



## Outsourcing: New Directions for Prison Management in Brazilian Prison Establishments

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### PRISON ESTABLISHMENTS

In 2019, Prof. Dr. Ewerton Ricardo Messias, first PhD in Law of the Post-Graduate Program in Law at the University of Marília - UNIMAR, together with the Bachelor of Law Gabriella Argenta Gomes de Moraes, graduated from the Law Course at UNIMAR, carried out a thorough research on the problem of the bankruptcy of the Brazilian prison system and the realization of privatization or outsourcing of prisons as a possible solution to this problem.

The research was published in the Journal of Forensic, Legal & Investigative Sciences, <http://www.heraldopenaccess.us/journals/journal-of-forensic-legal-investigative-sciences>, under the title “The Privatization of Prison and the Crisis of the Brazilian Prison System”.

In conclusion, scientific research pointed to the unconstitutionality of privatization and the constitutionality of the outsourcing of prisons, understood as an efficient means to resolve the inefficiency and inefficiency of the State, aiming to provide greater dignity to inmates with a possible cost reduction to public coffers.

In this year of 2021, the Brazilian government, through the Minister of Justice, Delegate Anderson Torres, revived the idea of granting prisons to the private sector or sharing with private entities the responsibility for administering the penitentiary system.

Later this year, the government intends to meet with companies and representatives of civil society, in order to discuss what would be the most appropriate model to ensure better management of prisons, if management is shared between the public agent and the private company, if direct privatization or if public-private partnership.

In line with the conclusions of scientific research carried out by Ewerton Messias and Gabriella Argenta, Minister Anderson Torres

has a preference for outsourcing, through the co-management or shared management model, outsourcing the administrative and health management part to the private sector, feeding and educating prisoners, and maintaining the operational part of security and police intelligence of prison establishments with the government.

Aiming to provide an expressive improvement in the conditions of serving sentences for inmates, in order to achieve better levels of resocialization, the management of Brazilian prison establishments is moving towards outsourcing.

It appears that in 2022, the Brazilian prison system may have its first prison establishment managed under the shared management model, which will provide continuity of scientific research, from the collection of data and information arising from the implementation of such a model.

There is a widespread violation of the fundamental rights in the Brazilian prison system, because of prisoners, regarding mental integrity, physical health and dignity. Prisons are overcrowded by prisoners and the prison facilities and precariousness of police, rather than corresponding with the State's failure to comply with the outrageous, unworthy treatment of persons in custody, legal order and constitute degrading. The custodial sentences imposed on our prisons become inhuman punishments and cruel. Whereas junk worthy of the worst possible treatment prisoners become, and they are denied with any right to a minimally healthy existence and safe. Hence the correctness of the Jose Eduardo Cardozo, Minister of Justice, in comparison with the medieval dungeons.

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