**Oñati Socio-Legal Series (ISSN: 2079-5971)**
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# Handling deaths in prison custody after Carandiru: Practices of penitentiary administration in São Paulo, Brazil

OÑATI SOCIO-LEGAL SERIES FORTHCOMING
DOI LINK: HTTPS://DOI.ORG/10.35295/OSLS.IISL.2620
RECEIVED 13 FEBRUARY 2026, ACCEPTED 20 MAY 2026, FIRST-ONLINE PUBLISHED 4 JUNE 2026

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## Abstract

This article analyses how deaths in prison custody are managed by the Secretariat of Penitentiary Administration of the State of São Paulo (SAP), Brazil. It examines institutional arrangements that structure state responses to prison custodial deaths combining historical and empirical approaches. Based on legislative debates surrounding the creation of SAP in the aftermath of the 1992 Carandiru Massacre, as well as on documentary analysis, freedom of information requests, and qualitative interviews, this research investigates administrative practices of death classification, internal investigations, and communications with families. The findings reveal inconsistencies in official data and fragmented information flows that limit transparency and accountability. The analysis of Preliminary Investigations shows that these procedures have produced no administrative sanctions and are frequently mobilized in court to support state defenses. The article argues that such bureaucratic routines reproduce historical patterns of denial and opacity, shaping how the state governs and renders intelligible deaths under its custody.

## Key words

Deaths in prison custody, penitentiary administration, accountability, administrative investigations, Carandiru Massacre

The author is grateful to the anonymous reviewers for their insightful comments, which greatly helped to improve this text. Many of the questions explored in this article were made possible through exchanges with the members of the Research Group on Law and State Violence at FGV Sao Paulo Law School (FGV Direito SP), to whom the author is also deeply thankful. This work was carried out with the support of the São Paulo Research Foundation (FAPESP), grant #2023/06158-7.

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## Resumen

Este artículo analiza la forma en que el Secretariado de Administración Penitenciaria del Estado de Sao Paulo (SAP), en Brasil, gestiona las muertes en prisión. Examina las disposiciones que estructuran las respuestas estatales a las muertes bajo custodia penitenciaria, combinando el enfoque histórico y el empírico. Basándose en los debates jurídicos que rodearon la creación de la SAP en la etapa posterior a la masacre de Carandiru de 1992, así como en análisis de documentos, solicitudes de libertad de información y entrevistas cualitativas, esta investigación indaga en las prácticas administrativas de clasificación de muertes, investigaciones internas y comunicaciones con las familias. Los hallazgos revelan inconsistencias en los datos oficiales y flujos fragmentados de información que limitan la transparencia y las responsabilidades. El análisis de Investigaciones Preliminares muestra que esos procedimientos no han dado lugar a sanciones administrativas y que con frecuencia son movilizados por los tribunales para ayudar a la defensa del Estado. El artículo argumenta que esas rutinas burocráticas reproducen patrones históricos de negación y opacidad, articulando la forma en que el Estado gobierna las muertes bajo su custodia y las hace inteligibles.



## Palabras clave

Fallecimientos bajo custodia penitenciaria, administración penitenciaria, rendición de cuentas, investigaciones administrativas, masacre de Carandiru

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## 1. Introduction

The topic of prison lethality has been gaining academic relevance in Brazil, especially in recent years, with research focusing on the impacts of the COVID-19 pandemic on the prison system (Vasconcelos *et al.* 2020, Prando and Godoi 2020, Machado and Vasconcelos 2021, Budó *et al.* 2022). Nevertheless, studies addressing the management of these deaths remain scarce, particularly concerning the institutional routines and administrative procedures triggered after a death occurs, as well as the forms of communication established with victims' families.

Coordinated by Maíra Machado and Natália Vasconcelos (2023) and funded by the National Council of Justice (CNJ), the project "Prison Lethality: A Matter of Justice and Public Health" defines prison lethality as "the set of events and health risks associated with exposure to prison life and the elements that affect and condition these events and risks, such as the institutional practices of agents and organizations of the criminal justice system" (Machado and Vasconcelos 2023, p. 18, my translation[2]). By delving into the contexts of death production, the classifications used to designate it, and the levels of coordination between legal and administrative institutions around the event, the research demonstrates how, in Brazil, data on prison lethality are scarce, unreliable, and lacking transparency. There are no aggregated data by prison units and individuals that allow a clearer understanding of prison conditions and the factors directly involved in the mortality of incarcerated individuals, as well as a complete lack of information about the existence or non-existence of investigations into a particular death.

Furthermore, an essential part of the analysis of prison lethality is to investigate how the classifications used are being operated. Recent research has engaged with the boundaries between designations of deaths from diseases, or "natural" deaths, criminal deaths or suicides, or even the frequent deaths from "unknown causes" (Mallart and Araújo 2020, Mallart and de Braud 2022). In the state of São Paulo, out of 482 deaths recorded by the Secretariat of Penitentiary Administration of the State of São Paulo (SAP) in 2014, 450 were categorized as "natural deaths." In 2017, out of 532 deaths recorded, 484 were also under this category (Spechoto 2018; cf. Machado and Vasconcelos 2023, p. 72).

Such classifications imply, in turn, different flows of investigation and accountability for deaths, which will impact, for example, the nature of the type of compensation and support that may be demanded by families. However, these flows generally remain obscure to public scrutiny and access by these same families.

Thus, with the aim of contributing to fill this gap, this article focuses on the management of deaths in prison custody by the prison administration of the state of São Paulo, Brazil. Rather than concentrating on a single dimension, this article examines three interconnected aspects: the production and classification of official data on prison custodial deaths; the administrative procedures and internal investigations initiated after each death; and the institutional arrangements (or lack thereof) governing the communication of deaths to prisoners' families. It further analyses how the very establishment of the Secretariat of Penitentiary Administration of the State of São Paulo

[2] Unless otherwise indicated, all translations from Portuguese are my own.

is connected to one of the most paradigmatic episodes of lethal violence in Brazilian prisons, the Carandiru Massacre in 1992.

Although the present analysis is anchored in the institutional context of São Paulo, the problem it addresses resonates with a broader scholarly conversation on the (in)visibility of prisoner deaths and on the production of institutional opacity in Latin America. Klaufus and Weegels (2022), drawing on research in Argentina, Colombia, and Nicaragua, analyse how incarcerated people in Latin America are constituted as a "dispensable population" through trajectories of marginalisation that extend from prison life to post-mortem management. Their analysis highlights not only the frequent failure of prison administrations to establish causes of death, but also broader processes of bureaucratic invisibilisation, family exclusion, and depersonalisation of the prisoner dead, whose trajectories from prison to grave often remain opaque and socially marginalised. Kalir and van Schendel (2017) frame similar dynamics through the concept of "nonrecording states," arguing that the selective production, withholding, or fragmentation of information about certain populations may operate not as bureaucratic failure but as a strategic state-making tool that allows authorities to evade accountability. While the São Paulo case examined here does not involve an absence of documentation, it illustrates how extensive bureaucratic recording may coexist with institutional practices that neutralize accountability and render prison custodial deaths politically opaque.

In the Brazilian context, Denyer Willis (2021) analyses what he terms a politics of "letting disappear," in which the lack of pursuit of information and the routinisation of unexplained loss become themselves a form of governance. The São Paulo case examined here offers an empirically grounded illustration of how these dynamics operate within a specific administrative apparatus.

### *1.1. Methodology*

The methodology adopted relies primarily on documentary analysis, complemented by fieldwork conducted in prison units in the state of São Paulo. The documentary corpus comprises three main sets of materials. First, normative and administrative documents produced and publicized by the Secretariat of Penitentiary Administration of the State of São Paulo (SAP), such as resolutions, internal regulations, and procedural guidelines. Second, information obtained through the Freedom of Information Act (Law No. 12.527 of 2011), including official responses provided by SAP and decisions issued by the São Paulo State Comptroller General (CGE). Third, documents from the Legislative Assembly of São Paulo, also obtained through freedom of information requests, with particular emphasis on the legislative debates and records related to the bill that created SAP in 1992. These parliamentary materials were examined to reconstruct the historical context of the Secretariat's establishment and its connection to the management of prison deaths.

Fieldwork was conducted between August 2024 and January 2025 in different regions of the state of São Paulo. The project was submitted to and approved by the Research Ethics Committee of the institution to which the research is formally affiliated. After ethical approval, the research proposal was presented to SAP, together with the documentation required by the agency and an indication of the prison units where interviews were

intended to take place. Units were selected in order to include facilities from distinct regions that had registered deaths in recent years. SAP contacted the selected units and inquired about the interest of staff members in participating in the study. As a result, eight semi-structured interviews were carried out in four prison units located in four different regions of São Paulo. Interviewees occupied diverse institutional roles, including health coordinators, officials responsible for conducting preliminary investigations, and one prison director. All interviews were individually authorized by the Secretary of Penitentiary Administration.

This institutionally mediated form of access made it possible to conduct interviews with officials occupying different positions within the prison administration, while simultaneously limiting the researcher's control over participant recruitment and the broader conditions under which interviews were conducted, issues that have been noted in qualitative research carried out in controlled custodial settings (Abbott *et al.* 2018, Baffour *et al.* 2024). Given the objectives of this article, the interviews are employed as complementary sources aimed at illuminating administrative routines and contextualizing documentary findings, rather than as the main empirical basis of the analysis. Published journalistic material documenting the experiences of families of individuals who died in prison custody was also drawn upon where relevant.

Regarding the analysis of recent prison lethality data, the year 2017 was adopted as the initial temporal marker. This year corresponds with the publication of SAP Resolution 65 (18 May 2017), which provides the normative framework for reporting deaths in the São Paulo prison system. This resolution also establishes deadlines, sets out the required documentation, including the Death Occurrence Report form that classifies deaths as intramural or extramural. Information access requests were submitted to SAP in two phases. Ten requests were submitted between May and July 2024, covering the period from 2017 to 2024, focusing on the number of deaths, classification categories, and post-death procedures. Additional requests were submitted in August 2025, which yielded the data on preliminary investigations ("procedimento de apurações preliminares" - PAPs) and the procedural flow between SAP and the State Attorney General's Office discussed in section 3.3.

The data on deaths were received in spreadsheet format, with each tab corresponding to a year from 2017 onward and deaths organized by SAP regional coordination unit. A summary tab presented aggregate totals by coordination unit and year. The data lacked standardization across years and regions: in some coordination units, deaths were accompanied by classification categories (natural death, homicide, suicide, undetermined cause, or suspicious death), while in others, none of the deaths had been assigned a classification. This inconsistency required manual checking of individual causes of death against the classifications attributed to them, a procedure that revealed the misclassifications discussed in section 3.1.

The article is structured as follows. Section 2 addresses the creation of the Secretariat of Penitentiary Administration of the State of São Paulo and its connection to the management of prison deaths, tracing its origins to the Carandiru Massacre. Section 3 presents the empirical analysis, focusing on three main aspects: inconsistencies in the classification of prison custodial deaths; the functioning of administrative procedures and internal investigations; and the institutional flows of information, including

communication with prisoners' families. Section 4 discusses the findings and presents conclusions.

## 2. From Carandiru to SAP: Origins and management of prison deaths

The Carandiru Massacre, which occurred on October 2, 1992, remains an emblematic episode for understanding lives and deaths in prison. On that date, the São Paulo State Military Police intervened to suppress an alleged rebellion at the São Paulo House of Detention (popularly known as Carandiru), resulting in the deaths of at least 111 prisoners (OAS 2000, Machado *et al.* 2015). Far from being an isolated event, as research on massacres in different Brazilian prison contexts demonstrates (Pedroso 2015, Melo and Rodrigues 2017, Prando 2021), the episode must be situated within a broader pattern of prison violence. Its repercussions extended well beyond the immediate event. In addition to prompting the interiorization and expansion of prisons in São Paulo (Godoi 2015) and the construction of "Provisional Detention Centers" ("Centros de Detenção Provisória") outside the capital (Teixeira and Matsuda 2015), the Massacre cannot be considered resolved, including with regard to the legal consequences circumscribed to the episode.

Seventy-four police officers were convicted of homicide by a jury court in 2013–2014, but the convictions underwent successive reversals and reinstatements across multiple judicial instances over the following decade (Machado *et al.* 2020, Mendes 2022). In December 2022, then-President Jair Bolsonaro issued a presidential pardon covering security forces agents convicted of crimes committed more than 30 years prior, which was applied to the Carandiru officers despite a partial suspension by the Federal Supreme Court (Tomaz 2022, STF 2023, Higídio 2023). Emblematically, on October 2, 2024, exactly 32 years after the massacre, the São Paulo State Court declared the extinction of all sentences (São Paulo Court of Justice, 2024), a decision whose constitutionality remains under review by the Federal Supreme Court (Higídio 2024, Barros and Ferreira 2025).

The broader context of non-accountability in the Carandiru case extends well beyond the criminal proceedings against the police officers. There has been no accountability of political actors, such as the governor and the secretary of public security at the time, nor have the civil indemnity processes initiated by the families of the Massacre victims been concluded (Ferreira and Machado 2022). This is even though the state's civil liability is based on Articles 5 and 37 of the Constitution of the Federative Republic of Brazil, which provide for the state's duty to ensure the safety and respect for the physical and moral integrity of prisoners (Asperti *et al.* 2020).

The lengthy processing time of the cases is attributed to various factors, such as the requirement for confirmation of all sentences against the Union, states, and municipalities by the respective courts, and the excessive combativeness of the Public Treasury, arguing that the state would not be responsible for the deaths, or that the amount awarded for material and moral damages would be greater than due (Machado *et al.* 2015, p. 72–74; 2021, p. 36). Additionally, the deactivation of the Carandiru prison and its replacement by a park add a spatial dimension to this erasure (Tavolari *et al.* 2022).

At the same time, Brazilian authorities, over the decades following the Carandiru Massacre, have invested in movements to decontextualize the event, as if the material conditions that made it possible (overcrowding, police violence, and structural conditions of Brazilian prisons) were not linked to it and the competence of the authorities. On the contrary, authorities argued as if, in the end, the prisoners themselves were responsible for their own deaths, as if they had supposedly initiated a rebellion in the establishment (Machado *et al.* 2015). In this sense, the demolition of the buildings and the construction of the Parque da Juventude (Youth Park) on the former prison site are examples of attempts to redirect the narrative, which enabled, instead of rescuing memory, an absence of interrogation of the past (Bandeira *et al.* 2020, pp. 326–327; Tavolari *et al.* 2022). Thus, the unresolved nature of the Massacre, in the multiple spheres considered here, persists to this day.

In addition to the lack of conclusion of the accountability processes for public agents involved in the Massacre and the indemnity processes initiated by the families, the episode also did not serve as a catalyst for the creation of protocols regarding responsibility for police and/or prison lethality. Nevertheless, the episode can be understood as a milestone that contextualizes the entire organization of the São Paulo Penitentiary Administration and the shift in the presence of military forces in São Paulo prisons. Instead of being reduced after the Massacre, this presence was enhanced, either by "strengthening the military police corporation and its members in defining and implementing directions for punitive policy and managing the prison system itself," or by occupying "relevant positions in the hierarchy of state secretariats (justice, penitentiary administration) by members of the military police" and management positions in prison units (Salla and Alvarez 2012, ).

Regarding the creation of the Secretariat of Penitentiary Administration of the State of São Paulo (SAP), its proposal was submitted to the Legislative Assembly by then-governor Luiz Antonio Fleury Filho (1991–1994) a few days after the Carandiru Massacre. The Secretariat was established in January 1993, through State Law No. 8209, the same year that the first measures aimed at deconcentrating the penitentiary complex in São Paulo state were being tested (Teixeira 2007, p. 114, Jesus Filho 2017, p. 53, Godoi *et al.* 2019, p. 603). The São Paulo governor, considered "hardline" on security, had already promoted in his first year in office the transfer of Coespe (Coordination of State Penitentiary Establishments) from the Justice Secretariat to the Public Security Secretariat (SSP), marking "the empowerment of the public security staff at the expense of the Justice staff" (Jesus Filho 2017, p. 50).

Consulting the documents attached to the bill and the legislative debates preceding its approval reveals a clear dispute among distinct groups regarding the significance of the Massacre as a decisive factor for the implementation of SAP. Regarding the documentation appended to the bill, only the statement from the Human Rights Committee of the Brazilian Bar Association (OAB), São Paulo Section mentions the Massacre emphatically. In its statement on December 14, 1992, the Committee emphasizes that although the bill was created in response to pressure from the OAB and civil society against transferring the management of the Penitentiary System to the Department of Public Security, which allegedly led to the massacre, there was no recognition of this in the bill's rationale. It also points out the lack of public dialogue on

the bill and the need for any potential new secretary not to be associated with what it terms as "recent political-prison disaster" and "military power savagery."

The centrality of the Massacre is evident, however, when the legislative debates held between December 1st and 8th, 1992, are analyzed. Opposition lawmakers reinforce the OAB Committee's argument that the Massacre was one of the effects of transferring prison management from the Department of Justice to the Department of Public Security, and that the creation of SAP was a rushed, expedited measure to conceal such an unconstitutional transfer. As Deputy Luiz Carlos da Silva stated during the legislative debate on December 1, 1992:

> (…) a rapid attempt was made to implement the change, and this entire discussion began, all this rhetoric, arguing how beneficial and important this Secretariat would be, while hiding the shameful situation of the transfer that was made amidst widespread criticism from various sectors of society. They did so after the tragic events that brought the State of São Paulo to disgrace and humiliation, and also Brazil, on an international level, which was the massacre, the slaughter that occurred inside one of the prisons during a conflict action (...) where the final result was 111 dead, in a way that has not yet been clearly explained.

On the government side, the argument was that the Secretariat's creation had been planned long before the incident, and that the deaths caused by police were due to "excesses" in attempting to control the alleged rebellion. The word "massacre" does not appear in the government's discourse, giving way to terms like "occurrence" or "episode" (ALESP 1992). According to then Deputy Campos Machado, speaking during the legislative debate on December 1, 1992, "to do justice to the governor (...), the idea of creating the state penitentiary administration secretary did not arise because of what happened on October 2nd last. It arose, yes, from the beginning of his administration".

In the rationale for approving the bill, the governor does not mention the episode, but another factor of mortality among prisoners emerges strongly: "the problem represented by AIDS, sowing terror among prisoners and those who care for them, as well as raising great concerns for public authorities about the risks of spreading this insidious disease" (Bill No. 672/1992, 1992). However, this mortality factor is not attributed to police violence, but rather to the prisoners themselves. In the words of then State Deputy Oswaldo Justo, during the debate on the bill on December 1, 1992: "Very well associated by Your Honor the idea of AIDS with criminality, with drugs (...). It is the encounter, the adjustment of accounts between the disorder of humanity and the laws that govern the universe".

In addition to the investigations of the police involved, the Brazilian state was denounced to the Inter-American Commission on Human Rights (IACHR) on February 22, 1994 by Americas Watch, CEJIL (Center for Justice and International Law), and the Teotonio Vilela Commission, under Case 11.291. The Commission concluded its analysis in 2000, issuing Report No. 34/00 (OAS 2000). Paradoxically to the government's claim that SAP's creation was not linked to the Massacre, the Commission's report on the case shows that the Brazilian state responded to the allegations by stating that "immediately after the events, measures were taken in this regard, such as the creation of a Secretariat of Penitentiary Administration of the State of São Paulo and the mandatory inclusion of a human rights course in the training of police officers in that State" (OAS 2000, p. 5).

Thinking about the lines of continuity that perpetuate prison lethality today, the Carandiru cases are exemplary in highlighting the difficulties faced by families in obtaining (or not) compensation after a death occurs in prison custody, and how the judicial route, with all the previously mentioned obstacles, seems to be the only possible institutional way to demand state reparation. In this context, local institutions, and particularly SAP in the case of São Paulo, appear at first glance to be absent from the accountability framework triggered by deaths in prison custody. Yet, as the literature discussed above demonstrates, the Massacre itself was the episode that spurred the centralisation of prison administration and the very creation of the Secretariat (Feltran 2014, Jesus Filho 2017).

## 3. Analysis of recent prison lethality data and information flows in São Paulo

The institutional configuration consolidated in the aftermath of the Carandiru Massacre centralized prison administration while leaving accountability for prison lethality structurally unaddressed. This configuration continues to shape the governance of deaths in prison custody in São Paulo. The analysis that follows draws on data obtained through freedom of information requests to examine whether the formal apparatus established by SAP for reporting, classifying, and investigating deaths in prison custody operates as a mechanism of transparency and accountability or, instead, reproduces the patterns of institutional self-protection and opacity that the Carandiru case first made visible.

The abovementioned research "Prison Lethality: A Matter of Justice and Public Health" (Machado and Vasconcelos 2023) shows how in São Paulo, the lack of accountability of prison establishments continues to be ratified by the same state institutions as those in the cases related to the Massacre, such as the São Paulo State Treasury. In one of the cases narrated by the authors, the argument of one of the prosecutors to contest the granting of compensation to the parents of a young man who died after a series of medical omissions in 2013 is grounded in an administrative procedure produced by the prison establishment's staff where the death occurred, to investigate any responsibility of the staff. That is, in "an investigation conducted by prison staff to assess the responsibility of the staff themselves in the death" (Machado and Vasconcelos 2023, p. 58).

From the analysis of the testimonies collected for the case investigation, the research highlights the repetition of information and formulations, such as that all necessary measures to preserve the inmate's life had been taken. The decision of the investigating authority to close the case was endorsed by both the prison director and the Coordination of Prison Units in the Region. As reported by the authors, within the Judiciary, ten years after the man's death (at the time the research was published), there had still been no resolution of the compensation claim filed by the parents, who remained without any state compensation.

Thus, based on the hypothesis that the judicial route is the primary means for families to seek state compensation following a death in prison, a series of information access requests were submitted to the Secretariat of Penitentiary Administration of the State of São Paulo between May 2024 and August 2025. The normative framework that guided

these requests is SAP Resolution 65/2017,[3] which requires that prison units report every death within 48 hours to three internal SAP bodies: the Penitentiary Health Coordination, the Administrative Penitentiary Internal Affairs, and the relevant regional Prison Unit Coordination. Each report must include a copy of the death certificate and a standardized Death Occurrence Report, which classifies deaths as intramural or extramural. The data is compiled monthly and forwarded to SAP's central office. Notably, no external institution is included in this reporting flow.

### *3.1. Findings from information access requests: Death numbers*

Multiple information access requests were submitted to SAP between May 2024 and August 2025. Regarding the number of deaths recorded in the São Paulo prison system between 2017 and 2024, the figures are as follows: 505 in 2017; 433 in 2018; 443 in 2019; 445 in 2020; 542 in 2021; 485 in 2022; 541 in 2023; and 257 in 2024 (up to June 10). Although the number of deaths peaked in 2021 due to COVID-19, this number did not substantially decrease in the following years. In fact, the year 2023 recorded only one death fewer than in 2021, which possibly indicates a stabilization of the death toll at a high level. Additionally, the vast majority of deaths during this time period were classified as "natural death" or "undetermined death" in a predominantly young population (58.73% up to 34 years old), with only about 4.61% of incarcerated elderly people over 60 years old, according to SAP data from 2023.[4]

FIGURE 1

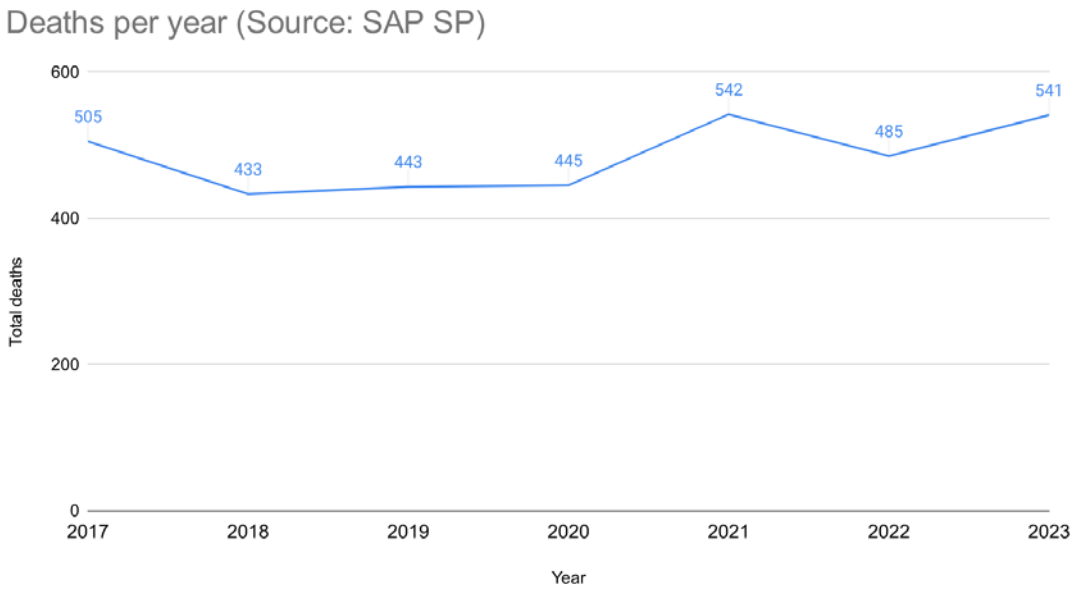


**Figure 1. Deaths in the São Paulo prison system, 2017–2024.**
**(Source: the author, based on SAP data.)**

[3] *Diario Oficial Poder Executivo*, 127(93), 19 May 2017. Available at: http://www.imprensaoficial.com.br/DO/GatewayPDF.aspx?link=/2017/executivo%20secao%20i/maio/19/pag_0014_AS65J7VPF3DVReDGIFUNQB7TLFQ.pdf

[4] Data available at: https://www1.sap.sp.gov.br/download_files/pdf_files/populacao-feminina-masculina-dezembro-2023.pdf

Upon closer examination, several inconsistencies in the provision of such data became visible: the list of deaths by date does not always match the summarized total. Some deaths contain implausible dates, such as 15 records listed under the 2021 tab that are registered with dates from 2013; the totals provided by SAP via freedom of information requests vary across solicitations referring to the same reference year. For instance, journalistic reporting based on a 2018 information request indicated 532 deaths for 2017 (Spechoto 2018), whereas the requests submitted for the present research returned 505 deaths for 2017, a discrepancy that may reflect changes in compilation criteria across requests or, in itself, an inconsistency in the data produced by SAP; and the causes of death are classified with a different list of categories depending on the year considered. More consequentially, a detailed review of the individual death records provided by SAP reveals a pattern of classification that raises serious questions about the reliability of the "natural death" category.

The dataset itself reveals an internal inconsistency: deaths classified as "natural" were, in several cases, accompanied by detailed causes of death that contradict this classification, such as suicide; trauma caused by blunt object or polytrauma; intoxication; cranioencephalic trauma with polytrauma; accidental electrocution in a cell; acute exogenous intoxication by cocaine; and cranioencephalic trauma resulting from electrocution during external work. Also, in 2023, five deaths recorded by one of SAP's regional coordination units appear in the summary totals but are absent from the detailed spreadsheet of individual deaths. These are not marginal discrepancies; they reveal a tendency to absorb violent, accidental, and substance-related deaths into the residual category of "natural death," rendering them administratively invisible.

The classification of each death is not merely circumstantial or limited to providing an explanation to the victims' families regarding the reasons for the death, although this is of fundamental importance. The classification, in addition to exposing deficiencies in terms of access to health care and the preservation of physical and mental integrity in the prison system, is crucial in cases where families seek judicial reparations from the state, as well as in investigations involving the accountability of state agents. For instance, deaths classified as suicides are rarely subject to compensation for the families, based on the argument that these deaths were not preventable by state agents. When a death caused by electrocution in a cell or by acute cocaine intoxication is classified as "natural," the institutional consequence is not merely a reporting error: it may remove the death from the category of events that might trigger formal accountability proceedings and diminish the prospects of reparation for the family.

As Mallart and Araújo (2020) have argued, administrative categories such as "natural death" and "indeterminate cause" produce a form of silent massacre, in which death in prison custody is systematically depoliticized and absorbed by bureaucratic routine. This "drop-by-drop massacre" (Gual 2023) operates through official records and classifications that convert negligence, omission, and violence into individual fatality, erasing the structural conditions that make them possible.

It should also be noted that, until very recently, SAP did not proactively publish any data on deaths in prison custody; all data analyzed in this article were obtained exclusively through freedom of information requests. In the second half of 2025, following the adoption of the São Paulo State Open Data Policy (State Decree No.

68,769/2024), SAP began publishing on its institutional website a set of data on the prison system, including, for the first time, aggregate figures on deaths of persons deprived of liberty for the first semester of 2025.[5] This initiative represents an advance in terms of active transparency, as it makes data available without the need for formal information requests.

However, the published data present significant limitations: deaths are reported only in aggregate form, containing the classification of death (natural, homicide, suicide, accidental, or unknown cause), the location (cells, infirmary, hospital, or "other"), and the respective totals. There is no disaggregation by prison unit, date of death, age, gender, race, or specific cause of death, variables that are essential for qualified monitoring of prison lethality. By way of illustration, the data for the first semester of 2025 record 280 deaths, of which 65% were classified as natural, 25% as unknown cause, 7% as suicide, 2% as homicide, and 1% as accidental. This new open data policy coexists, therefore, with the recording practices analyzed in this article, without necessarily overcoming them. The publicly available data derive from the same institutional flows of death reporting between prison units, regional coordination offices, and SAP's central office, meaning that the discrepancies, inconsistencies, and opacities identified in the internal records tend to be reproduced in the open data, albeit in aggregate form.

### *3.2. Preliminary investigations: Systematic archiving and zero accountability*

A central mechanism in the management of prison deaths in São Paulo is the Preliminary Investigation Procedure ("Procedimento de Apuração Preliminar", or PAP), which is mandatory for every death in prison custody. Every death of a person held in the São Paulo prison system, whether on prison premises, during transfers, or at external health facilities, triggers the mandatory opening of a PAP. This obligation is currently defined by SAP Resolution No. 074/2025. The PAP is not a formal disciplinary procedure; it is a preparatory, investigative step intended to determine whether there are grounds for opening formal accountability proceedings. It has no sanctioning power and, crucially, is not subject to the principles of adversarial proceedings ("contraditório") and full defense ("ampla defesa"). SAP itself confirmed this restricted nature in a response to a freedom of information request in September 2025, stating that the procedure is "investigative and preparatory in nature, with access restricted to third parties," and that adversarial guarantees apply only after the formal opening of disciplinary proceedings.[6]

The procedural flow of the PAP is entirely internal to the prison administration. Upon the occurrence of a death, the prison unit opens the investigation, and the designated investigating officer (a prison staff member) collects documentation, takes statements from fellow staff and inmates, and produces a report recommending either archiving or further proceedings. This report is reviewed by the prison director and then forwarded to the relevant SAP regional coordination unit, which issues its own assessment. If the recommendation is for archiving, on grounds of absence of evidence of fault or

[5] Available at: https://www.sap.sp.gov.br/sec_adm_penitenciaria/transparencia/dados-abertos. Last accessed: February 11, 2026.

[6] These data and other aspects of the Preliminary Investigations carried out by SAP are examined in greater detail elsewhere (Canheo and Plastino 2026, forthcoming).

functional omission, the case is closed at this level, within SAP itself. During the fieldwork, cases were forwarded to the São Paulo State Attorney General's Office (Procuradoria Geral do Estado, PGE) only when the regional coordination concluded that there were grounds for formal disciplinary action.

This institutional arrangement was in effect throughout the period covered by the data analyzed here. The restructuring in late 2024, which created the Penal Police and its own internal affairs office (discussed in section 3.3), has formally altered SAP's organizational structure, though Resolution 65/2017 remains in force and procedures already referred to PGE continue to be processed there. Under the previous arrangement, the PGE was the body responsible for conducting formal disciplinary administrative proceedings involving state employees, but it only entered the process when SAP's own internal review determined that accountability may be warranted, a threshold that, as the data below demonstrate, was almost never reached.

Data obtained through freedom of information requests submitted to SAP in August 2025 provide a striking picture. Between 2016 and 2025, a total of 4,235 PAPs were opened in connection with deaths of incarcerated persons. Of these, 3,938 (93%) were administratively archived by SAP's own regional coordination units, while 297 remain ongoing. The sum of archived and ongoing cases accounts for the totality of registered procedures, which leads to an unambiguous conclusion: over the course of nearly a decade, not a single preliminary investigation into a death in prison custody resulted in administrative accountability. An additional information access request confirmed this pattern with greater specificity. Of the 4,235 PAPs, only seven were ever forwarded to PGE: three with a proposal for opening a formal Disciplinary Administrative Proceeding (PAD), two with a proposal for an inquiry (Sindicância), and two with a joint proposal for both. The procedures submitted for inquiry resulted in archiving by the PGE itself, while the remaining five remain pending. The 3,938 archived cases were closed entirely within SAP, without any external review (Canheo and Plastino, forthcoming 2026).

These numbers are not merely quantitative data; they reveal the structural functioning of the PAP as a device for the administrative pacification of deaths in prison custody. This internal flow, in which prison staff investigate their own colleagues, the investigating authority reports to the prison director and regional coordination, and the vast majority of cases are closed without external scrutiny, constitutes what can be characterized as an institutional arrangement of non-accountability.

Moreover, although systematically archived internally, PAPs are mobilized by the state itself in judicial proceedings, particularly in civil compensation lawsuits filed by victims' families, as evidence of state diligence and the absence of liability. The State Attorney General's Office routinely requests archived PAPs from SAP when families seek compensation, converting the archiving into a probative element favorable to the state's defense. In practice, what the administrative sphere produces as a conclusion of non-accountability is repurposed in the judicial sphere as proof that the state fulfilled its duty of care. This dual functioning, internally closing the case while externally deploying it as proof of due diligence, reveals a self-reinforcing circuit of institutional protection that operates across administrative and judicial domains (Canheo and Plastino, forthcoming 2026).

### *3.3. Post-death procedures, family communication, and institutional reforms*

Regarding post-death procedures, SAP responded that the completion of Death Occurrence Reports, as established by Resolution SAP-65/2017, can be carried out by any staff member who becomes aware of the death, in accordance with Article 241, Section V, of the State Civil Servants Statute. There is no predetermined individual responsible for completing the reports, allowing it to be done by a staff member involved in the incident or by a Health Unit staff member. The documents typically circulate within the Health and Supervision sectors, following a standardized format set forth by the resolution.

As for family communication, SAP responded to information access requests that the procedure involves telephone contact by the social services of the Directorate of Rehabilitation and Health Care, directed towards family members listed in the deceased inmate's visitation registry. However, the interviews conducted with eight SAP officials in prison units across different regions of São Paulo between August 2024 and January 2025 revealed that the actual practice of family notification is considerably more precarious and inconsistent than this official account suggests. No public normative instrument or specific protocol governing the communication of deaths to families was identified in either the documentary analysis or the interviews.

An important body of literature has challenged the view of prisons as hermetically sealed or total institutions (Goffman 1961), demonstrating the multiple flows and porosities that connect the inside and outside of prisons (Wacquant 2001, Comfort 2007, Cunha 2008, 2015, Godoi 2015, Morelle 2015). Yet the normative categories employed by SAP remain rigidly bounded. The interviews revealed that the intramural/extramural classification established by Resolution 65/2017 has practical consequences for family notification. According to the officials interviewed, when a death occurs outside the prison's physical perimeter, for instance at an external emergency care unit, the responsibility for notifying the family becomes diffuse, often falling between the prison's social services and the external facility's staff, with neither institution assuming clear ownership of the communication. Journalistic investigations corroborate this finding. In August 2024, a case was reported in which a mother was notified of her son's death via a laconic institutional e-mail, informing her in bureaucratic language of the date, time, and certified cause of death, as if communicating an administrative occurrence rather than the loss of a human life (Mendonça 2024). This case, together with the findings from the interviews, suggests that the gap between SAP's stated protocol and the reality experienced by families is not an isolated failure but a structural feature of a system in which family communication has never been the object of specific institutional regulation. As Klaufus and Weegels (2022) argue in their analysis of prison deaths in Latin America, the management of prisoner deaths frequently involves processes of family exclusion and informational opacity, in which relatives are deprived not only of participation in investigations but also of basic knowledge concerning the circumstances, location, and handling of the deceased body. The fragmented notification practices identified in São Paulo strongly resonate with these regional dynamics.

Critically, in none of the existing administrative or investigative instruments, whether PAPs or police inquiries conducted in cases classified as suspicious or violent deaths, is there any formal provision for family participation, the exercise of adversarial rights, or

an independent investigation conducted by authorities external to the prison administration. This contrasts with the Minnesota Protocol, which establishes that "the State must enable all close relatives to participate effectively in the investigation" and that investigative authorities should keep them informed about the progress of the investigation (OHCHR 2017, para. 35). The scope of the PAP is limited to assessing individual functional misconduct by specific agents, rather than examining the broader institutional conditions, such as structural deficiencies in health care, overcrowding, or systemic negligence, that may have contributed to the death.

Civil compensation lawsuits appear, in this context, as one of the few legal avenues through which families can participate and raise questions about the circumstances of a death in custody. However, significant barriers impede access to this route. The São Paulo State Public Defender's Office covers a limited number of the state's judicial districts, and even families already assisted in the criminal sphere must undergo a new screening process before a civil claim can be filed. This involves not only a reassessment of their financial eligibility for public representation, but also an internal evaluation of the legal merits and pertinence of pursuing a civil action. As a result, families must attend separate appointments, submit additional documentation, and await a distinct institutional decision regarding whether the lawsuit will proceed.

Furthermore, there is a marked imbalance in access to documentation: while the State Attorney General's Office can obtain PAP files directly from SAP to construct its defense, the Public Defender's Office typically gains access to these same documents only through judicial intermediation, when a corrective judge (who is the judicial authority responsible for overseeing prison conditions and inmates' rights) issues a formal request for information, which does not always occur. For families represented by private attorneys, there is no established channel for accessing PAP documentation at all. This disparity in institutional access to information about how a person died in state custody compounds the opacity that already pervades the system and places families at a significant disadvantage in seeking accountability and reparation.

It is also important to note that the institutional landscape has undergone significant changes since the fieldwork began. In September 2024, Complementary Law No. 1,416 established the Organic Law of the Penal Police of São Paulo, recognizing the corporation as a permanent public security body responsible for prison security. In December 2024, Decree No. 69,228 approved a new organizational structure for SAP, and SAP Resolution No. 128/2024 defined the structure of the Penal Police, creating specialized directorates, its own internal affairs office ("Corregedoria"), and intelligence units. These reforms formalize the incorporation of policing logic within prison governance and consolidate the shift from a penitentiary administration model to one explicitly organized around the framework of a police force.

The creation of the Penal Police, endowed with armed prerogatives similar to those of the military and civil police, raises important questions about whether the creation of an internal affairs office within the Penal Police itself can produce the external, independent oversight that international standards on the investigation of deaths in custody, discussed in greater detail in section 4, explicitly require. The preliminary investigations, previously conducted within the administrative framework of SAP and the State Attorney General's Office, are now integrated into the corporate logic of an armed police

force, consolidating what was empirically observable, self-investigation as an institutional norm, into a formal normative arrangement.

## 4. Discussion and conclusions

The study of prison lethality in São Paulo reveals a complex landscape where deaths in prison custody are not only tragically frequent but also inadequately documented. The historical context, marked by events like the Carandiru Massacre, continues to structure the administrative and legal pathways through which such deaths are managed.

The findings presented in this article reveal not a single institutional dysfunction but an articulated architecture of opacity in the management of deaths in prison custody in São Paulo. Three empirically documented dimensions converge to produce this architecture. First, the analysis of official data on prison custodial deaths exposed systematic misclassifications in which violent, accidental, and substance-related deaths are absorbed into the category of "natural death," removing them from the field of events that might trigger accountability. Second, the examination of 4,235 preliminary investigations opened between 2016 and 2025 showed that not a single one resulted in administrative sanctions, with 93% archived internally by SAP's own regional coordination units and only seven ever forwarded to the State Attorney General's Office. Third, the analysis of post-death communication revealed the absence of public protocols for notifying families, a fragmented attribution of responsibility between prison units and external health facilities, and the systematic exclusion of families from all investigative procedures. These three dimensions do not operate in isolation; they constitute a mutually reinforcing system in which misclassification reduces the likelihood of investigation, routine archiving forecloses accountability, and the exclusion of families eliminates the external scrutiny that might challenge either.

These findings resonate with the growing international literature on the (in)visibility of prisoner deaths, which has argued that making deaths in custody visible requires not merely improved data collection but a fundamentally different epistemological approach to how deaths are recorded, classified, and investigated (Tomczak and Mulgrew 2023). The São Paulo case offers a concrete illustration of how institutional mechanisms can produce visibility at one level, through extensive documentation and formal procedures, while simultaneously ensuring invisibility at another, by channeling all cases toward the same bureaucratic outcome: archiving.

This finding acquires particular significance in light of the dual juridical status of preliminary investigations. While internally the PAP operates as a preparatory, non-adversarial procedure that systematically concludes with archiving, the same archived document is externally deployed by the State Attorney General's Office in civil compensation lawsuits as evidence of state diligence. This dual functioning constitutes what can be termed a "Janus-faced" mechanism: the PAP simultaneously closes the administrative case and provides the state with probative material to contest families' claims for reparation (Canheo and Plastino, forthcoming 2026). This circuit of self-reinforcing institutional protection operates in tension with existing legal frameworks, including the Nelson Mandela Rules.

The United Nations Standard Minimum Rules for the Treatment of Prisoners, updated in 2015 and known as the Nelson Mandela Rules (UN General Assembly Resolution

70/175, 17 December 2015), establish that information about the circumstances of death and the fate of the body must be added to the prisoner's record system (Rule 8); that the death must be immediately communicated to the next of kin (Rule 69); that the death must be promptly reported to the judicial authority, who will initiate an "impartial and effective" investigation (Rule 71-1); and that the body should be returned to the next of kin as soon as possible, no later than the conclusion of the investigation (Rule 72). These standards are further specified, in the particular case of deaths in custody, by the Minnesota Protocol on the Investigation of Potentially Unlawful Death (OHCHR 2017), which establishes that any death occurring while a person is detained by, or in the custody of, the State, its organs, or agents triggers the State's duty to conduct a prompt, effective, independent, and impartial investigation, free from undue influence arising from institutional hierarchies and chains of command. The findings presented here suggest that the preliminary investigation system in São Paulo, far from fulfilling the requirement of impartial and effective investigation, operates as an internal mechanism of institutional self-protection.

The gaps, absences, and inconsistencies in the data obtained from the prison administration highlight this area of the "State" as a space of "opacity and incomprehension" (Vianna 2014, p. 222), revealing the illegibility (Das and Poole 2004) that characterises the Brazilian prison system and the limited openness to public scrutiny of its institutions when compared to other settings (Birkbeck 2011).

These findings dialogue with a growing body of scholarship that has approached state opacity not as a residual deficiency of bureaucratic capacity, but as a productive mode of governance. Kalir and van Schendel's (2017) notion of "nonrecording states" helps illuminate the selective inattention observed here, although the São Paulo case also complicates the concept itself. The SAP's reporting flows, classification practices, and preliminary investigations do not simply fail to record; rather, they produce extensive documentation in ways that systematically avoid the burden of accountability. In this sense, the management of prison custodial deaths in São Paulo reveals not the absence of recording, but a form of accountability-avoiding recording in which bureaucratic saturation coexists with institutional opacity.

Yet the findings presented in this article also suggest something beyond bureaucratic omission alone. As Denyer Willis (2021), writing on São Paulo, argues in his analysis of a politics of "letting disappear," contemporary forms of governance may operate not through the absence of institutional intervention, but through the routinisation of non-pursuit itself. In this sense, the preliminary investigation system examined here does not merely fail to produce accountability; it institutionalises a form of administrative non-pursuit in which deaths are documented, classified, and processed through extensive bureaucratic routines that overwhelmingly culminate in closure rather than scrutiny. The systematic absorption of violent, accidental, and substance-related deaths into categories such as "natural death," together with the internal archiving of thousands of investigations without sanctions, transforms custodial deaths into administratively intelligible but politically neutralised events. Rather than constituting exceptional institutional failures, these practices operate as ordinary mechanisms through which prison lethality is rendered governable while responsibility remains diffuse or absent.

Klaufus and Weegels' (2022) regional analysis of prisoners as a "dispensable population" in Latin America further situates the São Paulo case within a broader pattern in which prison administrations routinely fail to establish causes of death and marginalise both the deceased and their next of kin in the trajectory from prison to grave. Read together, these contributions help frame the São Paulo findings not as a local administrative aberration but as a particularly well-documented instance of how contemporary prison governance can produce opacity, non-pursuit, and administrative closure as constitutive features of state management of prison custodial deaths.

This illegibility operates on at least two analytically distinguishable planes. On one hand, there is the opacity that results from the very nature of bureaucratic production: the multiplication of records, the dispersal of information across institutional silos, and the technical complexity of administrative routines generate, almost inevitably, zones of incomprehension for those outside the system. In the prison context, where documents circulate between health sectors, security directorates, regional coordinations, and judicial authorities, this fragmentation makes it exceedingly difficult for any external actor to reconstruct a coherent account of how a death occurred and how it was handled.

On the other hand, this structural opacity provides fertile ground for more deliberate practices of information management. When institutional actors control the classification of deaths, the timing of document production, and the scope of internal investigations, the boundary between bureaucratic complexity and strategic concealment becomes blurred. In this light, the death classification categories routinely applied in São Paulo prisons (especially "natural deaths" or "indeterminate causes") function not merely as administrative labels but as mechanisms that channel the institutional response away from accountability and toward closure (Mallart 2019, Mallart and Araújo 2020). These classifications, embedded in extensive documentation, absorb violence, negligence, and systemic failure into the language of individual medical events, producing what the literature has described as a bureaucratic process of bodily deterioration that culminates with the prisoner's death (Mallart and de Braud 2022). It is at this juncture, where institutional routine meets strategic deployment of administrative categories, that the systematic archiving of preliminary investigations acquires its full significance as a mechanism of governance.

Taken together, these findings point to a governance model in which the formal apparatus for classifying, investigating, and communicating deaths in prison custody, far from serving as a mechanism of accountability, operates as a constitutive element of the state's capacity to administer and normalize prison lethality. The misclassification of deaths, the preliminary investigation procedure, and the absence of family communication protocols each concentrate institutional power within the same sphere responsible for the custody of the deceased, while restricting external access to information and participation. The absence of adversarial guarantees, the restricted access to documentation, and the asymmetric positions of the State Attorney General's Office vis-à-vis families and Public Defenders reveal an architecture that systematically shields the state from scrutiny while placing the burden of accountability on those least equipped to bear it.

The recent institutional reforms creating the Penal Police and its own internal affairs office consolidate this arrangement into a formal normative framework, raising

fundamental questions about whether self-investigation, now embedded within the corporate structure of a police force (the Penal Police), can ever fulfill the standard of impartial and effective investigation that both domestic constitutional law and international human rights instruments demand. The Nelson Mandela Rules and the Minnesota Protocol require prompt, impartial, and effective investigations of deaths in custody, including guarantees of institutional independence from those implicated in the deprivation of liberty (UN General Assembly 2015, OHCHR 2017). In the inter-American system, these concerns were already articulated with respect to Brazil in the IACHR Report on the Carandiru case (OAS 2000), which found violations of Articles 4, 5, 8, 25 and 1(1) of the American Convention on Human Rights and emphasized the lack of serious and effective investigation, accountability, and judicial protection in the aftermath of the Massacre.

The findings presented in this article suggest that, more than two decades after that report, the structural conditions of opacity and self-investigation that the IACHR identified persist, now formalised in the institutional architecture through which custodial deaths are routinely processed. In this sense, the management of prison deaths in São Paulo constitutes not an absence of institutional response, but rather the presence of a carefully structured institutional response designed to contain, classify, and ultimately archive the death, and with it, the state's responsibility.

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