

Socio-educational Interventions with Non-incarcerated, Adjudicated Youth in Rio Grande do Sul: A Brazilian Experience*

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Abstract

This article describes an innovative intervention for troubled juveniles who have been adjudicated for criminal offenses but who have not been incarcerated. It begins by outlining the legislation that legitimizes and supports the intervention, follows by detailing the intervention itself, and concludes by offering a summary of outcomes experienced by the program's participants. As a university/community partnership the intervention has shown positive results in Brazil, and offers promise as an effective program throughout the Americas.

Resumen

Este artículo describe un innovador programa de intervención para jóvenes quienes han cometido faltas criminales pero quienes no han sido encarcelados por esos cargos. Se inicia presentado los aspectos legales que legitiman y apoyan la intervención, después se detalla el proceso de intervención y se concluye con un resumen de resultados experimentados por los que participaron en el programa. Como programa de intervención que involucra universidad y comunidad ha demostrado resultados positivos y puede ser un programa prometerdo para todo el continente Americano.

Key words/Palabras claves

Socioeconomic problems, intervention, adjudicated youth, incarceration. Problemas socioeconómicos, intervención, jóvenes ofensores, encarcelamiento.

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Introduction

Among its socio-economic measures to be applied to adolescents (12 to 18 years old), the Children's and Adolescent's Statute (Estatuto da Criança e do Adolescente –ECA) (Federal Law 8.069/1990) examines the use of Community Service Orders (CSO) to adolescents who have violated the law. This measure is carried out without deprivation of liberty as proposed by the United Nations Convention on the Rights of the Child, which in its Article 37/b states:

- a) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

This project seeks to present and reflect upon the experience of the Community Service Order (CSO) program, developed along with 757 adolescents who have violated the law and have completed their CSO sentences at the Federal University of Rio Grande do Sul (Universidade Federal do Rio Grande do Sul – UFRGS) between April 1997 and September 2003. We have tried to understand who they are, what their characteristics and mannerisms are, what significance that the CSO measure had in their lives, and how they impacted the university with their presence. We have also tried to extract some educational principles from the experience that may be relevant in the application of socio-educational measures so that they can truly be educational. It is also necessary to point out that this reflection that we now present is the fruit of the labor of many people, who throughout these years have played a part in the program, whether they be in the form of scholarship students, employees or volunteers. The project is also based on the book that I wrote in collaboration with Liana Lemos Gonçalves who joined the CSO program as an undergraduate scholarship student and remained in it until two years after her completion of a Master's Degree in Education, having also received first prize in the student category of the Social Educating Prize in 1998, awarded by the ILANUD.

Presentation of the UFRGS CSO Program

In April of 1997, UFRGS signed an agreement with Porto Alegre's Third Circuit Juvenile Court in order to receive adolescents who had violated the law and were to fulfill their socio-educational sentence through community service orders.¹

According to Article 117 of the Child and Adolescent Statute (Federal Law 8.060/1990):

Community service Orders consist of the completion of tasks, free of general gain, for a period of time not to exceed six months, together with assistance entities, hospitals, schools and other similar establishments, as well as community or government programs.

Unique Paragraph: Tasks shall be assigned to the adolescents according to their aptitudes, requiring their completion in a time frame of a maximum of eight hours per week, on Saturdays, Sundays and holidays or on weekdays that would not conflict with school attendance or work obligations.

In August of 1997, the College of Education at UFRGS was invited to coordinate the program, which beforehand was under the responsibility of the Department of Development and Human Resources (Departamento de Desenvolvimento e Recursos Humanos – DDRH). There was the concern of giving the program a more educational character and opening it to a field of research, considering that the university's main function is based on the development of a three-fold method of attaining knowledge: research, teaching and extension.

¹ According to Art. 112 of the Child and Adolescent Statute, a competent authority may apply to the adolescent who has violated the law one of the following measures: warning; obligation to repair damage; completion of community service; supervised freedom; insertion into a semi-free routine; boarding at an educational establishment.

The CSO program at UFRGS has to come to have the following objectives:

- To give opportunities to adolescents in CSO's a positive work and human relations experience;
- To orient adolescents and try to help them overcome the problems, which have caused them to violate the law;
- To motivate and orient the adolescents in CSO's to return to school, when such is the case;
- To advise the adolescents in CSO's of specialized services in the public sector, whenever necessary;
- To generate in the daily affairs of the university a new look at the problems of adolescents who violate the law, violence, and social exclusion;
- To develop research, which characterizes the problems experienced by these adolescents and which makes advances in the creation of a pedagogy focused on these problems possible;

From these points, we came to believe that CSO's, as a socio-educational measure, should follow the following principles:

- Not be considered as a simple punishment, through the placement of adolescents to work, which might generate a negative view of the measure or even the work;
- Address social and ethical significance;
- Assure that whenever possible, the activities to be developed provide opportunities to learn new things, and/or provide access to new knowledge;
- Make sure that the adolescent feels useful and that he/she can reflect on their past actions and what they visualize for the future;
- To provide the adolescent with positive personal relationships that will be beneficial to them.

For these objectives and principles to be carried out, it is indispensable that there be a reference person at the location where the adolescent is to complete his/her tasks, acting in the role of an educator, teaching them to work, and establishing positive relations.

Practice made us realize that these principles consolidate themselves through attitudes of inclusion, non-discrimination, and respect, all of which were accompanied with clear requirements and rules, through a pedagogic view that seeks to overcome the simple punishment, as well as paternalism.

On top of that, it is indispensable to the formation of educators and to the inherent pedagogic reflection of the College of Education's functions that we consider the development of theoretical studies about the problems adolescents who violate the law face, as well as the trial procedure to which they are subjected and about the for-seen socio-educational measures of the diverse cases.

The first agreement between the University and the Juvenile Circuit had a validity of five years. Each year, about 100 adolescents passed through the program.

In 2000, there was a municipalization (transfer of responsibility to the Municipal of Porto Alegre) of the open environment socio-educational measures, according to the precepts of article 88, (first inciso), of the ECA. The Municipality of Porto Alegre, through the Foundation of Social and Citizenship Assistance (Fundação de Assistência Social e Cidadania – FASC), and Porto Alegre's 3rd Regional Circuit State Juvenile Court of Rio Grande do Sul, settled an agreement to complete the measures in conjunction with the Fulfillment Program of Open Environment Socio-Educational Measures (Programma de Execução de Medidas Sócio-Educativas em Meio Aberto – PEMSE). PEMSE, linked to the Coordination Center of FASC's Basic Network, has as its structure a General Coordination Center and eight Regional Centers, following the regionalization of the Guardianship Counsel².

When the agreement between the University and the Juvenile Court expired in 2002, a new agreement was signed with FASC due to the municipalization mentioned above.

² Microregion 1 (Ilhas/Humaitá/Navegantes/Noroeste), Microregion 2 (Norte/Eixo Baltazar), Microregion 3 (Leste/Nordeste), Microregion 4 (Partenon/Lomba do Pinheiro), Microregion 5 (Glória/Cruzeiro/Cristal), Microregion 6 (Sul/Centro-Sul/Extremo Sul), Microregion 7 (Restinga) e Microregion 8 (Centro).

In the beginning of the program, the University counted on the presence of seventy adolescents per week. In the latter stages of the program, we counted on about twenty-five to thirty vacancies per week, being that most of the time, not all vacancies were filled. This is basically due to three motives. As the years passed, the Juvenile Court established new agreements with other entities and, with the municipalization of the open environment sentences which happened in 2000, the number of Fulfillment Units increased³. Secondly, a few University sectors stopped receiving adolescents, principally because of changes in administration, for having realized that they were not capable of giving the adolescent the attention that he/she deserved, for not having a positive experience with the adolescents that they received for the CSO, or for having computerized the tasks that the adolescents performed. Lastly, the number of vacancies also decreased because of the evaluations done by the Program Team, which selected other university sectors that presented better conditions for the benefit of work and helping the adolescent.

Daily Proceedings of the CSO Program at UFRGS

The adolescent who arrives at the University, under the direction of the PEMSE, to complete a socio-educational CSO sentence, brings along an “Inclusion Guide”, where on top of their basic personal information, lists the crime he/she committed, the number of weeks and hours they are required to complete and whether or not they have received another socio-educational measure or protection.⁴

³ Data from March, 2004 affirm that the eight Regional Centers added 87 Fulfillment Units and 603 vacancies. The Regional Center to which the University is connected accounts for eight Fulfillment Units, providing 75 vacancies.

⁴ According to Art. 98 of the ECA, protection measures to the child and adolescent are always applied whenever recognized laws in this article are threatened or violated: I for action or omission of the society or of the state; II for lack, omission or parental abuse; III due to their conduct, according to Art. 101, if any of Art. 98's hypotheses are verified, the authority with jurisdiction may determine, among others, the following measures: I parent/guardian supervision for the duration of the term; II temporary orientation, support and following up; III enrollment and obligation attendance in a public school (Ensino Fundamental) establishment; IV inclusion in a community program or an official family help program for the child and the adolescent; V requirement of medical, psychological or psychiatric help, in a hospital or an ambulatory; VI inclusion in an official or community help program for orientation and treatment to alcoholics and drug addicts; VII protection/shelter program; VIII placement in a foster family.

The socio-educational measure that accompanies the CSO most frequently is Observed Freedom (OF), and sometimes the Obligation to Repair Damage. The measures of protection, which are normally applied are the following: leading back to school, following up on school attendance and grades, requisition of attendance or evaluations, and/or psychological, psychiatric or drug rehab treatment. There are cases in which the adolescent needs shelter due to serious habitation problems or for simply living on the street.

Upon completion of the sentence, it is necessary to present proof of attendance and/or participation in each of the service activities in which the youth was involved. After three unexcused absences, an "Evasion Notice" must be filled out and sent to the PEMSE Regional Center. Many opportunities are given to the youth to resume completion of the socio-educational measure, but if he/she does not return, he/she may be called to trial, the judicial authority may expedite a search and arrest warrant or it may even be determined that the sentence be taken away, forcing the adolescent to remain in juvenile detention for up to ninety days (CAS, Art. 122, III, first paragraph), when a new judicial decision can be made.

Upon the youth's arrival at the University, we conduct an interview in which we seek to find out what their expectations are in relation to the CSO. Some youth do this interview alone, while others are accompanied by a family member. At this time, the adolescent begins to speak a little bit about his/her life's story. The adolescents know that their data will be registered in the Program's Databank and that they will remain completely anonymous.

We consider this first contact with the CSO Program's University team fundamentally important. In the first meeting, we seek to make the adolescent feel included and interested in the completion of the measure and in participation in extra-curricular activities that we offer, such as computer lab time and video discussions. The first contact with us is also designed to be pleasant and welcoming and leave a positive impression.

It is not uncommon for us to hear from the youth at the end of interviews or during the completion of their sentence that they never imagined that they would be treated with so much respect and attention. Afterwards, they tell us that they imagined they would be cleaning bathrooms or weeding. We explain that it is not “ugly” or embarrassing to clean and that many people depend on survival from this type of activity. However, we emphasize that what we desire from the CSO is that they might be able to learn new things and feel integrated in the University.

Furthermore, in this first contact, we strongly emphasize the importance of attendance, of being on time, of the responsibility of completion of tasks and of having good relations with everyone at the University. We believe that it is essential that we do a good job welcoming them and that we clearly explain the rules they are to abide by or else they will be punished.

After the first conversation, we choose which sector of the University would best suit the adolescent’s traits. Immediately afterwards, we set the beginning day and time for the CSO. On the first day of work, a member of the Program team takes the adolescent to the sector where he/she will work and introduces him/her to the employees with whom he/she will work. The tasks that the adolescent completes are generally administrative tasks. Since April of 1997, around 60 University sectors have received adolescents through the CSO program.

Each CSO adolescent has an educator/volunteer, who is the person responsible for reviewing and following up on the activities which are to be completed by the adolescent in the sector and who is responsible for initialing the attendance sheet. It is this person who reports to the Program team and, when necessary, the person with whom the team makes contact whenever another team member is to go to a sector to observe the adolescents and confirm their attendance sheets.

The Program team normally maintains weekly contact with the youth. The youth frequently go by the Program room to converse, discuss their experiences, have a snack, or to pick up their bus passes, which are supplied by the city hall.

The adolescents who end up working in one of the office spots and are interested often have greater contact with the Program team. It is not uncommon for the adolescents to come by on days that they were not scheduled to work in the CSO just to talk.

Frequently, they verbalize how much they value this possibility:

*“It’s good to have a place to go where I can talk to someone”
(Sérgio, 17 years old).*

*“I feel at ease here. I decided to show up today because I feel so good here...It’s so good to have people who listen to you”.
(Márcio, 15 years old)*

The connection generates confidence, which facilitates our leading the adolescents back to school or to some type of treatment. Many youth seek the team in order to ask for help in the drug rehab process. The connection is also a pre-condition to task of overcoming criminal action.

On the last day of the CSO, the educator/volunteer, preferably along with the adolescent, fills out the “CSO Conclusive Report”. This document will evaluate the adolescent’s diligence, punctuality, participation, adaptation to the rules, responsibility and relationships, and grade them as Excellent, Good, Regular or Unsatisfactory and will report on whatever else might be important.

Afterwards, the youth will go to the Program team, where he/she will complete a “Self-Evaluation”, which will go to PEMSE, along with the Conclusive Report completed by the educator/volunteer. To finalize, we ask that the adolescent fill out a form which was created by the Program team in 1999, where he/she can list the positive and negative aspects of the program, add suggestions, and give his/her personal impression of the University Program and about the CSO in general.

Whenever it may be necessary to make contact with the adolescent’s relatives during the completion of the sentence, that contact is always made through Program team members. The frequency of these contacts depends on each individual case.

A coach or intern from the PEMSE Regional Center, to which the University is connected, attends monthly to supervise. These visits provide us with opportunities to speak about the adolescent's specific situations and, if necessary, to have a deeper discussion of a particular case. The attendance sheets, evaluations and the adolescent's self-evaluations who have completed the CSO are also turned in.

The youth who begins the implementation of a socio-educational sentence by committing a crime has already gone through a long process of evaluations and orientations from the time that he/she was apprehended.

The Child and Adolescent Statute (ECA – Federal Law 8.069/1990) conveyed the concern and requirement that the juvenile's initial appointment should be easy and expedited. According to Art. 88, (inciso V), of the CAS, this is to happen through the operational integration organs of the Judiciary, Justice of the Peace, Defensory, Public Safety, and Social Assistance, preferably in the same location.

In the municipality of Porto Alegre, Instantaneous Justice, created by Resolution number 171/96, began functioning in May of 1996, in the administrative headquarters building of the old State Foundation of Underage Welfare (Fundação Estadual do Bem-Estar do Menor – FEBEM) and depended on the performance of the Child and Adolescent Protection Division, the Child and Youth Board of Trustees, the Public Defense and the Justice Department.

In the beginning of 2004, the Child and Adolescent Integrated Service System was created, headquartered at the same location where the State Juvenile Department (Departamento Estadual da Criança e do Adolescente – DECA), Juvenile Prosecutor, and Instantaneous Justice were all headquartered, in an amply sized and well equipped building.

Due to the creation of the “Instantaneous Justice” project, the adolescent could know, within a few hours of his/her being apprehended for committing a crime, if a socio-educational sentence would be applied.

After, his/her apprehension, the adolescent goes through three stages in order to complete the socio-educational sentence, when such is the case. These three stages are:

Police phase

If the infraction is not considered to be serious and if the parents or guardians are present at the State Juvenile Department (Specialized Police Department), the adolescent is turned over on an intervening term to be presented to the Department of Justice on the same day, or on the first working day thereafter.

If the infraction is considered serious and is evaluated that internment will guarantee personal safety, or the maintaining of public order, or if the parents or guardians are not present, the police authority will take the adolescent to the Justice Department with a copy of the police report or arrest report. If this is not possible, the police officer will send the adolescent to an attendance unit, the Foundation of Socio-Educational Services of Rio Grande do Sul (a Fundação de Atendimento Sócio-Educativo do Rio Grande do Sul — Fase-RS), which, afterwards, will send him/her to the Justice Department for a maximum of twenty-four hours.

Departmental phase

The apprehension's deposition, police report and juvenile's background information are written up by the judicial notary at the Justice Department. If the adolescent appears at the Justice Department, he/she is heard informally and, if possible, victims and witnesses are heard as well. When the adolescent does not appear, the Justice Department notifies the parents or guardians to present the adolescent. Otherwise he/she may be escorted by the Civil Police or Military.

After the hearing⁵, a Justice Department representative may: file for the archival of records; concede absolution with or without the application of a socio-educational sentence; offer oral or written representation requiring, or not, provisionary internment.

⁵ Listening

Receiving representation, the judge will either accept or reject. In the case that the judge accepts the representation, the establishment of the proper legal process occurs. The General Prosecutor of the Department of Justice may or may not ratify absolution or an archival. Upon ratifying, the records are sent to the Judge for his approval. In the case that he/she does not ratify, he/she offers or designates another member of the Justice Department to present representation.

Judicial phase

When the Justice Department offers representation, the Judge receives it and designates a presentation hearing for the adolescent and decides on enactment or maintaining of internment, being that in compliance to Article 108 of the ECA, provisional internment may not exceed 45 days. If the adolescent is to be interned, he serves that time and is required to notify his/her parents of the presentation. If the adolescent is not detained, the judge gives him/her a subpoena and notifies the parents or guardians to be present at the presentation hearing, accompanied by an attorney. If the adolescent is not to be found, then the Judge issues a search and arrest warrant until the presentation can be made.

In the presentation hearing, the Judge conducts the adolescent's or parent/guardian's hearing. Having heard all parts, the Judge can concede absolution with or without the application of a socio-educational measure. In the case that the Judge does not concede absolution, verifying that the adolescent does not have an attorney, the Judge will appoint a defense attorney and, if necessary, determine the legal settlements and case study.

In a continuance hearing, registered witnesses from the representation and the preliminary settlement are heard, legal settlements made, the interprofessional team's report is gathered and a time is given for a Department of Justice's representative and the defense to speak. Soon afterwards, the judicial authority declares the decision. If the judge does not apply a socio-educational measure exclusive of liberty, he/she may only summon the defense attorney. Summoning the adolescent, the defense attorney must manifest whether or not his/her client desires to appeal the sentence.

If the Judge concedes absolution through a Community Service Order (CSO) or Observed Freedom (OF), the adolescent and his/her parents/guardian is taken to an interview with Instantaneous Justice's technical team.

The technical team explains to the adolescent and his/her parent/guardian the nature of the socio-educational measure, how and when it is to be completed, as well as the consequences if it is not completed. Afterwards, the adolescent and his/her parent/guardian are taken to the collective orientation at the Regional Center (RC) of the Open Environment Fulfillment Program of Socio-Educational Measures (PEMSE), according to his/her address, at a predetermined day and time.

The Regional Center where the youth is taken, after having completed the collective orientation, guides the adolescent who received the CSO socio-educational measure to one of the partnership Fulfillment Units. The Federal University of Rio Grande do Sul is one of these units.

General characteristics of UFRGS' CSO program adolescents

Through the following charts, it will be possible to visualize the general profile of the Program's adolescents and their distinction by sex. When the presented numbers in the charts are greater than the cumulative number of subjects, which is 757, it means that the larger number corresponds to the total number of CSO measures that adolescents received, since some completed more than one CSO at the University. As will be demonstrated in the following chart's data, the UFRGS CSO Program's adolescents are predominantly males (86.26%).

Chart 1: Percentile of the UFRGS CSO Program's adolescents in relation to sex.

| SEX | CSO IN GENERAL / UFRGS (757) |
|---------------|------------------------------|
| MALE | 86.26% |
| FEMALE | 13.74% |
| NOT AVAILABLE | 0% |

There are very few studies in Brazil about female delinquency. Zaluar (1994), upon conducting research in a “carioca” (from Rio de Janeiro) slum, discovered that women did not even account for 25% of the total number of people involved in drug trafficking. In a study about detained adolescents in the entire country performed by Volpi (1997, p.77) through the years of 1995 to 1996, it was discovered that the percentile of girls who had completed a socio-educational measure of internment corresponded to 5% of all interned youth. In yet another study, performed by Assis and Constantinio (2001, p.22) about juvenile behavior in Rio de Janeiro, it was discovered that in the year 1999, there were ten boys involved in crime for every one girl.

In an article by Alba Zaula about gender and criminality, Zaula furnaces the expression “robber’s wife” (1994, p. 294) to characterize the role that women play in the world of crime. The author also affirms that to the adolescents, firearms are “phallic symbols, an extension of the male body, a way to exercise their strength” (1994, p. 106) and charm women and give them a feeling of security. These studies and our observations suggest that a woman’s participation in the world of crime is, most of the time, due to her relation with a man. Studies about gender relations should deepen this matter.

In regards to race, or color⁶, it can be observed in the following chart, that most of the youth taken through UFRGS’ CSO Program were white.

Chart 2: Percentile of the UFRGS CSO Program’s adolescents in relation to race.

| Race | General (757) | % | Girls (104) | % | Boys (653) | % |
|------------|---------------|-------|-------------|-------|------------|-------|
| White | 380 | 50.20 | 49 | 47.12 | 331 | 50.69 |
| Black | 114 | 15.06 | 23 | 22.12 | 92 | 14.09 |
| Brown/Mix | 77 | 10.17 | 11 | 10.58 | 66 | 10.11 |
| Indigenous | 3 | 0.40 | 1 | 0.96 | 1 | 0.15 |
| Oriental | 1 | 0.13 | 0 | 0 | 2 | 0.31 |
| No Info | 182 | 24.04 | 20 | 19.23 | 161 | 24.66 |

Notes: The number 757 corresponds to the number of adolescents who went through the CSO Program at UFRGS.

⁶ We opted to utilize two expressions – race and color – because of their congruence to the consulted source.

The number 104 corresponds to the number of females who went through the CSO Program at UFRGS. The number 653 corresponds to the number of males who went through the CSO Program at UFRGS. Even though the majority of the UFRGS CSO Program's adolescents are white (50.2%), we will see that the index of white adolescents in Porto Alegre's population is greater than any other (79.81%)⁷. The afro-descendents equal 25.23% of the Program's adolescents and 19.63% of Porto Alegre's adolescents. The data also shows that within the number of adolescents who were sent to complete their CSO at the University, the percentile of black girls is greater than that of black boys. These data demonstrate the seriousness of the race matter, which certainly requires greater study.

The majority of the adolescents in UFRGS' CSO Program are in the age range of 17 (27.18%) and 16 (25.56%) years old. Cross-examining with sex, we will see that the majority of girls who were taken to the University were 16 years old (24.76%) and the majority of boys were 17 years old (28.69%). It is noteworthy, upon observation of the percentiles by sex, to mention that it is more common to find 12, 13, 14, and 15 year old girls than boys.

Chart 3: Percentile of the UFRGS CSO Program's adolescents in relation to age

| Age | General (802) | % | Girls (105) | % | Boys (697) | % |
|----------|---------------|-------|-------------|-------|------------|-------|
| 12 years | 9 | 1.12 | 4 | 3.81 | 5 | 0.72 |
| 13 years | 24 | 2.99 | 7 | 6.67 | 17 | 2.44 |
| 14 years | 47 | 5.86 | 11 | 10.48 | 36 | 5.16 |
| 15 years | 124 | 15.46 | 24 | 22.86 | 100 | 14.35 |
| 16 years | 205 | 25.56 | 26 | 24.76 | 179 | 25.68 |
| 17 years | 218 | 27.18 | 18 | 17.14 | 200 | 28.69 |
| 18 years | 107 | 13.34 | 10 | 9.52 | 97 | 13.92 |
| 19 years | 27 | 3.37 | 2 | 1.90 | 25 | 3.59 |
| 20 years | 6 | 0.75 | 0 | 0 | 6 | 0.86 |
| Not Info | 35 | 4.36 | 3 | 2.86 | 32 | 4.59 |

Notes: The total of 802 corresponds to the number of measures received by the 757 adolescents who went through UFRGS' CSO Program.

⁷ Source: FEE – Demographic Census of 2000

The total of 105 corresponds to the number of measures received by the 104 female adolescents who went through UFRGS' CSO Program. The total of 697 corresponds to the number of measures received by the 653 male adolescents who went through UFRGS' CSO Program.

Another significant piece of data that will be presented in the following chart is that 54.5% of the total number of Program adolescents were not going to school at the time that they were sent to UFRGS' CSO. Looking at the percentile of female adolescents who were attending school as compared to the number of boys in school, it is noticeable that the number of girls in school is greater than the number of boys.

Chart 4: Percentile of the UFRGS CSO Program's adolescents in relation to school attendance.

| Enrolled | General (802) | % | Girls (105) | % | Boys (697) | % |
|----------|------------------|-------|----------------|-------|---------------|-------|
| Yes | 437 | 54.49 | 68 | 64.76 | 369 | 52.94 |
| No | 302 | 37.66 | 31 | 29.52 | 271 | 38.88 |
| Never | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| No Info | 63 | 7.86 | 6 | 5.71 | 57 | 8.18 |

Notes: The total 802 corresponds to the number of measures received by the 757 adolescents who went through UFRGS' CSO Program.

The total of 105 corresponds to the number of measures received by the 104 female adolescents who passed through UFRGS' CSO Program. The total of 697 corresponds to the number of measures received by the 653 male adolescents who went through UFRGS' CSO Program.

In relation to the schooling of the University's CSO Program, the following was found:

Chart 5: Percentile of the UFRGS CSO Program's adolescents in relation to schooling.

| Schooling | General (802) | % | Girls (105) | % | Boys (697) | % |
|----------------------------|------------------|-------|----------------|-------|---------------|-------|
| 1st Grade E F | 13 | 1.62 | 1 | 0.95 | 12 | 1.72 |
| 2nd Grade E F | 14 | 1.75 | 3 | 2.86 | 11 | 1.58 |
| 3rd Grade E F | 31 | 3.87 | 2 | 1.90 | 29 | 4.16 |
| 4th Grade E F | 55 | 6.86 | 5 | 4.76 | 50 | 7.17 |
| 5th Grade E F | 130 | 16.21 | 18 | 17.14 | 112 | 16.07 |
| 6th Grade E F | 108 | 13.47 | 14 | 13.33 | 94 | 13.49 |
| 7th Grade E F | 95 | 11.85 | 15 | 14.29 | 80 | 11.48 |
| 8th Grade E F | 103 | 12.84 | 17 | 16.19 | 86 | 12.34 |
| 9th Grade | 107 | 13.34 | 13 | 12.38 | 94 | 13.49 |
| 10th Grade | 47 | 5.86 | 5 | 4.76 | 42 | 6.03 |
| 11th Grade | 38 | 4.74 | 7 | 6.67 | 31 | 4.45 |
| Middle School Completed | 9 | 1.12 | 1 | 0.95 | 8 | 1.15 |
| High School Completed | 11 | 1.37 | 1 | 0.95 | 10 | 1.43 |
| No Info | 41 | 5.11 | 3 | 2.86 | 38 | 5.45 |

Notes: The total 802 corresponds to the number of measures received by the 757 adolescents who went through UFRGS' CSO Program.

The total of 105 corresponds to the number of measures received by the 104 female adolescents who went through UFRGS' CSO Program. The total of 697 corresponds to the number of measures received by the 653 male adolescents who went through UFRGS' CSO Program. If we compare this data with Porto Alegre's total population data in this (faixa etária), we will see that the incongruency in the age/grade and drop-out rates among offenders, which could mean, that somehow, school plays a social integrator role.

However, if we consider that the great majority of those who commit crime are from low socio-economic classes and live in extremely precarious conditions, one can deduce that there is an accumulation of negative factors that play a part in the lives of these youth and that the school factor can not be considered in isolation⁸. Thus, about 44% had not completed the sixth grade of Fundamental Teaching (Ensino Fundamental) at the time of their enrollment in the Program and a relative majority (16.21%) had not completed fifth grade.

The number of those who enrolled in the Program and had who had began the first grade of middle school teaching (Ensino Médio) is more than 13%. However, only 2.52% had completed middle school. Even though this data refers to the entrance time in the Program and does not represent the following of the same population, as seven years are represented in the data, the attendance indexes can be seen in each grade. Thus, they suggest that it is much easier to enter into middle school than to actually study in it, which could be synonymous with weak Fundamental Teaching, allied with other matters, such as age and the necessity to make a living and the absence of a pedagogic proposal in middle school which deals with youthful anxieties.

The majority of the CSO Program's adolescents were not working when they were sent to the University (55.11%). Cross-examining the data with sex, it is clear that the percentage of girls who worked was less than the percentage of boys in comparison.

Chart 6: Percentile of the UFRGS CSO Program's adolescents in relation to work

| Work | General (802) | % | Girls (105) | % | Boys (697) | % |
|---------|------------------|-------|----------------|-------|---------------|-------|
| Yes | 210 | 26.18 | 18 | 17.14 | 192 | 27.55 |
| No | 442 | 55.11 | 65 | 61.90 | 377 | 54.09 |
| Never | 81 | 10.10 | 17 | 16.19 | 64 | 9.18 |
| No Info | 69 | 8.60 | 5 | 4.76 | 64 | 9.18 |

Notes: The total 802 corresponds to the number of measures received by the 757 adolescents who went through UFRGS' CSO Program.

⁸ Data from the FEE are concerning the number of years studied and not the grade level of Porto Alegre's adolescents, which totaled 162,243 in 2002 and whose data was the following: 1-3 years of schooling and adult literacy classes –6.85%; 4-7 years of schooling 51.76%; 8-10 years of schooling 32.30%; 11-14 years of schooling 7.66%; 15 or more years of schooling 0%; no instruction 1.41%.

The total of 105 corresponds to the number of measures received by the 104 female adolescents who went through UFRGS' CSO Program. The total of 697 corresponds to the number of measures received by the 653 male adolescents who went through UFRGS' CSO Program.

The violations committed by the UFRGS CSO Program's adolescents principally involve money or assets. It is important to point out that the large majority of the youth who had completed middle school and violated the law committed crimes related drugs and drug trafficking. They correspond to another social segment, with other forms of insertion and greater protection possibilities, including the disclosure of their offenses and submission to the repression system. It is important to also point out that the crimes principally committed by girls were theft (in stores) and assault and battery, as can be seen in the following charts.

Chart 7: Percentile of the UFRGS CSP Program's adolescents in relation to the crime(s) committed

| Crime Committed | General (888) | % | Girls (113) | % | Boys (775) | % |
|-------------------------|------------------|-------|----------------|-------|---------------|-------|
| Larceny/Comp. Larceny | 193 | 21.73 | 39 | 34.51 | 154 | 19.87 |
| Robbery | 140 | 15.77 | 13 | 11.50 | 127 | 16.39 |
| Drug Possession | 97 | 10.92 | 10 | 8.85 | 87 | 11.23 |
| Drug Use | 56 | 6.31 | 6 | 5.31 | 50 | 6.45 |
| Drug Trafficking | 13 | 1.46 | 1 | 0.88 | 12 | 1.55 |
| Assault and Battery | 86 | 9.68 | 15 | 13.27 | 71 | 9.16 |
| Gun Possession | 51 | 5.74 | 1 | 0.88 | 50 | 6.45 |
| Vandalism | 31 | 3.49 | 7 | 6.19 | 24 | 3.10 |
| Attempted Comp. Larceny | 22 | 2.48 | 8 | 7.08 | 14 | 1.81 |
| Traffic Violations | 110 | 12.39 | 2 | 1.77 | 108 | 13.94 |
| Att. Homicide | 6 | 0.68 | 1 | 0.88 | 5 | 0.65 |
| Att. Robbery | 5 | 0.56 | 0 | 0 | 5 | 0.65 |
| Homicide | 3 | 0.34 | 1 | 0.88 | 2 | 0.26 |
| Indecent Assault | 5 | 0.56 | 0 | 0 | 5 | 0.65 |
| Rape | 1 | 0.11 | 0 | 0 | 1 | 0.13 |
| Other | 44 | 4.95 | 7 | 6.19 | 37 | 4.77 |
| No Info. | 25 | 2.82 | 2 | 1.77 | 23 | 2.97 |

Notes: The total of 888 corresponds to the number of measures received and violations committed by the 757 adolescents who went through UFRGS' CSO Program.

The total of 113 corresponds to the number of measures received and violations committed by the 104 female adolescents who went through UFRGS' CSO Program.

The total of 775 corresponds to the number of measures received and violations committed by the 653 male adolescents who went through UFRGS' CSO Program.

Chart 8: Percentile of the UFRGS CSO Program's adolescents in relation to the crime(s) committed, grouped in categories.

| Crime Group | General (888) | % | Girls (113) | % | Boys (775) | % |
|------------------------|------------------|-------|----------------|-------|---------------|-------|
| Assets | 391 | 44.03 | 67 | 59.29 | 324 | 41.81 |
| Physical Damage | 95 | 10.70 | 17 | 15.04 | 78 | 10.06 |
| Drugs | 166 | 18.69 | 17 | 15.04 | 149 | 19.23 |
| Against Sexual Freedom | 6 | 0.68 | 0 | 0 | 6 | 0.77 |
| Carrying a Gun | 51 | 5.74 | 1 | 0.88 | 50 | 6.45 |
| Traffic | 110 | 12.39 | 2 | 1.77 | 108 | 13.94 |
| Others | 44 | 4.95 | 7 | 6.19 | 37 | 4.77 |
| No Info. | 25 | 2.82 | 2 | 1.77 | 23 | 2.97 |

Notes: The total of 888 corresponds to the number of measures received and violations committed by the 757 adolescents who went through UFRGS' CSO Program.

The total of 113 corresponds to the number of measures received and violations committed by the 104 female adolescents who went through UFRGS' CSO Program.

The total of 775 corresponds to the number of measures received and violations committed by the 653 male adolescents who went through UFRGS' CSO Program.

It was not possible to precisely obtain the data to calculate the proportion of adolescents who had violated the law in relation to the total population of youth.

We made some approximations from available data from the Economic and Statistics Foundation of Rio Grande do Sul (Fundação de Economia e Estatística do Rio Grande do Sul — Fee), where we were able to obtain the total number of adolescents – people between twelve and eighteen years old – in the state of Rio Grande do Sul and in the Municipal of Porto Alegre for the years 2001-2002, which compared with the data from DECA, PEMSE and Fase, helped to make the approximations.

Note that the comparison is partial, since the data from Porto Alegre is discriminated in regards to open-environment measures (CSO and OF) and the state information refers to internment measures as well. Therefore, the comparison is a type of average and does not include the total number of adolescents who violated the law.

Porto Alegre — Comparison with Open Environment Socio-Educational Sentences

Open Environment Socio-Educational measures are executed under the responsibility of PEMSE, which is an organ of the Porto Alegre's City Hall and which, consequently, administers the sentences to the municipal of Porto Alegre's adolescents.

In 2001 – 1187 open environment measures (CSO and OF)

- Porto Alegre's 12 to 18 year old population in 2001: 162, 611
- Percentile of applied measures in relation to the total number of adolescents in the Municipality: 0.73%

In 2002 – 1183 open ended measures (CSO and OF)

- Porto Alegre's 12-18 year old population in 2002: 159,660
- Percentile of applied measures in relation to the total number of adolescents in the Municipality: 0.78%

Considering that many adolescents receive more than one socio-educational measure, the number of juveniles who commit crime is less than the number of applied measures.

Rio Grande do Sul – Comparison of Internment and Semi-Liberty Socio-Educational Sentences

Internment and semi-liberty socio-educational measures are orders from Fase and refer to adolescents in the entire state of Rio Grande do Sul.

2001 – 1555 internments of adolescents in Fase.

- Rio Grande do Sul's 12-18 year old population in 2001: 1,328,345
- Percentile of internments in relation to total number of adolescents in the state: 0.11%

2002 – 1637 internments of adolescents in Fase.

- Rio Grande do Sul's 12-18 years old population in 2002: 1,298,479
- Percentile of internments in relation to total number of adolescents in the state: 0.12%

The percentile demonstrates that 1 out of every 1,000 adolescents in the state enter Fase each year. However, similar to the open environment measures, adolescents customarily enroll more than once in Fase. Many have several entrances in the same year, which allows affirmation that the number of adolescents who actually enter Fase is less than 1 in 1,000 per year⁹.

The Adolescent as a Victim and the Adolescent as a Violator

Reforms in the repression system and in service that resulted in the Children's and Adolescent's Statute settlement provoked important progress in the DECA's (State Juvenile Department – Departamento Estadual da Criança e do Adolescente) performance, in which it is important to note the distinction of the child and adolescent as victims and as violators. This distinction brought to light the shocking reality that children and adolescents, who are so easily blamed by common sense and repressive mentality as those responsible for social violence, are much more often victims than aggressors. For every adolescent who commits social violence, there are one and a half who suffers from this type of violence.

⁹ The internments refer to the number of entrances, and includes provisional internments.

Consequently, adolescents are more victims than aggressors by a margin of 50%. This data, well noted in the following charts, reminds us that, in the majority of cases, the adolescent who has committed a crime is responding to violence that was directly, or indirectly placed upon them.

Chart 9: Absolute numbers in relation to occurrences in which children and adolescents were victims and law-breakers, in the state of Rio Grande do Sul, for the years 2000-2003

| Occurance | 2000 | 2001 | 2002 | 2003 |
|----------------------|--------|--------|--------|--------|
| Child Victim | 7,373 | 6,593 | 6,687 | 7,348 |
| Child Aggressor | 847 | 624 | 425 | 470 |
| Adolescent Victim | 19,299 | 19,734 | 18,380 | 18,713 |
| Adolescent Aggressor | 12,697 | 12,765 | 13,169 | 14,193 |

Source: Justice and Safety Secretary – Civil Police – Planning and Coordination Division – Statistical Service.

The following charts will represent serious crimes that were suffered and committed by adolescents in the state of Rio Grande do Sul for the years 2000-2003.

Chart 10: Absolute numbers in relation to homicides suffered and committed by adolescents in the state of Rio Grande do Sul for the years 2000-2003

| Homicide | 2000 | 2001 | 2002 | 2003 |
|----------------------|------|------|------|------|
| Adolescent victim | 92 | 88 | 80 | 84 |
| Adolescent aggressor | 46 | 57 | 54 | 46 |

Source: Justice and Safety Secretary – Civil Police – Planning and Coordination Division – Statistical Service

Chart 11: Absolute numbers in relation to rapes suffered and committed by adolescents in the state of Rio Grande do Sul for the years 2000-2003

| Rape | 2000 | 2001 | 2002 | 2003 |
|----------------------|------|------|------|------|
| Adolescent victim | 583 | 628 | 719 | 838 |
| Adolescent aggressor | 60 | 54 | 40 | 63 |

Source: Justice and Safety Secretary – Civil Police – Planning and Coordination Division – Statistical Service

The following chart compares the number of adolescents who were apprehended for drug trafficking or possession. The number is clearly at least ten times greater than the number of adolescents who were apprehended for the transportation of drugs.

Chart 12: Absolute numbers in relation to adolescents apprehended for possession and trafficking of narcotics in the state of Rio Grande do Sul for the years 2000-2003

| Toxicant Adolescent Violator | 2000 | 2001 | 2002 | 2003 |
|------------------------------|------|------|------|------|
| Possession | 959 | 1013 | 942 | 830 |
| Trafficking | 120 | 104 | 108 | 134 |

Source: Justice and Safety Secretary – Civil Police – Planning and Coordination Division – Statistical Service

The general data from the Annual Occurrences Report refers to all types of registered violations, a great majority of the important facts, and includes those in which adolescents did not receive a judicial sentence. It was not possible for us to collect the data of the open environment measures from the interior of the state. In a subsequent research project from the city of Santo Angelo, CEDEDICA estimated that in the state of Rio Grande do Sul, more than 6,000 socio-educational measures were completed. Violations, which resulted in internment, are already included in Fase's data. It is important to reiterate that several adolescents commit more than one crime per year, being that the number of juvenile violators is less than the number of occurrences.

The higher number of occurrences reveals a certain social tension around adolescents, which in fact shows, that many police cases could be resolved or mediated in school or in the community. In the report's details regarding the types of violations committed, it is clear that those of a more offensive nature are very few in number. For example, there were 57 homicides committed by adolescents in Rio Grande do Sul in 2001 and 54 homicides by adolescents in 2002, for a population of approximately 1,300,000 adolescents during that same time period, as mentioned before.

Considering the data which shows the adolescent more as a victim than an author of crime and the percentage of youth involved in serious crimes in relation to the total adolescent population, it is clear that the youth has more fear of violence than an actual record of committing it. This state of panic forms a residue of culture which ends up feeding violence¹⁰.

Risk Factors that Lead to Deprivation of Liberty or Death

We considered the adolescent's data from CSO/UFRGS in order to understand which factors act in the deepening of their situation in relation to the committing of crime and/or to the receiving of burdening measures. Thus, we seek in all of the 757 adolescents who compose our sample, those who have gone through Fase (Fase Fundação de Atendimento Sócio-Educativo-(before or after the CSO) in terms of internment, those who went to prison and those who died because of external factors registered by Porto Alegre's DML (Departamento Médico Legal). The data that we considered was always considered at the beginning of the sentence at UFRGS.

¹⁰ The data of the imprisoned population indicated that that population is very young, with a concentration around 20-30 years old. The ECA mandates that those who have committed crimes before turning 18 years old should be placed in Fase and complete their sentence before turning 21 years old. An analysis of adolescent participation in crime would need to be, however, complemented by a study of the population of youth older than 18 years involved in criminal life. From what we know, it seems that the incidence of crimes, especially serious ones, is increased around the age of 20 years old, which demystifies the ability to place fault of the cause of crime at the age of 18 years old for all adolescents.

The data demonstrates that there are simple factors that put an adolescent at risk to be imprisoned or experience a violent death¹¹: male, low socio-economic origin, black or mulatto in race, and a low level of schooling are all factors that put an adolescent at risk. It's important to point out that these factors seem to be more significant than the liability towards serious crimes. The chart presenting offenses shows that these do not vary in a very significant way in relation to different situations of penalty aggravation or death. Therefore, 64% of those who went through Fase, 60% of those who went to jail, 53% of those who died a violent death, had committed crime against property, as opposed to 44% out of the poll's total. Crimes against person were around 10% out of the poll's total, 9.8% being those who went through Fase and 7.4% those who went to jail and 13.3%, deaths. As for drugs, generally claimed to be the major criminality factor, there was much smaller incidence than was expected in terms of possession, use or smuggling, adding up to a total of 18.7% out of the poll's total, 12.5% being those who went through Fase, 16.9% those who went to jail and 13.3% those who died due to external causes¹².

The CSO/UFRGS Program's Impact on the Adolescents

The results of the evaluations completed by the adolescents at the completion of the sentence indicate that:

Considered positive: 86.17%

Cited reasons: personal relations, organized work environment, inclusion and respect without discrimination

Considered negative: 13.83%

Cited reasons: idle times at work, working for free, waking up early

¹¹ It is important to consider that UNESCO studies point out that the principal cause of death among youth between 15-20 years in Brazil is related to external factors, or rather, homicide, trafficking and suicide. In metropolitan regions, the percentile of deaths caused by external causes exceeds 60% of all deaths.

¹² After having completed the charts, we received other notices of deaths which were not computed here. We continue to receive more and more news of recent deaths.

The Program's Impact on the University

In the beginning, the reaction from people at the University was one fear of receiving adolescents who had violated the law. As the youth arrived and integrated their lives at the University, their presence was naturally assimilated and those who established relationships with them came to consider them just as any other person and frequently established very cordial relationships with the adolescents. In this sense, their presence helped the University to decrease social distance and generalized fear in regards to adolescents who commit crime, which we consider as a very positive factor of social integration, justice, the construction of a democracy and a more united and less violent society.

Final Considerations on Violence and Infractions in Adolescent Years and Elements for Pedagogy in Socio-educational Measures

We can affirm that social violence is a great concern of our Brazilian Society, and the youth are being seen as its main protagonist; however, the data show that they are the victims rather than the aggressors. Feared and threatened by others, they are in search of a safe place which is always denied to them; schools that don't know how to take care of them. The family has less control than it had in earlier times. Elias said: "As a remainder of the old social configuration, the "ancient family" cannot exist isolated; it can only come to be in determined social situations, with correlation to the formation of a private social entity, together with others of the same kind (2000, pg 172).

In our society, communities, or neighboring relationships, don't seem to have an influential power in social relations. We are a globalized world; youth in the Rio de Janeiro Slums aspire to use the same Nike shoes as the American teenagers in Boston. (Zaluar in Velho, 1996) The world has turned into a big village, in which the charitable relations are being overlooked by relations in the search of power. A world where decisions are being made more and more by fewer people, when these decisions actually affect a huge population that do not have a way to express their opinions; violence, perhaps, being the only way to express those repressed feelings sometimes.

We are not told what to do in the present times by old traditions of the past anymore. Not even utopias have the power to put huge masses of people together. In our every day society we are consumed by the need of immediate answers for everything. We are ruled by an irrational economy where in order to maintain the necessities for its survival; it has to gain more power. In this sense the economy has lost its meaning, just increasing the gap between people and social groups. Now the necessity of buying things exists as a necessity of existing socially. The youth nowadays feel their worth is based on what kind of things they buy, and not on themselves. A society where looks have greater values than common values such as the importance of work, buying things independent of what the price is, because that is what media portrays on TV with celebrities, gives them a sense of acceptance; they feel they have found a place where they belong. Now, those with fewer resources, in order to keep up with others more fortunate, find themselves being pressured with the need of having the same things, the need to exist socially. This is what causes social violence. No teenager wants to have the feeling of being left out. If our schools were more efficient, if prices were not so absurdly high, if people had knowledge of what rights they have; maybe then these factors would not have contributed to what society experiences today, says Angelina Peralva (2000). According to Hanna Arendt "Hate only exists in places where the conditions could be changed, but are not."

Hanna wrote on events that happened in 1968. She says that the progress of science and humanity are not equal anymore. 40 years later her words seem to be confirmed, at least in some aspects. If the data show that the quality of life for some has improved, the data also show that the gap between rich and poor has become wider. There is more loneliness and sorrow despite the numerous possibilities of happiness for humanity.

The feelings of insecurity and vulnerability are a lot stronger among teenagers, because they are in search of a place in the society. They are trying to leave their dependency to their parents and find a role in the society as adults. "Our problems are embedded in the blood and flesh of our teens." (Arendt, 1994 pp.22)

Charlot says: “To be born, to learn is being part of a group of relations and processes that produces a system of meanings, where you ask your yourself who am I? Who is the World? Who are the others?” (2000, pp. 53) The feeling of inadequacy leads to violence, because it takes one to self-destruction. Now being equal to someone else in the world, and the way you express yourself is a method of overcoming violence. Educating is a means of providing the conditions to one express himself/herself, as Paulo Freire taught.

To answer back to violence with words is the greatest challenge given to us in the socio-educational measures. To accept and respond to this challenge requires not only hope and trust on others, but also an understanding of their social conditions. For this to happen we need to research. We need to face the concrete reality with action and pondering.

The reality has proven to us that Brazilian adolescents have had their words ignored, reciprocating with violence in most cases. We need to open places for young adults and teenagers to express their feelings, and participate in politics that involve them. This is the biggest challenge the Brazilian society faces.

The CSO, as open environment measures in general, are more adequate for educational actions and not for the depriving of liberty, easily done through internment. Also, with the lack of life programs and politics that they could contribute to, the CSO has fewer chances of having positive results. There is a need for the society and the people in charge of the socio-educational measures to comprehend their responsibility of punishing those who oppress education. We need politicians that will face the oppressing factors such as: low educational levels, schools, exclusion, poverty, race and color, gender, lack of humane life conditions, leisure, sports, and cultural activities; most important of all opportunity of work and self-realization. Youth is not only a moment in someone’s life with a lot of challenges; it is a social place. If this place is occupied with despair and the perspective of death, our society is ruined.

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