

Training Guide on Alternatives to Imprisonment I



Postulates, principles
and guidelines for the
policy of alternatives to
imprisonment in Brazil

SERIES FAZENDO JUSTIÇA | COLLECTION ALTERNATIVES TO IMPRISONMENT



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CONTENTS

PREFACE	7
TECHNICAL PRESENTATION	8
INTRODUCTION	11
1. HISTORY OF THE POLICY OF ALTERNATIVES TO IMPRISONMENT IN BRAZIL From alternative sentencing to alternatives to imprisonment and the need for a Management Model	14
2. POSTULATES FOR A MANAGEMENT MODEL ON ALTERNATIVES TO IMPRISONMENT IN BRAZIL	17
3. PRINCIPLES AND GUIDELINES FOR ALTERNATIVES TO IMPRISONMENT	20
3.1. Principles for minimum, decarcerating and restorative penal intervention	21
3.2. Principles for dignity, freedom and protagonism of people in alternatives to imprisonment	26
3.3. Principles for integrated action among federal entities, the Justice System and community towards decarceration	28
3.4. Guidelines for a Management Model on Alternatives to Imprisonment	29
4. THE SYSTEM OF ALTERNATIVES TO IMPRISONMENT	32
4.1. Competence of the State Executive Branch	33
4.2. Competence of the Municipal Executive Branch	36
4.3. The partnership between the State Executive Branch and the Justice System	36
4.4. Management Group of Alternatives to Imprisonment in the states and municipalities	36
4.5. The technical team of the Integrated Centre for Alternatives to Imprisonment	37
4.6. The partner network	37
5. THE INTEGRATED CENTRE FOR ALTERNATIVES TO IMPRISONMENT	40
5.1. The management body of the policy of alternatives to imprisonment in the State Executive Branch	41
5.2. The Integrated Centre for Alternatives to Imprisonment's Duties	43
5.3. Structure of the Integrated Centre for Alternatives to Imprisonment	45
5.4. Terminology changes in the follow-up of alternatives to imprisonment	46
REFERENCES	49

Preface

The National Council of Justice (CNJ), in partnership with the Brazilian Ministry of Justice and Public Security (MJSP) and the United Nations Development Program (UNDP Brazil), jointly developed the Programa Fazendo Justiça (Doing Justice Program), which comprises a set of initiatives aimed at addressing systemic challenges related to deprivation of liberty throughout the Criminal and Juvenile Justice in Brazil.

The program aligns with the United Nations Sustainable Development Goals, specifically Goal 16 – Peace, Justice and Strong Institutions, to promote access to justice and strengthen institutions based on social inclusion.

The strategy proposes the creation or improvement of structures and services in the Brazilian Executive and Judiciary Systems, as well as the promotion of professional training, publication of knowledge products, and support in the production of regulations. There are 29 initiatives carried out simultaneously with different stakeholders, focusing on achieving tangible and sustainable results. Among them, the ‘International Articulation and Protection of Human Rights’ initiative seeks to promote the exchange of experiences between Brazil and other countries in the field of public policies on the Criminal and Juvenile Justice.

The program is currently in its third stage, which aims to consolidate the changes made and transfer the knowledge accumulated. The publications bring together the experiences developed and synthesize the knowledge produced during the first three stages, in addition to supporting professional training activities for a broad audience in the field.

Therefore, guides, manuals, researches and models were created in order to relate technical and normative knowledge to the reality observed in different regions of the country. These resources identified best practices and guidelines for the immediate and facilitated management of incidents.

To share its knowledge and communicate successful experiences to a wider audience, the program translated its main titles into English and Spanish. This strategy also involves promoting events, courses, and training in collaboration with international partners, as well as disseminating these translated knowledge products to spread good practices and inspire social transformation on a global scale.

Rosa Weber

President of the Federal Supreme Court and the National Council of Justice

TECHNICAL PRESENTATION

Alternatives to imprisonment: for minimal penal intervention, non-incarceration and restoration in favour of people's freedom, dignity and protagonism

This guide integrates the didactic material for training and sensitization of the actors that make up the field of alternatives to imprisonment and is the result of a specialized consultancy by the United Nations Development Programme – UNDP Brazil, in partnership with the National Coordination of Alternatives to Imprisonment – CGAP/DEPEN of the Ministry of Justice. It was subsidized by several meetings between experts and public servants working in the field of the Criminal Justice System in Brazil.

The result of this work encompasses the history about the National Policy of Alternatives to Imprisonment, making a consistent analysis of its development based on a critical perception about the culture of incarceration and expansion of crime control in Brazil. It consolidates a Handbook of Management, considered a robust theoretical effort, a product of research, working groups, debates and audacious evaluation of the paths so far covered by the policy of alternatives to imprisonment in Brazil.

It is necessary to recognize that many advances and substantial results have been achieved, including the dissemination of Centrais de Alternativas (Alternatives to Imprisonment Centres) in

many states, both under the management of the Executive Branch, as well as by the agencies that make up the Criminal Justice System. However, with regard to the initial expectation of consolidating an actual alternative to the hegemonic use of custodial sentences by the State, we have not seen any advances. On the contrary, although we have witnessed the growth of the policy of alternative sentences and measures in certain states, it has not been able to impact or even slow down the incarceration rates in Brazil.

Changing this picture has become the main goal of all professionals involved in the preparation of the Management Model published in 2017 by the Ministry of Justice and now disclosed here as a Guide. How to face the mass incarceration policy experienced in Brazil? What paths should be taken so that the policy of alternatives to imprisonment does not reproduce the same punitive approach and mechanisms of crime control?

In this Guide, the reader will find consistent proposals for such questions. Proposals that give alternatives to imprisonment a public policy language, presenting concepts and working tools required to guide the implementation and devel-



opment of services in the field of alternatives to imprisonment in a systemic and coherent manner, with tangible objectives and results.

This first guide presents the historical and critical reconstruction of the development of the policy of alternatives to punishment in Brazil, consolidating the basis for the proposition of postulates and principles that reinforce the strategic role of alternatives to imprisonment as a field of defence and struggle for minimal penal intervention, that is decriminalizing and restorative. The dignity, freedom and protagonism of people in alternatives to imprisonment are also raised to a central core of principles that are presented here and should guide, in an integrated way, the actions of all federal entities and the agencies of the Criminal Justice System.

In Guide II, we present restorative justice, as a cross-sectional methodology that should permeate the professionals' outlook in relation to all modalities of alternatives to imprisonment.

Guide III is dedicated to pre-trial non-custodial measures, indicate the need for the policy of alternatives to imprisonment to constitute quali-

fied teams to operate from the detention control hearings, in attendance to people who have their freedom granted, with or without pre-trial non-custodial measures applied.

In Guide IV, we present the methodologies regarding the following modalities of alternatives to imprisonment: plea bargaining for low-level offences, non-custodial penalties, deferred prosecution agreement and suspended sentence.

The last publication, Guide V, presents the liability measures for men who commit violence against women, detailing the methodologies, workflows and procedures of accountability services, such as Therapeutic Groups as provided by the Maria da Penha Law.

For all these modalities, will be presented concepts, procedures, workflows and working tools.

This publication consolidates an important phase of paradigmatic and instrumental expansion that seeks the national strengthening of the policy of alternative sentencing, focused on the reduction of incarceration in Brazil. The result of this work should support the induction role of the National Council of Justice, as well as the Superior

Councils of the Public Prosecutor's Office and the Public Defender's Office, providing the necessary firmness and alignment so that the states and civil society are stimulated, guided and supported for the dissemination and implementation of the policy of alternative sentencing in order to counteract the growing mass incarceration in Brazil.

Expanding responses in order to confront violence and criminality is of utmost importance, and many of the tools for this transformation are systematized in this training and awareness material. It is definitely possible and necessary to work on accountability, believing in human beings, in their ability for transformation and reversal of trajectories, investing in paths of participation and mediation, in access to rights, in the maintenance of family and community ties and, in particular, in the restoration of damage and social relations.

We wish you a good reading! We hope that the references recorded here will serve as guidelines for Public Authorities and also as a beacon for the actions of control and participation of civil society in the processes of formulation, implementation, monitoring and evaluation of public policies developed in the field of alternative sentencing.

This material was produced from the *Handbook of Alternatives to Imprisonment Management*, now systematized as a Guide for the training and awareness of all institutions and people who work in the field of alternatives to imprisonment in Brazil. In the *Handbook of Management*, you will find more detailed information on each topic listed in the Guides.



INTRODUCTION

Brazil is the third country that incarcerate the most in the world today, according to data from the National Penitentiary Department (MJ, 2017), which means an increase of more than 80% in the prison population over the last ten years.

Regarding the total prison population, as portrayed in the 2015 Incarceration Map, 38% are on pre-trial detention and about 18% were arrested for crimes that have penalties of up to four years, cases in which the law indicates the right to an alternative to imprisonment penalty. Moreover, the population deprived of liberty is mostly black, which shows a bias of the Criminal Justice System to selectivity, reinforcing and masking structural violence related to cultural and ideological factors that increasingly consolidates the genocide and exclusion of the black population in Brazil every year, through criminalization.

From a blunt criticism of the penal model that has incarceration as its hegemonic method, alternatives to imprisonment have emerged. Based on the Tokyo Rules, the alternatives to imprisonment provides the use of custodial sentences for serious crimes and dangerous offenders, and the use of non-custodial sentences for other offenses and minor crime. In Brazil, alternatives to imprisonment have been mostly

used since Law nº 9,099/1995, which created the Special Criminal Courts, and was extended by the Federal Law nº 9,714/1998, which provided new modalities of alternatives to imprisonment to the Brazilian Criminal Justice System.

Some twenty-five years after the first movements to set up alternative sentencing services, alternative sentencing has been incorporated into much of the penal laws in Western countries.

In the US, an average of 90% of criminal convictions results in various bargaining modalities, as a tendency to establish the consented submission to punishment, in abridged proceedings, besides standing out as one of the countries with the highest incarceration rates in the world. In Brazil, there has been a similar tendency of systematic increase in the application of alternative sentences without a reduction in the prison population. This contradiction has raised the question whether alternative sentences were established here, as in the US, only as a complementarity form to the Criminal Justice System, extending control through alternative sentences beyond prison walls.

According to Karam (2004), the advent of alternative sentences and especially with the cre-

ation of the special criminal courts, penalties have increased on a population of offenders that were less representative before. The author alerted us, still in 2004, that the application of the New Criminal Courts Law would expand the network of crime control, to include in the secondary criminalization those who previously escaped it.

A survey conducted by the United Nations Latin American Institute for the Crime Prevention and the Treatment of Offenders – ILANUD, in 2005, also confirmed this tendency when it stated that the penal mechanisms have not been modified with the alternative sentences, as they were not altered according to this new concept. According to the survey, the fact that the "offender sentenced" to an alternative penalty suffers the "threat" of a prison sentence if he or she fails to serve it demonstrates the repressive nature of the penalty applied (ILANUD, 2006).

If the alternative sentence appears minimalist, understood by Zaffaroni (2004) as a contemporary tendency of the political-criminal sphere that should postulate the reduction of the punitive solution to a minimal in social conflicts, it is necessary to question the effective way of its use. This means studying the factors of progress and regression, in order to perceive its effectiveness as a minimum penalty.

A first element to be analysed is the counter-current to alternative sentences entitled as the law and order movement, also called by other names such as new right, new criminological realism and new retributive justice, movements advocating extremely severe repressive measures and the formulation of new criminal types.

In contrast to alternatives to imprisonment, this movement follows an reverse path, proposing increasingly stricter laws, perpetuating and deepening social control through mechanisms such as

custodial sentences (imprisonment), maximum security prisons with differentiated disciplinary regime, prohibition of parole, restrictions on the right to appeal the sentence, lowering the minimum age of criminal responsibility, increasing the types and number of penalties, and the creation of the heinous crimes category, etc.

Another factor that seems to make the effectiveness of alternative sentences difficult is its legal hindrances. Research carried out by ILANUD (2006) has shown that although the Federal Law nº 9,714 of 1998 has increased to four years the quantity of the custodial penalty allowed to be replaced with an alternative sentence, it has been inefficient, since many judges only opt for alternative sentences of up to two years.

According to ILANUD (2006), another hindrance is the restriction of the law to the application of alternative sentences to crimes committed under threat and violence, and the crime of robbery. These restrictions eliminate from the myriad of substitute penalties a large part of the crimes that could possibly receive them, having little impact to change the reality of the Brazilian prison system.

The possible excessive discretion of judges is also a factor that makes it difficult, from a formal point of view, to guarantee the systematic application of alternatives to imprisonment. The law leaves "loopholes" for interpretation, which allow the judge not to apply them. If a convicted person does not fulfil the objective requirements set out in the law, his or her sentence will not be substituted. However, even if the same requirements are fulfilled, the judge may, based on subjective elements, deny alternative sentencing. The initial regime of enforcement of the penalty is made in accordance with the criteria provided for in Article 59, which addresses matters that are not very objective. When it states

that the judge shall decide taking into account "the culpability, criminal record, social conduct, personality of the perpetrator, motives, circumstances and consequences of the crime, as well as the victim's behaviour" (Brasil, 1940), it leaves room for the non-application of alternatives to imprisonment.

Finally, the territorial limit that prison establishes makes it unsustainable for the State to keep in prison the whole range of people it criminalizes, which demands cheaper and more fluid mechanisms that can be expanded to the growing number of people called to penal control.

Alternative sentencing, if covered by this perspective, leads to strengthening the symbolic role of criminal repression and spreads penal intervention beyond prison walls. Electronic monitoring is an example of this territorial expansion of penal control.

What are the necessary mechanisms to ensure the effectiveness of alternative sentencing and measures as a minimum penal intervention?

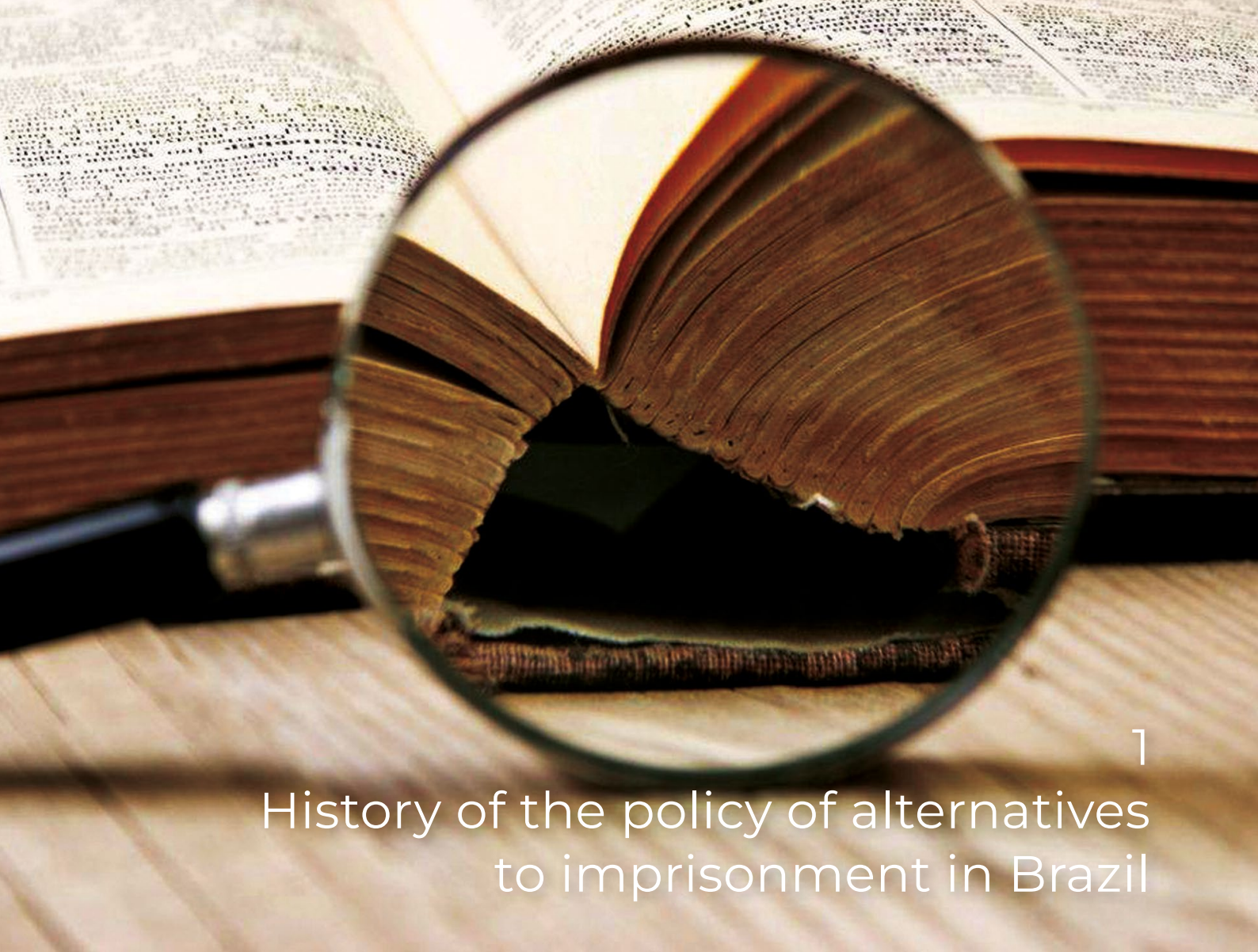
Punishment, then, will tend to become the most hidden part of the penal process. This has several consequences: it leaves the domain of more or less everyday perception and enters that of abstract consciousness; its effectiveness is seen as resulting from its inevitability, not from its visible intensity (Foucault, 1987, p. 13).

From this critical view on the history of alternative sentencing in Brazil, this Guide seeks to consolidate the changes underway in the national policy of alternatives to imprisonment. These are based on a Management Model, including presentation, policy history, guidelines, principles, description of the actors involved, design of flows, training, necessary resources, key elements to actions involving the policy of alternative sentencing, now focused on the relentless pursuit of reducing incarceration in Brazil.



This material was produced based on the *Handbook of Alternatives to Imprisonment Management*, published by the National Council of Justice in 2020, now systematized here as a Guide for training and raising awareness of all institutions and people working in the field of alternative sentencing in Brazil. In the Management Manual, you will find more about each topic listed in the Guides in greater detail.

To access the complete *Handbook of Alternatives to Imprisonment Management*, use the QR Code on the side (clickable on the web version).



1

History of the policy of alternatives to imprisonment in Brazil

From alternative sentencing to alternatives to imprisonment and the need for a Management Model

The onset of the national policy on alternative sentences and measures had its start in 2000, with the creation of the National Centre for Support and Follow-up of Alternative Sentences and Measures (Cenapa), conducted by an Administration that integrated the National Secretariat of Justice, in the Ministry of Justice.

In 2002, the National Commission of Alternative Sentences and Measures (Conapa) was created, through Ordinance nº 153/2002. This Commission existed until 2011, with a different arrangement every two years. It was formed by judges, prosecutors, defenders and technicians from several states, and aimed at promoting the

policy of alternatives to imprisonment, providing institutional support and strengthening the initiatives in the states.

In 2005, Depen gained autonomy (Decree nº 5,535 of September 13, 2005) and became part of the Ministry of Justice, as a specific department, maintaining the management of Cenapa in its structure, as an action within the General Coordination of Social Reintegration. Currently the policy of alternatives to imprisonment is structured as the General Coordination of Alternatives to Imprisonment (CGAP) within the National Penitentiary Department (Depen), in the Ministry of Justice, according to Ordinance nº 432 of April 1, 2016.

The priority of the national policy, when it was implemented, was to support the creation of follow-up systems for alternative sentences and measures in the states. Hence, the Federal Government established agreements with transfer of resources for the creation of the Centres for Support and Follow-up of Alternative Sentences and Measures (Ceapas). These systems were related to the Judiciary, the Public Prosecution Office, the Public Defender's Office or the Executive, responsible for the execution of projects from agreements signed with the Justice System, by respecting the initiatives and peculiarities of each state.

The model of the Centres for Support and Follow-up of Alternative Sentences and Measures was recognised as an important methodological mechanism for the of alternative sentences and measures, as well as for the social inclusion of the public assisted. Resolution nº 6, of November 25, 2009, enacted by the National Council of Criminal and Penitentiary Policy (CNPCP), and Resolution nº 101, of December 15, 2009, by the National Council of Justice (CNJ), recommend this model for the promotion of the policy of alternative sentences and measures.

These systems enabled a critical understanding of the direction of the national policy of alternatives to imprisonment, since data obtained year after year pointed to the inability of alternative sentences and measures to reduce incarceration. There was discomfort among professionals and activists in the field of alternatives to imprisonment because, despite the growth in the application of alternative sentencing, it did not lead to a reduction in incarceration.

In an opposite direction, parallel to the reach of alternative sentences, fortunately extrajudicial practices for the settlement of conflicts and restorative justice have been built. However, despite the possibilities of their application as alternatives to imprisonment, they have not been assumed by the Justice System in a comprehensive manner.

Thus, in 2011, Depen formed a working group with the General Coordination of Alternatives to Imprisonment (CGAP), seeking to consolidate a National System of Alternatives to Imprisonment (Sinape), from studies, development of methodologies, monitoring of legislative initiatives. At this moment, there was already a critical understanding



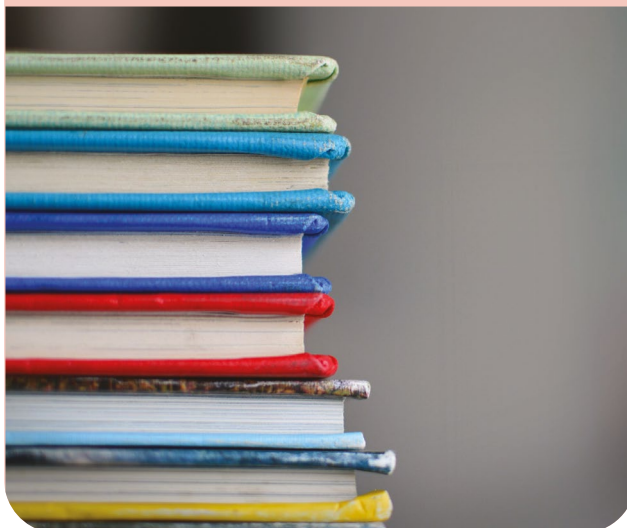
of CGAP, embodied by the working group, about the inability to refrain incarceration only through alternative sentences and measures, which implied the promotion of a change in policy design, especially adding new modalities of alternatives with greater capacity for decarceration.

This is not an easy task and the reality of the policy of alternatives to imprisonment itself shows that it took around fifteen years to build a national agenda on the subject without managing to have a positive impact on the number of incarcerations of the same period. In other words, many are the challenges for alternative sentencing to effectively contribute to reverse the current culture of incarceration in Brazil.

The State must effectively ensure access to fundamental rights, in addition to seek creating other mechanisms for solving conflicts and violence other than imprisonment, focusing on the constitutional pillars of human dignity and freedom. This Guide aims to point out the essential elements of this new scope of the policy of alternatives to imprisonment.

The concept of alternatives to imprisonment:

Alternatives to imprisonment are mechanisms of intervention in cases of conflicts and violence, other than incarceration, under the Criminal Justice System, towards the restoration of relations and promotion of a culture of peace, based on accountability with dignity, autonomy and freedom.



Postulates for a Management Model on Alternatives to Imprisonment in Brazil

The principles presented here constitute the evaluative guidelines on which the practices of alternatives to imprisonment should be based.

These principles are based on general postulates, with the priority of reducing incarceration in Brazil.

As a means of reducing incarceration in Brazil, it is necessary to enable legislative modifications capable of decriminalising conducts that can and should be resolved by other forms of formal or informal social control. Only for those residual conducts where the need for minimal penal intervention is still necessary, the freedom of people should be guaranteed by means of alternative mechanisms with restorative approaches.

Alternatives to imprisonment can and should be applied at any stage of criminal law enforce-

ment: in a moment prior to criminal proceedings, carried out by the Justice System with the possibility of settlements that prevent the initiation of

Action fronts for the consolidation of an alternative to imprisonment policy:

- 1) Enable legislative modifications capable of decriminalising conducts that can and should be resolved by other forms of formal or informal social control;
- 2) Ensure freedom and promote accountability via alternative sentencing for those residual conducts where the need for minimum penal intervention is still necessary.

criminal proceedings; as a substitute for pre-trial detention; as a conditional discharge or a non-custodial measure.

Alternatives to imprisonment in the Brazilian legislation are based on the penalty applied, and this also determines which structures of the Justice System should act on criminal offences.

Alternatives to imprisonment are practices that already exist in the legal system or are consolidated as non-punitive experiences.

The legislation on alternatives to imprisonment can be found in Article 5 of the Federal Constitution addressing alternative social work penalties; Law nº 7,209/1984 on the reform of the Penal Code; the Penal Execution Law nº 7.210/84; Law nº 9.099/95 on the Special Criminal Courts; Law nº 9.714/98, on Alternative Sentences; Law nº 10.259/01, on the Special Courts in under the Federal Justice; Maria da Penha Law nº 11.340/06; Law nº 12.403/11, on Pre-trial Non-custodial Measures; Articles 77 to 82 of the Penal Code addressing suspended sentences; and, as to Restorative

Justice, there is currently in progress Bill of Law nº 7,006/2006.

It is important to highlight that most social problems, especially those deemed criminal, are solved outside the penal sphere.

The results of a survey carried out in 1996 by ISER (Institute for Religious Studies) and Getúlio Vargas Foundation, in the Metropolitan Region of Rio de Janeiro, showed that the underreporting rate is very high, even when it comes to violent crimes. In cases of robbery, for example, 80% of the victims do not report the crime to the police. "They either do not believe or are afraid of the police" was the reason respondents most frequently claimed to explain the non-reporting of crimes. (Lemgruber, 2001).

Metropolitan Region of Rio de Janeiro, showed that the underreporting rate is very high, even when it comes to violent crimes. In cases of robbery, for example, 80% of the victims do not report the crime to the police. "They either do not believe or are afraid of the police" was the reason respondents most frequently claimed to explain the non-reporting of crimes. (Lemgruber, 2001).

Alternatives to imprisonment in the legal system:

- I) The Special Criminal Courts (Jecrim) will address crimes with a maximum sentence of up to two years, such as minor offences. Plea bargains as well as deferred prosecution agreements may be applied;
- II) Crimes with a maximum sentence of up to two years, committed with or without violence, may get a suspended sentence;
- III) Crimes with a maximum sentence of up to four years, committed without violence or serious threat, may get a non-custodial sentence.

Modalities of alternatives to imprisonment (Ordinance MJ nº 495/2016):

- I) Non-custodial sentences;
- II) Plea bargaining for low-level offences and deferred prosecution agreement;
- III) Suspended sentence;
- IV) Conciliation and restorative justice practices;
- V) Pre-trial non-custodial sentences;
- VI) Restraining orders.

The practices of community mediation and restorative justice developed outside the Criminal Justice System will not be considered within the scope of this policy due to their extra-penal nature, but they indicate that social conflicts can and should be resolved outside any criminal sphere, in solutions established between the parties involved. Therefore, programs of this nature should be promoted by government bodies, a non-punitive Justice System or civil society organisations in order to curb penal control.

Restorative justice, despite the lack of legal provision, has been developed in some states of Brazil, and is being embraced as an alternative to imprisonment in a transversal way, by seeking to change a structural defect of the criminal procedure, which appropriates the conflicts disregarding the interests of the parties involved.

This understanding guides the challenge of radically changing the way in which the Criminal Justice System has historically related to the so-called 'offender' and 'victim', and this change is materialised in the National Strategy on Alternatives to Imprisonment (Enape), by Ordinance nº

2,594/2011, of the Ministry of Justice. The Bill of Law that creates Sinape substantiates the objectives and lists the purposes of the policy of alternatives to imprisonment.

The postulates for alternatives to imprisonment in Brazil set forth a minimum penal intervention as a prospect for decarceration from the freedom and protagonism of people, aiming at the constitution of an integrated action and political management of alternatives to imprisonment.

The purposes of alternatives to imprisonment:

- I) Encouraging community and victim participation in conflict resolution;
- II) The offenders' liability and the maintenance of their ties with the community, with the guarantee of their individual and social rights;
- III) The restoration of social relations.

Postulates for alternatives to imprisonment in Brazil:

- Postulate I) Minimum, decarcerating and restorative penal intervention;
- Postulate II) Dignity, freedom and protagonism of people in alternatives to imprisonment;
- Postulate III) Integrated action between federal entities, the Justice System and the community in favor of decarceration.

Principles and Guidelines for Alternatives to Imprisonment



The priority of the alternative policy is guided by the strategy of maximum containment of punitive violence

The priority of the alternative policy is guided by the strategy of maximum containment of punitive violence, which means that the principles for a less punitive criminal law, as a guideline on which practices must be mirrored, refer to the minimum requirements of respect for human rights in criminal law. In this sense, we seek to take over many of those principles pointed out by Baratta (2003) and add others considering that this document brings specificities to the consolidation of a Handbook of Alternatives to Imprisonment Management in Brazil.

3.1. Principles for minimum, decarcerating and restorative penal intervention

1. Non-contingent response

There is a culture of punishment in evidence in Brazil that trivialises the use of penal intervention and uses it to segregate and exclude a specific sector of society. It is possible and necessary to consider other solutions to conflicts and violence. Therefore, we must focus every single possibility of non-criminal remedies before considering the primary criminalisation of conducts.

3. Subsidiarity

If criminal intervention is deemed necessary, then there should be subsidiarity of custodial measures in relation to alternatives to imprisonment, restricting its use to a minimum.

4. Minimum penal intervention

Penal intervention as a response to social problems should be kept to a minimum, and imprisonment should only be a residual resource within the Criminal Justice System. Penal interventions should be confined to the most serious human rights violations and restricted to the minimum necessary to stop the violation

2. General Prevention

It is necessary to shift the emphasis of the State on a repressive and punitive type of social control to preventive, non-punitive forms, with social participation in the resolution of social conflicts.



5. The principle of legality

There only the law can describe a crime and prescribe a penalty. Alternatives to imprisonment must be fully in line with this maxim, seeking to associate sanctions to non-incarceration whenever the legal system allows it.

The Integrated Centres for Alternatives to Imprisonment should follow up the measures determined by the court, without imposing any extra obligations on the individual. Any type of referral or service beyond the judicial determination should be consensual, without any kind of constraint or imposition.

6. Presumption of innocence

In alternatives to imprisonment, the presumption of innocence should guarantee people the right to defence and due legal process. It should also be capable of substantially changing the labelling approach that crystallises a criminal identity in certain social groups in a highly selective, discriminatory and, as a rule, racist way. The Justice System should look out for this principle in cases of pre-trial non-custodial measures and penal transaction, giving priority to the defendant's freedom throughout the criminal procedure.

8. Proportionality

Penal responses, even in cases of alternatives to imprisonment, must be strictly limited to the intervention necessary to stop the violation and/or repair the damage, in a proportional and non-arbitrary manner.

It is still common to see the use of more onerous measures when less harmful alternatives provided for by the law would be appropriate, such as in pre-trial detention for crimes where the law provides the application of alternatives to imprisonment.

As for pre-trial detention, probation should be granted primarily without the application of pre-trial non-custodial measures or, if they are applied, a reduced period must be determined for them. Also, the less severe measures must be applied instead of electronic monitoring, considering how important serving people by the Integrated Centre of Alternatives to Imprisonment is, especially for social inclusion.

7. Non-retroactivity

No condition that worsens the situation of a person under an alternative to imprisonment measure may be applied unless the law has provided so prior to the fact, which includes the procedural and execution regime.

9. Good reputation

To determine the application of an alternative measure or sentencing, besides the previous legal reserve, the enforcer shall carry out a thorough study on the need, effects and meaning of such a measure before the fact, the people involved and the community, so that such measure is useful.

10. Case-by-case approach

In order for alternatives to imprisonment to resolve the violation of rights, repair damages and/or restore relationships, the measures or penalties must be treated in a particular way and the responses be based on the active participation of the people involved. Biased methods that reinforce the marginalisation, exclusion, neutralisation and oppression of the people brought into the Criminal Justice System should be avoided.

The Integrated Centre for Alternatives to Imprisonment should develop its approaches and referrals based on a case-by-case approach.

11. Horizontal organisation and self-mediation

Based on procedures centred on horizontality and self-mediation, the main objective of alternatives to imprisonment moves away from a merely retributive response by the State, seeking to best serve those parties involved.

The people directly involved in each case should be the focus of the building of solutions to the conflicts and violence brought to the Criminal Justice System.

12. The right to a speedy trial

For an alternative to imprisonment to generate an effective response, it should be applied within a reasonable timeframe. Otherwise, when it is determined, it will lose its meaning and will no longer promote any result for the parties.

Nevertheless, restorative principles and methods must be privileged, by respecting the necessary time for the development of each case. One cannot minimize the needs of those involved in a conflict so that the criminal procedure can be speedy.

13. Normality

An alternative penalty or measure should be designed based on each specific situation, in line with the rights and life stories of the people who will serve them. Thus, such measures should strive not to interfere, or to do so in a way that has less impact on the normal, everyday routines and relationships of the parties involved.

The Integrated Centres for Alternatives to Imprisonment should consider this principle regarding the best way to comply with alternative sentences and measures, especially for referrals of compliance with the modality of community service and for participation in theme groups.

14. Individual liability

Alternative penalty or measure can only be applied to the offender. Other important parties for the resolution of the conflict may be invited to participate in alternative approaches/methodologies such as restorative justice, without this participation implying any type of penalty to the parties that have been invited to take part in the process.



15. Liability for the fact

It is still common to refer to people affected by criminal law as deviant "personalities", which indicates a disagreement with the Criminal Justice System. The media also plays a key role in this direction by reinforcing stigma and consolidating a culture of perilousness, where subjects are liable to be defined by a criminal identity. In this sense, alternative sentences and measures should also focus on the act that violated a right protected by the law, without any pretension to moralize or arbitrarily cure or treat it. The application of moralising, religious or vexatious measures is prohibited.

17. Instrumentality and simplicity of acts and forms

The process should stick to acts that are strictly necessary for a fair legal order, without exaggerating forms and rites that delay and hinder the ends sought by alternatives to imprisonment. It should also respect the procedures capable of guaranteeing the parties respect for their rights, especially regarding legitimate defence and a fair criminal procedure.

16. Victims as protagonists

Criminal law takes out the ability to settle conflicts from the parties, distorting and negatively interfering in the autonomy and protagonism of people regarding the construction of adequate responses, restoration of relations and management of their interests. There is no other way to build less authoritarian and arbitrary interventions but to bring the parties most affected in the criminal process to the forefront towards the construction of solutions. It is necessary to restore to the parties, especially to the victim, the empowerment capable of solving the problems, giving them greater prerogatives capable of re-establishing and restoring the rights and relationships affected, as opposed to retribution and punishment.



18. Provisionality

It is fundamental to stick to the provisional nature of alternative measures and sentences. Special attention should be given to pre-trial non-custodial measures, since the length of the criminal procedure could mean an indeterminate or unjustly prolonged time for the measure, which harms the principle of the minimum penalty.

19. Limits of the discretionary power

The police and institutions that act in the criminal process are required to be fully in tune with the constitutional principles of the right to liberty, physical safety, legitimate defence, presumption of innocence and minimum intervention.

Pre-trial detention should be limited to the possibilities determined by law and should only occur when the total impossibility of maintaining the person free is proven.

The discretion of the Criminal Justice System instances must remain within the limits imposed by law.

21. Economy

Criminal intervention results in high social costs, which should not only be evaluated from an economic perspective, but especially considering the negative consequences and incidences on the social context of the people directly affected, their families and the community.

This extension of the harmful effects of penal intervention should be considered and weighed when applying a penal response, in order to avoid its counter-productive effects, which requires the search for less socially damaging solutions.

20. Separation of powers

Each organisation or instance must stick to its powers and knowledge within the Criminal Justice System, in a systemic and complementary way, respecting the specificity of knowledge from other fields when determining the penalty or measure, for example, proceedings related to treatment for substance abuse, mental disorders, specificities related to diseases or other special circumstances, whose competence for clinical diagnosis and guidelines for treatment and internment are the responsibility of other areas of knowledge.

The Centre should refer cases that require interventions by other professionals in other public policies. The person will be made aware of its need to attend the referrals, but the obligation of the person remains linked only to the fulfilment of the measure and not to the referral.

In cases where the person is unable to serve the measure due to substance abuse or other health or psychological factors, the Centre shall refer the person according to the appropriate public policy for the issuance of a report to be attached to the process. The centre is not competent to issue reports.

Cases coming from the Judiciary with compulsory treatment measures must be returned to the Judiciary, as they violate the competence of the Integrated Centre.

3.2. Principles for the dignity, freedom and protagonism of people in alternatives to imprisonment

22. Dignity and freedom

The policy of alternatives to imprisonment should prioritise the dignity and freedom of people and social justice. This freedom presupposes active participation of the parties in the response building, guaranteeing individuality, reparation, restoration of relations and a fair measure for all those involved.



23. Respect for individual paths and recognition of potentialities

When building responses based on alternatives to imprisonment, individual paths must be respected, promoting solutions that positively involve the parties, highlighting the potential of the subjects, removing a sense of retribution for past acts from the measures and promoting a sense of emancipation for the people involved.

25. Promoting equity, social protection and real needs

The Criminal Justice System acts selectively and conceals structural violations that a significant portion of Brazilian society has suffered historically.

An alternative policy of minimal intervention should enable people to participate in the process as active and capable subjects, who are heard in their actual needs and demands for the promotion of equity and access to fundamental rights, in instances and procedures not biased by hierarchical relations and power regarding the Justice System.

24. Respect for and promotion of diversity

Alternatives to imprisonment should guarantee the human rights of people while serving a sentence, considering diversities, such as race, ethnicity, gender and generational differences, etc. This corresponds to an anti-totalitarian conception of society and with respect for otherness.

26. Autonomy, consensus and voluntariness

The system of alternatives to imprisonment should foster autonomy, the consensual and voluntary nature of the parties to decide freely, if in accordance with the rights protected by the legal system, the solutions to their problems and conflicts brought to the criminal sphere.



27. Liability

Unlike the expiatory and punishment nature of the custodial sentence, alternatives to imprisonment should seek the accountability of the subjects.

Liability depends on building an alternative to imprisonment with the person involved from the Justice System and then, together with the Integrated Centre for Alternatives to Imprisonment, in the work of following up compliance.

Liability is not guided by the intensification of a type of criminal/police control, but by the commitment of the person regarding the alternative measure.

Liability enhances the reduction of cases of non-compliance, but if any, they will be duly communicated to the Judiciary.

3.3. Principles for integrated action among federal entities, the Justice System and community towards decarceration



28. Interinstitutionality

By interinstitutionality as a principle, we affirm the need for integrated action to guarantee the effectiveness of the system of alternatives to imprisonment in Brazil. This principle requires the construction of workflows and instances of interaction between the institutions that make up the Criminal Justice System in all its phases, considering the federal entities (Federal Government, states and municipalities), the Court of Justice, the Public Defender's Office, the Public Prosecution Office, the police and civil society institutions that promote the social inclusion of people and welcome them for serving an alternative sentence or measure. The level of institutional political sustainability, as well as its ability to cope with incarceration, directly depends on the degree of articulation, governance, mutual understanding and alignment of methodologies and strategies among these institutions.

29. Interactivity or social participation

The principle of interactivity values the participation of society in the policy of alternatives to imprisonment, considering the following action fronts: I) in the enforcement of penalties or measures through the reception of people towards alternatives to imprisonment; II) in the social inclusion of people in their social, welfare and community programs; III) in monitoring the implementation and evaluation of the policy of alternatives to imprisonment, in instances such as councils, forums, committees, working groups or other spaces as a mechanism for social control.

30. Interdisciplinarity

To guarantee the effectiveness of the different modalities of alternatives to imprisonment, it is necessary to consolidate multidisciplinary technical structures, with appropriate expertise and specialties, able to ensure support for the implementation of alternatives to imprisonment, with appropriate methodologies to the different modalities of alternatives to imprisonment; as well as to promote the social inclusion of the people assisted, through construction and participation in social networks, seeking to contribute to the reversal of vulnerabilities, reduction of conflicts, violence and criminality.

3.4. Guidelines for a Management Model on Alternatives to Imprisonment

The guidelines for a management model are the basis for the actions that should be carried out by the federal, state and municipal governments; Justice System and civil society, to consolidate the postulates and principles of the field of alternatives to imprisonment. These basic principles are general guidelines that are detailed in specific topics of the Management Model.

1

The Federal Government should encourage alternative sentencing programmes in the states, as well as the adoption of restorative practices by the Justice System as mechanisms to reduce incarceration in Brazil.

2

The Justice System and the Integrated Centres of Alternatives to Imprisonment should ensure respect for the dignity of the person, forbidding the application of penalties or measures that are degrading or cause physical constraints, as it remains incompatible with the policy of alternatives to imprisonment.

3

The Federal Government should prioritise the promotion of alternative sentencing instead of electronic monitoring, considering its bias of control and punishment, in addition to its inability to promote restorative responses and accountability.

4

The various practices of alternatives to imprisonment underway in Brazil should reinforce potentialities and assert people's life paths, the protagonism of the parties, the participation of the victim, the reparation of damages and the restoration of the assets under protection, whenever possible.

5

The Federal Government should seek, through institutional agreements, to raise the awareness and accountability of the Criminal Justice System actors for the implementation of the policy of alternative sentencing as an effective way to reduce the imprisonment, by diminishing the use of custodial sentences and electronic monitoring.

6

The Federal Government should consolidate in the national policy, as well as indicate to the state policies of alternative to imprisonment, the dissemination of social and community participation in the formulation, implementation, execution and evaluation of programs of alternatives to imprisonment.

7

The Federal Government should encourage, in conjunction with the Justice System, full compliance with the International Treaties to which Brazil is a signatory, regarding the applicability of alternatives to imprisonment in Brazil.

8

The Federal Government, in line with the Justice System and civil society, will be responsible for building and articulating normative proposals aimed at structuring the National System of Alternatives to Imprisonment (Sinape) and the application of alternatives to imprisonment to replace the deprivation of liberty.

9

The Federal Government, in partnership with the federal entities and the Justice System, will be responsible for the construction and implementation of continuous training of the teams and partner networks that work with the Integrated Centres, considering the various modalities and methodologies, as well as knowledge, demands and specificities regarding alternatives to imprisonment.

10

The guidelines consolidated in the Handbook of Alternatives to Imprisonment Management will be considered for agreements and other forms of transfer of funds to the states and Federal District by the Federal Government, regarding the implementation and maintenance of execution programs and projects of alternatives to imprisonment.

11

The Justice System and the programmes for the execution of alternatives to imprisonment should guarantee the right to information for people serving alternative sentences, regarding their procedural status, the services and assistance offered, and the conditions of compliance with the agreed alternative.

12

In the application and execution of alternatives to imprisonment, the Justice System and Integrated Centres should ensure respect for generational, social, ethnic/racial, gender/sexual, origin and nationality and religion diversity, as well as income and social class, and belief differences, etc.

14

In alternatives to imprisonment, the Justice System, the Executive and civil society should de-banalise the criminalization of poverty, youth and black people, as well as other vulnerable groups to the selectivity of the Criminal Justice System, ensuring equality with respect to diversity and contributing to social protection.

13

The Justice System and the Integrated Centres for Alternatives to Imprisonment must avoid the application of compulsory internment (in accordance with Federal Law nº 10,216/2001), guaranteeing the rights to medical or psychiatric treatment when necessary, or enabling access to the rights provided by the legislation to limit and avoid the negative consequences of coercive intervention.

15

The Executive in the states and the Federal District will be responsible for structuring the Integrated Centres for Alternatives to Imprisonment, with qualified teams, adequate number of highly skilled professionals, specialised knowledge, guaranteed labour rights, in addition to considering the adequate institutional and functional organisation with the penitentiary administration and the other public security and Criminal Justice organisations, as well as guaranteeing interdisciplinarity as a working method in the follow-up of alternatives to imprisonment.



16

The Executive in the municipalities, articulated with the Justice System and civil society, should build comprehensive networks of social care and assistance for the inclusion of people according to their demands shown in the application and execution of sentences and measures.



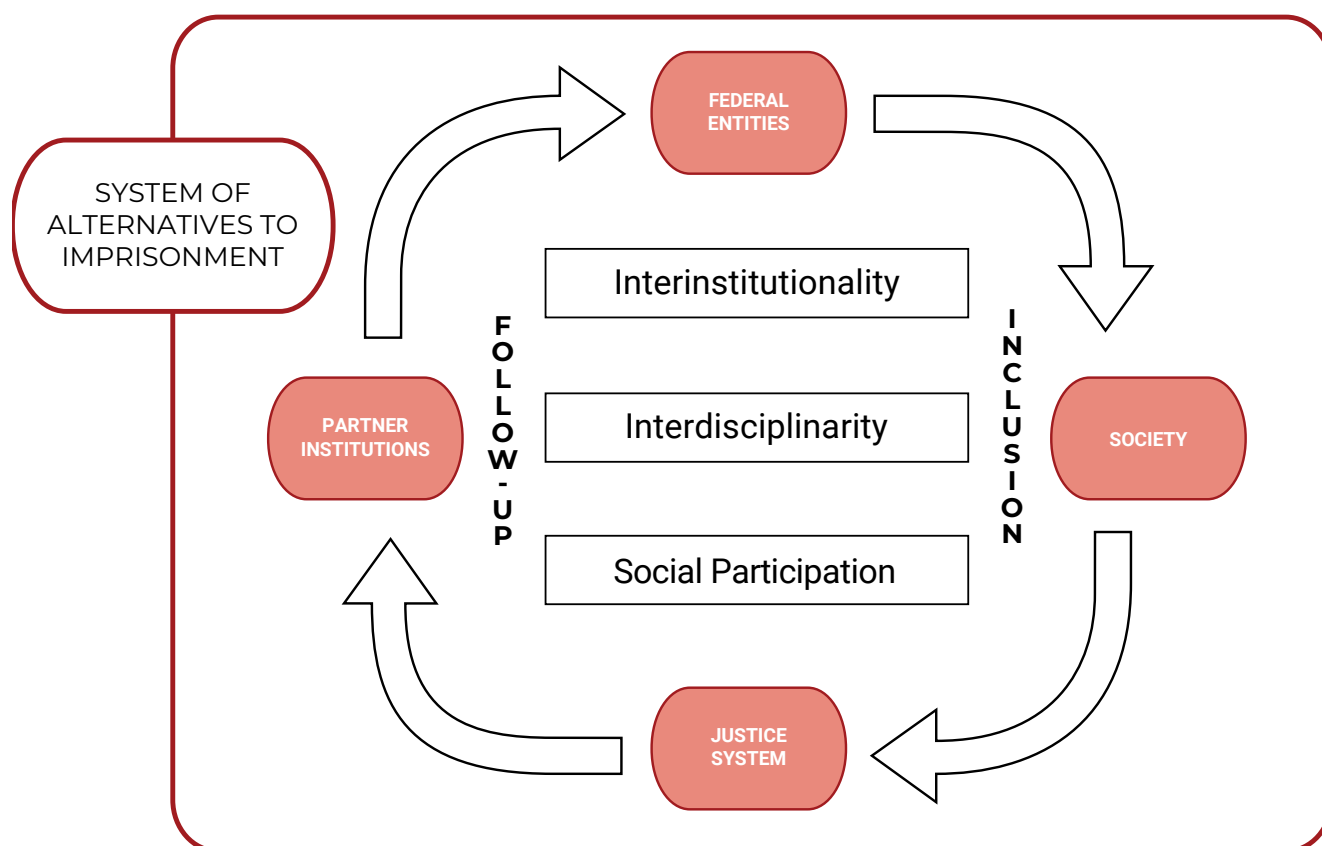
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The System of Alternatives to Imprisonment



Structuring the Integrated Centre for Alternatives to Imprisonment, with a qualified team, a suitable number of highly skilled professionals, specialized knowledge, and labour rights.

Below are highlighted the actions and responsibilities for each of the actors involved in the alternatives to imprisonment, seeking to ensure sustainability and integration, considering the need for structure a systemic policy, which requires the commitment of various agents.



4.1. Competence of the State Executive Branch



1

Establish the executing body of alternatives to imprisonment in the states, which will be responsible for the management, coordination and implementation of the policy at the state level, the promotion of intersectoral policies, as well as the active participation of civil society in the design, monitoring and evaluation of the policy of alternatives to imprisonment.

2

Structure the Integrated Centre for Alternatives to Imprisonment, with a qualified team, a suitable number of highly skilled professionals, specialized knowledge and labour rights.

3

Ensure interdisciplinarity as a working method in the follow-up of alternatives to imprisonment.



5

Refer people to the social service networks of the Federal Government, states, Federal District, municipalities and civil society organisations, respecting the willingness of the people referred, as their desire to access these services.

4

Consider the national policy guidelines, especially regarding the management model and methodological guidelines, in addition to seeking ways of funding to better qualify actions, based on the contribution of own resources and partnerships.

6

Ensure the availability of public policy network services aimed at following up alternatives to imprisonment and access to fundamental rights of the people served.



7

Disseminate forms of social and community participation in the formulation, implementation, execution and evaluation of the policy of alternatives to imprisonment, through instances such as councils, collegiate or inter-institutional forums.

8

Ensure the creation of collegiate instances of articulation with the municipalities, Public Prosecution Office, Public Defender's Office, Judiciary and civil society organisations aiming at the promotion of alternatives to imprisonment, ensuring alignment with the national instance.

9

Promote continuous training of the teams and partner networks, focused on the various modalities of alternatives to imprisonment and methodologies, considering the knowledge, demands and specificities related to alternatives to imprisonment.

10

Carry out, with the Justice System, awareness campaigns aimed at informing the population about the effectiveness, needs and benefits of alternatives to imprisonment.

11

Ensure the appropriate management of information on alternatives to imprisonment.



4.2. Competence of the Municipal Executive Branch

1

Fostering Integrated Centres for Alternatives to Imprisonment based on a partnership with the state-level policy, adding the responsibilities pointed out in the previous item regarding the State Executive Branch.

2

Ensure the availability of services of the municipal public network aimed at the care and social inclusion of the public accompanied by the services of alternatives to imprisonment.

3

Promote the awareness of its units in order to receive people to serve alternative sentences or measures in its facilities.

4

Disseminate forms of social and community participation in the formulation, implementation, execution and evaluation of the policy of alternatives to imprisonment in the municipality, through instances such as councils, collegiate or inter-institutional forums.

4.3. The partnership between the State Executive Branch and the Justice System

The State Executive should sign a Technical Cooperation Agreement with the Justice System, which encompasses the Judiciary, the Public Prosecutor's Office and the Public Defender's Office, aiming at the effectiveness of the policy of alternatives to imprisonment in the states, with specific focus on workflows related to each of the modalities of alternative sentencing. This partnership should unfold in effective integration of this network in all districts, consolidating workflows and methodologies. Through continuous dialogue between the actors of this network, it is possible to better structure the services and the relationship with civil society, through the creation of projects, networks and joint interventions, by enhancing actions and qualifying the implementation and follow-up work in alternatives to imprisonment.

4.4. Management Group of Alternatives to Imprisonment in the states and municipalities

It is important to constitute a State Management Group and management groups in the municipalities where the policy of alternatives to imprisonment is instituted, considering the participation of the main partners, the instances of the Justice System, the public power and civil society, with the objective of promoting programs of alternatives to imprisonment, by disseminating their methods, raising awareness of the Justice System and civil society, seeking new partners for the Integrated Centre and monitor cases

4.5. The technical team of the Integrated Centre for Alternatives to Imprisonment

The technical staff of the Integrated Centres is formed by a multidisciplinary team with interdisciplinary action, consisting of professionals hailing from social and human sciences, mainly psychologists, social workers and lawyers.

Legal professionals will at no time assume the attributions of a public defender, only acting in the guidance on serving alternatives sentences. If the person assisted requires technical defense, they should be referred to the Public Defender's Office. The same applies to the work of psychologists, who will not assume clinical attributions or have the authority to issue psychological reports. If necessary, they should be referred to the specialized network and follow the procedures.

The number of professionals working at the Integrated Centres for Alternatives to Imprisonment should consider the modalities of alternatives served in the Centre and the demand for each modality.

4.6. The partner network

The partner network of the Integrated Centres should be a protagonist and not a coadjutant in the policy of alternatives to imprisonment. It is only through the partner network that there are possibilities of reversing the social vulnerabilities of the public served, as well as being the space where many people will serve their court-ordered sentence or measure.

For partner institutions to receive people referred by the Integrated Centres for Alternatives to Imprisonment, it is essential that they are in line with the principles of the policy and able to receive the person referred.

Hence, the policy of alternatives to imprisonment should commit to an action front with the partner network, through the following actions: awareness to welcome the people serving an alternative to imprisonment sentence; training on the policy of alternatives to imprisonment through seminars, meetings, round tables and case studies; visits to monitor people hosted by institutions, among other fundamental routines for partnerships to be effective.

The relationship with the network should be continuous, aiming at better ability and sensitivity to the issues involving the execution of the alternatives to imprisonment and social inclusion, the focus on accountability and attention to the principles set out in this Guide.

This work routine requires constant adjustments and a joint understanding between the Centre, the Justice System and partner institutions, regarding the specificities of each case, which should be observed according to the various modalities of alternatives to imprisonment (these distinctions are more detailed in Guides II, III, IV and V, which present each of the modalities of alternatives to imprisonment, and their respective methodologies).

Each methodological procedure developed with the partner network makes up a workflow for better understanding of the policy of alternatives to imprisonment by institutions. These details are also systematized in the Management Model for Alternatives to Imprisonment.

The partner network consists of public facilities and civil society institutions that operate in various areas, enabling people to serve the alternative sentence in a comprehensive way. The Integrated Centre's mapping and articulation of this network enables cases to be referred and reduces the social vulnerabilities of people being monitored.

The network for alternative sentences and measures depends on the voluntary adherence of the institutions to receive the person serving an alternative sentence or measure. However, the Social Protection Network, regardless of the partnership, must receive and meet the specific social demands of the people referred, considering the institutional mission, universality and availability of services.

The Integrated Centre should participate in comprehensive networks of social care and assistance for the inclusion of people serving alternative sentences by following up such alternatives, with emphasis on the following areas:

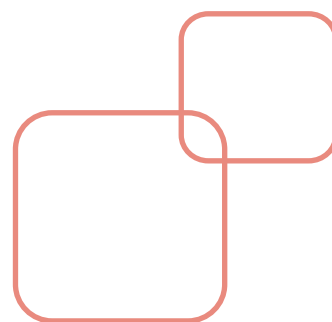
- **health care ;**
- **health care for people with a history of alcohol and substance abuse and other psychotropics**
- **mental health;**
- **work, income and professional qualification;**
- **social assistance;**
- **legal aid;**
- **education;**
- **development, production, training and cultural diffusion mainly for the youth.**

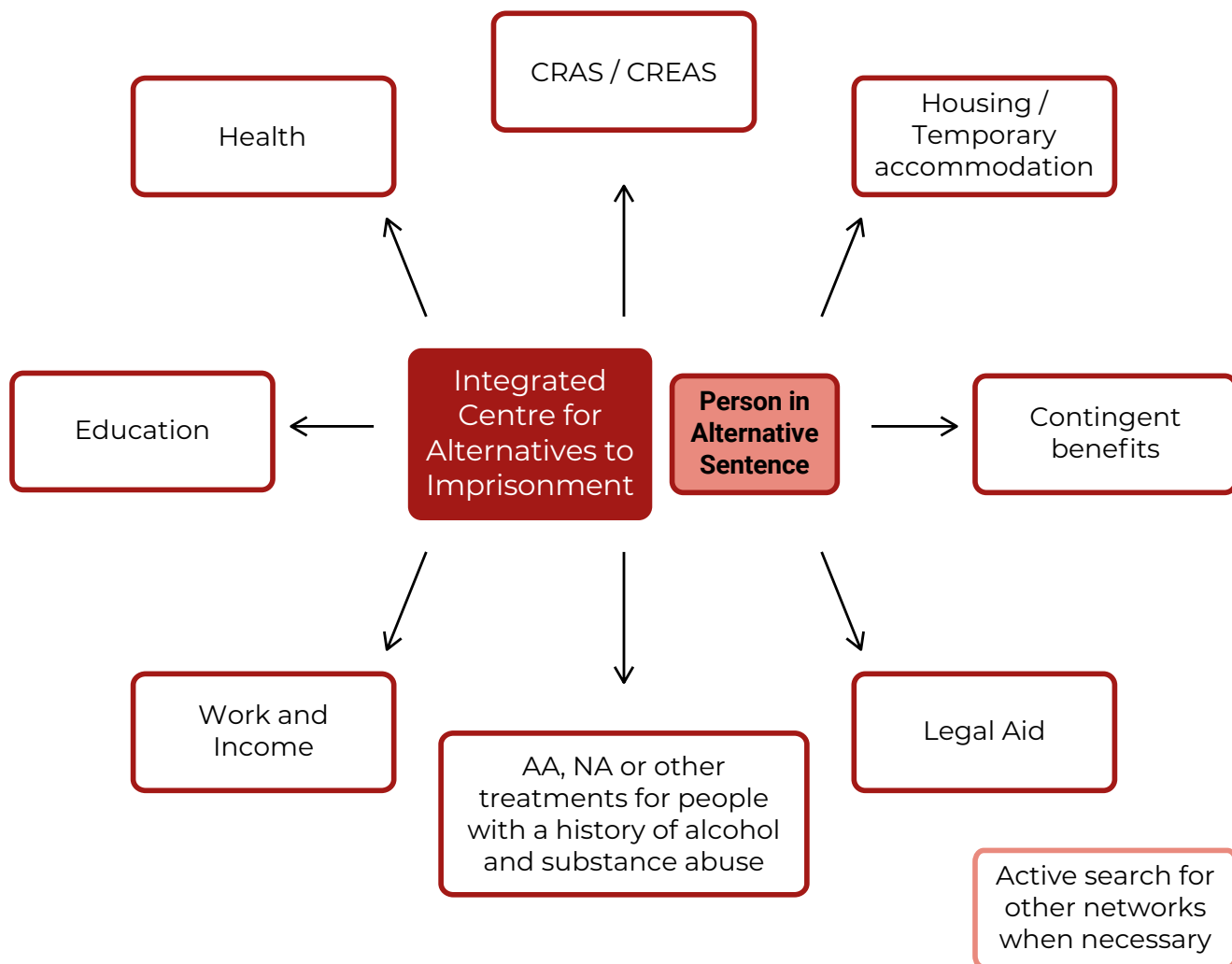
Integrated Centre's actions with partner institutions:

- 1) Reception of the person serving an alternative to imprisonment;
- 2) Inclusion in social programs: health, education, income and work, housing, programs and projects, etc.

Action fronts of the Centre with the partner network:

- 1) Follow-up visits to the entities that receive the person serving an alternative to imprisonment and for social inclusion;
- 2) Regular contact by telephone, email and other possible means;
- 3) Participation in events and other activities promoted by the network;
- 4) Carrying out seminars, meetings, training, groups and case studies with the network, the Justice System, civil society and the technical team.





Further details of the relationship with the network can be found in the Handbook of Management

AA Alcoholics Anonymous

CRAS Social Assistance Reference Centre

CREAS Social Assistance Specialized Reference Center

NA Narcotics Anonymous





5

The Integrated Centre for Alternatives to Imprisonment



The assertive understanding of knowing local realities and respect initiatives led to the creation of a national policy guided by diversity, disseminating the construction of structures in various institutions.

Among the success stories of the policy of alternatives to imprisonment in Brazil, the assertive understanding stands out, since the beginning of the implementation of the Centres for Support and Follow-up of Alternative Sentences and Measures (Ceapas) by the states, that it was necessary to understand the local realities and respect initiatives. This led to the creation of a national policy guided by diversity, disseminating the construction of structures in diverse institutions such as the Executive, the Court of Justice, the Public Prosecution Office and the Public Defender's Office.

The model presented here of the Integrated Centre should also consider initiatives that already exist in the states, but the national policy of

alternatives to punishment is based on the understanding of the responsibility of the Executive on the follow-up of the implementation of alternatives to imprisonment. Thus, the incentive by the Federal Government, with the contribution of resources for the creation and maintenance of structures, is centred on this model of partnership with the State Executive Branch.

In districts where there is not yet an Integrated Centre for Alternatives to Imprisonment, the Justice System should seek to sensitize the Executive to implement such a public policy, aiming at greater institutionalization of the state policy of alternatives to imprisonment, with greater capillarity and sustainability.

It is necessary to consider not only the limits set by the law regarding the measure or penalty applied, but also the possibilities of a less punitive approach, based on the application of modalities more in tune with a minimal and restorative intervention, aimed at decarceration.

Thus, when applying and following up alternatives to imprisonment, one should seek to promote the principles and guidelines presented in this guide, mainly seeking to build, with the subjects involved in each case, the alternative that best suits a solution for the parties involved.

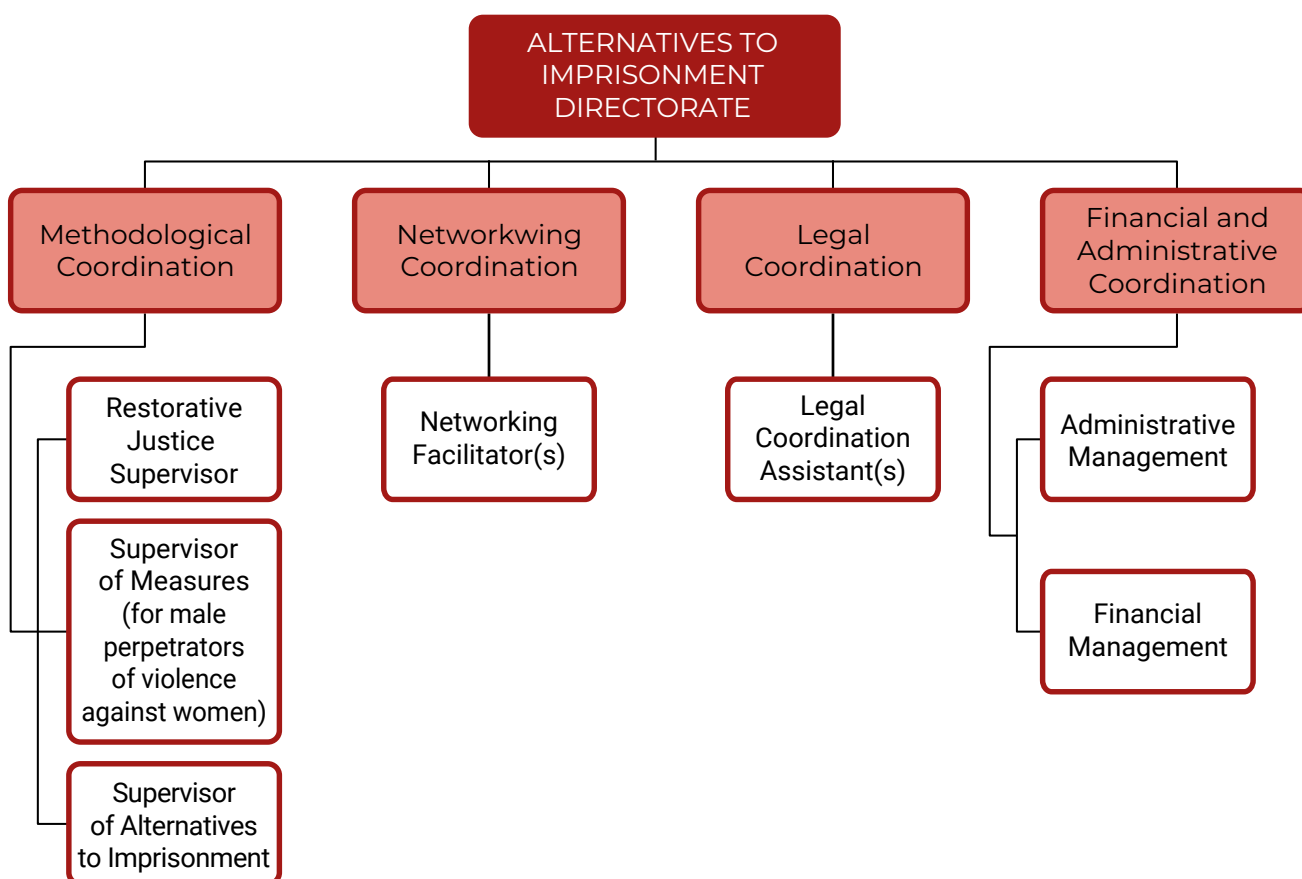
In districts where there is not yet an Integrated Centre of Alternatives to Imprisonment, the Justice System should seek to sensitize the Executive to implement such a public policy, aiming at greater state institutionalization of the policy of alternatives to imprisonment, with greater capillarity and sustainability.

5.1. The management body of the policy of alternatives to imprisonment in the State Executive Branch

Due to the great diversity of management concepts and designs of public policies in all states of Brazil, we consider inadequate to determine which secretariat should allocate the policy of alternatives to imprisonment, but a management of the policy of alternatives to imprisonment must be constituted with the Executive Branch.

This management should be independent of the prison management or any public security directorate, with specific powers for the management of the policy of alternatives to imprisonment in the states.

This management structure with the Executive Branch should possess a technical staff able to respond to the management of the policy at a strategic institutional level and will not be directly responsible for the implementation, which should be developed at the Integrated Centres for Alternatives to Imprisonment, to be deployed in the districts in partnership with the Justice System and Municipal Administrations.



The duties of each position are detailed in the Handbook of Management



It is worth highlighting that the Supervision of Restorative Justice and the Supervision of Measures for male perpetrators of violence will only exist if the state policy of alternatives to imprisonment implements these programs

5.2. The Integrated Centre for Alternatives to Imprisonment's Duties

For the follow-up of the application of the alternatives to imprisonment, the Executive Branch should structure the Integrated Centres for Alternatives to Imprisonment in state districts and the Federal District, subordinated to the executive body of the policy of alternatives to imprisonment of State Governments and Federal District.



Responsibilities of the Integrated Centre for Alternatives to Imprisonment:

1

Provide means for the formulation and follow-up of alternatives to imprisonment, through qualified methodologies considering each of the modalities of alternatives to imprisonment, promoting the autonomy and protagonism of the person, the restoration of family, social and community bonds and the understanding/resignification of criminalization processes, conflicts and violence experienced, aiming at the reversal of social vulnerabilities.

3

To welcome, accompany and guide people in alternative sanctions through the psychosocial and legal services, as well as to ensure interdisciplinary and group assistance and dynamics.

2

Design the type of alternative with the person, based on the type of alternative to imprisonment which was established in each case, seeking to vest it with a sense of emancipation, which values potentialities, fostering the creative/social/community character of people, so that activities promote self-esteem, empowerment, social participation, affective bond, restoration and re-signification as to the conflicts/violence experienced.

4

Guarantee the right to information for people serving an alternative to imprisonment, regarding their procedural status, the services and assistance offered, and the conditions for serving an alternative sentence.

5

Guarantee the respect for generational, social, ethnical/racial, gender/sexual diversity, as well as income and social class, religion, origin and nationality and belief differences, etc., regarding the development of an alternative to imprisonment.

6

Ensure the necessary referrals regarding the guarantee of rights for any necessary medical or psychiatric treatment.

7

Create and maintain partner network for referrals necessary for the application of alternatives to imprisonment.

8

Participate in broad social assistance and care networks to guarantee people's rights.

9

Develop directly or through partnership with specialist institutions and/or universities thematic projects for the fulfilment of modalities that allow the Judiciary to refer to groups such as: drugs, traffic, the environment and other issues relating to the fields of alternative sentencing.

The methodology for the development of theme groups is published in Guide IV. In therapeutic groups for men who commit domestic violence against women, the guidelines contained in Guide V (Accountability actions for men who are perpetrators of violence against women) should be followed.

10

Carry out appropriate referrals for the application of alternatives to imprisonment as Community Service, keeping in mind:

- skills and abilities;
- residential location;
- availability (time).

The provision of community service must also be monitored through direct contact with the person serving an alternative sentence and partner entities, ensuring the necessary support to the person and the entities during the execution of the alternative to imprisonment.

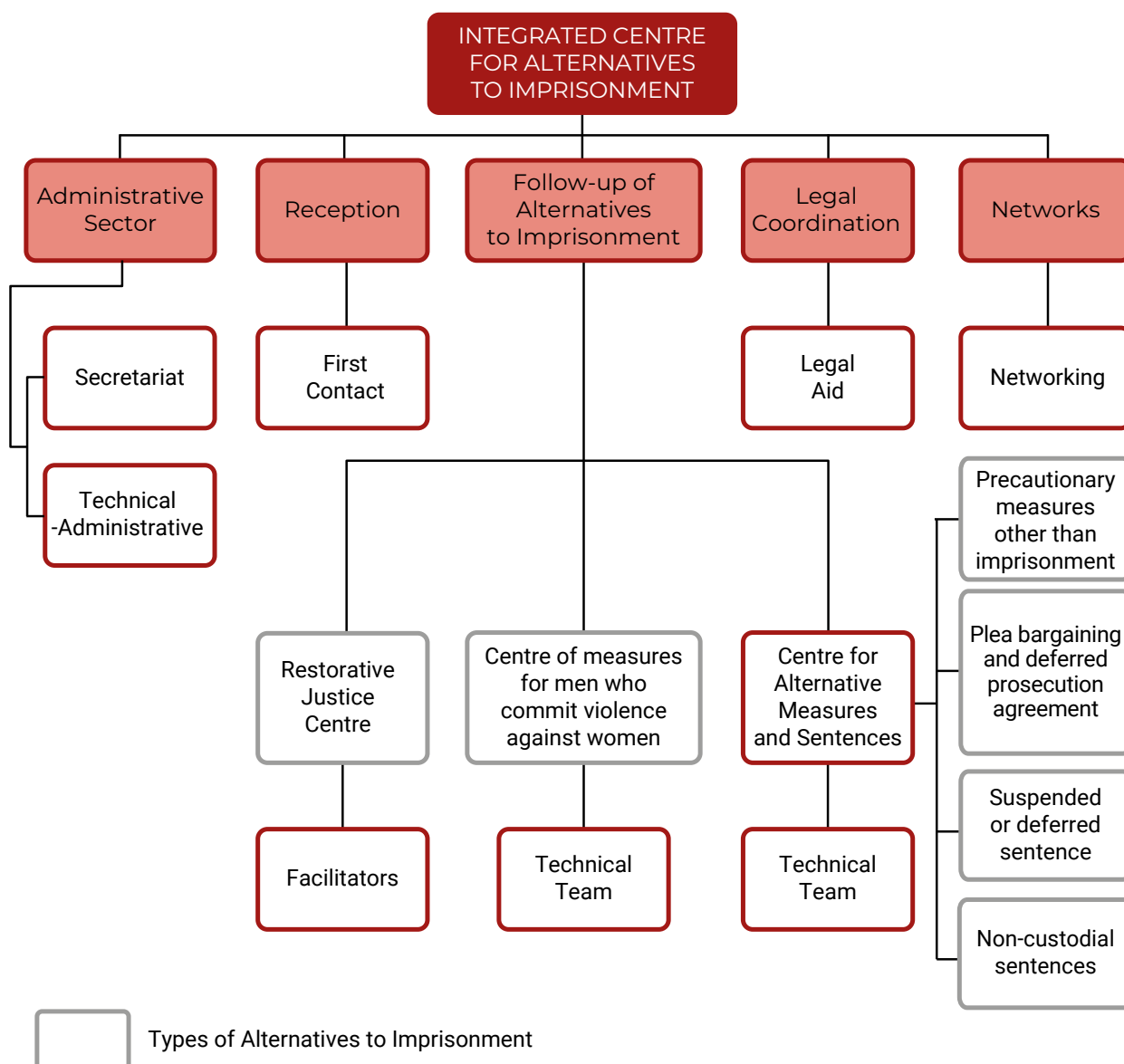
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Promote training, lectures, seminars and courses on alternative sentencing, in order to disseminate them to society, seeking to aggregate various governmental and non-governmental bodies.

12

Ensure the collection, storage and management of data and information regarding the public and alternatives to imprisonment, contributing with quantitative and qualitative statistical data for studies on alternative sentencing, as well as promoting research in the area.

5.3. Structure of the Integrated Centre for Alternatives to Imprisonment



The duties of each position are detailed in the Handbook of Management



The Restorative Justice Centre and the Centre of measures for men who commit violence against women will only exist if the state policy of alternatives to imprisonment implements these programs

5.4. Terminology changes in the follow-up of alternatives to imprisonment

Among the changes in the policy of alternatives to imprisonment, a change in the approach of the follow-up services developed by the Integrated Centres for Alternatives to Imprisonment stands out. This change proposes a new language, more consistent with the objectives of the policy, previously focused on follow-up and supervision. Pursuant to the changes proposed in this Guide, one should seek to adjust the terminologies, approaches, procedures and working tools to the new standard detailed in the Handbook of Management, considering the necessary

changes in the concept and application, but also in the terminologies adopted by the field of alternatives to imprisonment, seeking to systemically and structurally adapt the policy of alternatives to imprisonment. These changes do not diminish the importance of a thorough follow-up work aimed at properly serving the alternative sanction or measure by the person referred to the Centre, but this follow-up gains new dimensions and approaches, already exposed in this Guide. Before these challenges, we propose the replacement of the following terms:



Previous terminology:

Supervision
and Monitoring

New terminology:

**Follow-up and
Access to Rights**

Justification:

- As these are alternatives to imprisonment, most are applied before sentencing, which requires an adequate consideration of the person's autonomy, based on accountability processes.
- This new terminology breaks with a concept related to the expansion of penal control, seeking to act towards: the incentive to the participation of the community and the victim in the resolution of conflicts; the accountability of the person that receives an alternative measure and the maintenance of their ties with the community, with the guarantee of their individual and social rights; and the restoration of the protected property, whenever possible;
- A significant part of those who come to the follow-up services of alternative sentencing are subject to social vulnerabilities due to lack of access to fundamental rights and public policies, which determines the need for an approach centred on the affirmation of autonomy, access to rights and public policies. It should not be compulsory, but based on people's demands.

Previous terminology:

Beneficiary; Offender;
Sentenced

New terminology:

**Person serving an
alternative sanction**

Justification:

People serving alternatives to imprisonment have not been benefited, but are exercising their rights. Because they receive an alternative to a sentence, it is misleading to call them "sentenced". In addition, the term "offender" becomes incapable of translating all the multiple possible and necessary actions in the field of alternatives to imprisonment. Thus, the services should align their terminology with respect for the individual in their wholeness, capacity, autonomy and enforcement of their rights.



REFERENCES

BARATTA, Alessandro. Princípios do direito penal mínimo. Para uma teoria dos direitos humanos como objeto e limite da lei penal. *Doctrina Penal. Teoria e prática em las ciências penais*. Ano 10, n. 87. P. 623-650. 2003.

BRASIL. Decreto-Lei nº 2.848, de 7 de dezembro de 1940. Código Penal. Distrito Federal, 1940.

FOUCAULT, Michel. *Vigiar e punir: nascimento da prisão*. Petrópolis, Vozes, 1987.

ILANUD. Levantamento Nacional sobre Execução de Penas Alternativas. Relatório final de pesquisa. Relatório da Coordenação Geral de Penas e Medidas Alternativas do Ministério da Justiça, Instituto Latino-Americano das Nações Unidas para o Desenvolvimento – Ilanud/Brasil. 2006.

KARAM, Maria Lúcia. Juizados especiais criminais: a concretização antecipada do poder de punir. São Paulo: Editora Revista dos Tribunais, 2004.

LEMGRUBER, Julita. Controle da Criminalidade: mitos e fatos. *Revista Think Tank*. Instituto Liberal do Rio de Janeiro. São Paulo, 2001.

MINISTÉRIO DA JUSTIÇA (MJ). Levantamento Nacional de Informações Penitenciárias – INFOPEN. Departamento Penitenciário Nacional. Brasília: Ministério da Justiça, 2014.

ZAFFARONI, Eugenio Raúl. *Manual de direito penal brasileiro: parte geral*. 5ª Ed, rev. e atual. São Paulo: Editora Revista dos Tribunais, 2004.

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