interviewer: and i assume that it comes with all the tools, like blackboards... or?

Steve: Yeah, everything is in the package we get from KRUS, the prison...

Interviewer: College?

Mie: (...) they are sent out to a handful of prisons, that are... staffed, to take, to receive those officers on the training.

Maria: (...) it's by ourselves, but we get to... there are somebody we can ask... We have a Supervisor<sup>52</sup>, (...) We can tell difficult things to ask for advices, and they are... we have... some work they... that the supervisor is going behind us... and look if we are... (...) And then we speak about the things after.

Officers-in-training receive all kinds of practise useful for their role, such as the physical aspects of the job, self-defence and crowd-control techniques, as well as theoretical subjects like sociology, psychology, and law, as well as preparation to connect and with the inmate, with essential focus on their role as officers:

Lisa: I think the main skill was to do physical restrain, to protect myself, to stop inmates, to put them to the ground, to put handcuffs on, and to... to put the protection part, but I've never... I've never had to use it in real life, I only had the training for it. (...) I wasn't uncomfortable thinking this might be necessary, but it was... I was uncomfortable doing it, because it was really new for me.

Mie: But they have much more focus on what their role as officers are. Psychology, social work, communication, they call it M.I., motiveive interviewing, for instance, so the focus is on their... their role as a helper, and how can I... can I help the prisoner.

Erik: KRUS, Yes. (...) they train you to, in program, in psychology, sociology, and yes, a jus... jur-idical system?

The practical training is also an important part of the officer formation, as it connects them to real situations, promoting reflection and maturity, as well as providing practical applications for the things the officers in training study in theory.

Lisa: Yeah... it's in... that our education to become a person officer is a two-year of education, so we put a lot of it in there, and what's very important is that... the trainees are being able to reflect and to get mature enough, to make all the choices that they have to make all the time, to take care of the security on all levels.

Emma: (...) I think it's important to have, a theoretical and practical year, because then you can read about something and then maybe you can see it two days later, and not one year later.

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<sup>52</sup>From the Norwegian: *Veiledere*.

Additionally, program officers need to have additional training, specifically in the program they manage, on top of their regular education from KRUS.

Anna: They have the same education as we have. (...) The thing is, I'm working on the floor, and they are just working with this groups and this program. That's why we call them program officers.

Interviewer: So it's a different job, not necessarily a different training?

Anna: No, no no. They will go to courses, they have been going to Canada several times, and that's because s.o.t.p. is in other countries also, so they go to conferences in United States (...)

For the people who are not invested in the role of prison officers *per se*, the Silver stars, the officer training in KRUS is not required. Instead, as they already have particular backgrounds and formations, relevant to the specific activity they develop, on the moment they are selected for the job, they may take additional courses provided by KRUS, which take less time than the full college and have a different focus from the Officer Training.

Bill: (...) have a program, we called VBU (...) we have a program teaching things, and we have some meetings in Lillestrom, this year we were thirty six people from different units in the whole country, and that we have... all kind of issues we are talking about and discussing and... like, suicide issues, like mental health, drug issues, how to talk to inmates, when it's starting the process and ending the process, how to prepare inmates when they're going out... all kind of things we have in this teaching environment.

Bambi: (...) I've been there do a bit of further kind of work and courses.

Interviewer: So, like, supplementary training for example?

Bambi: Yeah. So I've done and the program that they used there is called <Er-vil-kan>, "is-will-can", that's how it's translated [laughs], so that's the substance group that I've mentioned, but we do substance group every week, with inmates.

However, there are some similarities between the Officer training program and the supplementary ones, as there are some certain situations that will be faced by both. Therefore, even the silver stars are prepared to socially connect with inmates and be of some assistance to them, and are familiar with the penal execution process, even if they can't perform activities exclusive to gold stars:

Interviewer: And I assume, also different training, within both gold stars and silver stars.

Bill: Yeah because the golden stars, they have the KRUS education totally on how to take care of the inmates, from the day they come in, and the 24/7 days. We only have the inmates, in my case in the kitchen, from 8:00 to 3:30.

However, supplementary training from KRUS is not required for all positions, especially silver star ones and the ones outside the prison workplace:

Bill: (...) my education is to be a chef in an institution, and i have a bachelor's degree in leadership and management for institution's kitchen and societies, so i'm educated to be a leader to all kinds of kitchens in an institution.

Interviewer: And did you go to KRUS?

Astrid: No.

Interviewer: (...) Did you do specific approach in your college? what did you do?

Justin: No, i... actually i have a business degree, and i specialize in finance and accounting.

On the other hand, going through college *via* KRUS is not the only way to work within the prison service. Due to resource constraints and limitations on the availability of officers that went through KRUS, internships with law and law enforcement students are actively pursued by Norwegian prisons as a source of temporary workers, many officers had their first contact with the officer career as trainees, which then go on for KRUS to take the full officer training:

Justin: (...) students coming to take... to work... like police students and lawyer students, they're coming... if we say, they should be 30 person goes at work, and then we suddenly have only 22, and we have a pool of like, not prison guards, but students and... and people.

Marie: (...) I'm from Oslo, so I was studying criminology. And I got my... and someone told me that I... during the summer time, and then during the summer break from school, some of the students worked in Oslo prison, so they, like, said "oh, you should apply". And then I did, and ended up working there almost a year, and then... during this year, someone told me about like the prison school in Oslo, I never heard of it before. KRUS.

Emma: (...) a lot of people and my class they had worked as substitutes in the prison before they started school. I had not. (...)

This temporary workers are both a source for low-cost labor in situations where there are shortages of personnel, and also a way to select and provide a path for people that are interested in becoming prison staff in full time:

Justin: We don't have very many temporary workers. It's increased a bit in... the last few year or two.

Interviewer: And they're usually paid the same?

Justin: No, they are much less paid, because they are... they don't have any education. So it's kind of, the unions is skeptical to that, because it's cheaper for staff to have temporary labor.

Either from KRUS or an internship within prison, experience is often valued to advance a career within prison hierarchy. To attain positions of leadership, one must apply for them and be selected, and within the existing system of upwards mobility within the hierarchical structure, experience is often valued:

Yankee: (...) I started here in the restricted unit, I worked in the restricted unit for 10 years, then... and I very early started also to be a senior officer. Not on the regular basis, but... and then I started as a duty officer, in this... and i worked as a duty officer for 10 years, with the responsibility for security equipment, for training and things like that. And also in education of other duty officers, and then I started as a security officer... no, security inspector, head of security in the prison, and after that, I started as assistant governor, and because it had been a bit of changes and absence in the governor position, I also worked as a governor, functioning governor, for I think three periods... Almost two and a half, three years, or something like that.

Steve: I think some experience. I wouldn't be new in this system and have this job, because the territory is wide. It's so much you have to learn, to have to get knowledge out to the students.

To leave one's position within the prison, there are three hypotheses that have been identified: i) A grave fault or misdeed, that warrants loss of job as punishment, which includes breach of decorum from one's personal life; ii) Relocation or transfer on individual request; iii) Quitting. The first situation, which would be done through an administrative process, requires a fault grave enough to warrant a breach of service obligations, as it's defined in the Civil Service Act<sup>53</sup> (Statsansatteloven, 2017).

Olivia: Yes, exactly. If i do something illegal, or if I should for example, in my free time, being caught with driving with alcohol, probably I will not keep my job. Or... or... if I do drugs, or being caught with something like that, I would not keep my job (...) If I work here, and I go out telling my friends about inmates so they know, they can be be aware of who that is, or something, and that's reported, I will lose my job.

The second situation, transferral of the staff member for individual request, can be taken as a precautionary measure to avoid exposure to a breach of obligations, which would leave one open to losing their job. During the interviews, it was mentioned that this is the case when relationships between staff and inmates develop in something beyond what's acceptable in the professional medium:

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<sup>53</sup>From the Norwegian: *Statsansatteloven*.

Olivia: (...) if, for example, and officer fall in love with an inmate, that's not allowed. (...) you should... cannot work here if you have a personal relationship with someone. If it should happen, then you should immediately tell your boss, oh I got feelings for someone, please remove me before something happens. Then of course, no one will do, but if you start a relationship with someone, and you're trying to cover it, or anything is detected, so it's probably you will lose your job.

This is also the case for when family members get involved in a prison unit. If a close family member becomes an inmate, it is expected that one would request a transfer, to avoid interfering with work:

Olivia: (...) if you have a special relationship with someone, you can't trust that person to be objective. Of course. So you can't work here like that. Or if you have, if I have my brother sitting here, I would not be working in that unit.

#### ***4.1.3.2.2 Choices and Aggregation Rules: Aspects of Decision-Making***

Each of the prison staff carries authority over their scope of decision, which means that they are responsible for a particular aspect of the imprisonment policy in practice. In addition to their particular functions, all officers are expected to maintain civil relations with inmates, to uphold dynamic security within prison.

Yankee: (...) Keeping good relations with inmates (...) to interact with them, teach them respect, to understand them, (...) help them change, to understand what the issues are, to help them to get, for instance, good plans for the future, make everybody... everything most ready, so they can get to be like a cliché "your good neighbor" at one time. (...) But that is one of the goals, and also it's a... like a hidden agenda in it (...).

This is not done only to uphold security standards, but also serves as an additional layer of protection towards the officers, creating a more secure labor environment, where the inmates have less incentive towards being hostile or violent with prison staff when they are treated well:

Yankee; to have a positive relation is also helping get better working conditions for us, and also for... for the inmates.

Anna: Yeah. If you treat them like animals, you will get an animal, if you treat them like a person you will be probably be closer to... get a person... out. A good person.

Mie: (...) if you're a prisoner, I am an officer, and we have a good relationship, you like me, and I like talking to you, I like you... It's a much lesser chance that you will hurt me, or do something that can hurt me. And if there is difficult situations coming up, I think it's much, much easier to talk to you about it. If you and I have a good relationship, you trust me, and you listen. You don't usually agree with me, but you listen to what I'm saying. But if you're just angry with me or you don't like me, it's much easier to take a step back and say that "go to hell".

This is often referred as an effort to create a good neighborhood kind of situation, where the inmates, as they're treated with respect and kindness, see the officers as human beings, and therefore are less likely to be aggressive. This is a process described as building the clientelle, where the street-level bureaucrat establishes rules and patterns of behavior that are considered to be acceptable within the client-bureaucrat relationship, as well as establishes sanctions for deviant and defiant behavior (Lipsky, 2019). To gain their trust, the process usually begins with providing assistance:

Ronnie: (...) if I can invite them to a talk, with a... or an interview, and we can do some things that matters a lot for the inmates, in short time, with minimal effort used, not much resources, I get some goodwill from day one. And I cannot in their eyes, I cannot, I don't do anything wrong.

The inmate relating to the staff, as well as the construction of a continued relationship, also play a major role in the connection (Liebling et al., 2011). As characteristics of the staff such as gender may play differently in practice, depending on the inmate's stance before it. For some inmates, a female officer might connect easily with them, while for others, a male officer might have less difficulties:

Mike: By the years, you can see that the female officers, sometimes they make the male inmates behave better. Because that's a female there, and they have more respect for females, some of the inmates. And also, from other cultures, some Arabic cultures and some in Eastern Europe, they don't respect or they don't consider a female the same, equal as a man, so they behave better with male officers then female, yeah.

Meanwhile, staff are expected to keep their eyes peeled to any indication of undesired events, while being mindful of cues obtained from interactions with inmates, as peacekeeping is a constant imperative when within an environment that may often be unstable (Liebling et al., 2011; Sykes, 1958). When interacting with inmates, one can pick up hints that an event is going to happen and take measures to prevent it:

Yankee: (...) Because you can see what happening you can see the change, because you know the inmate, if you can see the change in the inmate, something is happening. So he's either depressed or he's drugged or he's planning something. Or, they can even be open, saying "you should take care, it's gonna happen something". So that's the intelligence bit.

Bergen Prison, as a part of *Kriminalomsorgen*, has a contact officer system in place, on which every prison officer is especially responsible for connecting with a few inmates. The staff become responsible to assess and provide assistance to the inmates' needs, as well as to escalate demands to leaders to seek authorization on the inmates' behalf:

Mie: Every prisoner has a contact officer in prisons in Norway, so if you are a prisoner, I will be your contacted officer, and I have a special responsibility to... go to you, talk to you, give you assistance in practical things, but the most important thing is... to talk with you, especially why are you here and what can we do so you won't come back.

Mike: That's... um... when you work as a regular officer, you get two or three inmates, you have the responsibility for, extra responsibility. It's called a contact officer, and then you operate as a communication line between the inmate and the leader... Yeah. So it's... if it's questions about... going to to get new glasses, with the officers, or it's... going to permission, those kind of stuff, it's to communicate with the leader, yeah.

Contact officers are responsible to manage and address issues in each inmate's process of resocialization. Being responsible only for a handful of inmates allows prison staff to focus finite resources such as time and manpower in a manner which keeps effort well-distributed, helping alleviate the chronic scarcity of said resources in practice, allowing the staff to give more time to important aspects of their work beyond service provision (Lipsky, 2019). Also, contact officers are responsible for dealing with demands such as referral to programs that address social vulnerabilities, such as the drug abuse, anger management or sexual offender programs:

Olivia: (...) everything, if they need to sort out, for example, education, or wanting to go out on (...) we have something we call <fremstilling> [leave] that's when an officer take an inmate out from the prison to do shopping, or to go to the doctor, or to take a walk in the nature, so we do all those things with the inmates, but under controlled circumstances. Just to prepare to come back out in the society.

Bambi: So, they [contact officers]... they might be very on the ball, they might ask their inmates a lot of questions, to check what's going on with their lives, mapping it, and if they see they've got a substance issue, then they might give them the form, and say "you should apply for this" or they contact us directly. So, it's basically, on the motivational stuff, staff... depending on that.

Besides dynamic security and contact officer work, each of the prison staff, officers or otherwise, is responsible for the tasks of their own function. Kitchen staff are responsible for the kitchen, program officers run the specifics of each program, prison officers control aspects of the inmates' routine, and so on and so forth. Each staff member has an established routine that varies according with the specific workload of each day, and as soon as this work is done, they are expected to spend some of the remaining time making connections with inmates. These functions vary with particular job positions, and their collective make up the sum of roles within the prison policy within the already described hierarchical structure.

To understand the choice rules related with prison work, we also asked questions regarding the challenges and skills one should expect when performing their role. As the questions that discussed this issue have more openness than the others, the responses collected went through what each particular individual perceives as important in their work. The information we collected yielded Table 5.

Table 5: Indicated challenges and skills of each role

Participant	Major Challenges	Required Skills
Maria	Connecting with inmates.	Affinity with the position, being calm and empathetic, resilience and persistence.
Ronnie	Staying open to democratic discussion, cultivating a healthy culture.	Independent thinking, experience, initiative.
Steve	Keeping focus from the class, addressing personal issues of students.	Experience, cognitive skills, critical eyes, teamwork capabilities.
Lisa	Efficient teamwork, promoting resocialization and keeping order.	Leadership skills, legal knowledge.
Yankee	Risk assessment, dynamic security, assessing needs based on cultural differences, financial and budgetary control, building organizational culture, motivation.	Openness and trust, communication skills, responsibility, good relationships, reflexivity.
Mie	Shortage of resources and physical vacancies.	Resiliency, empathy, listening skills.
Olivia	Conciliating personal conflicts.	Good judgment, firm stance on

Participant	Major Challenges	Required Skills
		boundaries, initiative, people skills and teamwork.
Bill	Understanding human issues, enforcing workplace rules, dynamic security.	Professional qualifications, Leadership skills.
Marie	Understanding cultural differences, language barriers.	Communication skills, trustworthiness.
Justin	Denying requests, having a firm stance, financial and budgetary control.	Efficiency, organization, information control.
Anna	Connecting with mentally ill and younger inmates.	Curiosity and genuine interest, care, fearlessness, emotional control, extroversion.
Mike	Promoting trust and independence, promoting compliance in officers' absence.	Honesty, empathy, politeness, collectedness, flexibility of thought.
Emma	Shortages of people, time and resources, dealing with suicide or self-harm incidents, dealing with stressful situations.	Communication skills, calmness, resilience.
Erik	Understanding inmates' behavior, dealing with emotional stresses	Humanistic thinking.
Bambi	Keeping motivation and engagement from inmates, establishing human connection,	Resiliency, motivation, positiveness,
Astrid	Resistance to change and new ideas.	Communication skills, innovative thinking, initiative.

Source: Author.

Even if often one is able to decide things within their competence alone, there are instances where prison staff has to escalate situations or resort to other people for their decisions. Despite having a certain discretionary power that escalates with the position each staff member has within the prison hierarchy (Lipsky, 2019), decisions are usually taken considering the hierarchical structure and the discretionary space of others. Especially when one has doubts about situations they are not sure what to do, they are oriented to escalate situations to their immediate hierarchical superior. In the case of prison officers, in special teams, they report it directly to their team leaders.

Maria: We don't have a... (...) i have to ask in the team. But we have a leader of the team, and that's Lisa. So if we're going to do, like, some big stuff, we need a... we need a yes... we have to ask Lisa.

Prison staff, especially silver stars who are focused in particular activities, have room to propose changes to the system in their respective fields, according to available resources. Any change, however, needs to be escalated to their leaderships, and sometimes all the way up the prison staff hierarchy, and even if not required, a democratic path to a decision is often chosen instead of an authoritarian route:

Ronnie: We need to find a new way, how to help these guys in a big on big scale. So I have been for one and a half year. After one month, I informed my boss that this cannot be as we talked about, I need a computer, with internet, with no restrictions. I need a telephone, with restrictions, that I... from this... how do I say this... normal phone with number. I can transfer calls from the Social Service, Bank, psychologist, doctor, whoever they needed to contact... to remove the stresses.

Marie: But I would do it with my boss, right, because we're working as a team. (...) because the decisions i take affect the group, right? And since I've been in the work for, like, 2 months. And I don't feel like... I should do those, or I should take them harsh decisions, or, if I don't have the knowledge about everything, right?

Within daily routines, there is also suitable occasions where one might present an idea, such as in strategy meetings, so immediate leadership positions are able to deliberate about the ideas in a collective process:

Mie: Yeah, and you need to get people to... what is... your opinion. Every morning we have meeting in the department or the wing, and we talk about what's happening today, and we also discuss things that people think are... "We have to change this or this is a very good thing", so we discuss things (...)

Bambi: (...) So, it would be more, like, bigger decisions, as a team, where we're discussing what to do in this situation, because we have weekly meetings as well. So, obviously the contact officers, they work shifts, so they might not be there, they might have other tasks to do, but us from daytime, the psychologist, and our boss, would usually be on these meetings, every single day.

This is the result of an existing open, bottom-up approach to the policy, where input from people is appreciated, listened to, and incorporated to vigent policy when it is reasonable, in a consonant fashion to the principles of *Kriminalomsorgen*, especially Innovation. The leadership in Bergen Prison makes conscious efforts to keep itself open to suggestions:

Yankee: Because... and that, we are more like reflecting in the society, we are a lot of different people. (...) hopefully, I can be very direct, and I can be very clear, when that is needed, and i can be very democratic and open when that is needed.

For imported workers, which are staff that periodically come to provide specific services, such as psychological assistance or medical assistance, and are often hired by external entities, the rules are different in the sense that they are not subjected to prison staff hierarchy, except on matters of safety and security, on which they need to answer to gold stars.

Lisa: Yeah, it's... it's an agreement within the system, so they are employed, and they have hired for the job, that is, within the prison. So we are in charge of their security but we're not their [boss]...

However, the openness of Bergen Prison to aggregate different actors in decision-making processes is strictly done outside of crisis situations. Whenever there is a crisis, the system's top priority immediately becomes dealing with it, assuming an immediate top-down approach until the crisis has been resolved.

Yankee: Yeah yeah. In some cases. In ordinary, daily, government... then I like to discuss things. But when it's crisis or we have decided this is what is going to happen, then I can be very direct. Because in crisis, there's no room for... It's room for... (...) we don't have time. But it's (...) room for to get "oh you are doing something wrong", you should still listen, but it's [there's] not room for the big democratic discussion.

It is important to clarify that a degree of subordination within the prison hierarchy does not mean a rigid structure with an unidirectional stream of orders and a top-down approach to policy. In Bergen Prison, the hierarchy actually co-exists with a very horizontal relationship between employees, based on informality:

Mie: Both on the service and in this prison there's the hierarchy. And this hierarchy it's quite military hierarchy. with... in this prison, with the governor on top, assistant governor, and then we all come under that. (...) this is very formal. (...) I address my governor with his first name. It wouldn't occur to me to use his last name, and I don't use this title. And he... he addresses me with my first name. That would never do in a British prison, for instance. They are much more formal than us.

Olivia: Very good, very easy. And we are very... we... we are not so formal in Norway, so we... yeah. Even if we have different levels, we are still leveled, in a way.

While power relations are still embedded in the hierarchy and upper echelons still have power to make choices, the organizational culture has a characteristic of informality, on which one might approach higher levels on prison staff hierarchy to ask a question, pitch an idea or simply interact. After deliberation, where there are efforts to include different stakeholders in the decision-making process, in the end, a decision will be reached, and it is often based on authority to do so.

Mie: in the end, there's my job to say "okay let's do it that way". (...) We can't discuss forever, but everybody has the right to comment, I want just to put out my opinion on this, but in the end it's my duty and my right to conclude, and say "okay, I'll listen to you, I will do it like this".

The inmates, in a limited sense, are also allowed to join in the decision-making processes in what relates to their particular situations. The hierarchy and the power dynamics that stem from client-bureaucrat relationships are always present within the presented choices, as the possibilities are limited to the boundaries established by the prison staff, as the functioning of a prison is often conditioned to dynamics of cooperation between staff and inmates (Lipsky, 2019). They are given choices regarding visitation, medical attention and support, participation in programs and activities, agency in their own management and in their path to resocialization.

Mie: Yeah. Everybody who applies to... first of all, the prisoner must accept, "yes I do want to have visits from my family", and then they have to apply.

Bambi: Yeah, so you apply [to the drug abuse program] in a voluntary basis. When you've signed up, then you have to, kind of be adherent to the contract.

Ronnie: (...) we have a talk about the education, where they what they have and what they can formalize here. (...) with school or in another shop like if they want to become a carpenter, if you want to become a cleaner, if you want to become welder... we can get certificate, diploma for they have concluded education and they know how to do it.

Olivia: They can go on group activities with an officer, in the... in the weekend, Saturday and Sunday, normally we have some trips. And we always have a meeting on Friday, with the girls or with the ladies, on what they want to do in the weekends. (...)

Astrid: What to bring back? To listen to people, to listen to inmates, listen to the employees. Since we are working with inmates, who are supposed to go out again, ask them how... what they need.

#### ***4.1.3.2.3 Information Rules: How does one know what to do?***

Another important variable to look for while examining public policy is how information flows through the policy actors. This flow of information to and from actors is much needed to perform daily functions, as staff must act according to the information they receive, as the same particular measure might be applicable in specific circumstances but not advisable in others. For example, if an inmate has a risk factor towards suicidal behavior, policy might dictate that they must not be left unsupervised, as where if someone is aggressive towards others, they might be prescribed from some time away from any social contact.

Strongly related to the principle of transparency, the flow of information is essential to allow daily policy decisions to run smoothly. Information is used to subsidize heuristic processes needed for practical decision-making, and staff members can receive information in a number of different ways. It is also used for inviting people who might be interested in participating in the available programs, which is often called recruiting:

Mie: I need information to be able to take a decision: "should I body search this prisoner or should he or she just be scanned?"

Bambi: It varies a bit. So the prison has kind of a responsibility, as a whole... Every staff member [has] to recruit. (...) So it could be sending out emails to, like, the first officers, it could be sending out emails to the whole prison, to all staff, we go around the different units and ask if they have any candidates. We also have different work places in prison, we communicate a bit with, to see like "is this a candidate?", on our units as well, we ask around. We got leaflets, we also got posters, we got different channels to do, and sometimes we also go directly to the inmates, if someone's given us a hint, saying this might be a candidate, but maybe talk to him first.

Information might come from within the hierarchy according to the power relations, in a top-down movement, accompanied or not by a directive that must be followed by the staff member.

Marie: Emails. I have, there's a lot of things I need to know that I don't know yet, so, in general, like, a lot of papers, contracts, annexes, oh there's so many things that I need to know. (...) From the network. And this program (...) a lot of work has been done before, before i came into the picture, so... I need to learn everything what happened before I came, right? And then I have to read a lot. (...) And some... and... my boss again, in KDI, also needs to help me, of course, and teach me how to do things.

Another way prison staff receives crucial information is through a informatic system, which is shared among many different entities, and stores, organizes and carries information about inmates, staff members, directives, receives and sends mail, among other things. This is an expression of a staff members' discretionary power, as the decision of what to report, when to report, and how to report it, is subjected to a discretionary decision, and one may forego a formal report in the name of peacekeeping, letting go of control to regain it (Liebling et al., 2011; Lipsky, 2019).

Lisa: We have to document a lot, of course. Because prison is the most... the hardest restrain you can put on any human being. We are really in control. I know everything about a person that is... that is put in the system. We know it is there, and it will be there forever. So it has to be... we have to know, you treated... right. (...) Some of it, everyone working with an inmate would need to get access to. And they do. They... We train them, of course, so a lot of the Education is about how to handle all these sensitive information you get. Both what you can read, but also what inmate tells you. And one of our values, we have three values, and one of the value is openness.

Olivia: Yeah, we need, we need a lot of... we do a lot of things on the computer, everything we do, should be monitored (...) in some ways. We are writing a journal, (...) so that's important.

Justin: I work closely with the human resources. I have a list of all the employees, who's going, or having babies, going here. (...) A list of all the people who is leaving, who is going elsewhere.

Emma: We have channels that we write, overlap from colleagues, sometimes our boss have something..

Another way to receive information is from observations, made according to the staff member's own senses, the experience they have and the training they possess, on which they learn what to look for and pay attention to.

Mie: When I was training as an officer, I was an Oslo, and I was working in the prison there, and they told me I was going to be Outdoors in... in the yard, walking around the prison area, that was my job... very boring [laughs]... but they said: "look at the windows". Okay, I was looking at the windows the best I could, but no one had told me what to look for. So I... well... I can count them, but they are still there when I come back,(...) So in the end I had to ask "what am I looking for?" And they're just looked at me like I was an idiot. And said "Of course the bars, windows, are they intact?", "are there any..." right? "okay thank you", right? I had no experience, I didn't know what to look for.

When one knows what to look for, even innocuous details on how a person behaves or dresses can be interpreted as a sign of something underlying. Social cues, such

as the way one is dressed, may be used as a source of information, but one must be fluent in the meanings they may carry:

Mike: Now, you can when they come inside for the first time, you can see what kind of background they come from, usually. Yeah, it's different kinds of clothing, and yeah.

Also, information can be obtained and shared through daily interactions with other institutions and with inmates, by asking questions or requesting help with their demands, or with other staff members, commonly in informal settings, by giving tips about certain people or certain events they happened to witness. This helps inmates build trust with officers, and this may often be rewarded by certain privileges or building goodwill (Liebling et al., 2011). An inmate contributing with the flow of information is a behavior that is desirable for the client, and by rewarding such decisions with positive incentives, the staff members condition the inmates to behave accordingly, managing to reach beyond what plain coercion would be capable of (Lipsky, 2019; Sykes, 1958).

Interviewer: So, how does it usually get to your attention that someone needs help?

Maria: Maybe it's other person will have them... like... when the inmates are coming to prison they can look like, "oh, this guy is not good", and they ask us "can you speak with him"? (...) They can ask someone else who's working here. "I need someone to talk with", "i don't feel well", "i have many thoughts", "i can't sleep in the night"(...)

Mie: (...) then I need information from, for instance the police, if we have information from other sources, I can use it, but... it's not enough for me that another prison is saying "he's taking in drugs". Yeah, maybe, but it's not sure, so I would be a bit skeptical just to trust that. (...) I will talk to the officer who is the charge of the visits, and have the daily contact with families and the prisoners, and I also contact the wing, where he or she is living, and talk to them. So I would seek advice, maybe talk to the police as well.

This has special relevance with medical diagnoses, as the prison staff can not order someone to get help regarding their own situation. The initiative from the inmate may be the result of a suggestion, but they have to request medical or psychiatric attention:

Lisa: Yeah, it has to come from them. But we can, when it comes to inmates that are having difficulties, we might suggest: do you think it would be good for you to have a talk with a psychologist? and they might say "yes I want that", "okay then you have to have a doctor appointment and discuss it with the doctor". I can't make a phone call to the health unit and say this person needs a psychologist. Then it won't happen, it has to come from the inmate himself. I could give the health unit a tip, and they might find a way to ask them, but it's...

it's about the... We used to say in Norway that when people are imprisoned, the only thing they lose is the Freedom. They don't lose any rights, they don't lose the responsibility of their own choices and their own needs.

However, this also involves sensitive information, which usually requires one to foster a relationship of trust with the inmate, so they would be comfortable sharing this in the first place:

Anna: Yes, and because you will build a relationship to them, you can't just ask a thousand questions the first time you see them. I'm actually able to ask inmates, like sexual offenders... It's difficult to talk to them about their case, because there's children involved, it's a lot of shame.

Erik: They can decide that. What they want to share (...) If the main focus is on their personality, their attitudes, so it's not the main focus on what they have done, so that's what is specific. The crimes, we don't usually talk so much about that, but we can talk about the reasons why you are under there.

Depending on the contents of the information perceived in practice, however, one must notify their hierarchical superior, to request permission, ask for help with resources or advice, among other reasons:

Maria: If there are some information that... what can i say... other needs to know, i need to tell. If the person are telling, like, "i'm going to end my life", i have to tell.

However, there is information that can not be shared with others if not bound on a need-to-know basis. This information, if shared to the wrong people, might put others at risk, in a dynamic that establishes a boundary regarding the principle of transparency, demanding that prison staff use discretion to whom they share information with.

Lisa: So we want to be open to... to the society, we want people to know what a prison is, but then you have to be able to judge what... what can I say, or what... and what can I not say, because you can't give out sensitive information about inmates, or our security system, for example. So you would have to be able to reflect on that and have the knowledge.

Also there may be information sharing happening within meetings, usually in formal settings, about matters relevant to the sphere of authority of the people present in them. Prison staff's daily routines frequently demand their presence in strategic meetings, where crucial information, recent events and directives for the day are shared. Meetings are a prevalent part of the daily routine of prison staff, and in them, crucial information is shared, either to specific sectors or between shifts within the same sector:

Emma: Yeah, we have a morning meeting and afternoon meeting, that's when... in the normal year, that's when we have the shifts changing.

Astrid: That I need to know? [laughs] Of course, i need to know if we have all the employers in their positions, and, so we can have this workshops and stuff open, and we need to know if everybody's okay, (...) I have leaders that I work with, every week, I have meetings every week, one-to-one, and I need to know that if they are happy and everything is okay. But if not, they usually will tell me.

Furthermore, different staff members may have different degrees of access to information, according to the physical environment they frequent. Information that can be perceived through informal interaction with colleagues, and physical presence in hearing range of where this information is being conveyed, even if one's not the recipient, might allow one to perceive what is going on:

Lisa: What I miss, and I've told my boss that I wanted, I would like my office to be upstairs. They are sitting, the one you met and my other boss, because there is so much (...) informal, information going on. Just the talk you have before, in front of the coffee machine and... things are being said, that's good to know, but if you're not there, you don't get it.

#### ***4.1.3.2.4 Objectives and Potential outcomes of the policy***

When talking about potential outcomes of a policy, we focus on the participants' take on the policy goals, which refers to what should happen in the policy, or what purpose this policy was built to reach. For the goals, as mentioned along the previous sections of this report, the official policy aims to: i) Prevent recidivism and the commission of new criminal acts through the re-socialization of the inmate, and; ii) reassure society and satisfy its need for security (The Execution of Sentences Act, 2002; Regulations Relating to the Execution of Sentences, 2002). However, as the conversation with the participants allowed, we asked them what would be their individual conception of the goal the prison should have.

It was possible to perceive a great deal of alignment from individual perceptions of the prison staff and the official policy, affirming that prison serves a purpose of resocialization, as to prepare one for becoming a productive citizen upon their return to

society, self-improvement, as correction of individual failures and shortcomings that may have been born out of situations of vulnerability in one's life:

Maria: (...) try to help the inmates be a better person when they come out, (...) to become a better version of yourself. (...) To... like... be a better neighbor, if it was my neighbor (...) We are not like... telling them [the] right thing to do. We are helping them find the answer inside, and be a safe person, because many of those people not have like... good childhood... or... many of the people have... haven't have good relationship when they grow up... maybe... show them that there are good people around them. Yeah.

Mie: And then it's... how do you spend this time? You can lock them in, throw away the key, and open again when they have served their sentence, but you have to ask: "what has happened in this time?", "what has... how is the present now?", "is he a fully changed and happy man and he'll never do it again?" or "is it just a much more angry man?"

Bill: Because the philosophy in Norwegian Society, about prison, the justice department, it's like: "you get your part of time, and this part of time supposed to be a better person when you get out"(...)

Anna: Maybe you will be away from the drugs for 3 years, you will go to school here, you'll get a education that you would never do outside, because you have just been intoxicated. And when they stop using drugs, they will stop to kill people, when they stop with drugs, they will start to go to school here, they will get educated and they will be able to go and find yourself a job.

Mike: (...) you can't change people completely, but if you put some opinions to discuss with them, or maybe change their mind about breaking the law or... on the way. Maybe, eventually they will go out of prison as a better person or, yeah, with some healthier minds, yeah.

Also, we were told that prison needs to offer inmates a way to progress their lives in society without relying on criminal activities, providing them with a choice and an opportunity for desistance.

Ronnie: It should be... it should make the inmates, that independent and happy with their life, you should higher the life quality of the inmates to a certain level that they don't need to do criminality to... to achieve the life... quality of Life. They, based on what they know, what they can, they go out and try to make the life quality as good as they can. (...) Give them the tools, at least, the know-how, and make them more aware of the situation and make them more critical towards the whole way of thinking.

Lisa: (...) to help people with the change, so they will be released and live life without crime. Or at least live a better life, that's the most difficult goal we have.

Anna: So it's not... it's... it's not just about to punishment, it's also about changing, and some of these inmates are not able to change before they come here. (...) So, it's a place, it's actually most of all, it's a place to change. Because it's here you have the tools to do that. An opportunity.

Astrid: The prison is for the inmates, so they will have their... the punish[ment] but, for me, it's... I don't look back, I look forward. So I... for me, it's... it's... what's the possibility for the inmates, and how can we get there.

In the same way, the perceptions of goals set to the prison activity aligned with the branch of the official objectives related to keeping the social order:

Lisa: Yeah. And actually our law in Norway... it's... the goal is divided into two: the main goal is to keep people in prison and the court has decided "you have to go to prison" that's our job to see that it happens. And we're good at that, you've seen the wall, no one can escape this prison.

Mie: Yeah, that's a really big picture. Well, I suppose most societies in the world have decided that this prisons are a way to achieve several things, of course when you break the law, there will be a consequence, and prison is a consequence. But also it's how to protect the society for... for a period of time, from further damage.

Mike: At first, the person is to remove someone from the society for a while, and make the society a better place, in most sentences, and then the next ones are, that is the punishment, to not be a part of society, when you're closed inside here (...)

Emma: To motivate people to not commit crimes again. Also, I don't think it's allowed to speak so highly about it, but I think that society, and the victims of a crime, also needs to see that there are some sort of consequences for the actions.

However, even if the objectives appear to be very well defined within the law, they are still liable to change when you consider short-term and long-term goals, as well as changing over time as the time goes on, which can mean political environment changes on higher levels:

Yankee: (...) you have to define that together with officers. We have done that. Aand you also have to have strategy to [define] "what are the goals for the correctional service?", "what are the short time, and what are the long time goals?" (...) What is the factors that are inflecting in the future of the correctional service, and in all of this, we'd understand... then you will... and we work together with it, because you have political things, you're having an environment, you have foreign inmates, you have... <IT *kriminal*> [Cyber-criminals] (...)

The issues with the prison policy, even if they persist between decades, the way they are addressed by the policy changes over time:

Yankee: It has been always... it's the same issues. For instance, regarding relations, we had the same focus on relations, but we haven't... didn't have the professional... the word "dynamic security" was new when i was starting.

Also, in the other hand, it is possible to perceive that the prison staff is aware of a struggle between what are defined as objectives for the prison policy and what a part of society thinks about imprisonment, approaching the punitivist approach with an express focus on expiatory and vengeful goals:

Olivia: Because people out in the society, they are like, "oh let them rot", and "why should they get so much better when people in the hospital, people in the nursing home, doesn't get it", "why should they get it". But they don't see the big picture, how important it is to change the lives, to have a better Society. That's the whole clue.

Mie: (...) they also have to take into consideration that... the public view. And people don't... when I say "we have to have time to talk to people". And my dad would say "why? just lock the door and leave the guy alone", he thinks we are cuddling them.

Anna: You know, the punishment is already there. You know, my job is not to punish, you have already been punished by being here. And even if somebody thinks Norwegian prisons are like hotels, because the cell rooms are okay, the food is okay, inmates are getting paid 8 euro every day to stay here, prison is not a good place to be.

Also, prison staff are very much aware of the lasting and severe damages a policy focused on punishment can inflict on an individual, often through trauma, stigmatization and social segregation:

Anna: Everything is about to go back to society. So, if you just put people inside the cell room, and lock the door and throw the key, and open the door after 5 years, you will never release a human being, you release an animal.

Erik: (...) the group I'm working with, we have, for the moment, it's everything is very good there. But for the rest of the prison, I have seen that going bad way, Yes (...) We are just human... human beings. The same with the inmates, if inmates are sitting here, is overcrowded, or they can't get the safety they need to work with their goals, then they... it will be more difficult for them to reach or change them.

Bambi: (...) people might be a bit labeled because they're in our groups, but we try to create a positive environment, where they feel proud of being there instead of feeling that they got a label.

#### ***4.1.3.2.5 Transaction costs and benefits***

In this section, we will attempt to understand which incentives there are into place for people to strive for a good performance in practice. We asked the participants to

speak about positive and negative incentives that exist on the job, as well as which feedback they usually receive about their performance. Many of the participants did not express that the system gives enough feedback to demonstrate one is doing a good job in practice. Positive feedback is rarely provided, as there is no system in place for rewarding one's good results in work with monetary compensation or even social recognition:

Lisa: I'm afraid we don't reward much. We're quite good at talking about a person, me and you can say "well that was very...what she did was very well" but we're not as good as telling the person itself, and we don't have a reward system. Like more payment, or at the end of the year someone would get a medal, you know what I mean? We don't have any of that. The Norwegian system, in school, anywhere, we don't... we don't do that.

Olivia: I don't think we are very good in rewarding the officers, really. I think we should be better in rewarding each other, telling each other that "oh, I think you did a really great job today" or... but I don't think we are very good in that. Yeah, i think we could be better.

One can apply for a pay raise, but it is not recognized *ex officio*, but requires conscious effort from the staff member:

Bambi: But often with the different courses I've done, and applied for, I also applied for higher pay raise, because I think it's... But that's more on me, it's not them giving me a raise for having done a good job. That's me wanting to use my skills and also show that I have developed.

Recognition for one's good performance might come from a superior or from a colleague, but more often than not, the reward one reaps from effort is merely silence:

Mie: (...) I can't remember he [the governor] has come into my office and says "I think you are doing a very good job", or a lousy job, for that matter. (...)

Bill: I don't hear anything. [laughs] It's a quiet sound when everything is correct. But still, when everything is correct, some person can think "this is not good".

Justin: Well, i don't thing exellency is rewarded in any way, but you don't get bothered [laughs].

Although some leaders that recognize effort and good performance exist, this is most likely something that comes from an individual characteristic of that person, rather than an element from the broader system, since it is not shared by many.

Steve: (...) my leader is very good to see, see us. See what motivates me, what keeps me balanced, to help me, to understand what I need, so in that matter we are very, very fortunate.

And in the sparse cases in which one gets their efforts recognized, this is usually limited to a discrete and modest signal of approval, and rarely in a concrete manner. Sometimes, one gets a brief manifestation of appreciation from bosses or colleagues, but this is uncertain to happen.

Mike: Maybe you get a tap on your shoulder, and they say good job. But it's... it's difficult to measure... to measure what you do, because it's people, so.

Emma: I don't know. I don't think so. (...) Sometimes our boss tell us we are good at our job. Yeah.

Erik: (...) I get my colleagues, they can say "okay good work", but the system... from the system... I don't think the system is a good... maybe they could have done these things better. Yes, because by the time I have seen... I've been working in this system here for the last 23-24 years. When I started, this was better (...)

On the other hand, mishaps and negative feedback is often provided in formal meetings which also follow a protocol where one can bring a person that they trust for emotional support.

Lisa: (...) Then there would be a meeting, I would... like, if there's something... if you have to address something, it would be a formal meeting. I would be called in, and I was... I would be told that you can bring someone. if you want to. And then I was... would be... told what he has observed, and he would ask my opinion about it. And then we would have to... either he would tell me the solution or we would work on a solution.

Mie: I think you will always have feedback when you have done a mistake. But positive feedback... we are far... a long way from being good at that.

This comes from a long tradition where the prison staff was not expected to have any positive feedback from doing their jobs, as the policy did not have much room for questioning or debates within the hierarchy. This cultural element may still persist, as some feel that they do not need express feedback or recognition.

Yankee: I don't need feedback, I need feedback if i do something wrong, then I need feedback. If i'm doing a good job or doing what I'm paid for, then i'm happy. It's very easy for me to think that everybody is made the same way that I have. But I have understand an experience that we are different. So, a lot of people don't like to get negative feedback or told that "you should do", "maybe have you thought about doing it another way", and they get personal... or insulted. And more so today than maybe 30 years ago. Because 30 years ago you just stand up and get the feedback and knew you were not allowed to... to say anything, or question it.

Bambi: Yeah, of course. You get praised? [laughs]. Yeah, I have got bosses that are good in coming with like positive feedback, but because we also, we're not that dependent on getting the input from our leaders, we run the unit by ourselves often, so they might not necessarily notice all the time. So, as long as it runs, they're happy with it. So not hearing anything is also [laughs] maybe a sign.

Feedback can also be perceived from outside of hierarchical relationships, such as when inmates approach prison staff to address an issue or complain about something that has happened. Positive feedback, as well as negative, can be perceived as a result of personal work performance, as the inmates may also recognize one's commitment and effort:

Bill: So... Like, one time I was serving salmon, it was ecologic salmon, and it had a little different color. So on a handwritten letter from the inmates, and he complained and said "you should stop serving this kind of salmon". Always looking so badly, and I was... and I was explaining to a letter then, "this salmon is totally okay, it's ecological, it depends on the fish is eating, what kind of food the fish gets, and that's kind of color it gets too".

Marie: I think to be seen, is very important for every human being (...) positive feedback, from colleagues, your boss, or your boss's boss, I mean (...) And of course, that you see inmate succeed in things... you helping (...) getting them a job, a school place, a new place to stay, I mean... And then you see that people succeed, that's a one... absolutely rewarding. And then, again, you don't see it that often.

Therefore, it is possible to conclude that the policy relies mostly in a system of negative feedback, applying sanctions to its staff members rather than a systemic application of positive feedback. A consequence of this might be that the individuals may not feel appreciated, which may affect morale in the long term.

#### ***4.1.3.3 Action Situations***

In this section, we will present and address, in light of the information that was brought in the other sections, a few of the action situations that we perceived as present in the imprisonment policy. We define action situation as an analytic concept that enables isolation of the immediate structure affecting a process of interest to explain regularities in human actions and results (Ostrom, 2007). Therefore, in this report we intend to refer to an action situation as specific situations that occur in practice, which constitute but an aspect of the policy.

Here, we do not intend to exhaust all action situations within the policy, but to demonstrate which ones we perceived as relevant to understanding the practice within Bergen Prison. To accomplish this, we asked the participants to comment on what they perceive as a measure that they would hypothetically change in the system, if they had both authority and the resources for that, and within the responses we achieved, we delineated situations that were affecting the policy.

#### ***4.1.3.3.1 Resocialization within Bergen Prison***

As stated beforehand, Bergen Prison has five wings: A-Wing (A-West and A-East), B-Wing, C-Wing, M-Wing, and D-Wing (OPEN). They address different circumstances and different target publics within the prison's inmate population, and are bound together in a sense of progression<sup>54</sup>, which refers to a set path a given inmate must walk until they are deemed fit to return to society. Even after, vigilance over someone may not outright cease, but can be extended into society, such as in transitional housing<sup>55</sup>

A-Wing is a restrictive unit, for people that have court or contact restrictions, B-Wing is a general population unit, where the drug abuse program takes place, C-Wing is a unit with a particular arrangement, where the sexual offender program takes place, M-Wing is a wing reserved for inmates that require psychiatric help, and D-Wing is a low-security wing, exclusive for female inmates.

During their stay in Bergen Prison, the inmates have access to many assistances and services. After sentencing, the immediate arrivals are allocated within the existing facilities and designated a private, furnished room, which they do not share with anyone else, as a general rule.

Shortly, the newcomer inmate will be subjected to the prison routines, and learn the rules necessary for daily living. It can be a traumatic change, and the staff is aware of that, and will try to establish contact and build a relationship with them and gain their trust. This is a place where dynamic security can be done, and the prison staff will attempt to communicate in a regular frequency, to try and integrate the newcomer into

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<sup>54</sup>From the Norwegian: *Progresjon*.

<sup>55</sup>From the Norwegian: *Overgangsbolig*.

the existing community, as well as constructing the newcomer as a client, by teaching them the rules of the place and expectations placed upon them (Liebling et al., 2011; Lipsky, 2019).

Ronnie: we can do some things that matters a lot for the inmates, in short time, with minimal effort used, not much resources, I get some goodwill from day one. And I cannot in their eyes, I cannot, I don't do anything wrong.

Lisa: Yeah the prison officer can help everyone to get in touch with the system they need to be in touch with, on the outside.

Inmates will be assigned a contact-officer, which will be their main channel to ask for help within the prison. This means that each officer will be responsible for a limited number of inmates, distributing the workload between the capabilities and limited manpower available (Lipsky, 2019). Any measure or diligence they require will be done through their contact officer, who will be a bridge between the inmate and government, which in this context, includes prison administration and society:

Mike: That's... um... when you work as a regular officer, you get two or three inmates, you have the responsibility for, extra responsibility. It's called a contact officer, and then you operate as a communication line between the inmate and the leader.

As the inmates cannot access the internet or solve their own problems by themselves, contact officers also have responsibilities regarding providing individual assistance, as well as a duty towards connecting to the inmates, preparing them to go back into society. This is done through intense socialization and through the construction of a lasting relationship with the inmates each officer is responsible for (Liebling et al., 2011), effectively being one of the main measures the policy focuses on promoting resocialization:

Mie: Every prisoner has a contact officer in prisons in Norway, so if you are a prisoner, I will be your contacted officer, and I have a special responsibility to... go to you, talk to you, give you assistance in practical things, but the most important thing is... to talk with you, especially why are you here and what can we do so you won't come back.

Olivia: I'm the contact officer for them. And... everything, if they need to sort out, for example, education, or wanting to go out on a leave, or... or... we have something we call <fremstilling> [leave] that's when an officer take an inmate out from the prison to do shopping, or to go to the doctor, or to take a walk in the nature, so we do all those things with the inmates, but under controlled circumstances. Just to prepare to come back out in the society.

Bambi: So, they... they might be very on the ball, they might ask their inmates a lot of questions, to check what's going on with their lives, mapping it, and if they see they've got a substance issue, then they might give them the form, and say "you should apply for this" or they contact us directly. So, it's basically, on the motivational stuff, staff... depending on that.

Together with the newcomer inmate, the contact officer will contact the banking system to provide a Bank-ID, a digital identifier to permit access for its holders, which is the main way to have access to banking and social policy in Norway.

Ronnie: (...) first we call the bank and ask them to, if it's possible to send this BankID to the prison. I would wait a (...) confirmation that they are here, who I am, I have to sign, and I have to legitimate myself.

Additionally, the officer may get in touch with creditors, to cancel inmates' running expenses, halt interest and postpone upcoming bills, to avoid that the inmate gets into further debt upon release:

Ronnie: I always pick the economic part, we always talk about this (...) when they are doing time, we can send a notification to their creditor, and ask if the interest can be frozen, and postpone the coming bills.

Newcomer inmates will be examined thoroughly by the health department, and then any health issues that are found will be addressed by the medical team, including medicine and external treatment, even if the case requires intervention from a specialist:

Lisa: (...) When it comes to medical care, we have a health unit within the prison. So, their first contact with the health system is right here, right in the prison. (...) when they come to prison, they will be met by a nurse, and they are able to tell what, their illness are, and what kind of medicine they need, and they will get it. If they need a doctor appointment, they will have it, and dentist, physiotherapist... yeah. And if they need something more specialized, we will take them there, when they have an appointment.

Contact officers are also required to do sentence planning, where they would set out the path throughout imprisonment together with the inmate. However, this is not formally done in practice, as there is severe shortage of personnel, which are usually focused on more pressing matters, such as immediate requests, upkeep and routine enforcement.

Ronnie: (...) This [sentence planning] is what contact officers should do, but we don't have the resources or time to do. So in our day, most of the day it goes to cell check, visitation of cells, get people to the doctor, just following them, following into the reception to talk to their lawyer, or reception to go into the court with the police, and it's not the culture of doing this.

In Bergen Prison, the goal of resocialization is done through daily action, which requires establishing social connections with the inmate, which can be heavily affected by prior vulnerabilities such as health issues, drug abuse, anger problems, deteriorating mental health, among others. By providing small amounts of support to the inmates, officers assume a role similar to a parent, creating conditions for the inmates to relate to them, which reduces the possibility of assaults and stresses, as one is perceived as being an ally, even if conflict is somewhat inevitable as boundaries must be set and enforced (Liebling et al., 2011). Also, promoting resocialization is easier done when an individual's needs are already met.

Erik: For me, it's important that system are working correctly, otherwise we can be interrupted by (...) things we don't want (...). Because the inmates, how we handle them, depend on how they will respect you and your system. (...) It's easy to be, have empathy, if your minor needs are okay, it's easy to reach your goal if your minor needs are taken care of.

To address some of the more severe issues that could happen with inmates, according to individual necessity and the available information, they might be invited to participate in one of three voluntary programs that exist within the unit: i) substance misuse program; ii) Sexual offender program; iii) Anger management program. It is emphasized that the admission to these programs are strictly voluntary, with no exceptions:

Lisa: (...) you would have to want to attend, because you can't force change onto anyone. It doesn't work.

Regarding the Anger Management program, unfortunately, we were not able to collect enough information on it, as we were not able to interview the person responsible for it until the end of the data collection. Therefore, we will not address the inner workings of this program here, but since we were informed of its existence by several participants, it is safe to assume that it exists and is currently being practiced within Bergen Prison.

In Bergen Prison, all wings are equipped to provide progressive liberty and social opportunities to inmates, allowing for progressive adaptation to the life back in society. In A-Wing, there are people under preliminary custody, awaiting for the courts to pass their judgment. In Wings B, C and M, all inmates have already been sentenced, and so the strictness of security diminishes. A-Wing is the most restrictive high-security unit, and does not allow inmates to access most resources in the prison facility, outside of the required assistances and the occasional contact with the officers, as indiscriminate total isolation is forbidden in Norwegian prisons.

Emma: now I'm at West, which is the most closed department. From when i started, we are a lot less people, it's higher tempo, a lot of things need to happen in short amount of time

To help promote personal contact and alleviate the effects of isolation in A-Wing, Bergen Prison has a Resource Team which sole attribution is to promote socialization in isolated inmates, which have court restrictions or are having a hard time socially. This team will often enter rooms and ask inmates if they need anything, trying to socially connect and to convince them to socialize, probing for which problems exist and how they might be addressed.

Maria: I work in a resource team. We're working with inmates that are isolating by the court or by themselves. They choose to not go out with other people, of many reasons, so we have the time to, like, try to get them out from their rooms, not like one time, we can go again, and again, and again... and find the reasons and work with the reasons why they don't come out.

This role places the resource team members in a privileged position to help alleviate tensions between inmates and rules, as flexibility and discretion are important elements in socialization tasks, as well as in keeping the flow of work for themselves and others (Liebling et al., 2011). The officers within the Resource Team are not subjected to the same routines and obligations of regular officers, having a higher degree of freedom to pursue connections with each inmate, spending enough time to socially connect:

Maria: Yes, we... the responsibility is that we have to... make our own days... we don't have like the routines we have to follow. We just do things by ourselves, so we have to feel ... when we have used enough time on one person...

Having additional time to spend on making these connections usually helps on trust building and, alleviating the burden of the initial stages of imprisonment:

Maria: We can sit in the room and talk, for one hour, two hour, if they do need that. So it's more ... it's easier to open up to us, because we have the time. Nobody wants to speak about how they are inside if the person are going to walk off the room five minutes later (...) We are speaking a lot with them in the start, and then we like... maybe once a week... and then once a month (...)

In tandem with the Resource team in the A-Wing, as well as in wings B, C and M, there are regular officers, whose responsibilities circle around safety and security, mainly routines and vigilance. They also are responsible to do what the resource team does, but without the exclusivity of the function:

Emma: My department is waking up people, taking them to health or when they're going out with the police, make sure they are okay, welcome them when they are new to the prison, listen when they need someone to talk to, take them outside when they need to go outside, it's... everything to take care of people.

Ocasionally, the officers at A-Wing need to deal with stressful circumstances such as suicide attempts, or disorder in some degree, with many demands at once from the inmates, which tests the limits of the officers' capacity to help:

Emma: (...) people have injured themselves, try to kill themselves, or in the times when there is a lot of people who need help, but you don't have the time to help everyone, so there's always someone you know that's not getting the help you wish.

Emma: A lot of things happening at the same time, a lot of loud noises, my department is often a lot of kicking and hitting in the doors, screaming, just a lot of noise, really. And that can be stressful (...)

In B-Wing, 48 inmates live in apartments of 6 people each, and a team of 24 officers, in shifts, promote socialization with those inmates, promote activities and offer assistances, as previously described.

Marie: (...) I was in charge of unit B, there is... how many... 48 inmates in... in a unit, they live 6 and 6 together, so I was in charge of them. And 24 officers.

There, the substance misuse program takes place. Upon admission to this program, inmates will be relocated to the Unit-B. It is offered to inmates that have had problems with substance abuse in their past. Usually, there is room for six inmates at a time, but this can be reduced according to demand.

Bambi: At the most is six, sometimes it can be four. But we try to keep up, keep it as full as possible, because (...) There's not a lot of like prison cells that are available throughout the prison, so sometimes we have to kind of fill our places

up. (...) But we want motivated people that want to be there, so also, if we see that we don't have any applicants, no candidates that are relevant, then we might have three people there.

The program is done through group and individual activities, and takes a minimum of three or four months, but may take up to a year, according to the inmates' needs and willingness to stay. In there, progress is based on individual goals, and does not necessarily aim for complete abstinence of narcotics in all cases.

Bambi: No, I think obviously everyone comes with difficulties into the group and one work and there are different stages in terms of what changes they wanna make and what the goals are.

The substance misuse program also may be connected to psychological and psychiatric help, if the individual situation so requires:

Bambi: Yeah, I think in most cases they have some dual kind of... comorbidity, or like... some dual difficulties, because obviously, like, being on drugs for that many years for instance, that affects maybe something cognitive, or it can reinforce some kind of psychological aspect of it, but I think someone who does have both of multiple things to deal with, you definitely have to focus on both.

People can also be removed or not accepted in the program if they have other issues that they need to solve first, such as aggression, or active drug use, which would mean availability to the others:

Bambi: (...) if we see a tendency is towards fighting and hurting other people, then we wouldn't take someone in.

Bambi: (...) we have to ensure that they would not be actively using in our unit, drugs, because that means there would be availability for the others, and it might trigger other people as well.

Also, the substance misuse is also addressed through a social standpoint, where the objective of the program is to create an environment where the individual might resist the urge to abuse substances, even if they are available:

Bambi: (...) we try to create a positive environment, where they're support each other being off drugs. And if we can create that environment, it's more sturdy when there are outside influences, for instance, like, drugs coming in (...) it's always gonna be available, the community is always gonna be there for them. The drugs will never disappear, but they decide to say yes or no to them, that's kind of the big difference.

From B-Wing and onward, inmates are paid a daily stipend of 8 EUR<sup>56</sup>, and have access to a grocery store within the prison. They also are delivered portioned meal ingredients on special occasions. For those in the A-Wing, which have no access to that, the prison kitchen delivers meals three times a day.

Bill: We produce meals for approximately 70 people totally, because the rest if self-made, they're buying their own food in our local shop in the prison.

The prison grocery store has reasonable prices when compared to the stores in Norway, is operated and controlled by shopkeepers who are also inmates, and sell many different goods, such as food, cigarettes and SNUS<sup>57</sup>, underwear, and shaving equipment. This store provides another element of self-management and social activity to inmates. There is no alcohol of any kind being sold in this grocery store.

In M-Wing, the Sexual offender program is performed. There, live 16 sexual offenders who participate in the program, as well as 14 general inmates who do not. In there, five program staff will perform cognitive programming in individual and group sessions with the inmates. The inmates' stay in the program depends of the length of the sentence, and it's usually done in their last two or three years in prison, before moving to low security. In there, program staff are aware of the stigma associated with sexual offenders, and will turn away from the conduct itself, with focus mainly in personal development through the performed activities.

Erik: I don't think, in daily life, [about] what they have done. My focus is to be a example for them, my focus is to make them to use the time here, to build them up (...) because I don't want them to come back here.

Erik: Stigma is around us, everywhere, about that kind of crime. All the time. And the inmates, they know that. So it's very simple to talk about that, that's something they feel every day.

The program promotes individual mentoring with psychologists prepared to deal with issues related to sexual crimes, as well as group meetings, where the program participants can expose themselves, speak about their cases, and open up to others that might understand what they are going through in a safe environment:

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<sup>56</sup>Approximately 8 USD, 80 NOK, or 40 BRL.

<sup>57</sup>SNUS is a product found in scandinavian countries. It is a small packet that someone keeps on their gum, between their teeth and their lip, and has a similar effect to tobacco. It is acceptable to consume Snus inside closed spaces in Norway, as it doesn't produce smoke or a bad smell, as a cigarette does.

Erik: Yes. The difference is that, more people. It can be other questions, you are in an environment where people can challenge you in different ways, that can be benefit for everybody, yes, but in a safe way, of course. So, yes.

The objective of this program is to allow the inmates who participate in it to develop healthy, legal ways to deal with sexual urges without resorting to new sexual crimes:

Erik: Because... we discuss but "okay... we have, all people have a primary needs", and we want to achieve them, if you don't get... if you can't achieve them in good way, then you will do maybe in bad way. The same with the sexuality, if you can't achieve your sexual needs, maybe you will do it the wrong way. Maybe on the internet, maybe on rape or something, incest...

In C-Wing, the 47 inmates who live there have regained trust enough so that they are allowed higher degrees of freedom, being mostly outside of their rooms and unaccompanied by officers, while they interact between themselves and with the teachers and workshop instructors.

Mike: In unit C we have a lot of inmates and they stay outside of the cell most of the time, in daytime, and the biggest... the biggest issue there is, they have a lot of time without us. They are with each other and there are with the teachers and they are with the officers who work down in the shop, without us being there to oversee.

To be allowed to live in C-Wing, because of the greater liberty that the inmates are allowed to have, one must be certifiedly well-behaved. Generally, people that are scheduled to initiate their sentence, as they do not have a history of violence or conflict, may be relocated to C-Wing very soon from their admission.

Mike: In C, they have... most inmates are... they have their sentence. That's the main difference between C and A, A it's most of the people who come from the streets and are arrested (...) then we can look at who we can, move up to C or B, depending on how they behave (...) then they show up here, they have a sentence from maybe two years ago, and they have a date (...) they can almost go to C immediately if they behave.

C-Wing has a structured routine, and the inmates living in it are allowed and encouraged to work on activities within the prison, such as laundry, kitchen work, workshops, and others. Those that are not yet involved in activities, don't have much to do, and are allowed to sleep in.

Mike: Typical day, we show up at 7, everybody meet, we look at what we're doing today, and then maybe we get some coffee, and 15 minutes later, we wake up everybody, or we see that everything is okay with everybody. And knock on every door, and then we also open the door and they can go out, take a smoke, make breakfast and get ready for what they're doing that day. And most of them, if they don't have anything to do, they mostly sleep, so.

Inmates may get involved with work activities and workshops, as well as furthering education. They are allowed to take several kinds of courses throughout the year, as well as finish a college course they have previously started.

Mike: Most the year it's school, different types of school, some of the foreign inmates, they choose to learn English, or... And we also have The norwegians, Who... they can maybe finish the school they haven't finished (...) But it's completing college, if you understand (...) most of them, if they have finished one year or two years, they have one left, they can do that here.

The relationship between officers and inmates is based on trust and very informal, in a first-name basis, where they often practice social and leisure activities together, such as sports, videogames, music and barbecuing, especially in social spaces, like the workshop. Even if someone doesn't fit very well socially, there is focus on providing engaging activities for everyone, to help them socialize:

Ronnie: I noticed that out of the fourteen people, there is always usually someone that don't fit in the group. Who is sitting for themselves. So i asked them to get a retroconsole <videogame> , and we had a cheap TV, and a cheap <retroconsole>, so they can get stimulated by this.

Mike: I usually have five, ten inmates, who have been there for a long time, and I have experienced different sports, hanging around with, yeah, and different times, difficult times, good times, throughout the year (...) and they have seen that I'm there every day, or every week, yeah. (...) We address each other with the first name, they listen to me and I listen to them.

Ronnie: Yeah, this happens after we've been barbecuing every Tuesday for almost one and a half year now. No Tuesday without. I think total maximum five times we've been without barbecue (...)

In D-Wing, the liberty for the inmates that live there is taken a step further. During the week, they are allowed to leave the prison for work or school, as well as for leisure activities not unlike field trips, accompanied by officers:

Olivia: some of the girls are working outside the prison, so they take the bus in the morning, and the comeback in the afternoon, after work. Or they go to school outside the prison.

Olivia: Normally, every weekend, we take out groups, all women, then one officer from my unit take out maybe seven female inmates, and then we go to have a mountain walk, for example, or we go fishing, or maybe if it's nice weather in the summer, maybe go swimming, or... or... yes, many, many things are possible.

During weekdays, the routine in D-Wing starts with a headcount very early in the morning, where the inmates report themselves to the officers. After that, there is a optional group hike to start the day, and then, their work day starts:

Olivia: (...) the day for the inmate in open unit is, they have to report themselves to the guards at 8 o'clock in the morning (...) the ones who want to do it, we go with a little trip in the morning, 20 minutes, half an hour, just to get a good start on the day. One or two officers with the group of female inmates, take a walk. And nine o'clock, then they start working.

It is important to highlight that in D-Wing, an activity such as work or study are mandatory, excluding people with illnesses. From 9:00 to 15:00, they need to engage in an activity, and they are remunerated for it.

Olivia: They have to work or be in some kind of activity, work or... or school, or something, during the daytime. And before 3 o'clock, they are not really allowed to stay in, or not doing anything. They have to contribute with something. And if they are ill, they can be ill of course. That's okay, but then they will get less paid, because they get some payment during the day.

There, the inmates are offered activities such as knitting baby blankets or socks for premature babies at Haukeland Hospital, woodworking, and working in the Fengselsutsalg.

Olivia: They do knitting, we have a knitting process, for Haukeland hospital, for the premature unit. For the very small babies, so they need baby blankets and socks and... so we have this project, so some of the girls are doing those things. And they also work with wood, for... for wood burners, that we can sell to people outside.

Olivia: Yeah, so they have some nice stuff there actually. And other things they are working with, is cleaning, gardening (...)

Other than that, the inmates in D-Wing also have access to leisure activities, such as unsupervised hikes in a trail adjacent to the prison grounds, as well as a gym, with a physiotherapist that is there once a week. These inmates can leave the prison grounds upon request for an agreed time, to do activities. They have the highest degree of liberty among inmates within Bergen Prison.

#### ***4.1.3.3.2 Process of effectuation***

In our research, we identified that Bergen Prison is undergoing a process of effectuation, which has a directive in place to reduce resource usage, in the name of efficiency. This process have been affecting the number of positions and people around Bergen prison, as in each year, there is less and less resources to manage all demands in the institution.

Justin: Well, we have to go all the way to the top, to the parliament. When they allocate the resources to the... to the Departments. And the last 10 years or so, that if that's not the only for prisons, but also hospitals and schools. So they have this efficiency target, so everyone should... if we will 0.5 to 0.6% more efficient, so they cut the budgets.

Erik: I was talking about effectuation process that have started some years ago, that have cost... that have caused... the public has sent the public system in Norway a lot of money. And they take the money from the ground. So I would have reverse that process, because we have over administrators, as many of the European countries have also done, so I would reverse that, those resources, back to the ground level.

Resources are steadily and progressively diminishing by 0.5% each year, and for this reason, administration is forced to manage finances more and more conservatively. However, the changes in administration can not reduce costs in certain expenses, such as the inmates' allowances and project resources, which are bound in place by law or higher order decisions.

Justin: (...) food for prisoners we cannot cut. Because that's there are rules to how many kroners we should use everyday for each prisoner. You cannot (...) do that more efficiently. And they have their daily allowance, which is also regulated from a higher level. So we really don't have any other places to cut costs on than salary.

The main place where there is space for effectuation is on salaries, which uses up to 82% of the resources that are directed to Bergen Prison.

Justin: (...) the prison... is... 82% of our cost is salary. So we have nowhere else to cut costs.

Yankee: (...) And... even the salaries, the salary is 80% of the budget. And so... and it's difficult. You can't cut on the food, you can't cut on the power you can't cut down a lot of things that... that are static.

This means reducing expenses with staff. Therefore, to cut costs in prison labor and meet the efficiency quotas, two measures are taken: i) Hiring alternative sources of labor, that are cheaper in cost than qualified prison officers; and ii) Reducing Personnel on the payroll. The first solution, cheaper labor, is usually obtained from temporary job contracts with law or law enforcement students, are a way of obtaining labor for a fraction of the price, helping reduce costs.

However, those students are not qualified to perform some of the duties required by the prison officer position, as they haven't completed the training regime from KRUS, which is required to become a prison officer. Therefore, a cheaper source of less unqualified labor can not entirely solve the necessity of reducing payroll, as it compromises the quality of the services.

Additionally, interns can not be the majority in the ranks of Bergen Prison, as they need to be supervised by experienced officers. The increasing presence of interns over the years to meet demands for human resources indicates an ongoing crisis, where the shortage of personnel has become structural. On the other hand, since prison staff are public servants, they can not be fired or have their salaries reduced, and as such, the prime way to reduce personnel is to not substitute staff:

Justin: We never fire people. That's the way, just don't replace them.

Yankee: So if we have to save money, the only way... one of the few ways to say money is on the salary. And the only way, we can't sack anybody in the government (...)

This reduction of staff creates a situation of understaffing, where each year there is less prison officers available, due to quitting or being on leave, and not being replaced by anyone to do the same job. As quality of the job decreases, people tend to leave, and when the crisis strike society, there are new applications to work in prisons, as it's a stable and secure job.

Erik: When I started, this was better, and when they started the process of effectuation (...) 20 years ago (...) we have lost a lot of things there. So... I have seen things go bad way before, it was more... prison officer here, working with the inmates, now it's 30-40% fewer officers working along.

Justin: Well, we have more and more people quitting the job. I think they are tired, and maybe want to try something else, and you would, if like the society is going great, and there's lots of jobs, then they would quit. And then, when

there are worse times, they come back. And that is a secure job, right, they don't get fired.

Marie: I struggled, i think. As it was for everybody, because everyone wants to see their officers working, right? And when you have like minus one or two officers, and you have... three people have to do the job for five people, I mean, for almost a year, or they're still going at it, and it's hard to motivate people.

Anna: I have colleagues that are finding themselves other jobs, because it's a big pressure to stay here. Especially when you need to work at these restrictive units.

Also, since the only source for qualification to become a prison officer is KRUS, and it takes three years for someone to become qualified enough, it is not surprising that may have been shortages of qualified labor in the market for this position, as all prisons in Norway share the same pool of potential candidates.

Justin: (...) in the last couple of years, it's actually been a problem to get qualified personnel. To get, even if we wanted to hire five person guards, they might just not be there.

As consequences from the lack of staff produced by the process of effectuation, both Dynamic Security and the prison objectives end up decreasing in quality, as administration ends up prioritizing security instead of socialization:

Ronnie: this section needed to be challenged, because it's... it's been stagnating for years, and for each [year] resources being taken away, from every year, the money when it's when dealt, and they somehow, tend to think the security is more important. Now we are less, you need more security, or more strict regime.

Emma: I feel angry, because the state doesn't provide enough money and Resources for us to do what our mission is, which is to... limit how people that... come back to the prison. Recidive.

Erik: It's easy to be, have empathy, if your minory needs are okay, it's easy to reach your goal if your minory needs are taken care of.

Understaffing affects the quality of the roles developed by prison staff, who have to keep up with the same amount of work, with less and less people. Also, when the available staff has more work to do, quality of service usually gets left behind, as the time they can spend on inmates' individual needs decreases drastically.

Interviewer: So all this planning is done in advance, when they first get here. Is this what they refer to the sentence planning thing?

Ronnie: Yes. But we, no one is doing it (...) This is what contact officers should do, but we don't have the resources or time to do. So in our day, most of the day it goes to cell check, visitation of cells, get people to the doctor, just following them, following into the reception to talk to their lawyer, or reception to go into the court with the police, and it's not the culture of doing this.

Anna: We had more money before, we had more staff, and it was easier to take inmates out of the cell, because the problem here is now that we have much more sick inmates, who are serving at the restrictive units. We need to take them out, but it's hard, because they are too sick to be around us, so maybe we need to be three or four.

Emma: Yeah. For periods, sometimes, we only have the time to take people out to the yard and back in, without talking to them almost at all. (...) we don't have the resources for it, we don't have the people for it, we don't have the time for it, because even though you have to help everyone, you also have to do the routine work. (...) the routines first, then you can do the extra.

Morale is also heavily affected by the understaffing caused by the process of effectuation, as feelings of anger, uncertainty and impotence arise from the situation:

Lisa: (...) there's less satisfaction amongst the people when they are being more and more busy. They feel that they don't really... they can't take as much time sitting down, talking to inmates. They always have to be in a hurry, so of course that... that affects the environment, of course it does. (...)

Yankee: (...) Because people have been working so hard, and of course if they never know on which unit they are going to work in, because we are moving resources around, and also they don't know who they're going to work with, they don't know the unit they're going to, like the unit they are regular in, and... and also that they know that there are fewer people on work than there should be, and that creates frustration and (...) of course some frictions (...)

Olivia: (...) during the years, we get less and less money, for example, or those things. I think I would like if we were prioritized a little bit better, or a little bit more. Because, it's normal that older people say this, but everything was better before.

Marie: Still, what can I do? there's nothing you can do, that's the situation. And we were talking about it, right? It's not just Bergen Prison, it's the whole Norwegian system, Kriminalomsorg. And we're all struggling, and it's just sad. But we do our best, that's what, I said, we cannot do everything, we'll do our best, and that has to be enough.

The process of effectuation also has further consequences, such as lack of physical space, since there are not enough personnel to handle the workload associated with a number of vacancies. This, in turn, creates friction with other institutional actors related to the justice system, such as the police, for example:

Mie: The police are very keen to get them here, because if they were sitting there for a long time, there will be a lot of questions to answer. So, as of today,

we have no room, spare room. Nothing. (...) We have put one Ward, or one wing, into... we call it "into sleep", because we can't, we don't have the staff.

Anna: (...) because we just opened the unit again, they closed it down because of the staff problems, we didn't have enough money (...)

The process of effectuation, paired with increasing costs on Norwegian society from utilities such as power<sup>58</sup>, as well as overall increased prices<sup>59</sup>, create a difficult position for the administration of Bergen Prison. Not only resources are diminishing, but also losing its purchasing power, ever squeezing administration and limiting the existing budget decision power towards efficiency.

Yankee: (...) one of the main challenges nowadays is the budget. Like everybody else, everything is getting more expensive, and even the power, that is one of the main things for us. And... and we we don't earn any money. Not a big.. we can't have... we don't have a reserve. So when the price is increasing, the salary is increasing, and we don't get the same refund [funds] from the government, we have to deal with it within our budget.

This situation, where the effectuation process dwindles resources that are worth, every year, less and less purchasing power as prices increase, create a dangerous, unstable situation within Bergen Prison. In the short-term, job quality and time spent promoting dynamic security and resocialization are decreasing. In medium-term, this may escalate to lack of prison staff and a more chaotic and hostile environment within the prison, where more incidents could happen, because of the insecurity created. At long term, available resources might be insufficient to provide the expected results on resocialization, further compromising the policy results and producing alterations on the statistics of recidivism to a condition worse than the 20% perceived today.

This particular set of circumstances, where an institution has just barely enough resources of time and manpower to operate, is not a novelty on studies regarding street-level bureaucracy. Since unused resources are removed over time and demand usually rises to meet the capacity that these services can provide, an uneasy balance takes place, where the bureaucracy always barely manages to perform, due to constrained resources, where time is scarce and there are many inmates to attend to (Lipsky, 2019). However, what is

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<sup>58</sup>The energy price in Norway increased from 42.4 ore/KWh in 2013 to 182.6 ore/Kwh in 2023. This represents an increase of 430% in a decade (Statistisk sentralbyrå, 2023b).

<sup>59</sup>An average expense of 100 NOK in 2012 would cost 136,5 NOK in July 2023, representing an average increase of 36.5% in prices (Statistisk sentralbyrå, 2023a).

mostly affected by the reduction of available resources is the quality of the services provided, as resocialization efforts tend to become more scarce as officer time available per inmate decreases, up to a tipping point where the system may lose its efficacy.

The eventual failure of Bergen Prison caused by the effectuation process, however, might be not an isolated case. Many prisons on Norway operate under the same rules and through similar organization models, on which the same criteria determine how resources are distributed. Furthermore, it would not be surprising if other prisons, especially those that deal with the most inmates, suffered from a similar situation.

#### 4.1.4 Final considerations

The aim of this study was to describe how the prison policy in Norway works in its everyday practice, through careful examination of the organizational, legal and practical aspects that guide the functioning of Bergen Prison, as seen by the perspective of the prison staff who are responsible for every practical aspect of Bergen Prison. This means that we sought to see the prison through the eyes of prison staff of all organizational levels, hoping to catch a glimpse of the plenty of rich meanings and intricacies that permeate their work lives on our investigation.

The initial proposal of this study had the intention of seeking answers to several systemic problems found in Brazilian prisons, such as overincarceration and systemic violations of human rights.

However, pretty early in the project development, it became clear that the two policy environments were too different to warrant any direct comparison, and as such, advocating to import any solutions without first considering socio-economic aspects of the Brazilian practice, would amount to a grave error, which would by consequence, lead to a faulty and risky group of policy suggestions. There is no definitive, one-size-fits-all answer for the problems of imprisonment, much less one that can be analyzed with the limited time, personnel and financial resources that this particular research project had available.

However, even if a direct comparison between Norway and Brazil is unattainable without risking grave prescription mistakes and incompatibilities from important policy

aspects, one may say that there seems to be some common challenges for Brazil and Norway, such as an apparent decrease of political willingness to invest resources and take concrete action for building good situations for those subjected to prison, usually against their will. Sadly enough, if the perceived effectuation process continues the tendency of decreasing invested resources, in the following decades, the current model of imprisonment policy built by Norway might, tragically, get left behind.

During our investigation, we were able to learn how a functioning model on imprisonment operates, which aspects of it produce the results observed and which elements compose the inner workings of the Norwegian prison policy. Of course, not everything is a bed of roses, as we were also able to identify a worrying, problematic situation, within the organizational aspect of Bergen Prison, which is the effects of the effectuation process, and reduced resources from the State budget, as well as a shortcoming regarding positive feedback towards prison staff, which might help tightening staff relationships and motivate personnel.

The limitations this investigation suffered from were mostly related to the quantity of time and human resources available to us. We also did not obtain authorization to include more cases within the study, as most of the prisons we requested claimed they had no possibility of receiving us.

Another limitation is that our authorization only included prison staff. For this reason and by a choice of the study design to focus on the prison staff, we did not include other stakeholders participating in the prison policy, such as inmates and other organizations, which would require a lot more resources and specific authorization that we did not have, at the time we were conducting the research. As valuable as the insights provided by prison staff were to this research, they still represent a limited approach to studying the imprisonment policy on Bergen Prison, as they do not include the points of view of other actors involved with the policy implementation, such as inmates, external actors, lawmakers, and others, which could also provide interesting insights for the investigation.

As a result of this research choice, to focus in the way prison staff see the institution they work in, we were able to reach important conclusions on the operations of prison policy. This was only possible thanks to the invaluable cooperation of all the participants and thanks to the help of prison administration, for which we are very

grateful. For future studies, we would like to extend this research to the inmates themselves, as well as other stakeholders, as well as to further knowledge about aspects pertaining to the norwegian prison systems and scandinavia as a whole. However, this will have to be conducted in a separate study.

## 4.2 The Brazilian Prison Policy in Practice: The Case of Minas Gerais

### 4.2.1 Organisation of the Brazilian Prison Policy

The Brazilian prison policy is regulated by federal legislation, and organized under each state's competence<sup>60</sup>. According to the Penal Execution Law, that establishes federal guidelines as the policy's primary source, the general objective of the penal policy is to fulfill the directives of the criminal sentence or decision, as well as to provide conditions for a harmonic social integration of the condemned and the interned people (Lei de Execução Penal, 1984).

For this, the legal standpoint is that the State must observe, at all times, a few directives. All fundamental rights of the inmates that were not limited by the sentence, including the right to personal integrity, safety, education and work, must be guaranteed. In practice, this mean that all prison institutions must provide a series of services to the inmates, as well as perform the activities related to custody and security, and are responsible for mishaps during the sentence, such as injuries and death.

The general rules and standards for incarceration are established within the federal instance of government, and on the judiciary rules regarding both the duration and extensions of punishment. Despite that fact, some scholars argue that Brazil has 27 prison systems, one for each state, lacking unification and coordination beyond the general rules (Cabral & Araújo, 2010; Chies, 2013; Sales, 2013). The ground rules for penal implementation and the daily operations within prisons are established in the state-level, and thus are subjected to a greater degree of variability according to each state.

In the case of the State of Minas Gerais, the case we chose to conduct this research on, the legislation can be divided into two categories: i) System Rules, which

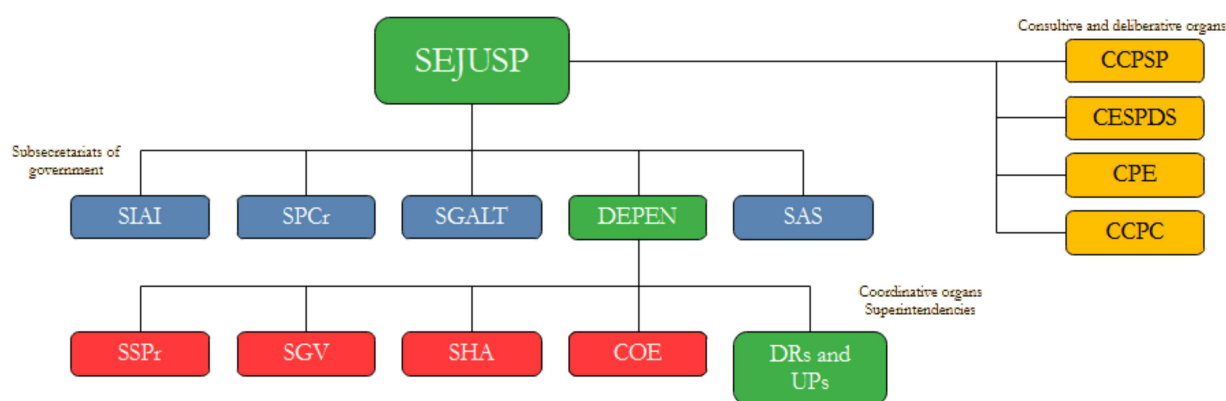
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<sup>60</sup>Art. 18, Federal Constitution. The political-administrative organization of the Federative Republic of Brazil comprises the Union, the States, the Federal District and the Municipalities, all autonomous, under the terms of this Constitution. [...](Constitution of the Federative Republic of Brazil of 1988).

establish the protocols that must be followed by each prison institution within daily operations; and ii) Career Rules, which establish the work rules for the prison staff, establishing the indirect organization of the penal policy regarding the rules for career admittance, salaries, raises, class grievances, disciplinary procedures, and other aspects of prison work. In the following sections, this work will address aspects of each of the rule categories in turn, providing context and information regarding the rules that the prison staff are subjected to.

#### 4.2.1.1 System Rules

The governmental structure responsible for managing the Penal Policy is represented in figure 11.



Figura

re 11: Minas Gerais' Penal Policy Organisational Structure

Source: Author.

On the structure of the Penal Policy under analysis, the leading entity is the Secretariat of Justice and Public Safety (SEJUSP), which is part of the executive branch of the government. Its internal structure have entities that fulfill one of two major roles: i) consultive and deliberative organs; ii) administrative organs, as subsecretariats and departments of government.

The consultive branch of the secretariat, represented in yellow in the diagram, has organs such as the Chamber of Coordination of the Public Security Policies (CCPSP<sup>61</sup>), State Council of Public Security and Social Defense (CESPDS<sup>62</sup>), State Penitentiary

<sup>61</sup>On the original (PT-BR): Câmara de Coordenação das Políticas de Segurança Pública.

<sup>62</sup>On the original (PT-BR): Conselho Estadual de Segurança Pública e Defesa Social.

Council (CPE<sup>63</sup>), Council of Criminology and Criminal Policy (CCPC<sup>64</sup>), and State Council of Drug Policy (CEPD<sup>65</sup>). These organs serve as deliberative instances of matters regarding to broader policy affairs linked to their respective thematics.

The second group of entities, represented in blue in the diagram, is composed of organs that manage specific aspects of the penal policy in the State of Minas Gerais, related to specific policies on their own fields of expertise, deciding matters in broader, statewide, actions. They are: Subsecretariat of Intelligence and Integrated Action (Suint), Subsecretariat of Criminality Prevention (Supec), Superintendence of Administrative Management, Logistics and Technology (Sulot), Subsecretariat of Socioeducational Services (Suase), Subsecretariat of Drug Policy (Supod), and Penitentiary Department (Depen). These organs are responsible for pragmatic decisions and management aspects of their respective policies, and take charge for every practical aspect of their respective fields.

As we examined the work of prison staff, this study focused on the work of the entities directly related to the management of the State's Prison System. Represented in green, we have Depen, the management entity responsible for the State's prison system, and its deliberative counterpart, the State Penitentiary Council (CPE). Depen is structured in the organs represented in red: Superintendency of Prison Security (SSP), Superintendency of Vacancy Management (SGV), Superintendency of Service Humanization (SHA), Command of Special Operations (COE), and Regional Directorates and Prison Units (DRs and UPs). These are responsible for specific aspects of the prison policy, and the prison staff analysed mostly fulfill roles within each of the DRs and UPs scattered around Minas Gerais.

Territorially speaking, the prison units of Minas Gerais are distributed in 19 Integrated Regions of Public Safety (RISP), as administrative regions within the State's territory (SEJUSP, 2024). This division largely coincides with the territorial division from the Regions of Military Police (RPM) and Regions of Civil Police (RPC) (Diniz et al., 2007), as represented in the Figure 12.

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<sup>63</sup>On the original (PT-BR): Conselho Penitenciário Estadual.

<sup>64</sup>On the original (PT-BR): Conselho de Criminologia e Políticas Criminais.

<sup>65</sup>On the original (PT-BR): Conselho Estadual de Políticas sobre Drogas.

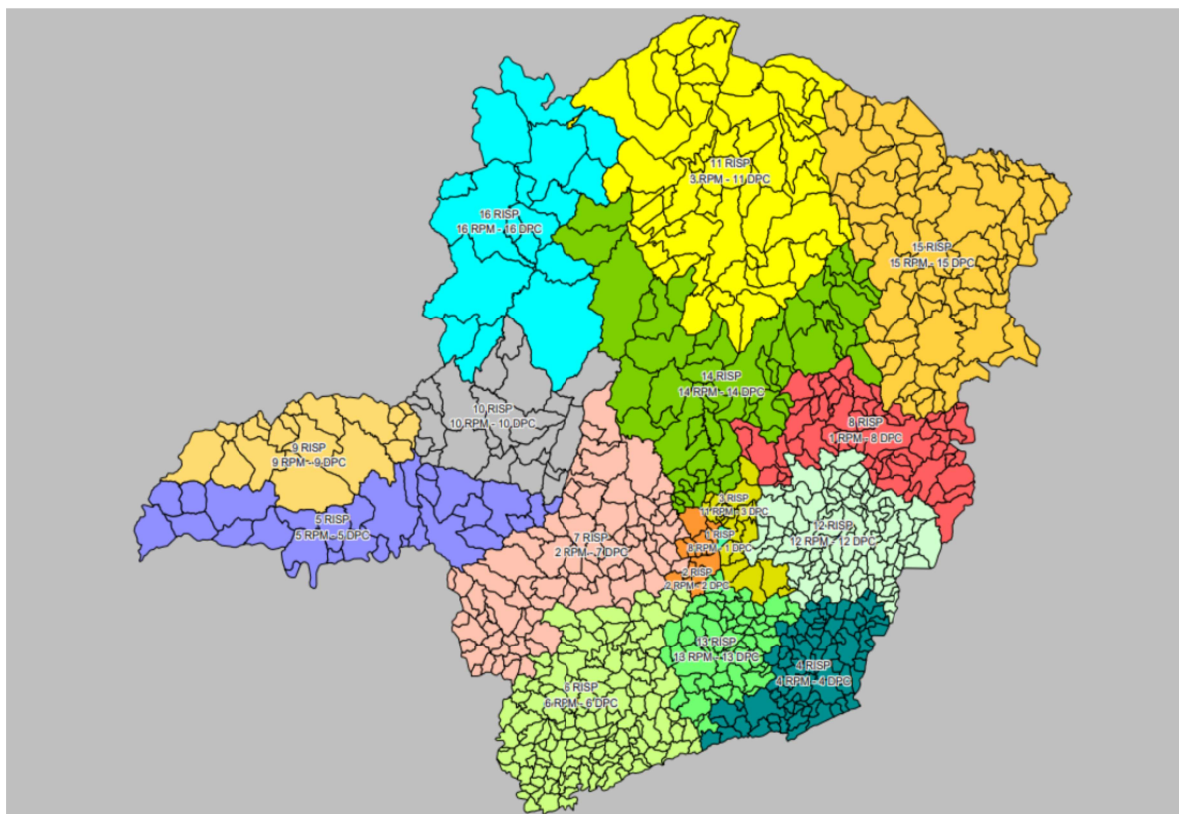


Figure 12: Administrative Regions (RISP), State of Minas Gerais

Source: Integrated System of Social Defense (SIDS).

Each of the integrated regions is coordinated by a single Regional Directorate (DR), which is responsible for coordinating actions between Prison Units within the region, as well as cooperation acts with other regions. Each RISP is comprised of all the Prison units that are present in that region, which may vary in number according to each region.

Prison Units in Minas Gerais are sorted according to their size (small size, medium size and large size<sup>66</sup>). Small prison units have the capacity to accommodate up to 199 imprisoned people, medium, from 200 to 799, and large, exceeding 800 in capacity (Assembleia Legislativa de Minas Gerais, 2023). They also receive different names according to the services they provide, which is explained in the table 6, below.

Table 6: Classification of Prison Units in the State of Minas Gerais

Classification	Prison Unit Type	Number
Conventional and	Prison	139

<sup>66</sup>From the original in PT-BR: Pequeno porte, médio porte e grande porte.

Operated by Private Partners	Penitentiary	19
	Penitentiary/Penal Complex	4
	Temporary Relocation Center	6
	Guest House	3
	Maximum Security Penitentiary	1
	Center of Resocialization and Pre-release	1
	Custody House	1
Complementary Custody	APAC Social Reintegration Centers	87
Transitional	Forum Lockups	2
	Integrated Escort and Operational Support Centers	No info
	Integrated Extracustody Measures Service Centers	No info
Medical-Penal	Psychiatric Custody and Treatment Hospitals	1
	Expert Medical Support Centers	1
	Reference Centers for Pregnant Women Deprived of Liberty	1

Source: (ASCOM, 2020; Assembleia Legislativa de Minas Gerais, 2023; TJMG, 2024).

The efforts of this research are directed to understand aspects of the work from only the first, second and third Prison Unit types, as they represent the mainstream approach for incarceration, as the public they cater to do not require any specificity regarding their penal process or health conditions. Also, as the majority of traditional prison units<sup>67</sup> fit into these three types, we established these as the universe of our research, and the conclusions reached in this thesis will only be applicable to the reality specific to those unit types, and might not represent the reality of the others due to a great divergence on their organisational objectives and demands for work.

#### **4.2.1.2 Career Rules**

Even if the State has kept prisons that have been active since the early 1900s, the building of the Penal Police as a career is still an ongoing process, as its consolidation and

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<sup>67</sup>The APAC Reintegration Centers are a group of prison units that apply a particular method of incarceration that is based in a proprietary methodology and are not managed directly by the State of Minas Gerais through SEJUSP, but by a private entity, the Association for the Protection and Assistance of the Condemned (APAC). Therefore, due to the wide array of differences between APACs and regular prison units, this work will not analyse APACs or attempt any kind of comparison between them and the regular prison units, even if they do sometimes coexist within the same organisational boundaries.

emergence as a branch of the State's Police force was recent in Minas Gerais. The main changes on the career's nomenclature over time are stated in Figure 13.

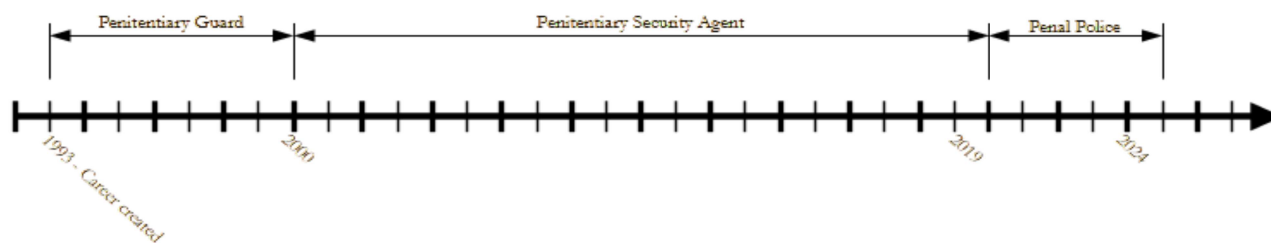


Figure 13: Nomenclature changes of the Penal Policy career over time

Source: Author.

During the structuring of the Penal Police career, important changes were implemented since its creation in 2003. Changes such as the creation of syndicates (SINDPPEN-MG, formerly known as SINDASP-MG), the establishment of high school as a hard prerequisite for public selections and the concession of a firearm permit for personal use outside of work hours (Oliveira et al., 2015), consolidated the Penal Police officer as a branch of the State's Police forces, complete with exclusive attributions, requirement of public selection processes, a specific career path and the creation of the respective government branch responsible for the career's organization, the subsecretariat of prison administration (Suapi) (Oliveira, 2018).

The hiring of prison workers in Minas Gerais is done through two distinct selection models, either public contests or simplified selection processes, depending on the demands of the state bureaucracy. Through these selections, the candidates are hired either on a public servant regimen, becoming members of the Penal Police, and acquiring stability on the position after three years of service (Constituição da República Federativa do Brasil, 1988), or are hired through predetermined, 2-year term work contracts, as Temporary Agents.

There are, however, some differences in which attributions that must be fulfilled by Prison Officers and Temporary Agents. Temporary Agents are neither required nor allowed to perform external surveillance, escort and custody and transfer activities between prison establishments, as well as participate in classification and disciplinary committees. The Prison Officers are licensed to have and carry state-issued firearms for personal use, except when within the dependencies of the prison establishment

(Assembleia Legislativa de Minas Gerais, 2003). In Table 7, we present the attributions that are expected from each role.

*Table 7: Attributions and duties of Prison Officers and Temporary Agents*

Attributions	Prison Officers	Temporary Agents
Guarantee internal order and security	Yes	Yes
Internal and external surveillance, including walls and guardhouses	Yes	No
Escort and custody activities for prisoners;	Yes	No
Transport, escort and custody operations for prisoners in external movements, as well as interstate and intrastate transfers	Yes	No
Periodic searches of cells	Yes	Yes
Searches of relatives and visitors of prisoners	Yes	Yes
Security of specialized care providers	Yes	Yes
Escort prisoners to authorities	Yes	Yes
Procedures regarding release permits	Yes	Yes
Inform the prisoner about his rights and duties	Yes	Yes
Verify the need to refer prisoners to specialized care	Yes	Yes
Deliver medicine to prisoners, following medical prescription	Yes	Yes
Provide assistance in emergency situations	Yes	Yes
Fill out forms, write and type reports and internal communications	Yes	Yes
Classification and discipline committees	Yes	No
Other activities	Yes	Yes

Source: Author, based on (ASCOM, 2017b; Assembleia Legislativa de Minas Gerais, 2005).

The main differences between the typical attributions of Prison Officers and Temporary Agents are mainly the activities which require contact with the outside environment, such as prisoner escorts and transfers, as well as activities that involve higher-up decision-making, such as performing in disciplinary committees, where the conduct of the inmates will be judged and penalties that involve regime regression may be applied. Temporary Agents, due to their fixed contractual terms, are excluded from certain aspects of the career, such as salary progression, access to commissioned

positions such as Director, and the performance of private attributions of the Penal Police, which would require special training that is not provided.

Members of the Penal Police may also choose to take one of many specialized positions, with many possible career paths that a member can access, given that they fulfill the prerequisites. In Table 8, there are examples of career paths on specialist groups that a Penal Police Officer may consider joining.

*Table 8: Specialized groups present in Prison Institutions in Minas Gerais*

Specialist Group	Specialization
Tactical Prison External Escort Group (GETAP)	Road security and external escorts to and from other prison institutions and external service providers.
Rapid Intervention Group (GIR)	Prevent, manage and repress crisis and situations of elevated dangerousness or complexity.
Command of Special Operations (COPE)	High danger level, federal and interstate escorting procedures, tactical interventions and security inspections, escalate crisis management, leadership protection and escort, integrated intelligence work, seek and recapture operations, policy and normative propositions for operational and integrated action.

Source: (Secretaria de Estado de Defesa Social & Subsecretaria de Administração Prisional, 2016)

In Table 9, there are examples of specialized positions that may be occupied by Prison Officers that are not part of specific divisions within prison organisation, and therefore may not mean a pay increase for the aspirant officer.

*Table 9: Specialized positions unstructured in specific divisions within the prison policy*

Ordinary Group	Specialization
General Director / Assistant Director	Maximum leadership position within the prison institution, is responsible for all aspects of the prison management, daily activity (indirectly) and regional representation of the institution within DEPEN, SEJUSP or other governmental organs.
Specialized Director	Personnel and organisational core Coordination, policy management of specific sections of prison activity.
Team Leader	Leadership position with additional responsibilities on team building and personnel management, applicable within each of the specialized groups present in the prison work environment.
Internal Transit Team	Internal Transit Procedures and the respective Personal Body Searches.
Video Monitoring	Personnel coordination and monitoring of the closed circuit video and

Team	audio surveillance systems.
External Guard	Body and possession searches, armed security and gatekeeping of the external premises of the prison institution.
Intelligence Consultancy	Gather, organize and report intelligence information related to potential operations and incidents regarding prison institutions within the integrated intelligence system, providing the director and/or responsible agents with sensitive and tactical information.
Kennel Team	Veterinary maintenance, training, treatment and deployment of canine assets on other groups' operations.

Source: (Secretaria de Estado de Defesa Social & Subsecretaria de Administração Prisional, 2016)

For any members of the prison staff, before they are allowed to start performing any of the required duties in practice, the selected candidates are convoked to receive basic training. The basic training, which is comprised of 679 hours in total for the Penal Police, is mandatory by all candidates approved in the public selection process, and they receive 50% of the base salary while doing this course (Secretaria de Estado de Justiça e Segurança Pública et al., 2021).

The salary for a Prison Officer in Minas Gerais is determined by law, and varies according to the position they occupy within the career. Each officer may occupy one of five Levels (I through V), and one of ten degrees (A through J). Each Prison Officer starts their career in a probation of three years, with salary equivalent to level I-A, and escalate one level every five years of service (up until III), and one degree of progression every two years after the probation is finished, if they do not have suffered any disciplinary sanctions and have obtained two favourably yearly reviews. The promotion to levels IV and V require a college degree as an additional requisite.

It is important to highlight that another possibility for increasing one's salary within the Prison policy's structure is to assume a position of responsibility, such as a Director, which requires political nomination. In these positions, however, the additional pay is accompanied by a steep increase on power, duties and responsibility, which may lead to an increase of stress.

Mévio: Since I joined, we have been pressured to take on leadership roles. Because when I arrived, there were few permanent prison officers. And I was one of those few (...) So, that's how it was. Since then, I've been doing this job. Because I'm one of the longest-serving officers in my prison unit.

Not every member of the prison staff may assume a Director's position, as you have to be both a member of the Penal Police, and be appointed for such a job, which usually requires good standing in the political landscape within SEJUSP and the State government.

#### 4.2.2 Data Analysis

##### 4.2.2.1 Sample Characterization

We conducted in total 36 interviews for this stage of the research, with several people that work or have worked in prisons throughout recent years in an array of different positions. We did not establish rules for the indication of each of the codenames, save being completely unrelated to the participants' identifiable information. Table 10 contains some choice characteristics of each participant, along to the codename of choice indicated by the participant themselves.

*Table 10: Sample Characterization*

<b>n</b>	<b>Alias</b>	<b>Sex</b>	<b>Institution</b>	<b>Experience</b>	<b>Current Position</b>
1	Cássio	M	Small	8 years	Former Penal Agent (Temp. Contract)
2	Cida	F	Small	2 years	Social Assistant
3	Tício	M	Small	5 years	Prison Officer
4	Mévio	M	Small	10 years	Prison Officer – Team Leader
5	Catarina	F	Small	2 years	Penal Agent (Temporary Contract)
6	Sol	F	Small	1 month	Prison Officer – Female Support
7	Sara	F	Small	6 years	Nurse
8	José	M	Small	4 years	Prison Officer
9	Ana	F	Small	15 days	Prison Officer
10	Leandro	M	Small	10 years	Prison Officer
11	Olavo	M	Small	7 years	Prison Officer
12	Júlia	F	Small	1,5 years	Social Assistant
13	Vasco	M	Small	7 years	Prison Officer – Function Deviation
14	Silva	M	Small	10 years	Administrative – Function Deviation

15	Sr. X	M	Small	6 years 10 months	Prison Officer – Team Leader
16	Fantasma	M	Small	10 years	Prison Officer
17	Vinha	F	Small	17 years	Administrative
18	Berlim	M	Small	20 years	Prison Officer – Resocialization Officer
19	Martinho	M	Small	16 years	Prison Officer
20	Bernardo	M	Small	14 years 5 months	Prison Officer
21	Toddy	M	Small	15 years	Prison Officer – Warden/Director
22	Peão	M	Small	7 years	Prison Officer – External Transit Group
23	Casca de Bala	M	Small	18 years	Prison Officer – Warden/Director
24	Augusta	F	Small	7 years	Prison Officer
25	Valentina	F	Medium	Undisclosed	Prison Officer
26	Fenix	F	Medium	10 years	Psychologist
27	Cop	M	Medium	15 years	Prison Officer
28	Pappa	M	Medium	11 years	Prison Officer
29	Federação	M	Medium	15 years	Penal Agent (Temporary Contract)
30	Deadpool	M	Large	1,5 years	Penal Agent (Temporary Contract)
31	Osmar	M	Large	7 years	Prison Officer – Intelligence
32	Maria	F	Large	10 years	Prison Officer
33	Sentinela	M	Large	13 years	Prison Officer – Rapid Intervention Group
34	Dragonblack	M	Large	Undisclosed	Administrative
35	Maximus	M	Large	9 years	Prison Officer – Rapid Intervention Group
36	Souza	M	Large	10 years	Prison Officer – Rapid Intervention Group

Source: Author.

According to the data from the Table 10, a few trends can be perceived. First, prison work, as well as the career of the Prison Officer, is a male-dominated occupation, with a clear discrepancy between male and female representation. Most workers in the

prison institutions we had access to, were male, with only a few women performing specific work tasks, which is confirmed by a previous survey conducted in state prisons, which appointed 81,3% of male workers overall (Oliveira et al., 2015). We interviewed 26 men and 11 women, which may be evidence of a bias towards female overrepresentation originated from the low response rate from the research, indicating that women were more likely to participate in the interviewing process, even if they are fewer in number.

The division of labor attributions within the visited prisons also displayed a well-defined division by gender. Most of the support staff, especially regarding positions related to healthcare and education, such as nurses and teachers, were occupied by women, while most of the positions related to security and policing, were occupied by men. When women occupied the position of Prison Officers, they were usually responsible for specific tasks, for which men legally were not allowed to do, such as body searches and cavity searches on visitors, which happen to be women in their majority, as well as areas deemed to require more sensitive and perceptive skills, such as censorship and mail review.

Ana: In prison, as a female police officer, we work supporting the male police officers. So, in our day-to-day activities, we do what they ask. But our regular job is to search the visitors, who come every Thursday, eagerly awaited, and also to check the food, which is a type of job related to female visitors.

Catarina: But, as this is a male prison, I search visitors, right? I search women, I search food, I censor letters, and I provide support in other activities with male prisoners, right? But I get fed because of this issue, this sexual division that exists.

Sol: I don't work directly with them [inmates], because I don't enter the pavilions. The female staff doesn't enter the pavilions. They don't handle internal movement of prisoners, taking them out of their cells, removing them from their cells. We don't have this direct work, like that, so close, but we do have some contact with them.

Positions of leadership and dominance were usually occupied by men, as both the roles of group leader and Director of all visited institutions were exclusively male-represented. Furthermore, the special action groups we had access to, such as the Rapid Intervention Group and the External Transit Group, were entirely comprised by men. However, the sample was biased, since we did not have access to a all-female prison institution, and therefore we can not provide a definite answer regarding if there is a gender-oriented selection bias for leadership positions.

Regarding the time experience of the research participants, to avoid exposing identifying information, we did not ask the age of the participants during interviews, opting to ask them about the amount of time they worked in the career. The sample displayed an average career experience of around 9 years, with the less experienced participant being Ana, having just started 15 days prior to the interview, and the largest experience being Berlim, with 20 years of work within several prison institutions.

Another trend displayed by the data regarding experience is that, excluding Penal Agents which are usually hired by a different regimen than Prison Officers and do not have the same career or benefits, most of the participants display tiers of experience, which can be explained by the fact that the public selections carried out by the state are done every few years, and not in a continuous basis. Usually, it takes a few years for the selection process and the basic training to be concluded, and the amount of experience the individual participants displayed reflect that fact.

#### ***4.2.2.2 Exogenous Variables***

##### ***4.2.2.2.1 Bio-physical-technical attributes***

During the data collection, we had access to workers of three different prison institutions, each one with specific characteristics that we are going to broadly describe in the following section. However, this research needs to avoid exposing information that would allow the specific prison institutions that participated in this research to be identified, and therefore, the descriptions that will be provided in this section will not contain individualizing or destructive information regarding any of the institutions or participants involved in the research.

Regarding the visited institutions, we had access to three prisons of different sizes. The small sized prison, which by definition houses less than 200 incarcerated individuals, is located in the urban part of a town of less than 80.000 people in population, and is mostly concerned with incarcerating individuals of crimes from the judicial district it belongs to. It is located relatively near many governmental buildings, such as the police department and the judicial forum, facilitating transportation of the members of the imprisoned population. Since it is located within the urban zone of the town it inhabits,

the prison institution is easily accessible from the city center, relatively shortening commuting time to the prison staff and for families of inmates to visit.

The topography of this establishment is atop a hill that is crossed by one of the few roads that also leads to a low-income district of the town, allowing for easier access to the families that happen to live in the area. However, as we were able to confirm when we went there to conduct interviews, the ascent from the city center to the prison is a steep walk under the sun, and might deter some of the people from going there for visitation. It is a low security facility with a decent sized amount of workers that fulfill roles varying from prison officer to administrative agent to medical professional. In this facility, economic resources are fairly limited, and despite that fact, the facility is kept in a decent condition, and the work is organised in such a way that it has enough support from other nearby institutions to operate safely.

The medium sized institution is located, in a seemingly contradictory fashion, at the rural area of a town that is smaller population-wise to the small prison previously described, which indicates that the population size of its host town is not a decisive factor for the amount of imprisoned people that an institution may house at one time. It is located less than 5km away from the city center through a rural cobblestone and gravel road that is mostly not paved all the way, significantly heightening the efforts needed to reach the prison institution.

This medium sized prison, which has the capacity for 660 inmates but may house up to 1200 at a time, acts as organisational hub, providing support to other nearby institutions. The security levels of this institution are higher, as it usually receives inmates that are considered more dangerous, which requires that the safety measures and the amount of personnel in each role is also increased.

In this facility, we start perceiving the presence of imprisoned people that have ties with criminal organisations, and these must be considered within the incarceration procedures to avoid violent incidents. It does not, however, house individuals that are known to be in leadership positions of said organisations, as they are sent to institutions of greater security clearance that have the operational capacity to house them while reducing incidents.

The large-sized prison unit we visited is located in another administrative region (RISP), and has the capacity to house up to 1500 imprisoned individuals. It has a higher

security clearance and works within a regional framework with other nearby prisons, as it is specialized in a particular regimen of incarceration, with most of their expected demographic composed of people that are already involved in educational or laboral practices, near the end of their time in prison. It is located in the urban area of the town it inhabits, and is easily accessible from the city center.

Common to all three analysed institutions, we have the presence of several infrastructure facilities. The first things perceived as one approaches the prison units are usually the external area and the security perimeter, which extend from the borders of the property to the fence that surrounds the inner walls. This fence, which is the border that separates the outside to the inside of the prison unit, is the first physical barrier between the prison unit and the street, usually made out of chain link, and may present additional security features such as electrification, artificial illumination, CCTV cameras and barbed wire tops, as well as an exclusion zone between the fence and walls, which are put in place to stop foreign objects being thrown into the prison, which might include drugs, cellphones, weapons and other contraband.

The wall is usually made out of thick, steel-reinforced concrete, and is composed of wall sections, walkways and guardhouses (Secretaria de Estado de Defesa Social & Subsecretaria de Administração Prisional, 2016). The only entrance and exit through the prison unit is well as a reinforced front gate, complete with a checkpoint and safety precautions designed to not allow anyone to get in or out without proper authorization, ready to shut down any escape or invasion attempts.

To access any of the institutions, one has to go through several checkpoints, where their identity is confirmed. Usually at the front gate, even before the researchers were received by an officer who asked us for our documentation and the purposes of our visit, we were observed and judged by every present member of the staff, as foreign entities to the incarceration system. As we usually bore clothing with symbols of our university in each visit and dressed up to the dress code required by the prison institution, clad in jeans, neutral colored t-shirts or polo shirts without symbols or patterns, no headgear or sunglasses and avoiding jewelry, which was always retained at the entrance, we did not encounter any problems regarding attire.

Between the boundary of the external and internal environments of the prison unit, there is a series of security checkpoints. First, we had to provide documentation

regarding the purpose of our visit, the research. In the first few times on each, as we were not known by the person fulfilling the role of gatekeeper, we were asked about our contact person, and it was required that we leave at the door an identification document, and every item or equipment that was not authorized for entry, such as currency, cell phones and other electronic devices or forbidden items. We were allowed to bring inside only papers, pens, a recording device without access to the internet, spare batteries and a bottle of water, the standard equipment we used during the interviews and note-taking process.

After that, one must go through a complete search routine involving x-ray body scanners<sup>68</sup> and metal detectors, to ensure that no foreign objects would be brought into the facilities. Every environment we went to was also monitored by an array of security cameras, and was separated from the others by iron fences or doors, which are measures put into place to make escapes or riots easier to contain, as there are always more than one barrier between an escapee and the exit, and all of them are able to go into lockdown the moment someone watching through the cameras realizes something is wrong and sounds an alarm, in a clear display of the panoptical effect of the prison institutions (Foucault, 1999).

For other people that would have contact with the inmates, such as personal visitors or service providers, the searches were even more tight, going through censorship rooms or body searches (Secretaria de Estado de Defesa Social & Subsecretaria de Administração Prisional, 2016). Visitors must go through a body search room, especially if they are considered a threat of smuggling restricted or forbidden items into the prison unit, and all packages delivered to and from the units must go through the censorship room, where mail will be searched to ensure nothing potentially dangerous may enter, such as weapons, or exit, such as orders from criminal organisation members.

During the interview process, which took multiple visits to each institution, we were conducted first into a tour of the facilities, where they would show us around and present us to the personnel, allowing us to set up posters with the research information and make invitations for people to participate in the interviews. The internal environment of each of the units was equipped with facilities for service provision to each of the

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<sup>68</sup>In the small sized prison, there was no body scan machine due to the elevated equipment cost, so the body inspection was done by the officers themselves with the aid of a handheld metal detector.

specific services required by law, including the holding cells, pavillions, patios, safety cells an intimate cells, environment for which we did not have direct access to, as well as schools and workshops, medical rooms and infirmaries, and rooms for individual consultations and service provisions, parlors for meetings with service providers (Secretaria de Estado de Defesa Social & Subsecretaria de Administração Prisional, 2016).

These facilities, that would be used to provide each of the services to the inmates, were accompanied by the respective support facilities, including and not limited to: parking lots, break rooms, canteens, quarters for overnight resting, rooms for administrative personnel, guard stations and checkpoints, meeting rooms, intendencies to hold sensitive equipment, as well as other locations that would be the stage for specific work activities of the prison staff (Secretaria de Estado de Defesa Social & Subsecretaria de Administração Prisional, 2016). In each institution, we were assigned a spare, comfortable room with relative isolation from the rest of the facility, to ensure the anonymity of the participants' declarations and the quality of the audio recordings. Each interview was conducted either through closed doors within the facilities or through the telephone, in an outside environment chosen by the participants themselves, where each participant would be comfortable and safe from other observants.

#### ***4.2.2.2 Artifacts and Ideas***

Regarding the artifacts and ideas that permeate the penal execution in Minas Gerais, as previously stated we define “artifact” as a discreet, observable and nameable representation of an idea or set of ideas, “facility” as a resource system storing those artifacts and their ideas, and “idea”, as nonphysical flow unit contained in an artifact (Hess & Ostrom, 2003). There are two main artifacts that orient the activity of the prison policy in Minas Gerais: SEJUSP's Strategic Plan (2022-2026) and the Regulation and Norms of Procedure (ReMP).

Within the strategic plan, it can be observed that the official strategy for the penal policy of the State of Minas Gerais understands that the work developed by police, prison and socioeducative institutions under SEJUSP should have a common and integrated goal: the promotion of the custody, reintegration, reduction and prevention of criminality and drug use in the state (SEJUSP, 2022). The alleged intent behind the

implementation aims for the institutional vision to build a national reference on the development of public policies of crime prevention, custody and resocialization of inmates, treatment, responsabilization and social integration of teenagers in conflict with the law, and drug policy and integrated action between its constituent organs (SEJUSP, 2022).

The plan highlights a few axis of strategic action: i) Expansion and quality of the service; ii) innovation and optimization of the management and public policy; iii) management of information and transparency; iv) institutional articulation and strengthening; v) Professional Development and Appreciation (SEJUSP, 2022). However, as this research aims to highlight in the following sections, these policy guidelines are far from being implemented in the way that is displayed in the planning documentation. Critical aspects that do not align with the governmental line of law and order are only mentioned in a shallow and quick fashion, and do not establish indicators, benchmarks or concrete goals for their fulfillment. This is especially true for resocialization and professional development and evaluation, which are aspects of the policy that, ultimately, ended up not leaving the paper.

As we get a closer look towards its regulations and procedure norms (ReNP), we are able to highlight two main artifacts (principles) that guide practical action within the prisons of Minas Gerais: i) Progressive use of force; and ii) supremacy of force. The first is intended to be applied when an officer attempts to produce conformity between the inmate's actions and the behavior expected from the prison rules, escalating the situations when defiance or non-conformity is displayed.

*Fantasma:* There is a progression of actions. First, you have physical presence, then verbalization. From verbalization, you have the progressive use of force, which is using the means that the State provides you, such as pepper spray. And, lastly, it would be shooting with ammunition with lesser offensive potential. So we end up trying to resolve it. Whenever a conflict occurs, we always try to resolve it verbally. But, sometimes, it gets out of control (...) And as he becomes more aggressive, we gradually increase the use of what the State provides here. It's a step-by-step process.

According to this, the prison officer will start by giving a verbal order, and when it is not obeyed, he may resort to more invasive and violent means of making him or herself clear, including the full use of the available equipment, which includes handcuffs, batons, mace (pepper spray), firearms loaded with non-lethal ammunition and even explosives for

crowd control (Secretaria de Estado de Defesa Social & Subsecretaria de Administração Prisional, 2016). This principle binds the use of force to the discretionary power of the Prison Police Officers as street-level bureaucrats, as they must decide in each circumstance how to react to the behavior of the inmate, escalating quicker or slower depending to their decision.

Olavo: Look, the issue of you deciding, for those who are on the front line, is immediate. You don't think about making decisions. If an accident happens, you decide. Whether it's for the best or the worst, you have to decide. Because the chain is unpredictable, things happen out of the blue, accidents happen. And everything that's close by, falls into your hands, you're the one who decides. If you're there with the 12-gauge in your hand, you're the one who's going to decide.

As for the supremacy of force, this directive states that in all procedures, there must be measures to ensure that the number of prison officers is always greatly superior to the number of inmates, in a way that if any incident happens, the situation is able to be contained without issues (Secretaria de Estado de Defesa Social & Subsecretaria de Administração Prisional, 2016).

Sr. X: The first thing, the first difficulty we have, is called supremacy of force. In this case, I have one prisoner, supremacy of force has to be me and one other for one prisoner. And most of the time I will be alone with two prisoners. Do you understand? So we do not have a lack of police officers.

Cássio: In theory, we never work alone... it's supremacy of force, right? It's one prisoner, two agents. That's definitely how it is, you know? But sometimes, that's not what happened. (...) Because there wasn't enough people to send two agents.

This carries the consequence that every procedure involves at least four officers for each inmate, which might be a problem when you consider that the main limitation is the number of working officers in each prison unit.

#### ***4.2.2.2.3 Community attributes***

The community within a prison institution in Minas Gerais has a few important attributes that are going to be highlighted in the current section. These attributes, which are actors, groups and shared values, will be briefly described within the context of this research, as perceived by the observations, during the interviews and over the examination of the official documentations.

Regarding the actors available within Minas's prisons, we have actors that can be divided into three main groups: prison staff, inmates, third parties. By prison staff we mean all members of the Penal Police corps that work within said prison, as well as temporary officers and other professionals that regularly work within the units, fulfilling administrative roles or otherwise. The Prison Staff, along with the inmates, these two groups are the only ones that are permanently or semi-permanently involved with the daily routines of the prison unit, and the interactions of these two groups is the primary focus of the prison policy most of the time.

By the third group, the third parties, we mean agents, entities, visitors and service providers, both public and private, that are usually there in a transitory manner, either for a daily visitation periodically, in case of the family members of the imprisoned people, or fulfilling an obligation related to a specific service provision, such as lawyers, defenders, physicians and others. We also include in this category authorities that inspect the prison units without being part of the administrative structure or penal police, such as university scholars, judges and prosecutors, and others.

Since the focus of this research is oriented towards the perspectives of the prison staff towards aspects of the penal policy, and due to the fact that we did not pursue access to any of the other groups (inmates or third parties), we will be approaching the subject exclusively from the optics of the prison staff. This approach has shown itself to be justified by the fact that even as the external groups impose political pressure upon the rules on the prison policy, how the activities are conducted in practice is usually dictated by the prison staff, by the exercise of their discretionary power, or is determined by standard regulations and procedures.

The prison structure has its hierarchy arranged in a closed and structured way, privileging positioning and seniority when relaying orders. Even through there may be a certain degree of discussion and debate between prison officers about how situations must be faced, these discussions must respect two definite constraints: i) Discussions have to be done in times of peace, as during a crisis orders have to be immediately accepted and executed; and ii) The discussions belong only in environments away from the inmates, as the Penal Police must display a unified front at all times, lest their acts start to be interpreted as a weakness.

Leandro: Because we can't, let's suppose we're on the street (...) Then, something is wrong, that's not the time to discuss what went wrong. So, you have to get around it, you're in a complicated situation, you have to get around that situation as best you can, do what you have to do safely, so that nothing goes wrong, then you go back inside the unit, you go back to the staff room, then yes, now we're going to talk. So, there's a time to talk and there's a time to solve. (...) So, we have to have this balance, there's a time to solve right, that things have to be solved. (...) When you have this conversation, it's usually at a specific time, it's outside of the conflict, it's outside of the rush.

Sr. X: It depends on the situation. Then you have to assess it at the time. If a prisoner is stabbing another... First you have to verbalize it. You can't verbalize it with him. You have to take him out of combat. So it's a shot, and with ammunition that's suitable to stop him. There are different types of ammunition that have different types of impact on the prisoner.

Federação: So, everything that happens here, the colleagues here stay here, no one there can know or no one has this, in my opinion, can have this unethical conduct of going around talking about work matters.

Beyond the position difference between leadership and non-leadership positions, each Penal Police member displays their rank through rubber badges in their uniform, which conveys their role and standing in the pecking order, and are changed on promotions from level I-V. One may also display symbols of their institutional power if they occupy certain positions in the chain of command, such as the coordinator, the unit director, among others.

Penal Police members are required to wear their uniform (Figure 14, left) at all times, and other prison workers that are not members of the Penal Police are excluded from wearing the same uniform, which is a way to identify the person in charge and display another layer of the hierarchical power structures at all times. In contrast, the attire issued by the prison units to their inmates of the inmates is bright red (Figure 14, right), a color that facilitates identification within and outside the prison unit.



Figure 14:

*Uniforms for prison officers and inmates*

Source: (ASCOM, 2017a; Polícia Penal de Minas Gerais, 2022).

#### **4.2.2.2.4 Shared Values**

The main institutional values established by SEJUSP are: i) Effectivity; ii) Integration; iii) Citizen Security; iv) Ethics; v) Transparency and Integrity; vi) Legality and vii) Innovation (SEJUSP, 2022). Within the policy planning, the state does not provide definitions for these principles nor centralized guidelines for how these principles should be applied in practice leaving them open for interpretation and to the officers' discretion.

The fact that there is not one singular official description for each of the core principles established by SEJUSP is a factor that leads to divergence within the Penal Policy's ranks, as each officer is responsible for elaborating their own meaning and applying it within their space of discretion. When asked during the interviews about which principles the staff consider important, we obtained answers of: honesty, loyalty, union, respect, tidyness, dedication, commitment, security, honor, communication, manners and faith.

Sol: Honesty, there's no point in being a police officer here and becoming corrupt, because everything here is based on loyalty, I trust my team, I support my team in security and the team supports me too. So, loyalty, unity, the team has to be united, because there's no point in me walking one way and my team walking the other, we have to be united here, because many times when there's a procedure where the prisoner's word is against yours, and if you don't have a

united team, there's a disagreement, and this can affect the entire team. (...) So, honesty, loyalty, unity, are principles that I consider important to work here.

Ana: What ends a prison, is a corrupt police officer. It's bad management. That favors some and... Well, that's true in any workplace. But here I think that a corrupt person will harm everyone. So, if you're not... Not honest, not following the law, not... Not loyal to your colleagues, that's a huge problem. It's problematic. Because everyone's safety that's at risk isn't gossip, it's not something that's easy to do in other workplaces.

Casca de Bala: As long as I have a dialogue with the people I work with, I will be doing the job I am doing. The day the dialogue ends, there is no way I will stay. (...) I need to be an honest person. A person who... Just like I'm telling you, I don't have to play the prisoner's game, I just have to have respect for him and he has to have respect for me (...)

Principles generally oriented towards social interaction and playing well with others. These answers told us that the prison staff highly value cohesion and cooperation between themselves to foster a healthy work culture and a safe work environment through teamwork and order, as well as keeping a peaceful but distant relationship between the corps and inmates through respect.

However, as general guidelines for discretionary action, sometimes these principles may be set aside for practical reasons. We were reported that the situation may impose the need for improvisation upon everyday activities, the officers have to make decisions about taking risks to fulfill their own work.

Olavo: For example, a prisoner is feeling unwell and it is exactly 2:00 AM. Only the prison officers are in the prison, there is no nurse or doctor. And the individual is there feeling very nauseous and has a headache. It is the prison officer who sends him, and he still has no medical support or a medicine to control his nausea, or a serum for the guy to take, because he is defecating and vomiting. So, the prison officer acts in order to maintain harmony in the environment, he ends up proposing to do things that are not within his competence. So, there are not only typical functions, but there are a lot of atypical functions that end up happening. On the other hand, for example, you give a medicine, dipiron to the individual and he is allergic to it, and consequently he ends up having a crisis, etc.

Sara: Here, you can't always do things by the book, you know? It's not possible to do things exactly. For example, a person asked for a Dipyrone. I've been to a prison where the nurse wouldn't give him dipirone unless he had a prescription. There are some things that you can't do, you know?

Sr. X: The ReMP serves to protect us. But at the same time that it is to protect, it is designed to punish, because if it is followed, nothing will work. It will not work at all. It will not succeed. (...) We do not have the personnel. There is a risk of saying that we don't even have the equipment for this.

Fenix: They are not complied with as they should be, and when the server tries to comply with them, he is punished. There is not enough standardization of protocols. Hierarchically, illegal measures are demanded on the sly to the most unwary, leaving them to be held responsible for the mistakes of the managers.

Souza: It has a REDPOP/REDPRI which is the Standard Operating Procedure (...) But most of the things that are there are not executed within the unit. Do you understand? Due to the quantitative nature of the procedure, the Standard Operating Procedure ceases to exist.

In these situations, sometimes they may have to choose to follow legality by refusing unlawful orders, causing attrition with colleagues and superiors, or cut corners, sacrificing security and taking risks *in lieu* of efficiency.

#### ***4.2.2.3 Endogenous variables: Rules-in-use***

The set of formal or informal variables that orient individual action and decision-making upon all action situations within the prison policy of Minas Gerais, is called the rules-in-use (Ostrom, 2005; Theesfeld et al., 2017). This set of rules, which was described in detail on the theoretical sections of this thesis, will be described herein by seven subsections, each about a respective rule category. The analysis of these rules within each action situation will be done in the following chapter.

##### ***4.2.2.3.1 Positions and Boundary Rules: Sets of actors, positions and roles***

Several actors such as inmates, prison staff, and third parties constitute the community that implements the prison policy in the State of Minas Gerais. These actors interact, in daily situations between equals and others, fulfilling expectations placed in them and acting to produce policy outcomes. In this research, we were only able to interview members of the prison staff, and thus, we will avoid making assumptions and tracing conclusions that are unrelated to the groups we were not able to approach within our scope, instead focusing on the perception that the prison staff has of the relationships they maintain throughout their work.

The actors found in a prison unit occupy a series of positions within the hierarchy, and their interactions to others depends on their relative hierarchical position. A group leader has a certain way of conducting interactions with other personnel within his team and another demeanor with the inmates or the unit director. Interactions with other

members of the prison staff undertake a tone of cooperation, respect and cordiality as a general rule, as those relationships are meant to be continued over time.

Interactions between members of the Penal Police are also somewhat tighter than with other members of the staff, due to a sense of belonging to the same group. The staff culture, especially among members of the Penal Police, display particular elements and rules of behavior that stimulate tight bonding and solidarity, especially when facing conflict (Liebling et al., 2011). When dealing with daily occurrences, trust becomes a central aspect of these relationships, as it is important to rely in your colleagues when facing threats and dangerous situations. However, this cohesion is not an indicator of personal proximity, as friendships even within prison police may not be the case at all times, as in most cases the interactions are kept professional and usually do not extend beyond the work environment.

Maximus: I have to have, first of all, trust in my coworker. If I don't have that trust in my coworker, even though he will also be carrying a weapon with less offensive protection, then that person, in this case, I can't have that trust in that.

José: Here we have to know a lot from the people, to know who we can trust (...) not all people are so trustworthy. So, it's a little embarrassing to talk about it, but there are people you can trust, and there are people you can't.

Furthermore, this trust may be somewhat unsteady, as it is expected that the officers must be resilient and tough, and any signal of weakness or vulnerability may affect relationships at work.

Mévio: The management was kind of suggesting that we were benefiting the prisoners. But we deduced and thought that it was the basic thing to do, because the prisoner is feeling ill, you have to take him to the hospital, so this demands work. But then, by doing something like this, you are labeled as weak good-natured, and therefore you are depreciated.

Sara: Since the time I've been here, there have been those who would participate in these lectures on mental and textual health. Because many don't even have this openness. Because there's a lot, especially among men, of weakness. Because men can't be weak, they can't show it. So, this is the pinnacle. It's the extreme (...) But sometimes you have to hide it, as if you were a character that you can't get out of.

Julia: You can't, in a social service, when it's already happening, cry when you see something and everything, but here inside you have to distance yourself. You have to hold back, you know? You can't show too much vulnerability here inside. You can't, because even if you believe that the person will change and

everything, you never know the other side, so you have to stay a little firmer, you know?

Cynicism is also another prevalent characteristic, as prison staff tend to be always observing and judging themselves and others (Liebling et al., 2011). It is also not an excludent of conflicts or indispositions between officers, which tend to happen frequently because of stress and divergences, or even offensive or abusive behavior, which may lead to disciplinary sanctions or other grave consequences to one's career.

Whatever the nature of said conflicts is, it must always be kept hidden from the inmates, not to undermine the image of the staff as a cohesed and strong unit. Solidarity is a central element that must be observed at all times among Prison Officers, as they must be able to rely and trust each other during moments of conflict with inmates or other outside groups (Liebling et al., 2011). Even if disagreements are a regular occurrence, keeping a facade of union and cohesion in front of the inmates is essential for maintaining staff legitimacy and control of the environment.

The cohesion between the Penal Police members might have direct implications on performance, as knowledge is passed onto newer members as they are socialized on the cultural practices of the work environment, which is smoother when the involved individuals have greater affinity among themselves. Some unwritten and informal rules which dictate cohesion and behavior are often acquired by prison staff by then, as camaraderie is often a matter of survival (Liebling et al., 2011).

Staff relations also display a gender-related intersectionality, as it was reported that exists a feeling of sorority among the female staff which inhabit a male-dominated career and environment that is marked by the same misogyny that exists in some segments of Brazilian society, supporting each other in interactions with male colleagues and inmates.

Catarina: I think the first thing is that the other female officers, one supporting the other, even each one expresses her indignation, saying, look, we don't accept this. This helps a lot, because you feel supported. (...) Because I know that in the beginning I had difficulties with this. I had someone to show me some things and others I had to learn on my own. But if I can pass on to them what I know, I think it's even better, because I won't have that position just for myself, I'll have someone to share it with. (...) So, it's unanimous, like, that there will be conflict. You have to have a stance of asserting yourself all the time. Not only in relation to the inmates, but also in relation to the police officers themselves. Just because of the gender issue. (...) Not accepting comments that are sexist. Which exist. So, you're always reminding yourself, look, this isn't allowed. (...) Sometimes, if you don't like a comment, you keep quiet and laugh. Here you have to respond.

Sol: First, for being a woman, right, it shows that you are capable of doing the job you do. There are coworkers who differentiate between men and women in the job, so I've noticed that in my circle. And the challenges, (...) Every day something different happens, so you don't always have to be aware of the unexpected that happens (...) So, here we work with security, right, so I have to value my safety, the safety of my colleagues, my team and also the safety of the prisoners (...)

Some studies observe that the presence of women officers in prisons for male inmates may help deescalate situations and reinforce control of inmates, as well as adding another layer of preoccupation with sexual assault, by the viewpoint of male officers (Liebling et al., 2011).

Sara: Well, I don't suffer harassment here, you know? They respect many of our decisions. As a woman, and as a social worker. (...) I think that with men, they are more aggressive, with the police, they are more aggressive, you know? Want to disobey, you know? With the police, they are more aggressive.

As for relationships between inmates and staff members, they vary greatly if the staff in case is a security agent or a member of the administrative staff. In either case, the general rule is to keep oneself distant from the inmate, to avoid involvement or enmity, both of which can be detrimental to one's career, as it is a stigma that affects the relationship between one's colleagues. Officers that are overly empathetic towards inmates being seen in a bad light by others is another prevalent characteristic of prison staff culture (Liebling et al., 2011). In occasion and depending on the participants of the interaction, the inmates may not be called by name, but by "inmate<sup>69</sup>", to reaffirm power dynamics and aid in keeping distance.

Relationships between inmates and officers, due to the possibility of sanctions or physical punishment to inmates if they disobey orders, is usually based on obedience and fear of punishment, and may be seen as the enemies by the inmates, which may lead to hostility and tension at times, with plenty of conflicts and escalating situations, especially during interventions. Since the officer may decide to apply punishment in various degrees of severity using their discretion, inmates quickly learn who is more violent and who is more lenient, and may hold grudges or retaliate against who they see as unjust.

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<sup>69</sup>In the original (PT-BR), the term often used is either "preso", which translates closer to "prisoner", or "IPL", which is a acronym for "Indivíduo Privado de Liberdade", which translates to "individual devoid of liberty". This term also may vary according to the message recipient, which in this case were us, academics and outsiders which were asking questions, which somewhat explains the technicity of the term.

Sr. X: When the person is upset, you try to talk. If you can't talk, you contain them, you understand? Many times with the use of force. (...) the progressive use of force (...) Many times we can't, but we can talk. Sometimes, because he's very nervous, you'll see, and he's right. In some cases, not all, but when he's right, so you can talk, you can meet the need, you understand? You can't always add fuel to the fire and make the situation worse, right? (...)

Casca de Bala: My behavior is always moderate. I have learned, over the years, that if I sit here to talk to you, and you start to come at me with aggression, I will not engage. I will either shut you down or I will stay at my level. (...) if you start to antagonize everyone, you will create problems with the colleagues and you will create animosity. Animosity, yes. You will create a feud with the inmate himself.

In situations where a conflict surges about what an inmate demands and what the officer decides that they are entitled to, tensions usually escalate. The same happens when an inmate refuses to follow orders from officers. In either case, divergences such as refusing to obey or being told no might be drivers for conflict escalation, and this has the capacity to affect relationships between inmates and security staff at the long-term. Overly rigorous punishments may hurt the legitimacy of an officer, which may lead to hostility and loss of respect from the inmates, which is a vital resource in a continued relationship (Liebling et al., 2011).

In some of the interviews, it was reported that the inmates like to test limits, analysing how the prison staff reacts to different degrees of disrespect and defiance. Over time, inmates that frequently behave like this may be seen by officers as manipulative and sly, prompting officers to act aggressive and cold in response, contributing to tensions between the two groups and building a reputation for the inmate among the staff. Officers may exercise discretion when feeling that one is being tested, foregoing punishment in pursuit of fairness and consistency, which helps build respect between officer and inmate and building conditions for more efficient rule enforcement (Liebling et al., 2011).

Maximus: It's a psychological issue. We here in the group have a more refined perception that sometimes an individual test us. They test us. So, when there are these threats, we go to the prisoner, ask him what's going on, why the threat came up. And, through that conversation there, the prisoner apologizes, says he's hot-headed, that he spoke without thinking. So, with this preparation that we have, we can detect that. (...) It's possible to know when he's bluffing and you have to put your foot down. We can, we have the means here, to verify whether that threat is real or whether he did it to test.

Between inmates and administrative staff, on the other hand, There is also a difference between the trusted inmates and the rest. Trusted inmates are the ones that have proven themselves through good behavior to be calm and polite through time, and they are granted a few privileges, such as limited freedom within the common areas, as they assume further responsibilities, like helping out with cleaning duties (Liebling et al., 2011; Sykes, 1958). Due to the wish to not lose their privileges, trusted inmates usually behave more cordially than the rest.

Sol: Sometimes a prisoner is considered a cleaner, a cleaner is an inmate who has free access outside the pavilion, right, they clean here, the cafeteria, sometimes it may be information that they bring us, so all kinds of information is collected.

Ana: And then there are the cleaners. The cleaners are the most polite because they don't want to lose their privilege. So they respect a lot of people.

Fantasma: Well, we get here and you take out the prisoners who are the cleaners, who do the maintenance and daily cleaning.

Toddy: the State told us "oh, you have to put the prisoners to work, and they have to do the cleaning" (...)

Among non-security staff and inmates, interactions present themselves to be somewhat cordial, as the fact that usually they are the ones that provide help and services, and thus inmates see them as allies, and usually do not want to antagonize them to not risk losing support. The central element of these relationships is narrated to be mutual respect, and interaction between those groups is limited to the boundaries of the service that one provides, such as the time reserved for the appointment, for a doctor, or for class, in case of a teacher. Written communication is often used to convey messages between inmates and administrative staff, which is brought to the staff by the penal officers, and is often used by inmates to ask questions or relay crucial information to the service providers. Even then, tensions are liable to arise, and as such, keeping personal distance from the inmate is also considered important.

Between administrative staff and penal officers, there is a relationship of preference based on the subject under discussion. It is expected from the administrative staff to obey the commands of the security staff in matters of security at all times, as safety is an absolute priority, and the administrative staff has the final word in decisions regarding their area of expertise unless it compromises safety. For example, if a doctor

decides that the inmate has to be taken to the hospital for an emergency procedure, the officers must do what they can to accommodate this order. Any decision in the contrary may be interpreted as a liability for punishment, and this is a situation that is often avoided or escalated to a higher instance, such as asking the opinion of a group leader or the unit director.

For boundary rules, which dictate who does and does not belong within the boundaries of a group, to become a prison officer, one must first be approved within a public selection to become a public servant. The public selection for prison officer only requires completion of the equivalent of high school, and therefore does not require any particular higher education background. Many of the participants reported having degrees in Law, Engineering, Economics, among other fields with various degrees of unrelatedness to the career.

After one undergoes the tests, and the physical and medical evaluations required afterwards, they are ready to start basic training, which is planned to take up to 679 hours, while receiving 50% of their base salary. The training course, which is physically, intellectually and emotionally demanding, being heavily influenced by the training dispensed by the Brazilian Military, subjects learn mostly about operational aspects such as procedures, personal defense, use of weapons, among others, in an accelerated pace, as the course usually takes from 45 days to 60 days to be completed, and after that, aspirants are sent to a real prison unit for a short practical training stage (7-10 days), to learn how things work, similar to a probationary period.

Sol: We adapt here. I just finished the training course, so I learned the technique and now I'm putting it into practice here, because during the internship we don't get so hands-on, let's say, because it's more about observing how the procedures are done. (...) the internship was one week, the entire training course was about two months.

Leandro: We spent 45 days in Juiz de Fora, taking this training course. (...) It was like this, getting to know the prison system. (...) so, like, we start to learn how to deal with the prison system. And right at the end we have the internship. The internship inside the prison units, where we leave, we go there, and then we actually have contact with the prisoners (...) It's very rushed. Very rushed.

Vasco: In this course we learn about rights, self-defense, let me see what else... Yes, but that's right, it's the prisoner's right, the prisoner's duty. (...) The time frame that was given to us is very insufficient. In the last selection that took place, it seems that it was in 2013, they had a longer time frame, I think it was 3

to 4 months of the training course. (...) In fact, in my case, the internship was for a week in prison, as the practical part of the job.

Many of the participants related that the basic formation was rushed and shallow, did not approach important subjects to the humanization of imprisonment, such as resocialization and conflict resolution through deescalation, and that the practical part of the formation was unsatisfactory, leaving them unprepared for what they would face in practice. This mirrors the findings of previous work which affirms that most thought that the timespan of this training, its contents or both aspects were insufficient (Oliveira et al., 2015).

Olavo: The State provides training courses for prison officers, and then you do an internship in prisons. But the internship is not in line with the reality that you will face. For example, when I did this internship, you go into the prison and spend 10 days there following the procedures in the units with the officers who are already working. (...) And they end up teaching you things, but they don't prepare you. You only learn how to work and by doing it.

Martinho: Okay, go there, leave you, tell you that you are not a civil servant yet. You will be on internship for five days, you can't do anything because you are not a civil servant, so if there is a problem there, what happens? What happened to me, when I went for my exam, I had already worked in the system for almost eight years. So, I already had more or less experience. But who is just starting out, they leave without knowing anything. And you can even ask those who have just arrived.

Peão: two days in length (...) Five days of internship, and then two more days, and the two days of REDS. (...) in the course they don't teach many things. Because in forty-five days you can't get everything done. And in the five days of internship, I did the internship at [REDACTED] (...) It's not like a prison. It's much calmer.

The State government also provides further qualification beyond the basic training, but it is not widely available, especially in places further away from the state capital. It was reported that the incentives for one to seek qualification might not be effective, as it may not bring any career advancement, as it is not required for regular promotions, as well as these courses being highly inaccessible to officers, and the State does not provide enough support for it. Administrative staff go through a process of public selection similar to the Penal Police, but they are usually required to have a higher education degree and licensing for their respective fields, and they do not have to go through further training.

Sr. X: I have access. The State provides many theoretical courses, which I don't find interesting, but other than that, nothing. (...) I would like to have practical courses, but they don't exist. (...) I don't know why. It's weird. I even took

them and didn't even get a response. From several courses offered, actually. (...) I don't get any incentive, raise or subsidy to qualify.

Fantasma: The State develops a training course precisely to say that the person has taken a training course so that the State can take away their responsibility for any eventuality that may occur, any error that may occur during the professional's execution. However, for the State, everyone is certified as a security professional. (...) The training provided by the State in handling firearms is very poor. (...) I am a shooting instructor for the Secretariat, I am certified by the Secretariat itself. And I sought my training privately. (...) And, in the eyes of the State, if I had not sought it, the qualifications that the State provides would be insufficient. (...) I did not receive any incentive or bonus, the State does not give you that. (...) Because the State does not value you. It does not value you professionally for the qualifications that you have. And this demotivates the employee. After a certain amount of time has passed, the employee has no intention of improving or qualifying professionally, because you will stagnate.

Martinho: Since I joined, the only course I've taken, apart from firearms qualification, was in general management. That's been going on for 3 or 4 years now. Nothing, there's no incentive to take that kind of course. (...) The State doesn't provide, it doesn't train. When it does provide, it doesn't train. It doesn't provide the right qualifications, the right ones for the civil servant to use the technology to the fullest to try to prevent, coerce, or complete any kind of thing. (...) The State plays. It has to meet targets. It doesn't give you any structure. It doesn't give you any conditions. (...) All the weapons are old. It doesn't provide courses.

Sentinela: Well, I would do it in terms of being able to better qualify the institution, because not all prison officers have the same opportunity to receive the same training that specialized groups have. Sometimes, the prison officer has been there, working in the jail, for 10, 15, 20 years, always seeing the same thing. There is never any qualification for him, any specific training for him.

Once one becomes a member of either branch of the prison staff, as public servants they can only be exonerated from the position in two hypotheses: i) By exclusion, after found to have done something illegal by the respective Administrative Disciplinary Process, as stated by law; ii) By request, as they may decide for any reason that they do not want to be in the career, and then they will leave the service. The same situations also apply for transferrals, where one might request to work in another prison unit, if there are vacancies there, or be transferred by an administrative decision.

For one to be accepted, however, there are certain qualities that are informally expected from members of the Penal Police. It was reported that aspirants that do not display at least some of the qualities usually don't last very long in the harsh conditions of the work environment. Qualities such as camaraderie, trust, respect and resilience are often highly valued within prison staff cultures (Liebling et al., 2011).

Dragonblack: There's people who passed the agent exam and went there one day and asked to be let go. And in the case of the hired person, there was one who didn't even sign the contract. (...) There were two who said, "No, I'm not going to stay here." The guy who saw that it wasn't possible. There was one who left there shaking, the guy who left shaking, he said, "No, I'm not going to stay here." He left there shaking and left, never came back.

Our participants stated that they believed that the ideal penal officer would, besides attention, vigilance and discipline, have empathy and patience with the inmates, in a way similar to what is expected from a teacher, being able to deescalate situations through conversation. This was said to be useful as officers may struggle with thinking about the crimes inmates may have committed, and feel uneasy and conflicted about being kind or respectful to them.

It was stated that an officer must remain neutral and cold-blooded, avoiding further judgment towards inmates. The ideal officer is expected to be able to dissociate between their personal life and feelings and the prison environment, displaying temperance in its actions. This is important because an officer might encounter a great deal of frustrating situations in their work due to resource, management limitations, and so dealing with frustration and conflicts become very important and useful skills on the job.

Catarina: You learn to close yourself off more for safety. For your safety and for the safety of others. So, it's a process of hardening your heart. But that's also very dangerous. (...) because at the same time that I know that this happens, I'm worried that it's going too far, that it's too much. You end up becoming a very cold person. Because you won't be able to see anything and be shaken. Because you really see everything. You see all kinds of violence, from psychological to physical. But, at the same time, you can't become a robot. You have emotions.

Leandro: Passing through that gate there, it's already a different atmosphere, it's time to take off that uniform. You've just taken off that uniform, and now you have another life, other things to do.

Contradictorily, due to the fact that most of the training received is related to operational aspects of the work, such as crowd control techniques, physical restraint and equipment usage, there are no incentives in place for conflict prevention oriented performance. Intelligence and proactivity are also valued by the prison staff, but without performance indicators beyond productivity, there are almost no positive incentives towards this behavior besides peer recognition. The ideal officer must also be courageous and confident in their work, being able to impose order through strength when the

situation so requires, and have temperance, as any unnecessary display of force or aggression towards inmates will elevate risk to others, and possibly lead to eventual penalties.

An officer is not supposed to convey emotions that may be interpreted as being overly empathetic, or they risk being considered weak by their equals and having the inmates take advantage of them. Especially regarding women in service, which reported having the necessity to affirm themselves through action as strong in a male-dominated career, endurance and resilience are very valued characteristics. Many women officers avoid displaying weakness through aggressive behavior, to avoid suffering harassment from other officers and inmates alike, even if the inmates were reported to be more aggressive with the male officers in comparison, allegedly for reasons related to the work culture.

#### ***4.2.2.3.2 Choices and Aggregation Rules: Aspects of Decision-Making***

As a street-level bureaucrat, each member of the prison staff has a prerogative of subjective discretion power, as they are required to decide upon issues that are tightly related to each practical situation as it presents itself (Lipsky, 2019). These situations vary according to the role of the staff member under analysis, and may present themselves in a very varied array of configurations. For prison officers, these decisions usually take place in their interactions with the inmates through two main configurations: i) to deny or provide support; ii) to forgive or dispense punishment.

Casca de Bala: Many times the guy who is up there, he doesn't do some things, doesn't get involved in some things, because otherwise he loses his leave. He loses his progression.

Vinha: I report when a prisoner does not show up at the scheduled time, and I am considering him a fugitive. I attach all the documentation (...) the police report, the internal report, but I do not sign it. Then, I have to make a complete history of him, the time spent there, I have to make a complete summary of the escape. I enter an escape into the system, I monitor him for 48 hours, which is mandatory (...)

Sara: Yes, that's a problem, because I only know what comes to me, right? I don't stay in the pavilion. So, sometimes, a police officer who doesn't like the prisoner, throws the paper away (...) So, the note doesn't always come to me.

As one is incarcerated, as they lose their freedom of movement, they also lose the agency they have to procure even the most basic of their personal needs, such as food, medical care, and etc. For that point onwards, all of these needs must be provided by the prison unit, through the work of the staff. However, most of these services are standardized, and may not be akin to the expectations of the inmate, which generates discontent.

Tício: We do all the operational aspects, which include taking prisoners out for sunbathing, lawyers, checking the structure, checking the saddle, checking the prisoners, checking weapons, taking up positions, providing escorts. Everything related to the duties of the prison officer. (...) Every movement of the prisoner. Taking them out of the cell, returning them to the cell. Any type of care, whether medical, legal, resuscitation with a social worker, psychologist, psychiatrist, the prison officer has to be present.

When that happens, the inmate has the option to complain, demanding his needs be met, or accept that situation, and live with the consequences. However, this decision is not usually that straightforward, as the inmate may complain because they are in pain, in the case of a demand for medical attention, or scared, and wants to get out of the cell for a while, or plain and simply bored, and wants to mess with the staff and test their limits. The complaints also vary on politeness, and may range from polite requests and note deliveries, to pounding on the cell bars, screaming and cussing, all of which may affect the way this message is interpreted by the officer.

When a complaint is received, the officer is faced with a decision: should he recognize the demands as legitimate and necessary, and initiate the necessary procedures to retrieve the inmate from its cell, or deem the complaint illegitimate or unnecessary, and thus deny the inmate its demands? Each of these choices have their own consequences, as inmate and officer build continued social interactions. Denying the access to services without reason may, beyond being illegal, foster inmate resentment, and a quick concession might seem to others as favoritism or a sign of weakness, and be contrary to the interest of conserving resources necessary to provide the services, since each provision follows a procedure that heavily relies in officer manpower, resources that are finite and scarce. In any case, it is well within the boundaries of the discretionary power an officer wields (Lipsky, 2019).

Another situation that is often encountered by officer staff in practice is related to the application of punishment. The inmates' actions, which may lead to the application of punishment, may be very discreet, such as insubordination through a defiant look, which is subjected to a highly subjective interpretation of the officer (Liebling et al., 2011). When met with such actions, an officer may dispense punishment, according to the principle of the escalated use of force.

This may carry lasting consequences for an inmate from loss of privileges and a mark for bad behaviour which interferes with future concessions, to outright regime regression or adding time to its sentence, in the case of more severe actions. However, this action may generate inmate discontent if it is perceived as unjust, and that might lead to unintended consequences, adversely affecting discipline in the unit.

It is expected that one must exercise discretion to refrain from punishing excessively, else they may be perceived as unjust by inmates, creating and escalating tensions, losing respect and breaking legitimacy. If this situation is led to the extreme, it may affect the standing of other staff members, which are expected to support decisions of each other, leading to the loss of legitimacy and perception of fairness of the system, possibly causing full-scale riots (Liebling et al., 2011).

José: There are some demands that they [the prisoners] make that we don't agree with, so we stop complying, and it's a little complicated. (...) The inmates, as long as we adopt a stance that asks the prisoner to do things respectfully, we have a respectful relationship, let's say. We only demand from the prisoner what is due from him. And we strictly preserve his rights. And we only demand what he is supposed to do. So, the relationship is quite respectful. (...) So, it's in their best interest to treat us with respect, and for them to have their rights guaranteed, right?

On the other side, an officer may dispense any punishment, opting to write off defiant behavior as a joke or choosing to ignore it. The officer always has to keep in mind that keeping discipline in the prison environment is important, as it's tightly related to security and to the pacification purpose within the objectives of a prison unit. Punishing transgressions in an exemplary manner might pass on the idea that the lack of respect will not be tolerated (Lipsky, 2019).

Punishment, however, do not always require immediate physical intervention, unless the situation asks for it, and the officer must decide not only if punishment must be dispensed, but also how. It was reported that different situations usually require

different answers, as a verbal disagreement is more likely to end in a write-up, and a murder attempt of another inmate within a cell usually is answered by the swift use of non-lethal ammunition and other crowd control techniques.

Fantasma: Another resource available is the Communication. Sometimes, the inmate, you notify him, you report the infraction he committed, and send it to the police officers who work in the internal security unit and assess the infractions he commits, and he is punished for it. Here, the unit receives an internal communication. For example, drug use, verbal aggression against the employee, anything you can imagine. From the most minor to the most serious.

When it is something beyond what an officer can solve alone, they may resort to other colleagues or group leader, which is prepared to deal with more severe situations. If even the group leadership decides that it is not enough, they will then escalate the situation while involving people that are higher in the hierarchy. This is a common practice in street-level bureaucracy with hard or problematic cases, or those that interfere on routine procedures (Lipsky, 2019). The officers in superior positions, which have greater discretion powers, may choose to resolve the situation or to interfere, involving specialized groups such as GIR or COPE, if it so requires.

Sol: Sometimes, if I don't feel comfortable correcting the inmate myself, I can ask for support from the team and say that I went through a certain situation with a certain inmate, where he disrespected me, and the team gives me support. Yes, exactly. If I feel that it was an insult, then it is a crime. Now, if I feel that it was just a joke, a bad joke, I make a statement to protect myself, that sometimes we adopt a certain attitude with a certain inmate because he behaved that way with me.

An officer may also be unsure about how to proceed in a given situation, or act on orders that come from above. In any case, the reasoning behind those decisions must often be included in written communication and reports, which protect the officers against unlawful orders and eventual disciplinary action.

#### ***4.2.2.3.3 Information Rules: How does one know what to do?***

In total institutions such as prison units, information is a valuable resource that can be used to subsidy important decisions. Being aware of a circumstance may help an officer to prevent an incident that would lead to a riot, or to the death of an inmate,

which in turn might mean severe problems, causing disciplinary or traumatic consequences to the officers themselves.

Although there is sensitive information that the public should not know, there is also certain informations that need to be provided upon inmate request, such as information about their penal process, dates of release and of regime change. For this, there needs to be communication between the staff responsible for this information provision and the inmates themselves, which is done with great care not to expose personal information to other inmates, because information that is leaked into the wrong hands can also mean grave problems.

Cida: When an inmate goes to a consultation and needs a referral to a specialist that is not available here, I also have to ask them to contact me, (...) Then I have to pass this on to the family to see if they can afford to pay for the consultation. Then I make the connection between the clinic and the escort, because the family can only pay, but cannot know the day of the consultation, because the family cannot be there. So I have to pass everything on (...).

Sensitive information, which must be restricted from other inmates, include if the person has been providing the staff with information, if the inmate has been arrested or convicted for sexual crimes, or if they are known to be part of a specific criminal organisation. These informations, among others, may lead to a killing of an inmate by their cellmates, and require that an individual be kept alone in a security cell, and be isolated from the rest of the prison at all times, for their own safety.

Cássio: There is also the issue of the crimes that the person committed. Because usually the people, the people from article 200 and something, usually this group is related to rape, you know? Yes. The gallery only knows it as “two hundred”. So, if you put, oh, the guy is being accused of rape, right? So, he would go to the so-called Safe Cell. If you put this guy there in another cell, this guy would be killed.

In Minas Gerais, the management and control of information is done through a few practical measures, the first of which is the keeping of a registry of all confidential information of every member of the imprisoned population through a restricted electronic system, called Integrated System of Prison Management (SIGPRI<sup>70</sup>). In this database, for which access is heavily restricted, every information regarding incarcerated individuals is kept and shared between officers and the prison management.

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<sup>70</sup>From the Original (Pt-BR): Sistema Integrado de Gestão Prisional.

Restricted information includes sentencing information and prison warrants, release dates, personal information, levels of dangerousness, past involvement with criminal organisations, history of conflicts or disciplinary reprieves, among others. The information system also helps manage information that needs to be shared between the prison unit and external institutions, such as criminal courts and the police. Depending on which information it is, it may not be disclosed even with the inmates' families, as it could lead to security breaches or the endangerment of the inmates themselves, should it leak.

Additionally, almost every form of communication that enters the prison, with sparse legal exceptions such as privileged communication between the inmate and its lawyers and spouses, is also closely monitored by the prison staff, personally or through video monitoring devices. Officers hear and see things throughout their work day, and if they perceive something potentially dangerous or troublesome, they are trained to report it, in writing or verbally, to ensure the safety of others.

Catarina: When it comes to letters, we check to see if they have a phone number. Most of the letters here are usually between couples, right? Or like, mom, dad, but most of them are couples. Real couples. Letters, like, romantic, right? And I can't let that whole thing go. It happens a lot. Sometimes, an inmate sends them to several people at the same time. I don't know how they manage to have 10 consorts registered here. There's a lot of cheesy stuff, right? But we check, like, sometimes, if there's some kind of threat in them, right? Oh, if you do that on the street, I don't know what, or I'll do that the next day, out of violence. (...) This issue of telephone numbers too, even though it's something forbidden here, you can't have a cell phone. So, like, it doesn't make sense for me to keep exchanging my phone number in letters, right? And if, eventually, they want to send a message outside, because there is internal communication, right? Between prisons. So, sometimes, they detain here, send them to another complex and try to identify, like this, if they are sending a message from a faction, right?

Intelligence staff is responsible for feeding sensitive information to individuals in charge of interventions, such as the GIR, or higher ranking managers, which may then use this information to make decisions to avoid specific outcomes, such as restricting one's visitation rights or transferring an inmate to another cell or another prison. Officers may also receive communication from inmates, either through the cooperation of inmates. Risking being labeled "rats"<sup>71</sup> to obtain certain treatment privileges with the

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<sup>71</sup>Slang may vary, as the cooperating inmate might be referred to as "X9" or "cagueta". They are despised by other inmates, and are usually kept in separated safety cells, to ensure they're not killed by cellmates. So is the case for sexual predators and inmates that steal from other inmates.

prison staff, inmates might choose to cooperate with the prison staff, providing valuable information that they come across, risking suffering consequences if this betrayal is discovered by others.

Sol: Here we have the intelligence, right? Every unit has an intelligence advisor. So, the prisoners, they receive, we learn this in our daily lives here, sometimes a prisoner is considered a cleaning prisoner. A cleaning prisoner is someone who has free access outside the pavilion, right? They clean the premises, the cafeteria. Sometimes, it may be information that they bring, so all kinds of information is collected.

Sr. X: It doesn't take much for others to attack him [inmate]. He left, the fact that he left and talked to the warden is already an excuse for the other prisoners who are in the cell... They say that the prisoner is a x9 [rat]. That it is the prisoner who tells their secrets in the cell, you understand? So, it is unlikely that he will return to the cell again just because he talked to the warden.

Management staff and social support staff work in tandem to relay the available information one needs to know to perform their jobs safely and in an adequate manner, such as who is coming for visitations, which people need medical attention in a given day, how many people are supposed to have lunch within the prison unit, or who is interested in getting involved with school or work initiatives are a few examples of this kind of information. This information is crucial for organizing the procedures that have to be carried throughout each work day, and thus it needs to be relayed consistently to the group leaders and prison officers that are responsible for the logistics of service provisions.

Souza: The information comes from the intelligence sector, where they can check whether the unit is in a more or less tense environment. If there is a specific person there that we need (...) a certain pavilion that we need to be more careful about. (...) if you're going to carry out an intervention, this demand needs to go through intelligence first so that we can achieve our objective. (...) you need to go to the key points.

Letters and packages from the outside are also sources of information that need to be tightly controlled in a prison setting. These go through censorship agents, to ensure that threats and potential criminal intent within the prison is detected early. When forbidden information is detected, specialized personnel within the prison that is trained in intelligence management take action, to ensure that it's reported to the people that need to know for decisions to be properly made. These intelligence professionals have special

access to communicate with other prison units, establishing an intelligence network that helps manage the prison system in an integrated way.

Osmar: Once you go to this sector, you are given access to technological tools, which are several systems, and you can access a lot of data that a conventional police officer, let's say, doesn't have access to. (...) You can access information, well, I can't go into too much detail, but there are several intelligence tools that allow us to investigate, to learn more about a person, very personal data that we can access with these tools, which you only have while you are in intelligence. If you leave this sector, you lose all this access. These are specific accesses, but I can't give names and other details, because they are confidential. (...) You receive training because you can't simply leave this here. These are often complex tools to operate.

Another kind of information that is must be kept in mind by the prison staff is the one they receive through training and study, regarding the protocols that must be observed on everyday operations, a central characteristic of bureaucratic institutions (Lipsky, 2019). These protocols dictate how an officer should act in every aspect of the prison work, from admission to release to censorship to interventions. Received with a particular amount of detail by different officers who fulfill certain roles within the prison unit's structure, the protocols are described in detail within the Regulations (ReMP) in the form of Standard Operational Procedures (POPs) and are put into place to minimize the exposure to risk during operations and protect the officers themselves from liabilities, and therefore must be followed to the letter whenever possible.

During those procedures, the general rule is to follow the principle of the supremacy of force, where the officers must always be in a physical advantage in relation to the inmates, either through the use of restraints or superiority in numbers, so that the possibility of danger is always minimized. This was reported to be necessary at all times, including when the inmate was at the hospital, where they would be handcuffed to the stretcher by the hands and feet. However, when you consider that for every procedure, a minimum of four prison officers must be involved, this poses a logistic problem, especially for situations where the workforce is understaffed in a particular shift, as frequently happen in small-sized prisons.

Tício: When it comes to moving prisoners, we need at least four officers here. You can't take a prisoner out of a cell if there are three (...) one is at the access gate (...) so that if the doors or something inside breaks, or the prisoners run out, the officer locks the access gate, and then everyone is locked inside (...) to prevent anyone from escaping. That's something the department imposes. And

inside there is an officer at the cell door, opening and closing it. There is another behind him, with a 12-gauge, pointing into the cell, monitoring to see if any prisoners are going to come up. And the other officer is on the wall, a little further away, and then he just pulls the bolt to release the door. So these four police officers, like that, just to keep the movement going. So if you consider that there are fixed posts (...) you would need seven officers in the unit at a time, at least.

Furthermore, it was reported that this may impose severe limitations in service provisions that are considered less important, such as education and work related ones, or those that require a greater resources of time or manpower to happen, such as external escorts. These services, albeit important, end up left for later, and are liable to be left for another day, once the officers' time is limited to their work hours. This means that the chronic problem of understaffing may affect directly resocialization, visitation or education activities in the whole unit, which are in the bottom of the priority list.

Júlia: If I need to see a prisoner, I have to ask the police officer to bring the prisoner here to me. And sometimes there is no police officer here at the time, because sometimes four or five go out to provide an escort, there is one, there are three in the hospital, with some prisoner admitted, providing escort (...) So, my work sometimes comes to a standstill due to lack of staff (...) So, sometimes I have this difficulty due to lack of staff. (...) In order to schedule, I have to know if there is a police officer here on the day to be able to make this video call, if there will be enough staff or not (...) If there is no police officer that day, then I have to keep rescheduling. It has happened that I have had to reschedule a video call three times.

Leandro: Today, there is an appointment at 3:00 p.m. But before this appointment at 3:00 p.m., there was an emergency here, in which you have to leave here and go to an emergency hospital. So, this one at 3:00 p.m. will be left behind (...) We won't be able to get there on time. So, sometimes, there are a lot of rescheduling. That's what needs to accumulate (...) Because we basically work with the school with a date and time.

It was reported that these procedures, however, are not followed in their entirety in all cases. When there are time and personnel constraints, an officer might decide to forego a safety measure or a procedure to be able to fulfill their daily obligations, but in doing so, they assume the risk of a Administrative Disciplinary Procedure (PAD), as well as the safety of their team, in case something goes wrong.

Tício: So, you do things within the law, because when someone comes to tell you something, you say, you didn't do this, I didn't do it because I didn't have the manpower, it couldn't be done safely. So, they do the PAD, let's see what happens, let's see who succeeds, who fails. Then you end up letting it go because you know it's right, there's no way to lose.

This was reported to be done in practice mainly because not providing the services, even if the practical conditions might not be ideal, might not be preferable than improvising, as this may build dissatisfaction within a unit, leading to a riot. So, sometimes following the general objective of keeping the peace within the prison unit requires cutting some corners. This has to be done with extreme caution, because any deviance from the standard procedures may lead to harsh punishment to the officer responsible, their team leader and any immediate hierarchical superior, so much that officers, when asked to cut corners, usually ask for written orders to do so, safeguarding themselves from responsibility in case something goes wrong.

#### ***4.2.2.3.4 Objectives and Potential outcomes of the policy***

When examining the objectives and potential outcomes of the prison policy in Minas Gerais, the focus of our analysis was set around the participants' opinions of the policy goals. Our expectations for answers related to this subject were formed around what the policy officially establishes as objectives of the prison system.

The official goals are to promote an integrated state policy of public security and social defense, to promote custody and resocialization, prevent criminal socialization, reduce criminality and heighten the sense of security of the state population (Secretaria Estadual de Justiça e Segurança Pública de Minas Gerais, 2025). These objectives are aligned to the Penal Execution Law, which specify that prisons are to fulfill the sentence or criminal decision and provide conditions for the harmonic social integration of the imprisoned population (Lei de Execução Penal, 1984).

However, according to the data obtained along our research, there is a deep disconnection between the legal objectives for the prison system and the efforts that happen in practice. The answers we received when questioning participants about the objectives of the prison system were, in a general sense, that the official objectives were aligned with reality about the fulfillment of criminal sentences, but not regarding resocialization. Most of the participants disagreed with this objective because they thought it did not accurately portray the reality of the prison institution.

Tício: The prison should, in theory, serve to re-adapt the guy to society, train him, prepare him, and make him functional so he can leave there working. (...) In fact, the prison unit serves more nowadays... The school of crime, where a guy who steals chickens arrives and inside there is a guy who is a drug dealer.

The chicken thief makes friends with the drug dealer, and the chicken thief leaves and goes to work with the drug dealer. There is no structure to separate them, as the law of criminal execution requires.

José: The objective, then, of the prison environment itself... Is the reintegration, the reentry of the inmate into society. However, the system today, it is much more punitive than resocializing. And I notice this because of the number of inmates who reoffend.

Ana: the goal, for now, of the Brazilian penal system is to try to socialize. Try, right? Try. But, beyond that, I think I've already come to the conclusion that there isn't much of a solution. (...) There really are very dangerous people out there. And we need to deprive these people of social interaction. Otherwise, the guy will leave here and continue killing his rivals, you know?

Participants reported that they could not see a clear objective for the prison institution, as the institution observed a circular logic, where the inmate justifies the existence of the prison unit, but does not receive any support or resocialization efforts when they leave. Then, inmates that are not properly prepared to integrate society contribute to reentry statistics are isolated through stigmatization, and do not have work, study or social prospects ahead of them, wasting state resources and potential of many inmates who have talent, but not opportunity to develop it.

Leandro: the prison was meant to rehabilitate. Yes. But then when this prisoner enters the penal system, he is arrested, for a mistake he made, then he gets to the point of receiving his release warrant, his right to freedom. Then he returns to society. But soon this person, who is no longer a prisoner, he returns to the prison system. And then? They blame the prison for not rehabilitating people.

Some of our participants reported that due to the failure of the structure and the poor organization of some of the policy aspects, instead of being a place of resocialization, prison behaves as a way to further socialize inmates in crime, which inevitably makes them worse people than when they entered the system. It was reported that since complete vigilance is understood to be impossible, the resocialization efforts were unable to compete with prospective opportunities of a criminal career, which would be developed by one's interaction with their cellmates.

Júlia: APAC can do more things for the individual there. Workshops, lectures, inviting people from outside to give lectures, I think that involves the inmate more in something good for them. Here it's a little more difficult, you know? Because of the amount of inmates there are, the rivalries and the small number of staff. I would like to do more, you know? Give lectures, bring different things to them. For them to try to see another side of life, you know? (...) I would like to do more, but I am limited due to several things.

The efficacy of the resocialization objective was heavily criticized in general, as some participants reported that it was mostly ineffective, and others said that it only bears temporary or palliative effects, in a dynamic that rendered their work almost useless, similar to wiping down melting ice with a towel.

José: The system today... It is much more punitive than resocializing. And I notice this by the number of prisoners who reoffend. They are arrested for repeat offenses committed on the streets. So, it kind of makes it a job for us to mop up ice here. They come here, serve their sentence... There is a false resocialization, they go back to the streets and even commit another crime.

Others go beyond in their criticism to affirm that resocialization is a useless endeavor, saying that there is little the system could do with people that do not want to be socialized, and who would keep committing crimes when they are released.

Fantasma: There is no resocialization here. This is a school for crime. A prisoner who sometimes steals a chicken ends up in the same place as a guy who is dealing drugs. So, he leaves there with a complete course on how to be a drug dealer, how to be a murderer, how to be a thief.

Bernardo: But I don't believe in resocialization. (...) I see why most of those who leave come back, you know? And I see that in this unit, they give the inmate a lot of treatment. Dentistry, medicine, psychology, everything is provided. The inmate gets sun, food, four meals a day. And they are well treated. I see that some of them are treated better than on the streets. Many people on the streets even go hungry (...) I've heard many people say that "I'm leaving, but I'm going to have to find a way, I'm going to have to go back, because I'm going hungry on the streets."

Toddy: How do you reintegrate a prisoner into society, when sometimes their basic principles are not being followed? That's where I see the problem of overcrowding. (...) to work with a prisoner, he has to change his life, when he's in a cell, when you have 20 people in a cell with 6 beds, so he ends up living in that day-to-day life there, with so many criminals (...). We have people who come to prison, they may commit some crime, but they are not fully included in the city's criminality. But they come here and start living with the other criminals, who are people who live off crime. It's complicated. Of course they will learn rare things, but they will leave here knowing all the rare things, knowing all the "benefits" that crime brings. So it's very complicated for us to compete with this school of crime.

The low effectiveness of resocialization was attributed to the limitations on study and work policies, which were criticized as insufficient in producing lasting professional qualification and change in inmates, which would only get involved to shorten their sentences through remission. These services were also criticized by a minority as unfair

advantages, as some participants felt that people outside the system did not have access to as many incentives to study or work that inmates had.

Vasco: Well, I think the punishment has not been effective (...) In prison, for every 3 days worked, he gets remission. He gets remission for studying, for working, he gets remission for crafts.

Martinho: Tell a prisoner that there will be no remission (...) So what happens? There isn't, no one is going to study, no. They say they won't pay, there won't be remission, they won't receive the funding, working, they ask me if anyone is going to work. (...) No one shows this, they just show that they are working (...) So I'm not changing, I'm simply covering it up. It looks very nice on paper.

It was also affirmed that the lack of flexibility of some of the standard operational procedures, coupled with a situation of understaffing and lack of preparation, detracted from the classroom and work initiatives, as there was often no people available to bring inmates to the school or workshop, and when there were, standard operations would take so much time to accomplish that education and work would get postponed frequently.

While affirming that prison should intend to re-socialize the inmates, some participants also recognized that it is not something that is currently possible within this model, and thus prison units needed to serve to control the damage inmates would cause, keeping the peace within the prison walls and beyond. It was said that the role that prison fulfills is thought to be the satisfaction of the demands society makes towards punishment, temporarily incapacitating and removing from society certain people that would be unable to be socialized.

Berlim: If there are no people to supervise the prisoner's work, it cannot be carried out. And sometimes the partnership is at a standstill, it was more than a month at a standstill, due to a lack of labor to go up to the factory, to be manufacturing the blocks there for work.

However, literature has shown that the relationship between punitivism in society and the massification of prison institutions is not actually causal in nature, but rather correlational, as the mass incarceration model was preceded by political campaigns heavily reliant on punitivist rhetorics in Brazil (Macaulay, 2017; Wacquant, 2003). The reliance on punishment was also attributed by some of the participants to a lack of knowledge from society and authorities about the problems faced within the prison environment and the inefficacy of the resocializative model, which would bear prejudices against the work performed by the prison staff.

Participants would also say that they consider prison institutions as more aligned with dishing out punishment as its real objective. Although this notion was minority among the group, it was affirmed that the goal of prisons should not be to make someone a better person, but to make them pay their pound of flesh, a debt of suffering that they owe society due to committing a serious crime, and that needs to be paid through harsh and inhumane conditions many prisons have.

#### ***4.2.2.3.5 Transaction costs and benefits***

In this section, we will focus on which benefits and costs of transaction that are applicable towards everyday rules in the work performed by prison staff, to analyse the circumstances that warrant positive or negative feedback about their performance. Participants reported that they did not feel supported or valued by higher corporate and policy-making positions, which is usually attributed to the State itself.

Martinho: Everything falls on the State. The State doesn't give you any structure. How this guy on duty sucks us dry. Low numbers. You join the team here today so you can take me out for a shift. I'm with 5 [colleagues]. I'm with 270 prisoners. I don't have a wall. I can't do it. Barely, barely. Then night comes and I have to be caught red-handed. Which is the gateway. I'm with 5. On guard, 24 hours a day. (...) If there's a problem, I'm not in a position to respond promptly. It doesn't matter whether it's external or internal (...) Because the State comes and shows you. Look, there's resocialization. There's that. There's a factory. But then you go there and look at the factory. There's no one watching. Because there's no one for that.

Osmar: Often, this person is great, they deliver very good results, but this appreciation takes time, and then they motivate you. They end up leaving that aside, and, "oh, the State sees me as a number, I'm not valued". They end up wanting to do only the basics there, everything is fine, "I leave, I get my salary", and that's bad.

Berlim: No, they doesn't provide support, no (...) they like to demand results, right? Every month I send a report, everything is happening, they like it. But if I say I need more police officers, if I need machines, if I need equipment, they don't listen to me, no. I have to fend for myself. When it's time to demand it's very easy, but when it's time to help, they don't help. I have to fend for myself.

It was stated that the State usually treats them as just a number, assuming a position to always demand more while never rewarding the staff. Great dissatisfaction was expressed by some participants regarding a recent public announcement from the State Governor, which called public servants a "caste of privileged ones". The interview

reports point out that the State displays a great deal of concern about on measurable indicators of work, such as the number of services provided or inmates that had access to certain assistances, to the point that the qualitative aspects related to the conditions in which those services are provided are often ignored.

Vinha: Our salaries are late, salary adjustments are not raises, they are inflation adjustments. 41%. The governor wants to give us 13%. (...) Yes, this is really difficult. The governor still calls us a privileged caste. He is making a strong attempt, a strong campaign to turn society against us (...) We even received our thirteenth salary in April, like in the fourth month. And he managed to adjust that, which is the bare minimum (...) Yet, he called us in public security a privileged caste.

Bernardo: The State, man, is very cowardly, you know? (...) it doesn't give us the minimum working conditions. But it demands that we provide excellent service. (...) So you try now, and most of the time you're doing it to help. You see that there's no way you can't do it. Sometimes you're putting your safety, the safety of the unit, at risk. You're doing it, you're solving the problem at the moment. But, if something goes wrong there, son (...) The State doesn't think twice about punishing you, no. And it's not recognized, man. You see the recent example of our governor. He called us a privileged caste. We're not recognized, unfortunately. (...) Man, a privileged caste.

Fenix: We fill out the productivity form at the end of the month, so we have to report how many services we provided, how many visits we followed up on, how many virtual visits, how many phone calls, a series of things. And then the State puts it in the newspaper, oh, because so many services were provided to people who were free to be free. But it doesn't look at the person who made these, at what cost so many services were provided. Sometimes we have to work hard, there are few professionals to be able to meet a very large demand. (...) I am concerned about offering quality work. But the State, it wants to see the numbers (...)

It was reported that positive feedback was unlikely, as a good performance in the work was expected and considered the minimum. Recognition in the form of positive feedback usually came from other members of the prison staff, from which one has more personal affinity with, mostly through supportive comments and small talk, or from the inmates or their families, through praise and thanks. It was reported that the lack of positive feedback to staff members led to a feeling of undervaluation, accompanied by a sensation that they could be doing more through their work. Demotivation was also a highly prevalent answer in the feelings of devaluation, as some felt that even through good performance, they did not contribute to the resocialization objectives.

Tício: I worked on the team, and on the days I had time off, I would go there to monitor the work because there was no one who knew how to monitor it. When the judge or someone from the department went to the unit, I had to go

there and explain what was happening, because not even the director knew what was going on. Then, the first time something happened, they threw us under the bus. Like, they would say, it's his fault, it's his fault, he did wrong. Like, there's no motivation whatsoever (...) in the Minas Gerais Penal Police, there's no motivation whatsoever, no recognition.

Souza: There is a lack of social recognition, as I told you, and there is a lack of recognition even from superiors. Because no matter how complex and difficult the service is, for them you were just doing your job. So, it has reached a level where there is no more motivation, unless it is from your friends, your coworkers there, but motivation is what we can have together with others. It is the camaraderie and the recognition that comes with it.

Rewards for the acquisition of qualification through courses were reported to be scarce on the career, as promotions are typically only given out for those who acquire knowledge based on areas directly related to security. It was reported that if a staff member acquired a degree in fields such as administration or accountability, it was seldom considered as qualification for a promotion or raise. Furthermore, it was stated that if one required promotion for qualification, it would likely require judicialization of the matter, which could take a long time to bear fruit.

Osmar: There is still a long way to go, this issue within the career, of meritocracy. There are a lot of recommendations. So, sometimes, a person less qualified than you is above you (...) But the thing is that so-and-so is a friend of someone, he will recommend his friend for the position and so on.

Maria: Mas existe, por exemplo, uma progressão que é por escolaridade. Eu mesma estou na justiça com isso, porque você precisa ficar provocando o Estado. A partir de um tempo de trabalho, você tendo já o seu curso superior, você tem uma progressão, né? E isso já está ali na lei, mas não acontece automático que deveria ser, não acontece.

Some said that the courses that usually lead to salary increase from a continued formation standpoint were not good, and sometimes unavailable due to a low number of students per class and the need to travel all the way to the capital for these, generating extra difficulties for staff members that worked in farther away units. Some of the interviewed female staff also stated that the opportunities for advancement on the career are more scarce for women. It was also related that too much effort by someone might displease other staff members, which thought it made them look bad.

Mévio: Colleagues who have undergraduate or postgraduate degrees in public safety get a kind of salary increase. But a course like administration or accounting, maybe I'm not wrong, but I understand it as a more traditional course, is not recognized by the department. What is recognized by the department is often very weak. I think that when you don't recognize a degree

from the best universities, which are federal, but it's not a specialty, it's not recognized by the department, it kind of impoverishes the class.

We were reported that the negative incentives were perceived even by through the acquisition of responsibilities within the formal organizational structure, as career progression is not structured in a way that rewards entering an specialized post, such as the Rapid Intervention Group, which means additional externalities and responsibilities, such as and more death threats from inmates, rather than a raise.

Ana: Here, you don't see that either. (...) For example, you're going to join a specialized group. Let's take the GIR as an example. Will you get paid more for that? No. The police officer won't get paid more for that. You're the inspector. Will you get in trouble? (...) You'll get in trouble. You'll get threatened. You can kill yourself working there and tomorrow you'll be one stage worse. It won't make a difference. Because it's a structural problem, you know? It's not the civil servants who are going to change.

Otherwise, acquisition of responsibilities outside of the job description is done without any positive feedback, as sometimes an officer has to do something they are not responsible for, or it will be left undone due to a chronic lack of personnel. The same was said about overtime, which felt unfair since public servants are not paid extra, but work in a hour bank regimen. Our participants reported that initiative was actually punished, as assuming extra responsibilities opened liabilities for reprimands should anything go wrong, and for the consequent punishment of the staff member who undertook them. Thus, since the only motivation for many was said to be the salary, there was no rewards for efforts from the street-level bureaucracy to help improve the prison system, which is typical of a top-down policy.

Tício: I work more along these lines, really to avoid problems, because we see situations that happen, I'll be helping out here, I don't gain anything from it, but, in fact, if it works out, I don't even get congratulations in that case. Now, if it doesn't work out, you respond to a PAD, you get a PAD, you get a suspension of about 10, 30 days.

The main complaint, however, was the salary devaluation, as the participants almost unanimously stated that they believed to be underpaid. The base career salaries for the officers in 2024 is present in Table 11.

*Table 11: Prison Officer Salaries in Minas Gerais (2024), in BRL.*

Scholar.	Level	Degree
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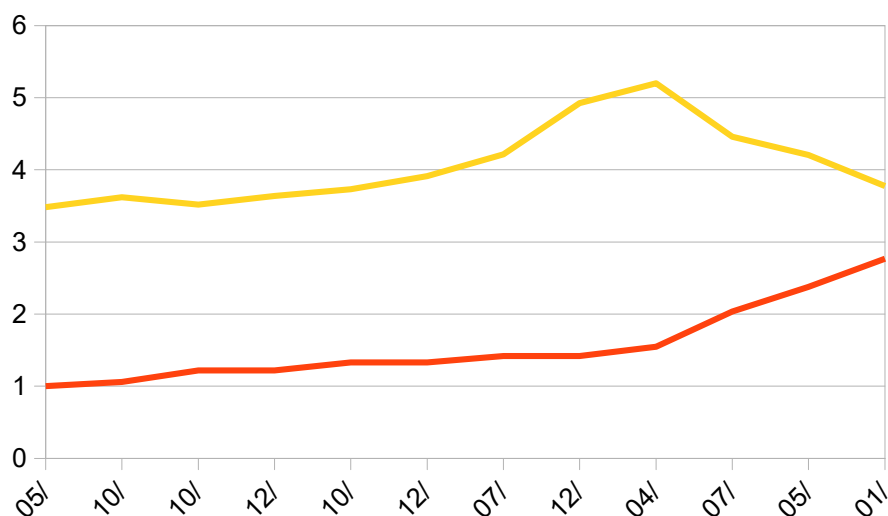
Req.		A	B	C	D	E	F	G	H	I	J
High School	I	5332,63	5492,61	5657,4	5827,12	6001,93	6181,98	6367,45	6558,47	6755,22	6957,88
High School	II	5571,13	5798,26	5910,42	6087,73	6270,36	6458,47	6652,22	6851,79	7057,34	7269,07
High School	III	5820,63	5995,24	6175,1	6360,36	6551,16	6747,69	6950,13	7158,63	7373,39	7594,59
College	IV	6751,92	6954,48	7163,11	7378	7599,35	7827,32	8062,15	8304,01	8553,13	8809,73
College	V	7832,23	8067,19	8309,22	8558,49	8815,24	9076,69	9352,09	9632,65	9921,63	10219,28

Source: (SINDPPEN, 2024)

In the last 14 years, the base level of the career salary has been readjusted according to the information present on the figure 15, compared with the increase in the national minimum wage. The orange line represents the national minimum wage and how it increased during the period, and the yellow line, the base career salary, indicated in how it has kept its purchasing power over time, using the minimum wage as a reference. It has been reported by some of the participants that the salary is very devalued, up to 41% less than it should be, according to information they receive from their class entity, SINDPPEN.

While the minimum wage has been increasing over the decades, according to the national standard, the base salary of the Penal Police hasn't been able to keep much of its purchasing power. Even as it has been adjusted and increased over the years, new hires have been paid less money when compared to entry-level staff that entered the system in previous decades. According to the Syndicate for the Penal Police (SINDPPEN), the devaluation of the career's salary was around 41% at the time the research was conducted, and this has shown itself to be a point of severe contention and dissatisfaction within the participants, to the point is has been able to consistently and negatively affect the perceived outcomes.

Figure 15: Economic Devaluation of Prison Officers' base salary



Source: (SINDPPEN, 2024).

At last, when asked about what they would consider good outcomes for their work, participants univocally expressed great satisfaction with unremarkable days, on which nothing out of the ordinary would happen. Previsibility and peace within the workplace may sometimes be scarce, and very much valued by the prison staff, as it signifies the absence of conflicts, fights incidents that could mean danger for the workers. Participants also reported that any day that they do not need to escalate measures to control inmates, nor feel peaks of stress in the workplace, would also be considered a good day.

#### ***4.2.2.4 Action Situations***

##### ***4.2.2.4.1 Deteriorating career conditions and consequences for prison officers' mental health***

Prison units of the state of Minas Gerais currently face a problem of deteriorating career and workplace conditions, which we argue, have clear economic causes. The State of Minas Gerais has been preoccupied with a fiscal reform to reduce public expenses, with austerity measures such as the adhesion to a Tax Recovery Regime and a freezing on salary expenses of public servants (Vasconcelos, 2024).

The hiring process for the prison system in Minas Gerais is done through a public selection, which takes a few years from start to finish. The latest instances of these selections happened in 2021/2022, almost ten years after the previous ones, in 2012/2013, which in turn was conducted six years before its predecessors, in 2006/2008 (Secretaria de Estado de Justiça e Segurança Pública, 2025).

Additionally, since the prison officer's career has a high turnover, due to being considered a dangerous occupation and due to the stress and the pressure present in the workplace, prisons in Minas Gerais are going through a situation of chronic understaffing, as there are no new hires in sufficient quantity to replace the people who leave due to being underpaid and overworked. This situation feeds back on itself, as less people means overworking, and the same amount of work must be shared by less officers, which causes the staff that remain to experience greater stress. Those, in turn, are more likely to request medical leave due to mental health issues, or to leave the career altogether, thinning the ranks of the prison system even further.

Toddy: when it weighs too much on the employee, there is resistance, so much so that when we get to the end of the year, for example, in December, you have a number of 30, 40% of the employees on sick note, because it is a time that ends up being more dangerous in the entire prison.

Even when all goes well, pressure inside a prison environment often builds up quickly, as clashing expectations from inmates and officers and demands unfulfilled due to service and resource constraints accumulate, and the sheer amount of inmates outpace the capacity of the officers to meet their needs. This means that the staff may adopt a posture of resource conservation, prioritizing services according to their own discretion (Lipsky, 2019). Officers are also pressured by the State to act always within legality and following procedures to the letter, which acts to reduce the discretionary space of the street-level bureaucrats. This prompts resistance from the prison staff, who knows that the procedures might not be entirely accurate or harmless, sometimes causing more problems than acting with tact and measure.

Toddy: We have a low number of employees and, because this is also a public service issue, many services are not carried out due to this shortage of labor or even the lack of will of the employees (...) the employee, when he feels pressured in some cases, he can go there, he gets a sick note, he claims moral harassment (...) he gets a sick note, he stays away for 30 days, so he starts to avoid work, and it becomes difficult for us to hold him accountable (...)

This pressure also manifests towards producing conformity among the officers, as initiative and entrepreneurship is often looked at unfavorably even by equals, as some officers think that doing too much may could make the ones that don't excede look bad, leading to official reports that the protocols are not being followed or other unofficial ways of bureaucratic retaliation. At the same time, when one assumes further responsibility, there is also the pressure of punishment, as any mistake one does while exceeding their job description will be held accountable, and for no discernible benefit or incentive within the formal structure.

Olavo: But then you realize that your good intentions don't matter to the State. (...) If something goes wrong, the State will act like us repressors. It will ask you, "Are you a nurse? You're not a doctor to give medication" (...) But, on the other hand, a prisoner is feeling sick in the gallery and needs dipyrone, and the 5 police officers who are here in the middle of the night don't act, the other prisoners start a general commotion because of dipyrone. So, the police officer is at risk, he's between a rock and a hard place. Either I do it, and if there's a report, I'll answer administratively, and if I don't, well, there'll be a report anyway, because I'll have to take a 12-gauge and shoot the prisoner because of dipyrone.

At the same time, participants reported a contradiction between the demands of the state regarding quality and quantity of services and the amount of resources available, especially the number of personnel available, as the ratio of prisoners per officer is usually high, up to just eight officers in a shift for 1200 inmates in a medium-sized prison. The staff is further pressured to perform services at a higher pace, which may affect the quality of the services rendered and may require prioritization, demanding that straightforward and urgent services, such as medical appointments, cell transfers and the removal of inmates from cells for sunbathing take priority. As urgent services can end up taking too long, however, services such as classes and work supervision could end up not being done at all.

Martinho: There is a factory here. But then you go there and look at the factory. There is no one watching. Because there are no people for that. You go there to be able to move the prisoners in the school. There are 20, 25 prisoners. 17 prisoners. There are only you and a female officer. So, you don't have that.

Beyond the accumulation of work that happens when resources are insufficient, complications may arise due to the logistics of the group system. The participants reported to work in groups ranging from 4-8 people according to unit size, and every shift

has a set number of officers that are responsible for all tasks. Shifts may take up to 12 hours or longer, in case of hospital escorts and external activities, as an officer has to wait to the medical appointment is over or another colleague assumes his post, and the inmate must return to the unit afterwards.

Leandro: Of course, there are exceptional people, right, who start saving, we are on the jury, then the hours go by, we get a response from the hospital that they are not able to keep those hours. So, some days I end up going over those hours. But the normal hours are [REDACTED] with a day off. (...) When it goes by too much, it goes into the time bank.

If a prison unit has four groups, A, B, C or D, and they alternate between shifts, groups A and C will often be mirrored to each other, allowing one to rest an amount of time defined by law between shifts. The usual shift may also be a 24 hour ordeal, and those who work that long are legally required to rest for three days (72 hours) before returning. This circumstance is most likely reminiscent of the COVID-19 pandemic, which demanded some of the organisational aspects of the prison hours to be adapted due to extreme strain in the workforce and frequent illnesses among the prison staff.

The hours exceeding to the shift go to an hour bank, and are used in days off on other occasions. However, this becomes a problem when the respective substitute in the mirror team is unable to assume for medical reasons, and the prison staff may be even required to double a shift in short notice, which may expose the others to risk, as a tired officer will be unable to keep vigilant and perform as well.

Dissatisfaction was also reported by some of the participants towards unsafe or precarious work conditions, as the profession if a penal officer is considered to be highly dangerous. Participants have reported that they feel under a constant risk to their personal safety, as they consider inmates to be dangerous, as death threats, offences or effective assaults and attempts are daily occurrences, especially when people are not careful.

Cássio: The prison is a ticking time bomb, right? As time went by, you realized that (...) it would generate stress, it would generate a different movement. It could be due to overcrowding, due to food, (...) thinking that you have the right to many things, and maybe the rights weren't arriving, the visits that weren't going. In other words, several things. Because we were already saying that soon, this bomb would explode. You could feel the tension rising. (...) Many comrades went through it, had health problems, and even today they got out and still... there are still remnants of that period. (...) It's not easy.

Furthermore, any mistake from any of the officers, such as failing to stop a smuggling of a cell phone within the prison, may endanger the whole staff or lead to severe disciplinary consequences. This factor, coupled with daily exposure to violence and a lack of support of the prison system towards mental health of their may lead to severe consequences to the staff.

Peão: The guy who hands over a cell phone is handing over a weapon, he is handing over drugs. So, he is putting his life at risk. And with the cell phone itself, he is already putting his life at risk. (...) Yes, because the prisoner can turn on the phone and do what he is not allowed to do. Soon the officer is leaving and then he gets shot.

Cop: The biggest challenge is the lack of manpower, which often means you find yourself alone with a lot of work, a type of work that you couldn't do alone. And you have to end up doing it. And that means you're putting yourself at risk, maybe putting others at risk.

Many opt to take a medical leave from work due to mental health conditions, which worsens the understaffing problem, pressuring others and possibly affecting their mental state, in a feedback loop.

Tício: There are schools, block factories, clothing factories, construction sites, lots of things, but there are no officers. So the director, what does he do? He takes them off the 24-hour shift, puts them on a daily basis so he can have the staff to do this kind of movement, and then the officer is away from his family, working every day, stressed, tired, what happens? Psychiatric leave. 60, 30, 60, 90 days away from work. (...) there is a lot of people who are in this kind of situation.

Participants have reported that mental afflictions such as alcoholism, depression, panic attacks, PTSD and anxiety are prevalent in the career, as well as anger management problems, and suicides, possibly due to stress being a constant factor in the work environment.

Olavo: And then, finally, prison, you know, is an environment that makes you sick, it makes you very sick mentally. (...) I have close friends here, who work here, who have already been admitted to a rehabilitation clinic to stop drinking. That's no small thing, no. It's something scary. So, speaking locally, most of the guys who work here are either immersed in prescription drugs, or they drink a lot to scare away their demons. It's no wonder.

Osmar: There are escape valves that can be really dangerous. Alcoholism. And sometimes the guy also gets violent at home. There are cases like that too, right? (...) Every now and then we see in the media some facts involving prison officers, where often the guy is under pressure, under stress, and he explodes,

sometimes, in the street, in a fight, ends up committing a crime, it's complicated.

Cássio: Seven o'clock in the morning, you've seen it with adrenaline rising, you know? I spent twenty-four hours in jail. You have no idea what that's like. Imagine. (...) people with high blood pressure, those who smoke, smoked twice as much (...) And the people who drank, too, at one point they drank (...) So, like, it's a very aggressive service. (...) it's impossible for a person not to absorb this type of service (...) You hear around, oh, so-and-so committed suicide. Oh, the guy, the police officer, committed suicide.

Participants also reported being under psychological or psychiatric treatment, with the use of controlled medication, while balancing their work responsibilities and hiding the treatment from their colleagues, to not be seen as weak. Officers are often informally discouraged to seek it to avoid displaying vulnerability, as the workplace culture may be unforgiving and overly stern towards any sign of vulnerability.

Catarina: since I've been here, there have been two people who would click on the link to participate in these lectures on mental and sexual health. Because many people don't even have that openness. There's a lot of weakness, especially among men. Because men can't be weak, they can't show it. So, this is the pinnacle. It's the extreme. And we know that they suffer, we know that they feel it.

Peão: Here, unfortunately, you have to deal with the cultural barrier a lot. Because this is a small town. So the people here, unfortunately, they have small minds (...) whoever goes to a psychologist is crazy. A colleague here has already said this, about suicide. I say this, to go to a psychologist. "I don't need a psychologist" (...) There is a lot of prejudice, really.

Other common afflictions reported to be triggered by this stress include hair loss, skin conditions, excess smoking and substance abuse.

Cássio: There was a day when I started to get a little bald spot on my head, you know? (...) a white spot on my scalp (...) So I went to the dermatologist and said, look... I have mycosis, something like that. Then the doctor said, no, that's not mycosis, that's stress. (...) The stress was causing a little bald spot on my head, a white spot, you know?

The mental stress is also reported to be heightened in officers that have been working for a long time, as well as those in specialized work, as officers that work in special groups that act around crisis management, tend to not last in the job for very long if they suffer from mental conditions. It was reported that, within special groups, those that are not cut out for the job end up leaving soon.

Catarina: I haven't been here long. Of course, even if it's only been a short time, it will affect me. I'm aware of that. But I see that people who have been here for 10 or 15 years clearly see how much this affects their personal relationships, including relationships with their children and partners.

Dragonblack: Do you have any idea of the number of people who passed the agent exam and went there for one day, and then resigned? And in the case of those hired, there was one who didn't even sign the contract. (...) There were two who said, "No, I'm not going to stay here, no." The guy who realized he couldn't handle it. There was one who left there shaking, the guy who left shaking (...) never came back (...) This happens a lot, the guy doesn't stay, he can't handle it (...) And in some cases, the person retires due to incapacity, he can't handle the pressure, no.

One of the direst challenge that officers face regarding stress is the difficulty of disconnection between work and home. A stressed out officer, if they are unable to disconnect properly, may bring some of their problems home, straining their social relationships with family and friends. This strain is said to help deteriorate said social relationships. In consequence, this denies the use of family and social contact as a refuge from the stress of the work environment, which may lead to tensions at home, fights, alcoholism, domestic violence or even divorce.

Catarina: It affects your personal life (...) your personal behavior changes a lot because you start to distrust people a lot more. Because here we see everything (...) You learn to close yourself off more for safety, for your safety and that of others (...) You end up becoming a very cold person. Because you won't be able to see anything and get shaken.

Olavo: Unfortunately, when I came here, I hadn't had a drop of alcohol. Legend has it that it's hard to convince a drunk that he's drunk. So yes, I refused to accept that I had become an alcoholic. But I drink a lot (...) I had never drunk in my life (...) then I started drinking a lot and I started having emotional problems. I developed depression, and so on.

The behavior of the officer outside of his home is also heavily affected by the stress from work. Some participants have reported that they became paranoid over time, and are unable to frequent public places as carelessly as a normal person in fear of being recognized, having to be facing the door at all times to avoid being surprised. It is not uncommon that an officer opts for a regime of 24-hour shifts, and prefers to travel a long distance to work, not to be recognized by former inmates outside of work in the town that they live. The danger this situation poses increase as officers are licensed by the state to carry concealed firearms at all times outside of work, and thus a single mishandled

situation of stress may be enough to cause a tragedy that may forever negatively affect the officer, his career, and other people.

Bernardo: And, man, nowadays I don't go to bars. It's not like it used to be. I can't go to just any place. I can't go to just any party. You know? If I'm in a place... I don't turn my back to the street.

Participants stated that they felt that the array of mental health support measures provided by the State was unsatisfactory and insufficient. Officers were not provided direct support in the form of psychological or psychiatric treatment, nor a resident therapist in the prison unit. All treatment must be pursued by the officers themselves, despite the stigma they carry within the staff, and funded by the officer's own salary, as no additional financial support is provided. The healthcare plan provided by the government, IPSEMG, also has limited coverage regarding psychological professionals, as they are not always easily available in every region of the state.

Martinho: The State doesn't even care for you. What psychologist is there here to help me? What structure does the State provide? It doesn't provide any psychiatric care (...) there's IPSEMG, there are no psychologists in the region, only in Belo Horizonte, there are no psychiatrists, nothing. If you want one, you have to take it out of your own pocket and go to Belo Horizonte (...) They start sending you to do an expert assessment there in Belo Horizonte, to weigh the guy up, so he can stop giving you sick leave. It would put pressure on you to let things go.

Casca de Bala: I never had a psychologist from the prison system to help me. Except at the time of the selection process, when they evaluated me psychologically. But after that... When you have some people who are completely out of alignment, the department usually offers some support by doing some online counseling. Some employees have already received this support here. But generally speaking, I'll speak for myself, I've never had any support.

The State provides some mental health support in the form of a helpline, but it has very limited reach, as many participants reported not knowing of its existence. When an issue regarding mental illnesses is perceived in an officer, they may be temporarily removed from their duties and sent in a mental health leave. At the time this thesis is being written, a Law proposition that institutes a policy of security and health to prison officers, which includes dispositions regarding mental health support, is currently being discussed in the Minas Gerais' Legislative Assembly<sup>72</sup>. This means that while the measures

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<sup>72</sup>See Proposition (Projeto de Lei) 5.304/2018.

currently applied to the problem of mental health of prison officers are timid, this may change in the near future.

Sentinela: Well, yes, it does provide it. There is a phone attached to the board, which is for the employee's mental health (...)thank God, I have never had to use it (...) And I have never seen any colleagues use it, because sometimes the guy who is psychologically unwell, he doesn't see (...) I have never seen anyone access this type of help there. (...) And it ends up being more difficult, when you are seeing red, you don't pay attention to these types of things.

In conclusion, the measures in place regarding stress and mental afflictions within the penal policy of Minas Gerais act by trying to prevent further harm, but not to prevent deterioration of the mental health of the prison staff. In spite of this, from a policy standpoint, we argue that the penal officer should be treated as valuable assets to the policy in the first place, and an array of more effective support measures against stress and mental health problems might help increase performance and reduce operational costs with paid leaves and the training of new hires, as turnover decreases.

#### ***4.2.2.4.2 The resocialization paradox: can we currently provide inmates a better path?***

In this research, it became clear that the conditions on which work is conducted may cause problems to the fulfillment of the resocialization objectives of the penal policy in the state of Minas Gerais. Some of the state prisons are very old, being built decades ago, during an epoch on which the resocialization paradigm hadn't yet been elevated to official policy.

While the infrastructure may have been updated from time to time, some aspects of prison units were inherited as assets from a previous policy, as it has been built incrementally. In practice, conditions may vary, as the rate on which old buildings are reformed and updated also do, and every modification must adhere to the state's financial planning, as in the center of every policy is the problem of allocating finite resources through planning to fulfill the stated objectives.

That being said, the prisons we examined had all recently received some form of repair or reform, and the environments we were allowed to access were kept mostly clean, tidy and orderly when our visitations took place. However, this situation might not be the case in the older prison units, which are at greater risk of power outages, internet

disconnections and other problems that may affect the capacity the institution has to produce its results.

The structure of the newer prison units, beside the cell spaces where inmates would be kept<sup>73</sup>, which this research did not have direct access to, was very well maintained. This was reflected in the interviews, as our participants mostly didn't complain about the infrastructure of the prison units they worked on. A common tone was that it could always be better, especially regarding local aspects that required certain improvements, such as the conditions of sleeping quarters for the staff that worked 24-hour shifts, the effective use of signal blockers, cleanliness of wall stations and other restricted areas, among other recommendations.

Most of the infrastructure problems that were reported in the interviews were related to insufficient resources, such as spoiled ammunition, lacking automobile parts, lack of air conditioning and delays in replenishing office supplies, among others. Another problem reported was a situation of excess of medical supplies, which sadly ended up spoiling due to the lack of personnel to use them at the time. One could argue that the source of both the excess and lack of resources, up to a point, may be explained by the way those resources are distributed by a central warehouse.

The state buys all goods it needs to provide the services of a prison unit through a bidding system, and usually does over an estimation of how many of those resources are going to be used until the next purchase. To distribute such goods, the prison units have to request such items from a central warehouse, and these requests take time to fulfill. According to the participants, it starts becoming a problem when either the requests start to be unfulfilled, leaving things at disrepair, or when one has to wait until the next request to be fulfilled, as predictions are sometimes not accurate, and the unit may be left with too much, or too little, of something they need.

Although the resource allocation could be finely tuned, the decision to keep something as it is certainly affects the effectiveness of the policy, as the capacity to produce results and reach goals, as well as its efficiency, as the amount of resources necessary decrease and the results of their application. When modernization falls behind, the ones most affected are the people that implement the policy in its most fundamental

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<sup>73</sup>The collective of cells in a prison unit is usually referred to as the Gallery by the prison staff.

level, the street-level bureaucrats. It needs to be highlighted that one of such resources that require fine tuning is the staff itself.

In Minas Gerais, management has been able to adapt to specific circumstances and perform the services demanded from them so far, fulfilling their role to the executive and judicial branches of the State. Also, up to a certain level, the existence of some problems with the resource allocation is normal for any government structure. However, when such problems start to interfere with the quality and the of the provided services, as well as undermining one of the objectives of the prison system altogether, the penal policy has to be corrected.

And the place where the resource allocation meets the policy objectives as a problem is resocialization. It was reported that resocialization was not done in an effective manner, as many inmates returned after release, and when the prison unit would have programs in place to try and reach that objective, they would be ineffective, undermined by lack of personnel or conflicts with the procedural norms. Even when there are conditions to act towards resocialization, it is also outprioritized by most activities within a prison unit.

What happens is that both the policy directives and the base-level implementing agents, the prison staff, prioritize security and safety before any of the paths to resocialization that are in place. Not only school and work initiatives are put into the backburner whenever an incident happens, but also the measures to provide the inmates with a path forward are very limited within the policy planning, as few measures are determined beyond keeping the inmates busy. Although there are some institutional efforts regarding work and study initiatives in the prison units we examined, it was stated that they can hardly be understood as opportunities for self-improvement of the inmates, but contribute exclusively to a faster release, as it was stated that inmates would mostly join to acquire sentence remission for the time spent working or studying.

The core of the issue, however, is that even if resocialization is a legal objective to the prison system, it is neither considered by the policy formulation nor properly accepted by the implementing staff. It is seen as a useless effort, as many of the participants reported that they did not believe it could be currently fulfilled, or that they did not believe in resocialization altogether.

Peão: Unfortunately, prisons in Brazil are not meant to re-educate, right? They call it re-educating, but it doesn't re-educate anyone. You see the cells, they're full, they don't get much care. There's something here, because of the partnerships with the city government, right? But it's a place where you don't see any improvement, right? There's no way for people to get better.

Catarina: There are many people here who receive much more care when they are here than outside the prison (...) here they have four guaranteed meals (...) There is a nurse in the unit every day (...) Sometimes psychological care is also provided. Doctors are three times a week. Dentists (...) So, this service is also part of humanization and resocialization (...) But this alone, I think, is far from guaranteeing resocialization, you know.

Due to societal stigmas, which may lead one to see inmates as dehumanized individuals, prison staff may be very critical of resocialization as a policy goal, and this aspect has roots in the work culture. Participants have reported that prison staff may avoid advocating for inmates' interests and for resocialization, not to be seen by others as defenders or sympathizers. The simple act of offering cold water to the inmates was reported to cause fear of depreciation and bureaucratic persecution by colleagues.

Mévio: It was, like, 50 degrees inside the prison (...) Then some prisoners started having diarrhea problems because they drank hot water. So, what was my team's idea? Let's give cold water to the prisoners. This was seen as absurd. So, we almost had to answer for it. (...) by doing something like that, you are labeled as weak, nice (...) you are depreciated.

This rejection of human rights and resocialization as a policy objective by some staff members, which is an opinion that is not shared by all participants, may cause struggles between personal opinions and the identity of a prison officer. One may dislike being seen as a torturer by society, subjected to stigmatization and prejudice, while also rejecting that the inmates should be treated humanely, perceiving human rights organizations as nuisances for their work. Some participants also reported they feel attacked and criticized by human rights organizations, as well as criticized that they do not usually care about the victims' families or the prison officers' rights as much as inmates'.

Olavo: It's as if the prison officer were already an individual dehumanized by society. Society sees you as a repressive, torturous individual; it's the prisoner who beats the prisoner. That's how it is. It's as if, for society, prisoners are more human than the police officers themselves (...) If a police officer dies at the hands of prisoners, these guys are real torturers, they are real aggressors, they are real violent. Now, if a prisoner dies inside the jail, wow, I'm saying that the prisoner, I don't feel sorry for anyone's life, right?

Sr. X: In practice, we see that human rights are actually restrictive, they do not encompass. When we say humans, we mean everyone. I am not included in

human rights. I have never seen a human rights advocate for a police officer in any cause. I have never seen a human rights advocate for a police officer's family (...) I have never seen them hold up a sign. But when it is an individual who does not conform to society's norms, not to mention a criminal, they defend him.

Most participants manifested an understanding that the problems with resocialization they face are symptoms of underlying social issues, but there is no consensus among staff on what problems are these and what causes them. Both Human Rights and Resocialization are not subjects that are emphasized in enough depth on the training members of the penal police receive, as most of the basic training focuses around operational aspects of the job. In consequence, the opinions officers carry regarding these topics are mostly developed by themselves, and may clash with a culture that can act as an opposing force, leading to adverse social consequences to those that show concern for inmates' rights.

This tension, added to a lack of concrete planning by the State regarding how to promote those aspects within prison work, are evidences that these may not be immediate priorities of the policy in Minas Gerais, which has shown itself to be more concerned with carrying out sentences than to provide a way forward to the inmates after release. Therefore, we agree with the participants when they stated that resocialization is impossible in the current model of the penal policy, as there is no clear planning from the policy directives regarding how it should be done in practice, the main implementing agents receive no training on how to do it, and not enough resources are allocated to allow it.

#### 4.2.3 Final considerations regarding Minas Gerais State's Prison Policy

As seen in the previous sections, those who work in prison units, as street-level bureaucrats, in every moment are expected to produce results towards safety and resocialization, controlling inmates and reducing the chances of escapes, riots, incidents and increasing their chances of continuing in a better path whenever they return to society at large. This is done while balancing few resources they are given to throw around, which expresses the regular dynamic of a street-level bureaucracy of the need to conserve resources and prioritize the services provisioned (Liebling et al., 2011; Lipsky, 2019).

The work developed by staff in Prisons, especially security staff, is a thin line between soft power and hard power, in relationships with inmates that are characterized by either authority, enforcing through order and imposing of rules, or humanity, enforcing through continued relationships (Crewe, 2011). This creates a tension within individuals, who are expected to mold their identity and learn to behave accordingly, creating their own style of relationships that will condition every aspect of the policy results.

As priorities of the policy are established now, safety and security always come first, and resocialization and guaranteeing of inmates' rights always come second, which fragilizes not only the array of resources available for resocialization, but also shows that there is little will from the State, from the staff and from society to take effective measures to socialize individuals and provide a path for former inmates to be ready to return to a society that will accept them when they leave.

In Minas Gerais State's prison policy, we did not identify concrete measures that provided concrete and sufficient efforts to produce resocialization and a link from the inside of the prison units to society at large. Visitation is often seen as a privilege, and not a right, and prison work and study policies, which have scarce and limited effects, have little consequence to an inmate beyond conditioning them to the dynamics of salaried work and exploitation found in society. All these are consequences of broader neoliberal policies, which hinder relationship building and resocialization in favour of other measures such as the pursuit of order and confirmity and risk reduction (Crewe, 2011).

Additionally, we discovered that the analysed policy can be broadly defined as a top-down approach, as decision power escalates with the hierarchical chain of authority, and several limitations are attempted to the discretion power of street-level bureaucrats, limiting initiative, problem-solving, alternate solutions and other measures often used to adapt a policy planning to the reality it is set upon. This results in the average prison staff member having such a limited scope of influence that most critical thoughts and innovation are kept as intrapersonal thoughts, not being expressed, either because of the constant state of alertness or because of the wide distance of communication between regular staff, a directorship positions, and a State, administrative, position.

This circumstance, coupled with poor work conditions and a lack of any substantive medical, psychological, personal or legal support from the State to the prison staff, it feels undervalued, abandoned, and useless, performing a work that interests no

one and will be unable to change anything for the better. This creates a unmotivated, uninterested and unengaged mass of workers, subjected to all matter of illnesses and limitations that create instability, insecurity and precariousness in the prison. In turn, the consequence is a vicious cycle between deteriorating conditions and deteriorating relationships, each time hindering the capacity to perform as resocialization agents, hindering policy outcomes.

This is an unsurprising outcome to a penal policy, and is also a reality that might be experienced by other cases of prison work throughout the world. Without a clear objective to resocialize, and with a broader, top down policy, fighting against any efforts of resocialization that could be established through the work of the prison staff, this is unlikely to turn in the near future.

Through every work day, every interaction, incident, or decision taken within prison units, the policy under analysis becomes more ingrained on the problems it has, of overincarceration and human rights violations, that constitute the unconstitutional state of affairs that was judged upon ADPF 347. Currently, we are unable yet to bring any answer to if the change needed to transform prison units in Minas Gerais to resocialization centers, able to turn inmates into productive, accepted and stable members of society, as the distance between the path policy is currently taking and what is desired with resocialization as an objective is too wide, and there are too many pressures from the system, from society and from the state, that are pressing against it.

However, we can conclude this study affirming with relative safety that if the work conditions are not improved, and the prison staff are not seen and treated by the State like what they are, the most central actor of implementation, and most important asset that prison policy could ever have regarding this, change will not come and resocialization will not happen in practice. And as the actual state of the policy is further continued in time, the risk is that the problems that is currently has will be worsened, leading to even worse consequences.

## 5 Concluding remarks

Along this thesis, we highlighted two possible paths to face problems that are framed similarly under policy implementation oriented to prison management. This object is seldom explored in the field of public management, as few works are concerned with the prison policy, choosing to focus instead on law enforcement and the justice apparatus. Prison is not a popular topic among many scholars in this field, and this work seeks to contribute to the scientific literature by analyzing this theme through a multidisciplinary approach, applying elements from sociology, economics, political science, law and, of course, public administration and public policy, to explore a very necessary discussion regarding our research problem. At this moment, we want to highlight some of the theoretical, methodological and practical contributions we offer through this work.

For the theoretical contribution, even among the studies that actually study this topic, there are only few that study prison policy by the perspective of prison staff, and even fewer that study Brazil as a case study, with most being focused in developed countries such as in U.S. or England, with a clear gap on studies that aim to produce Policy Learning that is not tightly related to developed countries. As we aimed to understand Norway and Brazil, two very different cases, so much in fact that a direct comparison seems impossible, this thesis contributes to close this literature gap, providing knowledge of policy implementation and street-level bureaucracy in prisons, outside of the mainstream cases. This thesis also has a methodological contribution to offer, as our analysis was guided by a framework unorthodox for studies outside of economics, despite having no incompatibilities with other approaches. The IAD framework, often applied towards collective action, helped examine policies that are ongoing implementation and mutation, which required the analysis to consider multiple elements at once.

As we analysed in different scenarios the penal policies through the IAD framework, different elements have been highlighted in each case to be pertinent to the policy implementation, yielding a panoramic view of the respective policy and its results. In Norway, we saw a bureaucratic landscape strongly aligned with the rules-in-use, which have been shown to be strict regarding regulation of behavior patterns from the prison officers, while leaving enough discretionary space for them to effectively adapt the policy to the needs of implementation.

In Minas Gerais, however, we saw a wildly different scenario, where the rules-in-use, while coherent with the goal of social control and inmate pacification, left any prospects of resocialization aside due to harsh constraints to the discretionary space of prison officers. Meanwhile, the same rules and standards sometimes caused tensions on the workplace due to physical and budgetary constraints, creating a tenuous balance between bending the rules to do any of the work or adhering to them, leaving some degree of the workload as undone. In both cases, the IAD framework helped the analysis to see the policy through a broader scope, allowing this thesis to reach such conclusions, which otherwise would not be perceived by the interviews alone.

As for the practical contribution of this thesis, we are proud to highlight that this work sheds light on problems that often are ignored by the media, but in no manner dispense immediate attention, for its consequences are impending, and as time goes by, the policy results accumulate and aggravate problems. As street-level bureaucracy is often ignored when implementing a top-down policy that is concerned with particular, and not rarely private, interests, this study attempts to give voice to the prison staff, a collective that fulfill an essential role in modern society, performing a job that not many outsiders are prepared or willing to do. This group is often mistreated, silenced and ignored by the people responsible for policy-making, which is another problem that this thesis wishes to address, even through limited potentiality. We argue that it is important to hear the knowledge of such groups, and this is one of the most valuable contribution this thesis can offer, a way to be grateful for many hours of time and effort that were generously donated by our participants.

As the research object chosen for this thesis, we studied the perspectives of the prison staff regarding the implementation of the penal policy in its daily practice. We examined two very different cases: Norway, with a look into the inner workings of Kriminalomsorgen and the Bergen Prison, and Brazil, studying the prison policy implemented by SEJUSP in the State of Minas Gerais, observing the routines of staff that worked on several different prison units.

We analysed these policies from the viewpoint of the actors that implement their most basic activities, the prison staff as street-level bureaucrats responsible for prison management and maintenance, security and safekeeping, and a plethora of other services tightly related to the prison units. Through several long semi-structured interviews, we

asked our participants to answer questions regarding aspects of their daily work life, such as challenges, tensions, resources and meanings, which, when put together, help build a panoramic view of how those systems work, the social mechanics that are operated within them, and the consequences that policy decisions that were put into place are expected to provoke as long-term results of the respective imprisonment policies.

For the Norwegian case, our findings highlight the structure and actions aimed at resocializing inmates as performed by Bergen Prison. The prison is divided into different wings which serve specific needs, from maximum security units to those focused on gradual reintegration into society. The system includes the appointment of contact officers, who assist inmates with practical and emotional issues, as well as providing voluntary programs to address issues such as substance abuse, aggression and sexual offending. Norway applies a direct approach towards resocialization, as inmates receive support to organize themselves and are monitored when on parole.

However, one of the main challenges faced by Bergen Prison is the process of effectuation, a government directive aimed at reducing costs and increasing efficiency. This process has resulted in a progressive reduction in financial and human resources, which directly impacts the workload of prison staff and the quality of care provided to inmates. As a result, fewer officers are available for dynamic security and sentence planning, which compromises resocialization efforts.

Also, the effectuation process has as a direct consequence a lack of qualified personnel, leading to a hiring of law and law enforcement students to fill the gaps, which lack the necessary training to perform all the required functions. The directive of not replacing departing staff exacerbates the problem, resulting in work overload and difficulties of maintaining order and providing individualized support to prisoners, as each staff member has less time to provide attention and connect with inmates throughout their workday. This situation also has an impact on staff morale, who feel demotivated and powerless in the face of increasing difficulties.

Budget cuts also affect the physical structure of the prison, leading to the temporary closure of wings due to a lack of staff to manage them. This creates friction with other parts of the justice system, such as the police, who have difficulty transferring prisoners to the facility. Rising overhead costs in Norway, such as electricity and consumer goods, further aggravate the situation, as the prison administration is required to provide

certain essentials, limiting expense reductions only to personnel costs, creating a challenge to the financial management of the prison.

Although Norway has a prison model that prioritizes reintegration and offers good conditions compared to other countries, the continued reduction in resources may jeopardize this structure in the future. Without adequate investment and a review of the implementation process, the Norwegian prison system is likely to lose its effectiveness, resulting in increased recidivism rates and worsening conditions for prisoners and staff.

The other case under analysis, the Prison Policy implemented on the State of Minas Gerais, Brazil, suffers from a similar fate. Our findings highlighted some of the structural and institutional challenges faced by the prison system, such as the deterioration of working conditions for prison officers due to lack of investment, salary freezes and a shortage of new hires. The staff shortage worsens stress in the prison environment, as the few available officers face work overload, long hours and risky situations. This contributes to mental health problems among professionals, leading to frequent absences and further reducing availability of the staff.

The resocialization of inmates is a stated objective of prison policy, but reality shows its practical ineffectiveness. Many units were built before this paradigm was adopted, and as such, lack adequate infrastructure. In addition, work and education programs within prisons are limited and often seen by inmates only as a means of reducing their sentence through remission, with no real impact on preparing them for a proper return to society. Furthermore, the staff's first priority is always security, often leaving resocialization efforts in the background.

Our research indicates that there is a divergence between state guidelines and the reality of prisons in Minas Gerais. Prison officers are pressured to follow strict protocols, but lack the resources and autonomy to deal with daily demands from an ever-growing number of inmates. Excessive procedural restraints discourage individual initiative, creating an environment of frustration and resistance among staff members. In addition, the institutional culture often devalues initiatives aimed at the well-being of inmates, reinforcing a cycle of marginalization and criminal recidivism.

Another problem identified is the psychological impact of the profession on prison officers. Many reported symptoms of depression, anxiety, post-traumatic stress and other work-related disorders, which when taken to extreme lengths, often lead to

difficulties in maintaining healthy personal relationships. The stigma associated with seeking psychological treatment discourages professionals from seeking help, worsening the deterioration of mental health, and, severely lacking institutional support, in turn contributes to a hostile and unwelcoming work environment. Without significant changes in the structure, investment in personnel and the reassessment of institutional guidelines, the system will continue to reproduce historical problems, such as overcrowding, violence and criminal recidivism. The appreciation of prison officers as key players in prison policy is essential for any reform attempt that would aim to achieve concrete results in promoting resocialization.

In both cases, the results have shown that a broader political element might be affecting financial aspects of the Penal Policy, reducing available resources, constraining organisational action and limiting what outcomes and results can be achieved. The common denominator is an austerity measure imposed by the top down on the budgets of each policy, concerned with equilibrium of expenses and the amount of money that is being poured into the prisons. The main difference is, that while Norway experiences a welfare-state based policy environment, Brazil is a state with a neoliberal head, and as such, austerity and the reduction of the state's expenses can be understood as primary motivations for its policy decisions.

Minas Gerais experiences consequences of a “reduce cost at all costs” approach, such as a lack of innovation and investment, and an obsolete policy for crime response exclusively reliant of carceral punishment, with no discernible or consistent objectives, which are factors related to the unconstitutional state of affairs that has motivated this investigation. Those consequences accumulate and aggravate themselves over time, and the pursuit of a public policy which has been focused in controlling the incarcerated population through carceral punishment has been producing a great deal of suffering and a great deal of cost in terms of lives and budget, as no amount of additional resources seem to be sufficient to slow down or stop the increases on the incarcerated population over time.

On the other hand, even if the same is true regarding Norway and its prisons with its problems, the results produced by the policy are consistent with the objectives, intervention methods that are put into place by the prison staff, focus on resocialization and a approach that is more aligned with healthcare than crime-fighting. This allows the

staff to not suffer the sensation of uselessness and ephemerality of the work that is found in Brazil, as they receive proper support and respect within their discretionary space, allowing the prison system to not only perform better, but also to be adapt and develop itself through innovation, as there is space and institutional concern, even within the proper procedures, to critically think and solve problems related to the policy, as implementators are valued actors.

The Brazilian prison policy, represented in this thesis by the Case of the State of Minas Gerais, still has a long path to improve to be considered an effective tool in terms of resocialization and crime prevention. However, if this objective was actually the will of the State, we conclude this thesis by arguing that measures such as taking better care of the implementing actors, especially through proper funding and resources, sufficient education and qualification, and reorganizing the system rules to allow for innovation and discretion to be exercised in a rational manner, are essential to begin a healing process for a sick policy, which can only produce sick members of society upon release.

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