

# Emotional Repercussions Involved in the (CO) Existence of the Inmates in the Closed Prisons

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**Abstract:** *Considering that Brazil is one of the most incarcerating countries in the world and, taking into account the recent episodes of bloody rebellions in various prisons in the country and, on the other hand, existing trivialization of violence in the world, urges the necessity to build a society in which everybody has its guarantees and human rights safeguarded. The number of prisoners in Brazil grows in geometric progression, and taking into account the archaic prison structure of our country, several questions can be observed in the (co)existence of the prisoners in closed conditions, becoming a matter of extreme relevance in the present day. The aim of this bibliographic review research is to understand the emotional repercussions involved in the prison (co)existence of the convicts in closed conditions. With regard to the legal aspects and restorative justice, psychopathologicals and psycho-socials, this study proves the precariousness of the prison system, and the invisibility of approach to the subject in Brazil, by identifying serious consequences for the inmate population, which faces degrading situations within the prison, oftentimes due to overcrowding and manifestation of various mental disorders, and the lack of opportunities for resocialization. Thus, this study aims to give a voice to a complex and often veiled theme in the society and to alert to the importance of the future research continuity that will help us to build better strategies and actions of the public policies involved in (co)existence of prisoners in closed conditions.*

**Keywords:** Prisoners in closed conditions. Prison environment. Psychopathology of incarcerated people

## 1. Introduction

According to data from the International Centre for Prison Studies – ICPS (2000), Brazil is one of the countries that incarcerates the most in the world, behind only the United States, China and Russia. The prison population of Brazil has increased 83 times in 70 years. This data was also corroborated by mapping, conducted by the Brazilian Forum on Public Security, supported by the Institute for Applied Economic Research (IPEA), based on the data published in the Statistical Yearbook of the Brazilian Institute of Geography and Statistics (IBGE) (2010). Recently, a study coordinated by the Public Policy Analysis Directorate (2017), released by the FGV, revealed the “geography of incarceration”, aiming to help public authorities prioritize investments in citizenship and prevention of violence in these places. According to data from the National Survey on Penitentiary Information (INFOPEN, 2014), the prison population of the State of Rio de Janeiro, is 39.321 people, it is only behind the States of São Paulo (219.053) and Minas Gerais (61.286).

In the face of complexity related to the subject of emotional repercussions that are involved in the prison (co)existence of the convicts in closed conditions, in the present study, it is necessary to understand profoundly the relationship between Law and Psychology, considering the pursuit of a better comprehension of Law, in order to dignify the human being, disregard supremacy of the form, law and power; as well as Psychology, along with understanding of emotional processes of the involved. Both areas of knowledge move in the understanding of social demands and the particularities of the environments in which individuals are inserted. As mentioned by Sá (2016), it is possible to understand that the success of a prisoner consists in non-recidivating, in turn, a prison will be all the better, the more the promotion of prisoner as a citizen is sought in it, contributing to overcoming the

barriers of exclusion and segregation. In this context, Cordeiro (2011), points out that the environment does not act in response to the action of a man alone, neither a man molds the space isolatedly, indicating that the built space serves as a regulator leaning to order the subject's actions, who, at the same time having own actions regulated, modifies the space, reorganizing it, which triggers variation in the ordering of actions of the subject himself. Against this background, this study aims to understand the emotional repercussions involved in the prison (co)existence of incarcerated in the closed prisons.

## 2. Methodology

This Bibliographic Review research was built with systematic processes. Initially, the possible aspects associated with the topic in question were thoroughly discussed and the main axes of this research were identified. These elements have been transformed into keywords: a) prisoners in closed conditions, b) prison environment, C) Psychopathology of incarcerated persons. From this process, the following criteria were determined: a) inclusion: adults, male and incarcerated in closed conditions; b) exclusion: individuals incarcerated with psychiatric history and LGBTT population (lesbians, gays, bisexuals, transvestites and transsexuals). Then, we started a survey of the material held on each of the platforms for scientific research from Scielo, and Google Scholar, in which we have selected scientific articles by their titles, making up a total of 150 articles, which have been laid out in an Excel spreadsheet, with the following sub-divisions: name of article, year, authors, link to access, database, and the rationale for inclusion or exclusion based on the objective of the research. Following this, a detailed reading of the summaries of the pre-selected articles was carried out, and a new selection was made, with the indications of inclusion or exclusion. At this stage, an amount of 46 articles were selected. Subsequently, we read

the full amount of this included material, which resulted in 36 articles in this new selection. In order to work with the reading of the selected articles and start the data survey, these were subdivided into 3 blocks, comprising the following aspects: a) legal and Restorative Justice (10 articles); b) psychosocial aspects (10 articles); c) psychopathological aspects (16 articles). After a detailed reading of the articles related to each block, biweekly discussions of these materials were held, the main contexts of interests were understood and identified, that served as a survey data and argumentation for the structuring of this research.

### Legal aspects involved in incarceration

In the legal context it is observed that the judges consider the moral and social reasons that lead an individual to commit crimes, analyze his perspective of life, his social insertion and his personality. It is of paramount importance for criminal law application in each particular case, that those perspectives were analyzed together with other evidences, making it possible to apply it more fairly. According to Libardoni (2015), in the Brazilian criminal system, custodial sentence is applied according to three types of prison conditions: open, semi-open and closed conditions, which is the subject of this investigation. The closed condition consists of execution of a sentence in a top-security facility, with no possibility of temporary exits and with work mandatory applied for the beginning of execution of the sentence exceeding eight years. There is a possibility of progressive conditions, as Oliveira (2016), explains that according to Article 112 of the Penal Execution Law, which indicates that the penalty should be carried out gradually, with the transfer to less severe conditions. As explained in the international congresses of Juridical Psychology of the Brazilian Association of Juridical Psychology (ABPJ), (2016/2017), various feelings are awakened in the arrested individual when entering the prison system, as regards the emotional state of the penalized. When entering a prison, convict loses his name and starts being called by "number" (a registration number), finds himself away from the family and loved ones, weight of the walls and sounds of the entrance gates are impressive, a uniform shall be the dress code, most likely, he will be exposed to diseases such as tuberculosis or scabies, unable to choose his food, he is taken to a whole new world, with its own rules and codes of conduct to cope with. In this context, in participation in the University-Prison-Community Dialogue Group (GDUCC), in USP, 2017, it was possible to discuss the impacts of imprisonment, on how to make prison "less prison", the delicate experiences of incarcerated reality and the significant experiences of social inclusion. As Sá (2017), teaches us, in prisons any appreciation of human life is excluded in such a way that once inside the prisons, free will is ended and punishments are applied in both moral, psychological and even physical way. Furthermore, these subjects have to learn how to live together under miserable conditions of existence, in which they are forced to experience an atmosphere of uninterrupted oppression, constant irritation, hatred, anger, envy, despair, disease, vices and lack of hope, once convicted, end up committing other crimes within the prisons. The custodial sentence

imposed, which in theory should re-socialize the prisoner, on the contrary, leads to increase of recidivism, and according to Santos (2010), on the subject, an interpretation founded by Foucault (2007), when they leave the prison, they have more chances of returning to cell, because most of them are former prisoners. Corroborating this situation, according to data from IPEA (2015), upon verifying high rates of recidivism in Brazil, ranging from 70 to 80%, we can realize that a part of the doctrine does not believe in recovery of the agent, pointing out that prison is a criminogenic factor. In this context, it is observed that the precariousness of the Brazilian penitentiary system also contributed to the emergence of several parallel societies within the prisons, the actions of criminal factions within the Brazilian prisons bring grave consequences for the society that is suffering more and more with from the increase of crime.

When this reality is observed from the mental health area point of view, it can reveal serious implications, among them, the case of internment in the same physical space, of individuals with severe psychopathological structures, such as the psychopathies. In these cases, the situation according to the evaluation of Oliveira (2016) can be greatly aggravated, because the law of Brazil, doctrine and jurisprudence understand psychopaths as semi-imputable (BITENCOURT, 2014 cited by OLIVEIRA, 2016). In view of this, we observe an adopted posture in which psychopathy is not considered in its amplitude, as being a mental illness, and therefore, supposes that the agent's culpability is not excluded, because in this interpretation the disorder does not affect the intelligence and will of the individual. The semi-imputable can be sanctioned by both custodial sentence and security measure (NUCCI, 2014 cited by OLIVEIRA, 2016). In this context, Libardoni (2015) reports that in relation to psychopaths, trying to understand their actions and evaluate the effectiveness of the penal response given to the crimes committed by these individuals is of particular relevance, so it could help in the search for effective treatment, based on new criminal policies that take into account their peculiarities. Briefly, in the legal context, it is observed that the doctrine is not very clear about the imputability of the psychopath, there are differences between the authors in the legal sphere regarding the subject. In legal terms, the Criminal Law Enforcement No. 7.210 of 11/07/1984, guarantees to the prisoner material assistance to health, as well as legal, educational, social and religious, and imposes on all the authorities respect for physical and moral integrity of the convicts and provisional prisoners. From the point of view of Damas e Oliveira (2013), the precarization of the prison system would not occur due to lack of legal devices. "The Declaration of Human Rights sought to ensure that citizens basic rights include health, personal safety, the presumption of innocence and the right to justice, among others, as well as rejecting the practices of torture or punishment"(UN, 1948). "On a national level, the Brazilian constitution of 1988 brought in its wording health as the right of all and duty of the state and defends dignity, freedom and equality for all citizens"(DAMAS E OLIVEIRA, 2013). In order to provide integral attention to the health of the incarcerated, there are other legal instruments such as Interministerial Ordinances (Ministries

of Health and Justice) and specific laws that are concerned with health promotion and disease prevention actions in the prison units (DAMAS E OLIVEIRA, 2013). "The right to health of the inmate is supported by the Criminal Law Enforcement (law 7.210) that reaffirms the right to health as an obligation of the state" (Brasil, 1984), however, according to the reality of the Brazilian prisons, this does not happen in practice. In the legal sphere, there are still several gaps that need to be fulfilled for a more appropriate model of imprisonment, within this context the figure of restorative justice arises, the theme to be addressed below.

### Restorative Justice

At the same time, according to Aquino and Neopomoceno (2016), corroborated by Bessa (2008), in his literature search, within some historical moment the reaction to the criminal act was attributed to the state, which turned to be responsible for maintaining peace and harmonizing the population. In the course of time, the state has still remained in charge of regulating issues related to coexistence in society, and it applies corrective measures of punishments that further increase violence. Faced with so many specific problems of retributive justice (based on punishment), many researchers who oppose the current system present restorative justice as a means of recovering freedom and humanizing the criminal system. However, as stated by Aquino and Neopomoceno (2016), according to the teachings of Zehr (2008) in his literature search, the society in which we are inserted still sees the criminal act through the retributive lens, that is, the Criminal Procedure by using this vision, cannot help the conflicting parties (victim and offender), because this way of seeing the crime forsakes the victims and fails in the assumed purpose of blaming the offenders and preventing the crime. As stated by Sousa and Züge(2011), when we talk about Restorative Justice, we bet on a new perspective of evaluating the way we have so far found to do justice. While conventional Justice believes in punishment, still, as the best solution, Restorative Justice questions what we can do to restore the damage suffered. By using the teachings of Marshall, Lopes and Silva (2014), they point out that Restorative Justice refers to a process through which the conflicting parties themselves decide between them how to deal with the effects of the criminal act practiced and its future consequences. It is worth emphasizing, according to Ferraz, Martins (2014), that Restorative Justice is a community system exclusively, it is not a negotiating process, neither private method, but a more balanced and human method, with less punishment and that seeks to present more satisfactory alternatives to the complex of legal, psychological, economic and social questions resulting from criminal conduct. For Zehr (2008), unlike punitive justice, restorative justice motivates rapprochement and dialogue between the conflicting parties directly and indirectly by the damage, seeking the recovery and restitution of a conflictive situation. Therefore, in restorative practice, it is sought that the subjects involved reflect and reach a common agreement. Within the Restorative Justice, the victim will have an opportunity to express itself spontaneously, being able to report its story, unburdening its doubts and

anxieties. In this sense, it can even overcome possible desire for revenge, reestablishing its emotional and moral bond, including promoting forgiveness and overcoming the lived episode. In this context, Sousa and Züge (2011) conclude that Restorative Justice breaks the rules, customs, and ways of doing justice that until then have been known; in this sense, it confronts a way of functioning that, for a long time, has been insufficient to deal with the challenges of today's world.

### Psychosocial aspects of the context of people in prison

Brazil is a country marked by many inconsistencies and enormous social inequalities. Aquino and Neopomoceno (2016) report that recent data, released by the special secretariat of Human Rights (SEDH), of the presidency of the Republic, indicate that, currently, 1% of the country's richest population has 13.5% of the national income, as the 50% poorest have only 14.4%. According to indicators pointed out by Pochmann (2010), in the Atlas of social exclusion (*apud* COSTA and PORTO, 2010), even though Brazil is among the world's leading producers, with high food exports and extensive agricultural area without activity, Brazil maintains one third of its population in absolute and famished poverty, almost 20% of its workforce without occupation, low levels of education and the degree of violence close to that of a civil war. These indices demonstrate the destructive effects present in our country, especially with regard to the poorest families. From the point of view of a racial analysis, according to the literature review by Aquino, Q. B. et. Al. (2016), cited by current studies by Custódio, Costa and Porto (2010), claim that the injustices are even greater, where there is no equal access of the population to fundamental rights. Under the educational aspect analysis, observed by the respective researchers, a reality in the same way, although 92% of the population from 12 to 17 years old are enrolled, 5.4% are still illiterate.

At the second International Congress of Juridical Psychology (2017), it was observed that the reality, when associated with the matter of the incarcerated, is that 67% of the prisoners are black and did not go beyond basic education. According to Damas and Oliveira (2013), cited by Assis (2007) "current research suggests that approximately 95% of the Brazilian prison population comes from socially excluded classes, that is, poor, with low professional qualifications and unemployed, and that many of them were "pushed" to crime because they had no other opportunities". These statements were corroborated by the professor of clinical criminology of the Law Faculty of USP, Sá (2017), when reporting that we live in a postmodern society, where, as a result of the most inhumane progress and with the advance of technology, more people are left on the labor market margins and consequently, they end up being discarded and swallowed by it. In this context, associated with the issues of the incarcerated, a prisoner would suffer from two dilemmas: whether to fight to be equal to others or to accept living in subhuman conditions, where he would succumb and fall into reticence. Sá (2016), by his turn, said that prison life is a life in crowd, it leads the incarcerated to a true disorganization of the personality, which is the main

ingredient in the process of prisonization, bringing in, for example, the loss of identity, and the purchase of a new one, with a sense of inferiority and impoverishment of the psyche; and it carries a number of implications, among which is the narrowing of the psychological horizon, poverty of experiences, and difficulties of planning for the medium and long terms. He adds that, in particular, imprisonment in closed conditions brings with it a number of problems, such as isolation of the prisoner from his family, his segregation from society, forced coexistence in the criminal environment, and contradictory and ambivalent relations between the prisoners and prison officials. For the said researcher, it is impossible to develop maturity in an individual, for a future socializing, segregating him from the society. At the point of Pinto and Hirdes (2006), given the degrading conditions of incarceration, the prison anesthetizes the formation and development of basic human values, contributing to stigmatization, depersonalization and prisonization of the convict, functioning in practice as a legitimate apparatus for the reproduction of crime. Due to the period of detention, the coexistence of the individual in seclusion, physical space and conditions to which they are subjected, they can modify personality of the prisoner, leaving in him irreversible or, at best, temporary psychic consequences. For these authors, the moment when the gates are locked and convicts are surrounded by walls and bars, the human beings lose their identity, feeling excluded from the rest of the world. From that moment on, being affected by an inhuman process, so that they no longer have any right over themselves, being "handled" according to the institutional rules, they end up being led to a process of depersonalization. Furthermore, for these authors, when the person's dignity is removed, one starts to respond to this violence by animalizing himself. That is, when his dignity is denied or stolen, he becomes the object of an animalization process that tends to discredit him as a human being, far from own will. This new state becomes their only alternative. Prison ignites the antisocial tendencies and generates in the prisoner a hostile and aggressive spirit against any form of authority and order. According to Pinto and Hirdes (2006), there is ethical disengagement in the society on prison policy, growing annually, and which, while punishing the criminal subject, politically and socially, has not been concerned with finding effective educational solutions for resocialization.

Ferreira (1996), argues that most of the prison population is young, under the age of 30, and this is not due to the largest number of young people in our society. However, the author also adds that among the main difficulties they face in entering the labor market are addiction to psychoactive substances, lack of educational and professional training and lack of family support, where in many cases they are abandoned by the latter and with a fairly early addiction history. Also, the author describes common facts of this population family history and of the prisons, pointing that for the vast majority of detainees there's total or partial absence or lack of a functional register that would represent the male figure. The following indicators are quite representative in this context, denouncing abandonment of a home, either because of a lack of responsibility of the genitors, or

because of the conflicts caused by addiction to psychoactive substances, games, or even due to absences or negligence, justified by the necessity to work. These implications in the context of the coexistence of prisoners in the closed system can be especially serious and consequential. This reality can lead to numerous consequences in homes where there is the absence of parents and adults, which, although justified for the reasons of survival, can bring indelible repercussions on the emotional, social and cultural development of those involved. In this circumstance, where the offspring is delivered to the care of older siblings, the child's development process may be subject to enormous vulnerabilities. According to Ferreira (1996) the strongest ties of prisoners are their mother and children. Even if, when at liberty, they have not participated as expected in the lives of their children, when imprisoned, the paternal feeling can afflict and children become a part of their world of references and worries. Another very important psychosocial aspect to highlight is the idleness observed in the prisoner's routine. Contrary to the indicators that support the need for socio-educational activities that would increase their resources when they are released. In Mendes's vision (2015), being inert 24 hours inside a cell is not the solution, idleness does not collaborate in anything, on the contrary, it only damages the prisoner. Labor and opportunities need to be granted. He adds, that if the prisoner does not have a labor activity or, for example, a healthy sport that he can practice, or even if he does, but in a reduced manner, he ends up being anxious, beyond idle. This would eventually trigger a number of negative factors, such as excessive drug use within the prison, unnecessary confusion among the other inmates. All of these related factors contribute to the individual being premeditating the next crime to commit, or ways of getting rid of that penalty, whether via escape or any other strategy. For this author, overcrowding is also a negative factor to be analyzed, because it clearly affects a successful resocialization. The lack of physical space to develop educational activities reflects directly on idleness. Some prison units have more than twice of their capacity and that brings a lot of problems. Prisoner is left with no conditions and no space for anything. Walking and sleeping, for example, become a big problem, leading to a picture of total inhumanity. Moreover, according to the author, when a person does not have an occupation to which he can direct his attention, he ends up without prospects. Every day is the same, with absolutely nothing to do, generating in the prisoner an indifference to life and in this way he starts to see the other's life even more indifferently. Therefore, when quarrels and fights occur within the prison, it doesn't matter if he gets out alive or if he has to kill someone. Without a doubt, this increases tension and risk within the prison unit, as well as for the society that tends to repudiate this behavior and not accept this individual when he is released. Where labor and education are offered, the rates of recidivism are low. In Brazil, it is estimated (empirical and non-scientific data) that recidivism is around 70%. In the places where prison labor is offered, this recidivism decreases to less than 10%.

One of the issues that is involved in this context, according to the research of Pinto, Hirdes (2006), is that prisoners

with the prospects of de-institutionalization and rehabilitation are the ones who have protective mechanisms present, among them: having a structured family, that supports and enhances positive life prospects; to have a job or occupation inside the prison, to have favorable economic conditions, to accept their current situation, having a will to be rehabilitated, not to accept a criminal identity reigning in the institution and to have a good prospect. On the other hand, convicts who have a greater tendency to be institutionalized are the ones who have certain personality traits, such as psychopathic traits, family abandonment, prone to compulsion repetition, values absorbed from the environment, history of experiences in juvenile detention centers, loss of social and family ties, early criminal "career" and absence of prospects for the future. In Mendes and Marcato's vision (2015), as long as labor and education are seen and treated as a background in prison units, the precariousness of the system only tends to increase and this deplorable scenario will never find the desirable solutions that are so much wanted and expected by society in general and by the convict him/herself.

### Psychopathological aspects of incarcerated people

As Ferreira describes (1996), according to researchers, dehumanization in prisons is one of the causes that leads to mental problems worsening in the prison population. Excluded, imprisoned, hated by society in general, deprived of the psycho-physical-moral-spiritual conditions necessary for life, are deliberately destroyed and, consequently, destroy each other. According to this author, mental arrest is the first introjection assimilated by the person arrested. This mental space can be reduced, decreased or increased, enlarged. We can either extend the inner space, as well as narrow it, trapping the mind, the spirit, the dreams and the affections; brutalizing and animalizing the senses; and still keeping up with the quality standards and dimension of the world of bars, cells, locks, enclosure, lack of rights, dignity and hope. Prisons, in the way they are created, speak, in symbolic language, of caging, of holding against the will, of limiting the right to come and go. The referred prison system, according to the same author, breaks down the physical and psychological health of the convict, since he is expropriated of their belongings that carry symbolic and emotional meanings, suffers all kinds of indignities, changes clothes in front of strangers, that is, the system clearly intrusive, they are completely exposed with no privacy, lack of space, the most restricted individuality in bathrooms with no doors, in the same room where there are several prisoners, they suffer punishments not provided by the law, but by the rules of each prison, at times, with sadistic or neurotic manifestations of those who apply them. Deprivation of Liberty is itself a stressful factor, and this stress can be manifested in many ways according to the different forms of deprivation experienced. Thus, as Damas e Oliveira asserts (2013), there are innumerable emotional implications associated with the deplorable health conditions of the prison environment, regardless of whether the subject is in custody, convicted or awaiting judicial decision; as well as whether he is aware of his legal condition. Damas and Oliveira (2013), report on a

study carried out by Andreoli (2008, 2012) in the State of São Paulo, which identified "a significant prevalence of mental health disorders in the prison population: 61,7% of prisoners have had at least one occurrence of a mental disorder during their lifetime, and approximately 25% of those who were in a closed regime, matched the diagnostic criteria for at least one mental disorder in the year prior to the survey. About 11.2% of male prisoners and 25.5% of women had serious mental disorders" (ANDREOLI, 2008;2012). In the survey of the main international studies on the prevalence of mental disorders in prisons, Souza (2004) showed that in this context, with rare exceptions, the reality is quite similar to the Brazilian one. According to the study by Hartvig and Osterb (2004), "implemented in Norway found estimated prevalence levels for psychoses and depression lower than in the international surveys, attributing the fact to a greater opportunity for prisoners to receive psychiatric attention in that country than in others in the Western world." Regarding the aspects of mental health, in the research of Damas e Oliveira (2013) it is possible to observe various forms of emotional adjustments in people deprived of freedom, among them, elevation of anxiety and emotional tension, headaches, severe mental disorders associated with previous pathologies frequently evidenced by the preexisting precarious psychosocial issues. According to the survey of the related biography observed in the research of Libardoni (2015) and Hilda Morana (*apud* STALCHUS, 2011), forensic-psychiatrist of the Social Medicine Institute and Criminology of the state of São Paulo (SMIC), around 20% of the prisoners are psychopaths. Therefore, taking into account the expressiveness of the said statistic, it is very relevant to analyze the prison reality through the prism of psychopathy and mental health contextualization, rather than based on sensationalist images brought to us by the media, because psychopathy covers much more than these images represent. According to an interview given to the portal and app – Tribune of Paraná, Hare (2010), professor emeritus at the University of British Columbia, psychopathy researcher who created, in 1991, a scale that standardized the definition of pathology deviation, 1% of the world's population is psychopath, and all people will meet at least 15 psychopaths in the course of life. Of the men arrested, 15% have the highest level of the scale, ranging from zero to 40, where over 30 the person is already considered a psychopath. In North America, average people have 22 level. Furthermore, according to the author, we can define psychopathy as a personality disorder, a series of behaviors and inferred personality traits, most of which are seen by people as derogatory, and it is not easy to diagnose a psychopath. Corroborating this information, Barbosa Silva (2008), notes that psychopaths have awareness of their attitudes (the cognitive part is preserved), that is, "they know perfectly that they are infringing social rules" and why they are acting in this way. "Their disability is in the field of affections and emotions". Thus, for them, it makes no difference if they have to attack, insult, offend or even kill someone who crosses their path or interests, in a cold-blooded manner and without any guilt, even if that someone belongs to their social circle. The most obvious expression of psychopathy involves the flagrant criminal violation of social rules. It's not surprising that many

psychopaths are violent and cruel killers. In the medical-psychiatric context, according to Barbosa Silva (2008), psychopathy does not fit the traditional concept of mental diseases, because these individuals cannot be considered insane, nor present any disorientation. Nor do they suffer from delusions or hallucination (as in schizophrenia), nor do they suffer from intense mental suffering (as in depression or panic disorder, for example). Many authors also seek explanations for the presence and development of psychopathy and as quoted by Bins (2016), forensic psychiatrist, the causality of psychopathy lies in an interaction still poorly understood between genetic, biological, environmental, social and psychodynamic factors. Hare (1993), in his turn, asserts that although psychopaths commit brutal crimes, they are not considered insane, either for psychiatric or legal standards, their crimes do not result from a sick mind, but from a calculating, articulate mind.

According to Stiegemeier (2009), when he mentions Freud, he explains that the possibility of criminal act is present in each one of us, and it is necessary, therefore, that the oedipian normativity helps us in some way to introject the historical-social and cultural norms, keeping away from this possibility. In view of the above, seeking to understand the phenomenon of psychopathy from psychoanalysis, we can consider the development of this type of personality starting from a psychic structure, called by Freud, as perverse. Nogueira and Gomes (2013), show that for Freud, a perverse psychopath solves the problem of castration by refusal, without fearing castration, he's guided by his instincts with extreme freedom. The psychopath, first of all, is a being free of censorship, ethics and guilt, and what moves him is his own will, and there is no limit for his desires. As for the homicidal acts of psychopaths, Stiegemeier (2012), shows us that these are a matter of 'choice' of psychopaths, something coming from desire, satisfaction of an impulse and pursuit of joy (the idea of joy in the Lacanian concept, understood as something that related to pleasure and displeasure). In this context, it is important to point out that the current prison system is not prepared to accept people whose mental functioning contains these characteristics, because in their (co)existence with other inmates, they may present themselves as difficult to manage.

### 3. Final Considerations

In order to understand the emotional repercussions involved in the prison (co)existence of the inmates in closed conditions, it is necessary to look - in the trans, intra and interdisciplinary perspective, integrating the areas that include the legal aspects and Restorative Justice; psychosocial and psychopathological aspects of people incarcerated under a closed regime.

In this survey, it was possible to identify in the legal field that, despite there are laws guaranteeing dignity of a convict and humanitarian character of the punishment, their rights are not being respected, which is a fact based on poor physical and structural conditions of the overcrowded Brazilian prisons. In this context, it is necessary to look more closely at the prison system in

order to promote public policies so that the (co)existence within the prison would become at least tolerable. Given the bad living conditions in prisons and cells, as well as poor structure of the prison system, this study questions the existing governmental policies, if they encourage creation of the projects that focus on the importance of education and labor activities of the prisoners, in order to avoid, for example, idleness and recidivism - this process is fundamental for the inclusion, rehabilitation and resocialization of those who are detained - through such initiatives as the internal activities labor and professionalizing courses, and so forth. In this context, the practice of Restorative Justice appears as a counterpoint to the traditional concept of Criminal Justice and is currently shown as a process that seeks to consider the differences, uses sensitivity in listening to the parties involved and has shown positive results.

Regarding the psychosocial aspects, this study showed that incarceration of the young population is a growing phenomenon, much due to the lack of opportunities and social inequalities existing in our country. There is still prejudice and resistance of society in supporting those who are reintegrating into social life, they are stigmatized, treated as if they deserved such suffering and are subject to the evils of the system. This study showed that due to the presented failures of the penitentiary system and dehumanization in prisons, these may be some of the causes for manifestation of mental disorders in the incarcerated population. As for the psychopathological aspects of the incarcerated, this survey also demonstrated the importance of combating violation of the basic human rights in prison environment, proposing new forms of interventions, aiming at the well-being of the involved, focusing on preservation of their civil rights and promotion of their physical and emotional health. A deep psychological analysis could identify significant emotional elements that would assist the judges in their decisions, avoiding, for example, a cluster of people with the most diverse mental disorders gathered in the same cell, including one identified in this study, psychopathy, which can, when without the proper treatment, be dangerous for themselves and those involved. In this way, we believe that it would be very important that the current prison system be attentive to the issues addressed here, and that the attention and proper development of these, could subsidize public actions and policies that would meet a demand that is often neglected and forgotten. To this end, in order for these and other issues involved to be answered and the validity of the generalization of the results proven, further research with appropriate methodologies will be necessary.

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