



N°12 | Année 2019

Normes, déviances et nouvelles technologies : entre régulation, protection et contrôle

Dossier

## Invisible Walls and the Jailer of Himself Notes on the electronic monitoring of prisoners in Brazil

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### Résumé

Français / English

Basé sur des entretiens et des enquêtes de terrain réalisés à São Paulo et à Rio de Janeiro entre 2015 et 2018, l'article analyse le placement sous surveillance électronique (PSE) au Brésil. S'appuyant sur les récits des personnes surveillées, il présente les liens entre les pratiques de SE et l'incarcération. Il décrit ensuite certains des processus de subjectivation déclenchés par le dispositif de surveillance, en fonction du contrôle de soi. Enfin, l'article aborde l'impact des bracelets électroniques en tant que marque visible inscrite sur le corps, dans des contextes urbains gouvernés par des milices, des factions criminelles et des agents de la sécurité publique.

Based on field research and interviews carried out in São Paulo and Rio de Janeiro between 2015 and 2018, the following article analyses the electronic monitoring (EM) of offenders in Brazil. Drawing upon the personal accounts of monitored people, it presents the connections between EM practices and incarceration. It then describes some of the subjectification processes triggered by the monitoring process, in relation to self-control. Finally, the article discusses the effects of electronic bracelets as a visible mark fixed on the body, in urban contexts governed by militias, criminal factions and public police forces.

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### Entrées d'index

**Mots clés** : Surveillance électronique, Prison, Technologies de soi, Système pénal, Violence.

**Key words** : Electronic monitoring, Prison, Technologies of the self, Penal system, Violence.

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## Texte intégral

### Introduction

Brasilia, March 2007

Federal Senate of Brazil, Senator Magno Malta:

"Prison is no longer the perfect means of control. It is outdated because it still functions in a closed space. The territorial limit determined by prison is no longer a positive aspect of criminal control, but an inconvenience, since it is unsustainable for the state to keep the countless convicted persons incarcerated. Some countries, such as the United States of America, France and Portugal, already use monitoring systems, requiring the use of electronic bracelets to control offenders under community penalties. (...) It would be a kind of control established through satellite, without limits, present in the body of the individual wherever he or she goes. In this way, we call on the illustrious senators to approve this project, which, if approved, will allow the reduction of financial costs for prison establishments, a decrease in prison overcrowding and a faster rehabilitation of the prisoner" (Senado Federal, 2007).

The paragraph quoted above is part of the justification of the senate's legislative proposal no. 175/07, which preceded the implementation of electronic monitoring (EM) of criminal offenders in Brazil. Linked to restructuring measures of the penal system, the EM of individuals in semi-open prison conditions or house arrest was legally authorized in 2010, by the federal law 12,258<sup>1</sup>. It was then when state penitentiary administrations started to elaborate surveillance programmes, contracting private companies that would provide the necessary equipment, infrastructure and services to apply the measure.

In the states of São Paulo and Rio de Janeiro, the tracking system acquired by the penitentiary authorities is called SAC24 (*Sistema de Acompanhamento de Custódia 24 horas*), developed by the Brazilian company *Spacecom Monitoramento*. The SAC24 is based on a set of hardware and software that integrates telecommunication and geo-processing technologies. A bracelet is fixed to the ankle of the monitored person, determining her or his physical position via GPS and radio frequency systems, and sending real-time geo-localational information to a monitoring centre.<sup>2</sup>

In general, the arguments that supported the approval of the so-called telematic control in Brazil were based on the need to 1) reduce prison population; 2) contain the financial costs caused by incarceration and 3) socially reintegrate criminals more efficiently (Senado Federal, 2007). The debates and legislative proposals which preceded the authorization of bill no. 12,258 emphasized the possibility to substitute prison by means of electronic monitoring. At the

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1 The federal law no. 12,258 was approved on June 15th, 2010, modifying the penal execution law (no. 7,210), adopted in 1984.

2 Cf. [<http://www.spacecom.com.br/solucao/equipamentos/>].

beginning of the 21st century, Brazil's prison population had reached alarming levels: Surpassing a total of 494,000 inmates in 2010, it equalled over 258 prisoners per 100,000 inhabitants, according to official data (Ministério da Justiça, 2010). Overcrowded cells, systematic institutional violence and the strengthening of 'criminal factions'<sup>3</sup> characterized the deplorable state of the Brazilian prison complex at the turn of the millennium.

However, contrary to the policy's official aim, during the early years of EM implementation incarceration rates kept growing: In 2016, the amount of prisoners exceeded 726,000 and the incarceration rate surpassed 352 per 100,000 habitants (Ministério da Justiça, 2017b). Simultaneously, 51,515 offenders were being monitored electronically in 2017 (Ministério da Justiça, 2017a). Far from contributing to the announced efforts to reduce prison population, the measure had been applied as a measure of supplementary control, re-dimensioning the limits imposed by prison walls and contributing to 'widening the net' (Cohen, 1985) of the Brazilian penal system.

The diffusion of EM in Brazil thus raises a number of questions concerning the overlapping of penal techniques and its effects on different political and social levels: What are the impacts of EM *dispositifs* upon individuals' lives and bodies? How can we understand the significant investments in modernising the Brazilian penal system against the backdrop of a persisting (and, indeed, expanding) archaic prison archipelago, marked by the most dire precariousness?

Based on field research and interviews carried out in São Paulo and Rio de Janeiro between 2015 and 2018, the present article discusses the connections between EM and the prison institution, as well as some of the subjectification processes triggered by the monitoring *dispositif*. After a brief exposition of the main analytical issues and the methodological approach underlying the present article, I shall fathom the qualitative complementarity between tracking practices and incarceration, drawing upon personal accounts gathered from monitored prisoners. I will suggest the notion of the *jailer of himself* in order to describe some of the effects of EM upon the auto-conduct of monitored people. Finally, I am going to discuss the impacts of electronic bracelets as a visible mark fixed on the body, in urban contexts governed by militias, criminal factions and public police forces.

### **Analytical issues**

The net widening effect produced by the articulation of the prison institution and electronic monitoring devices has been described by criminologists and sociologists of punishment since tracking systems have been deployed in the first place.<sup>4</sup> In the beginning of the 1990s, Palumbo *et al.* (1992) pointed out the potential of EM to both amplify and intensify the state's capacities

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<sup>3</sup> The so-called 'criminal factions' are organised groups that emerged in Brazilian prisons in the late 20th century. Claiming to defend prisoners' rights, today the factions govern prison spaces and run the drug traffic in various parts of the country (Biondi, 2016; Dias & Salla, 2017).

<sup>4</sup> Concerning the historical genesis of electronic monitoring systems, cf. Nellis *et al.* (2013).

of punitive supervision, all the while observing that imprisonment rates did not necessarily decrease as a consequence: On the one hand, the convict population kept growing, both within and beyond prison walls; on the other, community sentences became increasingly rigid, as GPS devices were forcibly attached to the detainees' bodies.

Kilgore (2013) describes the intricate links between the United States' EM policies and the punitive paradigm that oriented the practice of mass incarceration in the late 20<sup>th</sup> and the early 21<sup>st</sup> century. He emphasizes the multiple restrictions of movement imposed upon monitored subjects, which effectively thwart the measure's supposed aim of rehabilitation: The array of rules and obligations defining the measure frequently represents a major obstacle to restoring social as well as professional relationships, thus turning EM sentences into a strictly punitive sanction.

Meanwhile, Paterson (2013) underscores the role of the private security industry in developing and diffusing monitoring devices in both the United States and Europe. Major companies of electronic security systems, such as G4S and Serco, have come to play a vital part in implementing EM policies, benefiting from their tight connections – both formal and informal – with governmental institutions. Nurturing technophilic imaginaries, the sector's representatives encouraged politicians and state institutions to 'modernize' their infrastructures and practices of penal supervision. Temporally coinciding with the mass construction of privatized prisons in the United States, the development of punitive remote supervision systems thus constituted a main vector towards the emergence of a proliferating 'corrections-commercial complex' (Lilly and Knepper, 1993).

In this sense, the initial development of EM systems in the societies of the North Atlantic mainly occurred along the established points of convergence between the public and the private sector (Paterson, 2013; Lilly and Nellis, 2013). The diffusion of expertise and practices between state agencies and profit-oriented private companies made the judicial authorities amenable to an entrepreneurial paradigm foregrounding the utility, efficiency, and economic affordability of penal measures (Foucault, 2008; Wacquant, 2003; Garland, 2008; Aviram, 2016). As a consequence, the juridico-disciplinary account of the criminal subject was complemented by a penal rationality concerned with the politico-economical administration of criminality: The offender is conceived as a rational, benefit-maximising *homo economicus*, an entrepreneur of crime and, hence, fully responsible for the risks he incurs when breaking the law (Gottfredson and Hirschi, 1990; Clarke, 2013; Paternoster, 2010). From both a theoretical and a discursive point of view, EM is a progeny of this recent conceptual shift in Western penal rationality and its novel forms of subjectifying the criminal agent.

According to Nellis (2009, p. 57), "EM has created a new category of surveilled subjects". Combining criminology with a scholarly commitment to contemporary socio-technical imaginaries, Nellis characterizes EM as a techno-administrative preventive measure acting upon individual conduct in defined contexts, rather than remodelling behavioural dispositions as a

long-term project (Nellis, 2019 p. 217). Along similar lines, Vitores and Domènech (2007) define EM as a new technology of social control based upon the administration of risks caused by the offender's corporeal presence within certain socio-spatial settings. Instead of limiting freedom of movement by means of physical walls, the measure's purpose would aim towards responsabilising the penal subject by means of an altogether de-territorialised mode of punitive supervision (Froment, 1998).

In Brazil, the relative dearth of pertinent research beyond the strictly juridical context reflects the incipient character of EM policies in Latin America's largest nation-state. Jesus (2012) presents a historico-political as well as socio-juridical contextualization of EM implementation against the backdrop of Brazil's constitutional framework. He emphasizes the importance of the market for punishment as well as the 'neoliberal bet' as driving forces behind the technology's introduction in the country's penal system. On the other hand, Maciel (2014) situates EM within the debates about penal alternatives and criminal responsabilisation. In his research on the use of ankle bracelets to control domestic abusers, the author underlines some of EM's limits in 'subverting violent masculinities'.

Meanwhile, so far there has been virtually no research whatsoever concerning the sensations and perceptions of those who are most affected by the measure: the monitored subjects. It is in this sense that the personal accounts presented in this article are supposed to reorient both scholarly debate and research practice.

The article's main analytic tool consists in the notion of the *dispositif*, proposed by Foucault (1979, 1980) and further developed by Deleuze (1990). Understood as a *dispositif*, EM ceases to be a mere techno-juridical instrument and, instead, can be read as a connecting thread established between machines, persons, programs, laws, institutions and enunciations, characterized both by its heterogeneity and its versatility (Foucault, 1979; Deleuze, 1990). Following Foucault, a *dispositif* would emerge as a network of mobile connections established between these different kinds of elements<sup>5</sup>.

The article also heeds the comments made by Deleuze (1990), suggesting that the *dispositif* has to be understood as a multilinear ensemble within which relations of power, productions of knowledge and lines of subjectification perpetually emerge. Drawing upon Foucault's and Deleuze's analytical groundwork concerning the contemporary reconfigurations of punitive power and the corresponding 'technologies of the self', it will focus upon the lines of subjectification drawn by the entanglement of EM practices and incarceration in the Brazilian context.

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<sup>5</sup> According to Foucault, the *dispositif* can be characterized as "a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical and moral propositions – in short, the said as much as the unsaid. Such are the elements of that [*dispositif*]. The [*dispositif*] itself is the system of relations that can be established between these elements" (1980, p. 194-195).

## Methodological approach

This article is based upon a series of semi-structured interviews conducted with monitored subjects and their relatives in the states of Rio de Janeiro and São Paulo between 2015 and 2018, complemented by several visits to semi-open prisons (halfway houses) as well as critical readings of legal and commercial documents concerning the implementation of EM in Brazil. Considering the multifaceted character of the *dispositif* in question, the triangulation of research methods aims at gathering the different dimensions of EM programmes, focusing primarily upon the daily experiences of those living under the regime of electronically enforced remote supervision.

The article draws upon 15 semi-structured personal interviews, comprising a total duration of 60 hours. Some of these interviews were realized in penal facilities, others in public places or at the interviewee's private residences. Both duration and location of the interviews would vary according to interlocutors' personal disposition and availability.

Altogether, 85 hours of field research were conducted in three different halfway houses, all of which located in the state of São Paulo. In this context, it has to be observed that in Brazil penal administration is a state matter. In São Paulo, halfway houses accommodate prisoners under semi-open regime, who maintain their right to work outside prison, returning every night in order to sleep in their cells. The use of electronic anklets is therefore limited to prisoners under semi-open regime. São Paulo's halfway houses concentrate most of the state's prisoners wearing electronic anklets; besides, they also host the control centres equipped with computers and monitoring software, which will be described in the following part. Meanwhile, in Rio de Janeiro the use of EM predominantly focuses upon persons serving home confinement, which is why all interviews conducted in Rio were realized in interlocutors' private apartments.

Fieldwork was conducted in cooperation with São Paulo's prison pastoral (*Pastoral Carcerária do Estado de São Paulo*<sup>6</sup>). It was thanks to this organisation and its commitment to the defence of prisoners' rights that research became possible in the first place. The article is, by consequence, the result of a personal involvement with both critical research and political intervention, guided by a common underlying concern with the conditions of imprisonment and criminal sanctioning in Brazil.

Complementing interviews and field research, several legislative documents concerning the deployment of EM will be considered; likewise, information provided by the system's operator Spacecom will be taken into account. The documents refer to the specific enforcement of EM in Brazil and specify the devices' operating principle, thus supplying a further auxiliary towards a critical analysis of an emergent body-machine under perpetual electronic surveillance.

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6 Concerning the prison pastoral in Brazil, cf. [<https://carceraria.org.br/a-pastoral-carceraria>].

## Interfaces within-beyond

"It vibrates. And the LED changes its colour. If it begins to vibrate, a red or purple light turns on. That's to advise me that I'm out of area. 'Cause the good LED is the green one. It flashes the green light" (Interview 1, 2017). Sergio<sup>7</sup> describes the system of alerts issued by the SAC24 electronic bracelet that controls the fulfilment of his house arrest in Rio de Janeiro. A combination of luminous and vibrating alerts that signal the good or the bad use of the equipment, detected by his presence within or his absence from a perimeter zone determined by the criminal justice. Thaiané, monitored while serving her semi-open regime in São Paulo, explains: "you've got a radius, an invisible radius, in which you can circulate. If you get out of it, you're fucked up, man. You're fucked up" (Interview 2, 2017).

In case of violations of judicial rules, the potential consequences are multiple and hard to predict. Deivid was beaten and isolated for one month in the punishment cell when he got back from a temporary release to Sorocaba's penitentiary centre, in the interior of São Paulo state. His bracelet had signalled his absence from the enforcement zone. Sergio, in turn, got used to the alerts emitted by the apparatus fixed onto his body. He lives in the western part of Rio and studies downtown. According to the guidelines of the penitentiary intelligence system, Sergio is not supposed to leave the municipality. "But you end up disobeying. I disobey. I go out to Friburgo or any other city. I've never been sanctioned for that. Anyway, they say that if you're caught, you're trapped. But I take the risk" (Interview 3, 2017).

The monitoring software permits the configuration of control zones, customized for each monitored person. The inclusion areas generally comprise the individual's residence (in cases of house arrest or temporary release), the halfway house (for prisoners in semi-open measures) and their place of work or study. Surrounding these geographical points and the path that connects them, a certain zone is defined, delimiting the perimeter within which the offender is allowed to roam. The distance between the points of the path and the spatial limit tolerated by law enforcement composes the 'invisible radius' mentioned by Thaiané. The EM *dispositif* thus embodies a consequential reconfiguration of penal practices: Given the de-territorialising effect of control technologies, it effectively transcends the panoptic model of intramural surveillance (Froment, 1998; Bogard, 2006). Nevertheless, the new mechanisms of control at a distance remain attached to penitentiary dynamics as the disciplinary techniques of physical imprisonment are maintained or even reinforced.

While serving his sentence in the metropolitan region of São Paulo, Anderson circulates among the interstitial spaces between the interior and the exterior of prison walls. The following note describes his itinerary:

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<sup>7</sup> All names of monitored persons are pseudonyms.

Every day of the week, Anderson wakes up at 6 o'clock in the 29th cell of Castelinho's<sup>8</sup> ground floor gallery, as the halfway house Franco da Rocha is colloquially known. Before leaving his cell, he makes sure his portable tracking unit (PTU) battery is properly charged. The PTU is part of the electronic monitoring system that controls his permanence within the confines of a determined geospatial corridor during his excursions to his workplace downtown. The equipment registers his location and sends it to a computer installed in the prison centre, via GPS, whose signals are transmitted in real time through the network of satellites that compose the system. At 10 pm at the latest, Anderson is expected to be back at the halfway house. On Sundays, unable to leave prison, he takes two pills of Rivotril and sleeps in his cell (Field note 1, 2015).

The archaic and imposing *Castelinho*, built in the early 1930s according to the aesthetic standards of neo-classical colonial architecture, received its ironic nickname as a paradox hybrid of a sumptuous home and a monument of agony. Side by side, prisoners walk up and down its narrow staircases and dim corridors, bearing up against the foul smell that hovers over the place, due to steady overcrowding and a deficient supply of fresh water. In a cell made for 50 people, more than 110 prisoners improvise sheet shacks and share mattresses infested by bedbugs. "Life there is unbearable", says Anderson (Interview 4, 2015).

In 2012, the *Departamento Estadual de Prevenção e Repressão ao Narcotráfico* (state department of drug trade prevention and repression) arrested him with ecstasy and cocaine in a nightclub in the central region of São Paulo. After two and a half years in closed regime, today he serves his sentence in the prison-monitoring commuting flow. Object of the superposition of EM and incarceration, he circulates between the interstices of inside and outside the walls. Like him, more than half of all monitored people in Brazil are in this situation, electronically surveilled during their working hours and locked up in halfway houses during nights and weekends.

Besides, technical and socio-technical failures are commonly reported by monitored prisoners and their relatives. There are recurrent incidents of people returning to closed regime because of technical problems with their electronic monitoring equipment. Frequently the sanctions go further. Deivid's destiny is telling in this context:

In the beginning of 2016, Deivid faced some problems with his monitoring equipment while on a temporary release from Sorocaba penitentiary. Heeding advices by prison agents, Deivid could not exceed a distance of 30 meters from his house during night time. Otherwise, the electronic bracelet would indicate a 'violation of the enforcement zone', signalled by a red LED. Hence, Deivid remained constantly at home. One day, however, he and his wife, Irene, noticed that the red LED was flashing on the bracelet. Shortly after, the equipment began to emit a beeping noise. Concerned, Deivid and Irene telephoned the prison unit, telling them what was going on. They were advised by prison agents to resume their activities normally, since, according to them, the monitoring software installed in the penitentiary centre did not indicate

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<sup>8</sup> 'Little castle', in Portuguese.

any irregularity. The couple followed the directions. Nonetheless, on the return day of the temporary release, Deivid was surprised to be received in prison with punches and handcuffs. He was immediately put in the punishment cell on the grounds that he had disrespected the monitoring rules. After 30 days of isolation, Deivid was sent back to closed regime (Field note 2, 2016).

Associated with prison agents' brutality – well known by Brazilian prisoners<sup>9</sup> – the belief in technology's efficiency and objectivity made Deivid suffer the consequences. Artefacts don't lie. The faith in technological neutrality guarantees the truth of the system (Winner, 1986). Maria, who was monitored in 2011 while serving a semi-open sentence in São Paulo, reaffirms: "The equipment's truth is our lie. The fault will never be the bracelet's, it will always be ours" (Interview 5, 2017). That was the assumption of the agents on Deivid's testimony, turning LEDs and acoustic alarms into beatings in the punishment cell.

Anyway, the connections between EM and the prison institution are also established by false alarms and 'technical failures' that can send back inside the walls those who had the bad luck to carry defective equipment. If electronic control allows a flexibility of spatial confinement, this flexibility is qualified by a certain 'elasticity' (Augusto, 2013) that reaffirms the centrality of the prison regime and its persisting physical violence. It is not a matter thus of equating technical glitches with the system's failure, but of understanding its performance also – and crucially – within and through its supposed malfunctions (Butler, 1997): to avoid the quick conclusion that the device does not work because it is flawed and, instead, inquire how its fallibility is, in fact, an integral part of its functionality (Foucault, 1975).

### **The jailer of himself**

Art. 146-C. The convicted person will be instructed about the care that must be taken with the electronic equipment and the following duties:

I – to receive visits from the clerk responsible for electronic monitoring, to respond to his contacts and comply with his guidelines;

II - to refrain from violating, modifying or damaging the electronic monitoring device in any way or allowing others to do so;

(...)

Single paragraph. The proven violation of the duties stated in this article may entail, at the discretion of the judge, having listened to the public prosecution service and the defence:

I – the sentence regression;

II - the revocation of temporary release;

(...)

VI - the revocation of the house arrest;

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<sup>9</sup> Concerning the routine abuses committed by Brazilian prison guards, cf. Godoi (2018).

VII - written warning, in all cases in which the judge decides not to apply any of the measures provided for in items I to VI of this paragraph' (Law 12,258 / 2010).

**Equipment TZPR01 (1 piece)**

If the purple light flashes, call 0800 643 5510;

You are the faithful trustee of this equipment;

Your freedom depends on compliance with these rules;

Recharge for at least 3 hours a day;

Do not break or tamper with this apparatus.

(Spacecom, Instructions sheet).

The first quote is an excerpt of the federal law approved in 2010, regulating the implementation of EM in Brazil. The second is taken from the user manual of Spacecom's *SAC24* geo-location anklet. Both texts emphasize the offender's responsibilities and the care (s)he has to take of the equipment, specifying a regime of contact with the agents charged with operating the system, either through periodic visits of public servants or through phone calls from the company's monitoring centre.

The immediate purpose of EM is to reinforce individuals' sensation of being monitored, reminding them that their movements are being watched and that noncompliance with judicial decisions will lead to a more severe punishment (Nellis *et al.*, 2013). During my conversations with Anderson, he frequently mentioned the feeling caused by the monitoring equipment attached to his ankle. His accounts emphasized the shame of exposing his body marked by the apparatus, as well as the reiteration of his penal condition imposed by the permanent control of his movements: "For me, the bracelet has an impact upon the mind just like prison. I'm on the street but I'm still trapped, monitored. It seems that there is a jailer by my side all the time, looking at me in every corner" (Interview 6, 2015). Similar perceptions are identified by Kilgore (2013, p. 132), based upon interviews with prisoners in the United States: One of his interlocutors expresses the "imprisonment kind of feeling" produced by EM.

When asked about the rules of his EM sentence, Anderson explained that he had to remain within a perimeter of 100 metres around the route stipulated between the halfway house and the office where he works as a janitor, in downtown São Paulo. "I also mustn't go to places that could be risky for me: a drug spot, nightclubs, bars... After all these years in prison, I don't even think of disobeying", he says (Interview 7, 2015).

Sergio, in turn, expresses his own perceptions on the conditions of his house arrest under EM in Rio de Janeiro:

"They say I mustn't go to a place that sells alcohol, for example. But if I need to get into a bar, I'll come in. It would not keep me from going. Now, what's the point? If there's a fight in the

bar and I'm there, I'm screwed. If I'm taken for testimony, even if I'm a victim on that occasion, I'm taken to the police station. I may be a victim in this process, but I shouldn't even be there. I get arrested. So you have to evaluate. Think well" (Interview 8, 2018)

The threat of going back to the closed prison regime is the risk to be evaluated. The monitored subject must analyse the dangers involved in violating EM rules, trying to resist the benefits that could result from non-compliance. The intimate calculation that opposes the advantages of a 'free' conduct, which neglects judicial rules, to the risks of sentence regression, should serve as a parameter for the monitored individual to conduct himself based on his own judgments, guided by evaluations and prognoses of losses and gains.

Concerning the underlying purposes of EM, Vitores and Domènech (2007) argue that

"it is not so much about correcting and shaping the subject, as it is about creating a low-risk way of life: habits, routine and a lifestyle that are safe for society. It is not so much a normative individualization, as it is the monitoring of higher or lower risk movements. It is about managing risk and enhancing safety more through habits and labile routines than through normative divisions<sup>10</sup>" (p. 13).

The object of intervention is, in other words, less the subject's individuality than its conduct, understood in its Foucauldian definition as "the way of behaving within a more or less open field of possibilities" (Foucault, 1982, p. 788). It is the conduct of the offender in his "natural environment" that one must control through electronic monitoring technologies (Schwitzgebel, 1969). To do so, the sanction's terms are inverted: Rather than inserting the individual's body into a penal institution, a penal device is installed upon the body of the individual. The body imprisoned is replaced by the embodied prison.

This technical inversion produces its own subjectivation effects. Corresponding to the criminological imaginary that depicts the offender as a calculating agent (Gottfredson & Hirschi, 1990; Clarke, 2013; Paternoster, 2010), the EM *dispositifs* transfer the prison agent's tasks to the prisoner himself, repositioning surveillance activities within the practice of rational self-government. The self-control imperative anchored in the neoliberal paradigm of individual responsibility finds its prototypical expression. The offender "must be governed from within by a technical rationalization of his relation to himself" (Dardot & Laval, 2016, p. 350). The monitored subject becomes technically oriented and individual manager of his own sanction.

Nevertheless, the criminal's conversion into his own prison agent reveals itself in many different ways, such as the tendency of isolation and self-exclusion reinforced by the ostensive mark that the equipment inscribes upon the body. Anderson describes the temporary release under

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<sup>10</sup> "No se trata tanto de corregir y moldear al sujeto, como de crear un marco de vida de bajo riesgo, unos hábitos, una rutina y un estilo de vida seguros para la sociedad. No se trata tanto de una individualización normativa, como de la monitorización de unos movimientos de riesgo más alto o más bajo. Se trata de administrar el riesgo y potenciar la seguridad más a través de hábitos y rutinas lábiles que de una división normativa".

electronic monitoring as another moment of isolation: "it makes me want to stay at home by myself" (Interview 9, 2017). Deivid also spent most of the time locked in his house during the temporary releases when wearing the bracelet, worried that the neighbours would realize the presence of a prisoner in the neighbourhood. "Even in the house, when a visitor arrived, a person he did not yet know, he was always in his room, he never left the room", reports his wife, Irene (Interview 10, 2018).

Elton's reaction was even more radical. Monitored in Rio in house arrest, Elton erected a wall around his house so that neighbours and passers-by could not see him wearing the bracelet. According to his wife, Angela: "when Elton arrived here, the first thing he did was to do work in the house. He raised a wall around it and covered all the cracks in the gate. All the passages of the gate ajar, he covered everything. He sealed the house" (Interview 11, 2016). The shame of being exposed with an apparatus that identifies him as a criminal was added to the sensation of being under surveillance and the looming threat of closed prison. The de-territorialized prison is thus re-territorialized in the spaces where the offender lives, making his own house into a sort of prison in which the walls are finally restored, now by the prisoner himself.

In any case, the imposition of physical limits that demarcate closure spaces is no longer necessary for establishing the prisoner's condition. The inside and the outside reach a point of indistinguishability at which the walls no longer circumscribe the penal space, now tied to the offender's body.

In between the connections, the body seems to persist as the direct and immediate point of incidence of punitive techniques, integrated with technological systems. Following here Deleuze and Guattari, "(...) a machine is never simply technical. Quite the contrary, it is technical only as a social machine, taking men and women into its gears, or, rather, having men and women as part of its gears along with things, structures, metals, materials" (1986, p. 81).

## **The Marked Body**

'The Traveller wanted to raise various questions, but after looking at the Condemned Man he merely asked, 'Does he know his sentence?' 'No', said the Officer. He wished to get on with his explanation right away, but the Traveller interrupted him: 'He doesn't know his own sentence?' 'No', said the Officer once more. He then paused for a moment, as if he was asking the Traveller for a more detailed reason for his question, and said, 'It would be useless to give him that information. He experiences it on his own flesh'

(Franz Kafka, *In the Penal Colony*).

Regarding the visible stigma that the EM equipment establishes on the body, Sergio tells me about the reception of monitored prisoners by Rio de Janeiro's militias<sup>11</sup> in neighbourhoods controlled by them:

"If the militia sees a guy with a bracelet, they will stop him. In the neighbourhood, when they see that someone is monitored, he is identified as a criminal by the state. And then, depending on the crime that he committed, he will be beaten or even killed. I've seen a situation like that. That the militia found out that the guy with a bracelet had killed a cop, and they executed him. Anyway, if you're with a bracelet in the militia area, you're subject to a number of things. You can be killed or beaten, just because of the bracelet" (Interview 12, 2018).

The public identification of the criminal body has diverse implications, varying according to spaces and circumstances. In certain areas of Rio, it may lead to informal investigations of offenders' criminal records through the close link between militiamen and the police, which may result in the execution of the offender if his penalty results from a crime not tolerated by

Sergio continues:

"There is a neighbourhood in Jacarepaguá where I don't know anyone. It's a militia's area. Sometimes I take a bus that passes by. Then I happen to have shorts and the bus has gone there. Someone enters the bus and sees me with the anklet and thinks I'm a threat. He tells me to get off the bus. He warns the militia in the neighbourhood: 'Hey, there's a monitored guy in the bus, I think he's going to rob the bus.' The guys will frisk you. They can either come in shooting, because there is this potentiality of violence, or they will frisk you, they will sculpt you, they will interrogate you. Cause they have that capacity and that legitimacy within those spaces. And society will applaud. Tomorrow I'll be in the newspaper as an ex-convict that was killed in militia area. And people's consent will be: 'He was stealing.' I'd die for nothing. And no one will question, because the bracelet itself will legitimize my death. It may seem strange, but if I die with a bracelet, the bracelet itself legitimizes my death" (Interview 12, 2018).

Inserted in a context of conflict led by public-private agents of extermination, the monitoring equipment's collateral effect can be the production of the executable subject, by stamping crime as a visible mark on the leg of the criminal. Inscribing the sentence on the body of the sentenced, the bracelet reiterates to society the truth of his condemnation, making the monitoring apparatus oscillate between its biopolitical functioning, designed to produce and conduct self-managed circulations, and an unpredictable necropolitical aspect, directed to the identification of the killable life (Mbembe, 2003).

Analyzing EM programmes in Europe, Froment (1996) characterizes the use of ankle bracelets as a form of updating the corporal punishment. On the one hand, the marking of the suspect's

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<sup>11</sup> The militias in Rio de Janeiro are armed groups that control certain territories of the city through the coercion of local residents and merchants. Generally, the militias are headed by police officers or former police officers motivated by personal gain and by fighting drug trafficking groups.

body by the monitoring device rescues the Ancient Regime's punitive procedures, based on the inscription of the sovereign mark in the flesh of the offender: the scar, the tattoo or the amputation as signs of infamy and public humiliation (Foucault, 2013). On the other hand, the new forms of EM marking are linked to the current penal deinstitutionalization measures, guided by contemporary strategies of mobility management.

"The bracelet is a mark, but a miniaturized mark, a digitized symbolic form, which the power deposits on the body of the one he possesses. (...) At the moment when power releases the body from its institutional hold, it inscribes its mark. (...) But is it not precisely the trick of power to transform an instrument of liberation into a means of domination?" (Froment, 1996, p. 28)<sup>12</sup>.

The penalized body that was once publicly mutilated and ostensibly displayed in the theatre of suplices is now sent to society under the mark of the State that constitutes its identity. In Rio de Janeiro, the insertion of the monitored body in the urban circuits governed by militias updates the sovereign power by exposing to death the criminal's life. In São Paulo, some reports indicated that the use of electronic bracelets had turned into a way of demonstrating allegiance to one of the 'criminal factions' that dispute the economic and political control of prison spaces and urban territories. According to Vladimir, who was monitored in 2014 when serving his sentence under semi-open conditions in the interior of São Paulo state, prisoners belonging to the *Primeiro Comando da Capital* (PCC)<sup>13</sup> used to wear the bracelet on the right leg, whereas those belonging to enemy groups used it on the left. 'Each crew puts it on one side' (Interview 13, 2016), he reports. Having already had a quarrel with one of the 'heads' of PCC, Vladimir told that he used to wear the device on his left leg, so that he came to be threatened shortly before breaking the equipment:

"It was about 2 years ago. I was coming out from Sorocaba's Penitentiary. I was going to Osasco, to my father's house. When I got out of the bus, three of the PCC brothers were already on my back. They saw the bracelet on my left leg and came talking to me. They pushed me against a wall and said that they had to take me to discuss elsewhere. I clenched my fist and said, 'Yo, what you want to do to me, you do it right here. I'm not going anywhere with you, we solve this right here and right now'. There was a police base nearby. The cops arrived to see what was happening and the guys ran away. I explained to the officers that I was on temporary release, I showed them the bracelet and the document that proves it and they let me go. After that, I went to Nossa Senhora da Lapa Church. I got there, I prayed, I took a knife and cut the bracelet. I left it there in the church in gratitude to Our Lord" (Interview 14, 2016).

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<sup>12</sup> « Le bracelet est une marque, mais une marque miniaturisée, une forme symbolique numérisée, que le pouvoir dépose sur le corps de celui qu'il possède. (...) Au moment où le pouvoir libère le corps de son emprise institutionnelle, il y inscrit sa marque. (...) Or, n'est-ce pas précisément la ruse du pouvoir que de transformer un instrument de libération en un mode de domination ? ».

<sup>13</sup> PCC is the biggest 'criminal faction' in Brazil.

Vladimir remained fugitive for about a year and a half before being recaptured and sent to the Detention Centre of Belém, a unit for pre-trial detention, but which houses condemned prisoners due to the lack of capacity in penitentiaries. Beyond Goffman's concept of stigma as a social instrument founded on discredit and social disqualification (Goffman, 1986, here the marked body refers to the self-affirmation of the identity that socially enables the individual to be recognized as a member belonging to a certain criminal collective.

Whether or not a prisoner is a faction member, the criminal condition fixed on the body that goes beyond the walls is predicated to convert the monitored individual into a privileged target of police attention. Several reports underline how the monitoring device attracts the persecutory gaze of policemen and private security agents.

"Everyone keeps looking at you. In the market, security agents kept stuck on me. And it calls the attention of the police. One day I went to meet my daughter at school with the bracelet. It was horrible. The school patrol came towards me, and then one of the cops started to search me and make me questions. Everyone was watching, my daughter did not understand anything, she was super nervous" (Interview 15, 2016).

As Natasha reports, the "dangerous body" that mobilizes police precautions can now be recognized by the sanction it bears. Whether it is through the production of the killable life, whether by the self-assertion of factional identity or even by the circumscription of the suspect to be closely watched by the police, the monitoring *dispositif* seems to reinforce discriminations and conflict dynamics rather than minimize them by imprinting on the individual's body the mark of the penal policy.

### **Final remarks**

The introduction of EM in Brazil has largely been supported by the incorporation of the penal discourses that place emphasis on the efficiency of criminal policies and the economic aspects of penal practices. On the one hand, incarceration is pointed out as a budgetary problem, overly expensive for the public coffers. On the other, high rates of recidivism reveal prison's inefficiency in rehabilitating those who are sent to it, demanding for "cost-efficient community corrections". Together with magistrates and legislators, the crime control industry presents the advantages of EM systems by mobilizing an economic-political argument of public service provision based both on the hypothesis of rehabilitation and the cutting of expenses that its products provide to the State. Composing the eclectic chorus that goes for the implementation and expansion of EM in Brazil, statements linked to human rights defense present their claims for alternatives to imprisonment (Campello, 2014).

Rather than being related to a single rationality, the setting up of EM policies in Brazil establishes a continuum between correctionalist foundations, managerial purposes and punitive arguments based on the goal of reinforcing the control over community sanctions. From the project to the programme, the importation of these new penal techniques has

unforeseeable impacts in the Brazilian penitentiary scenario, as argued in this article. It combines the absorption of a new penological lexicon with traditional authoritarian local practices.

I have briefly presented the enforcement of EM in Sao Paulo and Rio de Janeiro, in order to investigate how it acts upon offender's minds and bodies and what are the ways in which these technologies of punishment play out within the penitentiary as well as urban contexts in Brazil. This investigation is part of a broader research agenda interested in how new penal and security technological systems are introduced in Latin American contexts of violence and precariousness and what their main social and political effects are<sup>14</sup>.

My focus here is on the impacts of EM *dispositifs* upon subjects' lives in the Brazilian metropolis and its relations with prison spaces and urban conflicts. Although still very much attached to incarceration, the practices, programmes and rationalities<sup>15</sup> that compose EM *dispositifs* indicate the constitution of a new kind of penalised subject, as confinement and discipline cease to be the main strategies at stake (Nellis, 2009). This new *homo penalis*, turned into a rational *homo oeconomicus*, is thus composed by the hybrid biotechnical formation constituted by the convicted individual and the technological system that controls its displacements and identifies it as a criminal. A sort of technological zone (Barry, 2006) is established between the sanctioned individual and the machine to which it is attached, mediated by the body-machine interface. To come thus to a better understanding of the contemporary practices of governing crime in Brazil, examinations of prison and (in)security studies can therefore be complemented with the timely irritations to be found in post-humanist approaches to questions of control and punishment.

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14 I develop these discussions in the Laboratório de Pesquisa Social da University of São Paulo (LAPS/USP), together with Alcides Peron (Universidade de São Paulo), Andrea Roca (Universidade de São Paulo), Claudio Althenain (Universität Hamburg/ELTE Budapest) and Leandro Siqueira (Pontifícia Universidade Católica de São Paulo).

15 In another article, I discuss the different arguments and discourses that sustain and justify the EM practices in Brazil. Basically, they are founded on heterogeneous rationalities, oscillating between the humanitarian claims for alternatives to incarceration, economical demands for cost-effectiveness of penal measures and punitive discourses demanding the reinforcement of control over communitarian penal measures (Campello, 2014).

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## Pour citer cet article

### Référence électronique

Ricardo Urquizas Campello, "Invisible Walls and the Jailer of Himself", Sciences et actions sociales [en ligne], N°12 | année 2019, mis en ligne le date 17 décembre 2019, URL : <http://www.sas-revue.org/n-conception/67-n-12/dossier-n-12/169-invisible-walls-and-the-jailer-of-himself>

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