



EVASION: Prison Escapes and the Predicament of Incarceration in Rio de Janeiro

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It was summer, and I was standing on the roof of a small apartment building in one of Rio de Janeiro's North Zone favelas with Diana, looking over a field dotted with rusted industrial equipment and, further in the distance, the skyline of the city's periphery. Night had settled in. Diana was telling me that we should have a barbecue here in a few days if the weather was fine. I agreed, although I was distracted by the lightning marching in from the horizon. I told her I'd have to leave now if I wanted any chance to stay dry, so we went downstairs and into the apartment on the third floor. This was the space that she shared with her friend, another Black *travesti* named Hillary, as well as Hillary's husband, Lucas.¹ My field notes from that evening end with this final conversation and farewell: "Hillary was lying on the bed, head resting on her husband's chest. She sat up quickly and said her goodbyes, it was already 9:30 p.m. but they didn't seem to be in a huge hurry to get back. I found my way out of the favela fine enough and took the bus home, exhausted." The "back" in this note refers to a nearby prison. These three were incarcerated in a men's penitentiary named Crispim Ventino, where they were released each weekday morning and expected to return at night.² They had pooled their resources to rent this apartment, a space that gave them room to rest and pass the time until their return.

In my fatigue and my attempt to outrun the rain, I had noted but apparently paid little attention to the housemates' lack of concern with getting back to the prison before the 10 p.m. deadline. It was only a few days later, when I returned to the apartment, that I realized that they hadn't gone back that night. Instead, the three had become *evadidos*, evaded, escapees.³ They remained so for about a week before they decided to turn themselves in at the prison gates. They would evade (*evadir*) again later, for a few days or weeks at a time, sometimes alone and sometimes together. Occasionally they would let me know directly. But it was often unclear to me whether, at any one point, Hillary and Diana were completing their sentences or alternately living as *evadidas*, most often in this apartment, only a short walk from the prison itself.

This article is about evasion—the legal status given to those who flee the custody of Rio's prisons. It also concerns the movement that characterizes this flight, one that passes across the boundaries of confinement and freedom in Brazil's penal state. Such a movement unsettles familiar tropes of prison escapes because it represents neither a heroic dash toward freedom nor a scandalous failure of custody. Hillary's and Diana's evasion was ordinary, temporary, and largely expected. It would eventually be recorded among the more than 20,000 escapes registered by Brazil's Public Ministry that year (CNMP 2020). But this constant cycle of escapes and returns calls into question both the barriers and the thresholds that are supposed to define, or at least delimit, imprisonment. In other words, evasion traces a figure in which the borders between punishment and escape, confinement and freedom, subversion and submission, break down.

I take this breakdown as a site with which to rethink Brazil's project of incarceration and the forms of life that emerge for its "carceral subjects"—the growing population, largely poor and Black, whose lives and families are shaped by intimate contact with the criminal justice system (Moore 2020; Richards-Calathes 2021).⁴ My claim is that evasion produces another mode of inhabiting the project, scrambling the temporal coherence of a sentence and the spatial logic of confinement. Between evasion and its state-sponsored double of day release lies an ongoing Brazilian genealogy of Black life suspended between captivity and freedom—yet reducible to neither. These are marks of the nation's "long emancipation," in which "each push by the formerly enslaved is an eruption of a potential Black freedom, but each push is also contained by the juridical and legislative elasticity of the logic of emancipation as partial, as incremental, as apprenticed" (Walcott 2021, 4). Long emancipation brings evasion into relief as a practice that operates not through "dis-

engagement and refusal” (Sojoyner 2017, 530), but rather by pivoting between the state’s qualifications on freedom and the liberties seized in spite of them.

My analysis draws on fieldwork conducted between 2016 and 2018, both in and around the prison system of Rio de Janeiro. I first met Hillary and Diana through my work with a prison-reform activist who spent several days outside its gates collecting *denúncias* (denunciations) to present to the state’s penal court. Although my fieldwork brought me into other prisons designated for men, I never entered Crispim Ventino. Instead, I continued to visit many of those I had met outside, connecting them with legal, health, and social services where I could. But I grew closest to Hillary and Diana, both of whom I maintained contact with after they had left the prison. While this article follows their experiences, I bring them into context by drawing on fieldwork with Rio’s public defenders; an analysis of Brazilian legislation; and interviews with prison staff and formerly incarcerated people. It is important to stress from the outset that there is no secret to evasion. What I outline here is well known by the prison administration, courts, and carceral subjects. I am also not describing a felony. To escape prison custody does not constitute a crime in Brazil unless it is accompanied by the use or threat of violence—although as we will see, evasion is not without consequences.

This article maintains a focus on Hillary and Diana and is therefore shaped by the experiences of both and the critiques they produce as imprisoned Black *travestis*. Rigid definitions of the term *travesti* often fall short of capturing the experiences of people who inhabit and improvise gender in strikingly fluid ways, including while imprisoned (Zamboni 2017). Having said this, it is important to signal that *travesti* indexes both a gender identity and a particular history of exclusion that overlaps with, yet remains distinct from, other categories such as *trans woman* (Santana 2019). *Travestis* are legally designated as male at birth, an ascription that usually follows them into the criminal justice system. Depending on the resources available to them, they cultivate feminine bodies and subjectivities. But while some identify as women, many do not. In Brazil, the term also carries connotations of sex work, poverty, and Blackness (Oliveira 2018).

The most detailed, and often the only, accounts of *travesti* and trans life throughout Brazil’s history lie in police and court files, archives built out of an ongoing proximity with the punitive edge of the law (York, Oliveira, and Benevides 2020). The term *evasion* testifies to these repeated encounters, since it also refers to truancy, what Luma Nogueira de Andrade (2015) recognizes as an involuntary practice among school-aged *travestis* to escape institutional harm. As Eric Stanley (2011, 5) stresses, while gender might constitute an intimate point of contact

between the state and the body, “trans/gender-non-conforming folks are not the answer to the ‘riddle’ of gender.” Thus, it is not my intention to elaborate from Hillary’s and Diana’s positions a schematic explanation of what gender is or does in prisons. Having said this, I do follow [Dora Santana \(2019, 218\)](#) in attending to trans identity and *travestilidade* not as a set of static embodiments, but as a series of movements themselves marked by a fugitive “refusal to lose oneself.” [Marquis Bey \(2022, 4\)](#) offers another way to articulate this relation through what they identify, drawing on [Jack Halberstam \(2018\)](#), as the trans (or, in this case, *travesti*) *anarchitect*: one for whom “unstitching the enclosure of the house’s structural architecture is in fact more livable for some ways of becoming and unbecoming than the presumed house.” While evasion is not exclusively practiced by *travestis*, an attention to these anarchitectural practices orients us toward what is unmade, and what endures, at the edges of incarceration.

FUGITIVITY AND FLOW

Brazil’s prison population has grown exponentially since the end of the nation’s military dictatorship and its most recent transition to democracy. Federal reporting estimates that just under 910,000 people were held in prisons and jails across the country in August 2022, a tenfold rise since 1990 ([CNJ 2022](#)). The expanding punitive landscape directly and disproportionately targets Black Brazilians, both in statistical terms and as a racialized spectacle of subjection ([Flauzina 2006](#)).⁵ Prisons are largely administered at the state level, and the conditions of confinement vary between these separate governing bodies. Rio de Janeiro has generally followed national trends;⁶ at the time of writing this article, its fifty-four penal establishments were estimated to hold 56,156 people, more than 20,000 over their official capacity.

This project of incarceration has brought with it new forms of scholarship, including an attention to prisons as zones of movement and circulation, characterized by porosity as much as immobility. Networks and flows thus become a defining feature of these institutions, as legal documents ([Godoi 2017a](#)), contraband phones ([Godoi 2017b](#)) and pathogens ([Rodrigues and Khoury 2022](#)) pass through them. Ties of kinship ([Moore 2020](#); [Padovani 2013](#)) and other forms of solidarity, including collectives known as factions ([Biondi 2016](#)), also embed Brazil’s prisons in a set of spatial relations that exceed their borders. Anthropologists and others have searched for concepts that might rethink these institutions through such processes. *Fluxos* (flows) represent a central frame in the research of [Rafael Godoi \(2017b\)](#), who takes the movements of people, information, and contraband as both

an object and an analytical method for engaging with imprisonment. In a similar vein, [Fabio Mallart and Taniele Rui \(2017\)](#) put forward the “ping-pong prison,” a concept used by their interlocutors to articulate their continuous displacement along a series of defined channels between prisons, drug rehabilitation centers, and homeless encampments. Despite their relative ubiquity, escapes rarely figure into this broader project of accounting for movement. One notable exception is [Antonio Rafael Barbosa’s \(2013\)](#) analysis of debates among correctional officers and incarcerated people in Rio regarding the potential meaning and significance of flight. Barbosa takes the figure of escape that emerges in interviews as a tool to dismantle the image of prisons as sites of non-relation.

Collectively, these scholars have built a vantage point from which we can approach evasion—not as an aberration against the carceral imperative to confine, but rather as one among a series of circulations. Yet to follow this approach, we must also distinguish between the different logics that govern these movements, which include displacement, smuggling, and care. Evasion stands out here because of its close relation to a broader repertoire of fugitivity, that “art of social life” ([Harney and Moten 2013](#), 73) which characterizes Black life in the Americas. Fugitivity points us to another genealogy of movement, one anchored in an escape from slavery but also one that renews and reconfigures itself in response to shifting permutations of Black captivity. This movement thus propels and embodies an evolving form of social thought or praxis ([Berry et al. 2017](#); [Jackson 1994](#)).

One central image within Anglophone scholarship on fugitivity is the maroon community, a space by and for those who escaped slavery and its concomitant necropolitics. Its counterpart in Brazil is the *quilombo*. Black activism and scholarship have mobilized the *quilombo* not only as an object of historical analysis but also as a blueprint for contemporary projects of political autonomy and the pursuit of freedom from anti-Black genocide ([Nascimento 2019](#)). [Beatriz Nascimento \(1985\)](#) employs *quilombo* to underline the embodied, gendered experiences of flight—a point taken up by [Christen Smith \(2016\)](#) to spotlight the body as a site of sanctuary and resistance for Black women. Santana also relies on Nascimento’s work to draw a direct line between the *quilombo* and trans women’s’ experiences of, and resistance to, incarceration. For [Santana \(2019, 218\)](#), fugitivity offers a productive site with which to analyze the convergence between the “movement” of trans embodiment and “those routes of escape that also define blackness.”

I will return to fugitivity below, offering another reading of the *quilombo* as a mirror to evasion. For now, it is important to note that these concepts bring into relief those routine strategies of Black survival that reveal fault lines within

Brazil's project of incarceration by passing through them. Not all forms of circulation might be characterized as such. For instance, we must distinguish evasion not just from immobility but also from displacement, itself a central tool of prison governance. But even this distinction becomes difficult to maintain when incarcerated people partially co-opt the momentum of displacement and redirect it toward other ends. Arguably, this is the entire point: to disappear into the flux, at least for a while.

THE BIG EXIT

During the week of Christmas 2019, 422 people fled Rio de Janeiro's prisons (Heringer 2019). This has become something of an annual ritual: Christmas marks the time of the *saidão*, the "big exit," in which thousands secure a type of furlough known as Periodic Family Visitation. These thousands constitute a small portion of the entire prison population—most are ineligible to apply, and fewer still receive authorization. Nevertheless, the beginning of the following year, like all years, was marked by articles reporting how many had not returned by the end of the week. These news items rarely garner much interest. Cases of elaborate tunnel constructions (*O Dia* 2019), bashed-down prison walls (*Extra Online* 2017), or attempts to flee in disguise (*Extra Online* 2019) tend to travel further in the media since they conform to more easily recognizable tropes of flight. But despite this relative lack of attention, the *saidão* represents both the largest and the most predictable fugitive event in Rio, one whose escape route runs through the prison's front gates.

Evadidos might return after a day, a month, or never. Sometimes they just have no money for the bus fare back. In other cases, flight might represent a strategy by incarcerated people to mitigate overcrowding. During an interview, staff from one prison suggested that many of those who did not return after a *saidão* had drawn the short straw in a lottery organized by the prison's dominant faction and were obligated to flee so that others could transfer into the unit. An evasion might also represent an administrative error. In my work with public defenders, I learned of a case in yet another prison where a man's transfer between units was never registered; he was assumed an *evadido* for months before the mistake was found. The ambivalence of an absence can also present an opportunity. Helena Lancellotti (2018) has documented the case of a woman issued an ankle monitor during her house arrest in Porto Alegre, a city in Brazil's south, who regularly evaded surveillance by covering the monitor with aluminum foil while working or visiting family. She explained to Lancellotti that since the GPS signal in her neigh-

borhood was so poor, nobody would notice if it dropped out for an extra hour or two.

A whole ecology of practices like these lies behind the legal designation of *evasion*. Yet despite their differences, each of the above examples draws our attention to the nominally progressive shape of imprisonment. Transfers, house arrest, and the big exit all emerge from a vision of the criminal sentence as a gradual process of opening, one enshrined in Brazil's Law of Penal Execution (Lei de Execução Penal). *Progress*, whether as a noun (*progresso*) or a verb (*progredir*), is used by incarcerated people, prison staff, and Brazilian jurisprudence to refer to this forward movement and the benefits that can be accrued along the way. Much analysis of Brazil's prison system underlines the breach between these ideals and the violent realities of its prisons (Bueno and Denyer Willis 2019; Santos 2019). The identification of this breach serves a political function as a tool to denounce the state and mobilize reform efforts. But since evasion is directly grafted onto these progressive protocols, it requires that we attend to the effects of progress beyond its apparent failures.

For example, the classification of prisons into "closed," "semi-open," and "open" regimes makes the logic of opening explicit. But since the prison administration's funding priorities skew heavily toward security over treatment, closed units are relatively better maintained and resourced than those further down the conveyor belt of progress. A running joke among prison social workers and psychologists was that the semi-open model of prison would be better described as "semi-closed." The joke's inversion reflects their cynicism of the claims made by a progressive system in which gradual reintegration with the social body registers as progressive abandonment. As an "open" regime, Crispim Ventino extends this process one step further. Public defenders often warned clients against even applying for transfer here. In part, this advice was based on their assumption that clients would be tempted to evade. But it also represented a broad consensus among legal representatives that the prison stood as one of the most inhospitable and least-resourced units in the system. Those incarcerated in Crispim Ventino were forced out of the prison each weekday morning with no support and no food. With no money for transport, many were confined to the immediate surrounds; on any given day, dozens would find shade in a nearby plaza, managing their hunger pains until 8 p.m., the earliest possible time they were permitted to return to their cells and receive a meal. Conflicts with guards and others held in the unit were relatively common. Both were aggravated by overcrowding and the constant churn in the imprisoned population.

ALWAYS IN EVIDENCE

I hadn't seen Hillary for a while. I tried calling the phone that she shared with Diana, but nobody picked up for two days. I figured that one or both might have returned to Crispim Ventino following an *evasão*. As I have indicated above, evasion is not a felony. But it does carry an administrative punishment. Those who return have an infraction written up on their disciplinary record. This generally leads to their transfer to a segregated cell known as the *castigo* (literally meaning “punishment”) for up to ten days. The *castigo* is the only cell occupied on weekdays, since those held there have their right to day release suspended.

But when I ran into Diana on the street, she corrected my error: nobody had evaded. A few days prior, Hillary had returned to the prison before the deadline. As she reached the front of the line to enter, a guard insulted and physically assaulted her by aggressively patting her down. When Hillary pulled herself from him and began to defend herself verbally, two other guards intervened to hold her while the first completed his search. She received one infraction for “formulating a complaint or accusation with revealing impudence due to a reprobable motive.” But because the conflict had made her sign in a few minutes after the deadline, she was issued a second write-up for “disobedience of regulatory schedules.” As a result, the warden moved her to the *castigo*, where Diana reasoned she would stay for at least another week.

Diana and Hillary self-consciously took different approaches to correctional officers. As Diana explained in an interview, “I always respected the guards, you know, when I arrived, I would always say, ‘yes, sir,’ ‘no, sir,’ ‘thank you, sir,’ so I never had much of a problem.” Hillary, by contrast, had a repertoire of tactics to confront her abusers that she called her “basic scandals” (*escândalos básicos*). These included shouting her demands to speak to the warden from inside the *castigo* and threatening *denúncias* against individual staff and the prison. *Denúncias* rarely offer a viable path for *travestis* to address harm, instead opening up new avenues of violence and retribution (York, Oliveira, and Benevides 2020). Yet the constant repetition of the threat also denied the guards any peace inside the unit. When I finally met up with Hillary after her time in the *castigo*, she retold this event to me, her voice still hoarse, offering as an explanation the phrase *estou sempre em evidência*, which roughly means “I always attract attention,” reflecting her hypervisibility in a unit designated for men. Another, more literal, translation might be “I am always in evidence,” a phrase that speaks to her gender as already invested with accusations of culpability or poor behavior that she cannot not shake off (Jesus 2016).

Where Diana aimed to pass by undetected, Hillary saw this project as impossible from the start, since her body would always be read as incriminating evidence.

But Hillary's argument, as well as my initial misreading of her absence, also underscore something else: that the consequences of evasion are not necessarily significant because they do not deviate from the routine conditions of imprisonment. Regardless of her intent to return to prison on time, Hillary could still be written up as late. Regardless of whether she evaded or not, she would cycle through the *castigo*. She had, after all, been placed there at least once by the warden in the name of her own safety, after an incarcerated cisgender man had threatened her with violence.⁷ This experience of "protection" as punishment and isolation is shared by incarcerated queer and trans people across the Americas (Hébert 2020; Stanley 2021). It also registers the broader demand for Black feminine subjects to cede space to an institutional preoccupation with masculinity (Shange 2019). To be always in evidence means to be familiar with the *castigo*, to anticipate one's return to it. So if the punishment for evasion was the same as that faced for simply existing, what was the harm in leaving for a few days?

LIBERATIONS, SEIZED AND ASCRIBED

When I arrived at the apartment alone, I would stand on the street and alternate shouting Hillary's and Diana's names, hoping that one of them would appear at the bedroom window. On this particular afternoon, Hillary's head leaned over from the rooftop, where she smiled and dropped a set of keys down to let me in. Today she was enjoying the afternoon sun alongside Jefferson, an incarcerated man whom she introduced as a friend of her husband. Hillary had spent the past two weeks as an *evadida*. But she had decided that today would be the day she returned to prison. The two friends were making the most of these final hours before Hillary would turn herself in and begin her next stint in the *castigo*.

As we sat on the roof ledge, our backs to the street and the sun, Hillary asked me if I knew that prisons were originally built to hold slaves. Hillary spoke of herself as *preta*, a term that referenced her unambiguous Blackness and darker skin tone within Brazil's chromatic order, in comparison to a lighter-skinned *morena* like Diana.⁸ *Preta* also referenced her engagement with a new generation of Brazil's Black movement, one that had shifted toward the term as a marker of pride and solidarity. Hillary's embodiments of femininity and Blackness were entwined, both informed by a transatlantic imaginary that took inspiration from West African textiles, North American music and television, and Afro-Brazilian religion. As a site for both policing the binary and criminalizing Black gender more broadly

(Alves 2018), incarceration placed its limits on these forms of embodiment. Evasions gave Hillary some opportunity to at least partially reclaim both her bodily autonomy and her sense of style. She was planning to open a beauty salon after her release, and she wanted it to be “very Afro” (*bem afro*). But two weeks before, she had also told me emphatically that she had never experienced racism in prison. Her question therefore surprised me a little. It seemed to index a movement in her understanding of her own imprisonment, a shift toward grounding her present in an “afterlife of slavery” (Hartman 2008, 6) and a desire to revisit our earlier conversation.

I responded with what I knew then from my research—that at least one prison in Rio was built on the same site as a jail that had held recaptured fugitives, and that Rio’s police force was first organized in response to elite anxieties surrounding a growing emancipated Black population (Holloway 1993). Hillary seemed unsurprised, as she replied “It’s the same thing today. It’s like my friend said, prisons are made to control Black people.” We raised ourselves off the ledge and turned to watch the sky turn red until around 6:30 p.m., when she asked me to leave, since she had a few things to do before she returned to Crispim Ventino.

If we could turn back the clock on our view over that ledge by 180 years, just past the field of abandoned equipment, we would be looking out on the site that Flávio Gomes (2010) identifies as one of Rio’s largest urban *quilombos*, a fugitive community that emerged at the edges of the nineteenth-century capital of Brazil’s slaveholding state. This community, one of many within Rio’s peripheries, consolidated political power for the enslaved and the fugitive alike because it marked the limits of slaveholder domination and presented a constant reminder of the possibility of escape (Réis and Silva 1989). And yet its existence was still both vulnerable to violent intervention and dependent on economic relationships with settler society.

While fugitives were seizing this precarious autonomy in the *quilombos* of Rio and elsewhere, the state was simultaneously devising new categories and limits for emancipation. For nineteenth-century *libertos* (freedpeople), freedom was tethered to new modes of tutelage and control (Chalhoub 2011). Manumissions were frequently obtained only under the guarantee of continued labor, while people born in Africa were deemed ineligible for Brazilian citizenship. After the prohibition of the Atlantic slave trade, those held on ships intercepted by the Brazilian or English navies would be liberated as *africanos livres* (free Africans), but this freedom was marked by wardship and fourteen years of indentured servitude (Collins 2015). One of the most important public works constructed by the labor of free Africans

was Rio's, Brazil's, and Latin America's first penitentiary, the House of Correction (Jean 2017). As the population of *libertos* grew throughout the century, the Brazilian empire responded by tailoring new qualifications to both manage and defer emancipation.

Rio's *quilombolas* (inhabitants of *quilombos*) and *libertos*, its fugitives and freed-people, were thus not only suspended in positions that “blurred the distinction between slavery and freedom” (Chalhoub 2011, 406) but also found themselves caught between emancipations ascribed by the state and those seized despite it. The forms of partial autonomy that lay along this second axis might have anticipated or propelled the formal abolition of slavery in Brazil in 1888, yet they offered no definitive exit from the predicament of the slave state's violence. Perhaps more importantly, the two positions of fugitive and conditionally free also overlapped and bled into one another. *Libertos* escaped servitude and found refuge in *quilombos* alongside the enslaved (Gato 2020). The latter also used flight as a negotiating tactic to secure better terms for their manumission (Réis and Gomes 1996). Despite the vulnerability of both positions and the tension that existed between them, movement across this field allowed many to exploit both the opportunities and the hypocrisies of the law's promises of liberation.

There is much more to say about both *quilombos* and freedom within the history of Rio de Janeiro and Brazil. But my claim here is that the relationship between flight from slavery and an ersatz emancipation is substantially the same as that between evasion and the progressive promise of imprisonment. Sitting on the ledge, Hillary was also spending her final hours as an *evadida* along the limits of Brazil's emancipatory project. And here she was not alone. Beneath us was the apartment, one of several spaces in this favela that had been rented out to those imprisoned nearby. Further below, some were walking down unpaved streets with their ankle monitors showing, a condition and visible marker of their house arrest. Others, knowingly or not, were targeted by one of the 360,000 arrest warrants that are, at any one moment, open and active in Brazil (CNJ 2022). And everyone in this community was surveilled by a constant armed police occupation—just as these police were also watched so that others could avoid them, making their way down the back streets.

The ongoing negotiation between the qualified liberties held out by the state and the practices of autonomy cultivated despite it underscores the “impossible project” (Vargas 2012, 5) of Black citizenship within the polis. However, if this oscillation makes for a general mode of Black life in Brazil (Díaz-Benítez and Rangel 2022), there is also something specific in evasion's challenge to both confinement

and freedom as the operative and mutually exclusive binary that gives incarceration its coherence. This is not an inherent property of escape itself. As Gilles Chantraine and Tomas Max Martin (2018, 2) underline, “escapes not only *break* the prison, they also *make* the prison as a central issue through which the institution is imagined, built, organized, justified, reproduced, resisted and transformed.” But by both fleeing prison *and* choosing to return, Hillary and her evasions were not as easily metabolized by this logic. If imprisonment hinges on the limits of a sentence and the borders of a wall, she and others would, repeatedly and without huge consequence, pass through them in both directions. The figure traced by this movement, this anarchitectural work, forces us to reconsider what is possible within the time and the territory of prison.

TIMING THE SENTENCE

And then there was that time over Christmas when we were drinking in the favela, and time was passing, time was passing, and suddenly it was almost midnight, so we went to the [prison] gate, but the guard said “Look, you’re already late, you’ll be going to the *castigo* either way.” So I looked at Hillary and we decided to go back for another drink.

—Diana, recorded interview

Evasions rarely come as a surprise. This holds true in many prisons, but perhaps most of all in Crispim Ventino, where evasions took place almost every day. As Diana underscored in the interview quoted above, flight was something of a non-event—for both the guards and herself. Standing at the front gate, this correctional officer not only suggested but offered a justification for evasion: whatever they had to lose was already lost, the *castigo* would be waiting for them regardless. And yet in that moment, the three were also playing with the terms imposed on them by a criminal conviction. What did it mean for Hillary and Diana to stand outside the prison in the dark, facing the supposedly inexorable fact of their own sentence, and decide: not tonight?

A prison sentence sequesters time from the convicted person. This performative act rests on an understanding of time as both a measurable, fungible quantum and a universal possession that can be expropriated (Melossi and Pavarini 2018). In Brazil, as much as elsewhere, this often becomes expressed through a metaphor of debt. At the same time, the sentence always carries a promise of its eventual end—at least in a country like Brazil, where no life sentence formally ex-

ists. Since the beginning of the twentieth century, Brazilian penal and criminal law have tinkered with the interval brought forth by a sentence. Progressive reforms introduced stages and gradients, offering the possibility of transfers, parole, house arrest, and commutation, all justified through a logic of tutelage. In the process, they made anticipation a tool of prison governance, since the incarcerated person's future was now an object of interrogation.

In practice, the temporal forms brought forth in the name of progress have been bent into other shapes by the pressures of a punitive legal culture, the administrative strain of mass incarceration, and institutional neglect. More than 40 percent of those imprisoned in Brazil are pretrial detainees, and therefore still have no sentence (Rodrigues and Khoury 2022). Those who are finally convicted receive a set of dates that mark eligibility for transfer and parole. But these are neither meaningful nor reliable as markers for imprisonment. Diana, for example, had reached eligibility for parole around the time that I first met her; her lawyer filed the petition two months before the night of the storm. Approval would only come five months later. This delay is typical. Courts have no responsibility to respond within a certain timeframe; in the state of Rio, the period between an initial application and the final decision varied between six weeks and ten months. Applications are often denied because the documents that courts ask for as evidence of an incarcerated person's "resocialization" are simply not produced by the prison system.

Facing both the promise and the constant deferral of release, incarcerated people have few tools with which to take time into their own hands. The most easily accessible is clonazepam. This anticonvulsant with sedative effects is widely available across Rio's prisons. Many correctional officers sell it by the pill, both as a source of extra income and as a tool to tamp down on tensions that might otherwise spin out into open conflict. Where prisons and courts dilate a sentence, clonazepam condenses it back, allowing imprisoned people to sleep through it. Shifting the sensation of time's passing, it provides at least some momentum through a sentence—although this comes at the risk of developing an addiction, and withdrawal symptoms include insomnia and paranoia.

Evasion is less available, since it only becomes feasible for most during the latter stages of imprisonment. But it also does something different. To escape from prison—even by walking away for another drink—fractures the state's claim to the sentenced person's time. Punishment becomes a task one might leave and come back to, disjointed and discontinuous. For many, including Hillary, this transformed the obligation of confinement into something more flexible, although it

came at the expense of delaying her release further. Since the days spent outside prison custody did not count toward completing a sentence, evasions can push back eligibility for release or parole. But in Diana's case, this point was completely irrelevant since the latter date had already passed. Rather than redefining the terms of her "debt," evasion took back what was, even under the law's own terms, owed to her.

In both cases, evasion offered no lasting fix to the temporal bind of the sentence. Instead, it created a new rhythm of incarceration, one that slipped in and out of sync with the temporalities of progression and day release. This could offer some moments of reprieve; it could also prove exhausting (Ahmann 2018). But it did briefly threaten the coherence of imprisonment since it claimed, in some limited form, an autonomy within prison that the latter ostensibly denied. What it offered was not an escape from the sentence but a different path *through* it, one that shifted the terms of what it could and could not take.

THE APARTMENT ON THE THIRD FLOOR

Despite the assurance of its own name, an open prison still binds people to itself and affords only a narrow field of movement. Crispim Ventino's schedule—one that I internalized and reproduced in my fieldnotes, constantly marking the time when I was with Hillary and Diana—was built around a particular image of the working day. This made it difficult for many to move through the city, and particularly to traverse its peripheries. Evasion offered a partial fix because it untethered people from the prison and thus widened the field. Incarcerated cisgender men would often evade to spend several weeks working on civil construction projects, where opportunities were scattered around the city, work started early, and commutes were long. Hillary faced a different dilemma. She was a *faxineira*, a cleaner for the houses of friends and neighbors who lived near her childhood home, almost two hours away by bus. She could often manage this while imprisoned, but it was difficult to arrive at work on time, and she had already lost a few clients after showing up late. The money was important because it helped cover her share of the rent and allowed her to buy food and medicine to make her time in prison at least a little more bearable. This is why, on the afternoon that I sat with her under the awnings of a bar just down the road from the prison, she explained that she would probably evade tomorrow.

I had been waiting for Diana to arrive, but she was over an hour late and not answering the phone, so Hillary suggested that we make our way to the apartment. Almost immediately past the entrance to the favela, we ran into four police

officers standing idly by with their guns drawn. These were members of the Pacifying Police Unit (Unidade de Policia Pacificadora, or UPP), which I had grown used to seeing in the neighborhood by now. I generally stood out here because I was white and clearly unfamiliar with the community—when alone, residents often asked if I was looking to buy drugs. But now, as always, I barely warranted a glance from the officers as we walked past. When we turned the corner off to a side street, a group of young teenagers who clearly recognized Hillary asked if the police were behind us. She nodded as we kept walking.

Before the UPP arrived in this community, police would periodically invade during special operations. That was more than five years ago at this point. Now, they were a permanent occupation force in the favela whose presence was justified in the name of “retaking” the territory (Penglase 2014). The UPPs broadened both the intensity and the scope of residents’ exposure to the criminal justice system. One direct consequence was an acceleration of the already rapid rise in Rio’s prison population. The expansion of these police operations in the leadup to the 2014 FIFA World Cup and 2016 Olympic Games ratcheted up arrest and conviction numbers, bringing unprecedented strain to an already overcrowded system. But the UPPs also produced an entire social landscape marked by the constant anticipation of, and negotiation with, their intimate presence. For instance, while our exchange with the teenagers lasted only a few seconds, it conscripted Hillary into the back-and-forth of surveillance and countersurveillance between the UPPs and the neighborhood’s faction, on whose behalf they were asking the question.

The short walk between the prison and the apartment took us through overlapping territorial claims that were both unavoidable and demanded of Hillary a constant calibration of proximity and distance to either side. This demand is unremarkable in Rio’s peripheries, particularly for feminine subjects whose movement is predicated on navigating between factions, police, and militias—what Hollis Moore (2020, 44) identifies as the gendered imperative of “ongoing relations between antagonists.” But if Hillary did evade tomorrow, she would also contend with an added threat. *Evadidos* run the risk of being apprehended by the police. In such cases, the punishment is far more severe than for those who return of their own accord: “regression” back to a stricter regime of punishment, and the suspension of eligibility for parole or house arrest for twelve months.

While some, like those directing the teenagers’ question, would avoid the police, Hillary did not seem openly concerned with them when she passed by, regardless of whether she was currently evading or not. Unlike in the prison and in many areas of the city center, particularly tourist spots, here the police did

not seem to bother her. But to remain out of their focus still required cultivating good relationships with neighbors and avoiding open conflict. I once joked that she seemed to know everyone in the favela even though she had only arrived a few months ago. This was because she, like other feminine subjects in the neighborhood, went out of her way to befriend people, to learn how to navigate the community, and to present herself as a member of it rather than a threat (Moore 2020). This work only became clear for me when Diana, who sometimes engaged in sex work, ended up in a fight with a client inside the apartment, and was expelled by the others for almost two weeks as a result. The problem was not the damage done to some of the furniture, but that in drawing attention to the space, she had risked the intervention of either the UPP or the faction within a space meant to provide some refuge from both.

When we arrived at the apartment building, Hillary unlocked the front door and we climbed the stairs to the third floor. The apartment was unoccupied when we arrived. It was small. There were two rooms—a bedroom with a window overlooking the street; and a combined kitchen and living room furnished with a small fridge, a sink and countertop, a couch, a fold-out chair, and a bookcase. Some of the furniture had come as a gift from Diana’s mother. The bathroom was just outside the apartment’s front door and shared with the other unit on this floor. Hillary, Lucas, Diana, and another friend from Crispim Ventino had found this place a few months before I met them. While it was always a struggle to pull together the money for each month’s rent, they had nevertheless managed to keep a hold of it for now.

Today, while Hillary remained within the bounds of her sentence, this space arguably constituted an extension of the prison itself, a satellite of her confinement. Tomorrow, when she evaded, it would become something different: a site of evasion, one that offered room to maneuver outside these confines. What was striking about the apartment is the superimposition of these two modes in a space that was itself enveloped within a heavily policed neighborhood. This was a “usable paradoxical space” (McKittrick 2006, 42), one that uncomfortably folded together confinement, resistance, and flight, working through these forces without resolving or transcending them. Katherine McKittrick develops this idea in relation to another site of Black feminine confinement: the garret of Harriet Jacobs/Linda Brent as explored in *Incidents in the Life of a Slave Girl*. To occupy these spaces—to “garret,” transforming the noun into a verb and a form of action (McKittrick 2006; Spillers 1987)—is to situate oneself across, rather than against, a set of tensions shaped by slavery and incarceration. But where Jacobs/Brent occupied

these tensions simultaneously, the apartment on the third floor provided a fulcrum that Hillary, Diana, and others used to pivot between the subject positions of imprisoned and *evadida*, and to maintain some stability through this shift. It was this oscillation that allowed the two to piece together those limited forms of autonomy offered on either side, to play one off the other.

What would a theory of incarceration look like from the apartment on the third floor? The space arguably attests to the impossibility of a constitutive outside, offering little room for a “romance story” of fugitivity (Walcott 2021, 107). But as a counterweight to this project, it also redirects the momentum of imprisonment against itself. The apartment on the third floor is where both punishment and progress lose their coherence a little, even as their effects stand. It demonstrates that we cannot assume the integrity of the borders that supposedly give form to imprisonment—but also that these interstices are gendered and racialized sites where the stakes of incarceration, as both a project and a predicament, become re-configured. This offers no clear blueprint for abolition, but rather an attention—one that we might call anarchitectural—to the unstable edges of incarceration and the potential that might be seized within them.

CONCLUSION: Inhabiting the Predicament

In 1840, an *africano livre* named João fled from the construction site of Rio’s House of Correction. As the historian Carlos Eduardo Moreira de Araújo (2010) explains, this instance marked the third registered escape of someone taken from Africa whose emancipation from slavery on arrival to Brazil became the legal justification for his indentured servitude—in this case, working alongside other freed, enslaved, and convict laborers to shape the bricks that would become Latin America’s first penitentiary (Jean 2017). João was reported missing for five months, after which he was found in Niterói, across the bay from Rio. But João was not in hiding. Instead, he was working in a state quarry, still under the status of wardship as an *africano livre*.

Historical practices of marronage across the Americas took place in and through a precarious and generally asymmetrical dependence on the slaveholding centers of power from which fugitives had escaped, the “outcome of an encirclement of unfreedom” (Walcott 2021, 107). Under these conditions, flight could neither lead to nor easily create a beyond to slavery. Instead, as Gary Wilder (2017) argues, it faced this very impossibility head on: to escape was “to confront and inhabit the predicament.” Wilder’s analysis helps us find some sense in João’s flight, a fugitive movement between two sites of unfreedom, as the search for another way

to inhabit a landscape of captivity. And yet his case also illuminates a particular moment when the landscape itself began shifting. João's path out of slavery, part of Brazil's own long emancipation, also tells the story of how the bricks were made for a new project of confinement.

Almost two centuries stand between João's repeated escapes and those of Hillary and Diana, a gap that I do not claim to bridge here. But his experience offers another place from which to answer the question posed by Hillary that afternoon on the apartment roof. These moments speak to each other, bringing to light an enduring negotiation between the concessions offered by the state and the opportunities forcibly seized from it. Evasion, as one tactic within a broader repertoire of "extralegal agency" (Moore 2020), constitutes both a condition of survival and an insurgent form of safety for Brazilian Black feminine subjects, one distinct from the forces of state security and masculine criminal collectives, even as it is caught between them. It is a safety predicated on movement, one that charts a path through Brazil's project of incarceration while remaining out of sync with it.

Today, evasion signifies an absence, a subject that has become legally unaccounted for. It is this absence that opens a set of possibilities through which those imprisoned in Rio shifted, and thereby called into question, the terms of terms of their own confinement. It was not, however, the unmaking of their imprisonment. Crispim Ventino outlived the apartment on the third floor. The cycle of flight and return that I have examined here did not extricate Hillary or Diana from the law's violence. But then again, neither would a more lasting escape, nor even release. Instead, what it offered was a small opportunity for the two to rework the edges of their imprisonment, to produce ruptures within an opening.

That afternoon, when I walked with Hillary to the apartment on the third floor, we didn't stay for long. A few minutes after we arrived, she suggested that we head out again. She had recently been introduced to a nearby bar that apparently sold the cheapest beer around. But she couldn't remember the name, so after circling the block we settled for the closest one. Standing around a table on the street, we shared a bottle between us. When we brought our glasses together I offered her a *saúde* (cheers). She replied with an *axé*.⁹ Both of us were surprised to see Diana walk past, a few minutes' walk away from the prison she had recently fled. When we called her over, she corrected our choice of bar and led us across the street, where we stood resting our backs against the wall. Hillary and I prodded Diana for a few details on a new romance, but she instead turned to her frustrated attempts to find work. As we talked, Hillary found herself in conversation with women from the neighborhood who were passing by. But when she asked me

the time and found out with a shock that it was verging on 8 p.m., she excused herself quickly and left. With more than an hour left before she needed to get back, I don't know where she was headed.

ABSTRACT

This article examines Brazil's project of incarceration through the figure of evasion (evasão)—the act of escaping prison custody, often temporarily. Evasion traces a path across the borders of captivity and freedom, as people routinely flee confinement, only to return of their own accord. I position both prisons and evasion as part of an ongoing history of, and tension between, Black fugitive life and emancipation in Brazil and the Americas. I argue that while evasion offers no clear exit from the punitive edge of the law, it produces another mode of inhabiting the time and territory of incarceration. With a focus on two incarcerated Black travestis, I outline some of these evasive movements and demonstrate the fault lines that they reveal—both within the prison system's own claims to legitimacy and in the concepts that we bring to bear on incarceration. [prisons; fugitivity; emancipation; gender; race; travestis; Brazil]

RESUMO

O presente artigo examina o projeto brasileiro de encarceramento através da figura da evasão: o ato, muitas vezes temporário, de fugir da custódia penal. A evasão traça um caminho que atravessa as fronteiras entre a prisão e a liberdade, visto que as pessoas fogem frequentemente, voltando depois por vontade própria. Situo presídios e evasão como partes de uma história contínua e uma tensão entre vida negra em fuga e emancipação no Brasil e na América. Constatado que, embora a evasão não ofereça saída do fio punitivo da lei, produz outro modo de habitar o tempo e o território do encarceramento. Focando em duas travestis negras presas, delinheio alguns desses movimentos evasivos e demonstro as linhas de falha que elas revelam—tanto dentro das pretensões de legitimidade do sistema penal, como dos conceitos a que recorremos para analisar o encarceramento. [presídios; fugitividade; emancipação; gênero; raça; travestis; Brasil]

NOTES

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1. I follow the Brazilian practice of using marital terms without distinction between civil and common-law partnerships (Medeiros 2018). For a more detailed analysis of the various gendered and sexual subject positions within Brazilian men's prisons, see Sander 2021.
2. While the names given to all other people and institutions in this article are pseudonyms, Crispim Ventino is the prison's real name. As the only men's unit that accommodates day release, it is easily identifiable regardless of any attempts at anonymization.
3. All translations provided from Portuguese to English in this article are my own.
4. Here I distinguish between prisons (as institutions), imprisonment (as the administration and experience of those institutions) and incarceration, the broader state-sponsored project of policing, surveillance, and punishment.
5. The disproportionate rate of Black imprisonment is highest in Brazil's southeast, a region including the state of Rio de Janeiro. Here, 72 percent of those in prison are identified as *preto* (black) or *pardo* (brown), compared to 42 percent of the general population (Santos 2019). Social scientists generally aggregate these two census categories under the broader term *negro* (Black).
6. Rio de Janeiro is the name of both the state and its capital city. The prison administration and penal courts operate at the level of the former, while my research was largely situated within the latter.
7. I employ the term *cisgender* in line with the use of *cisgênero* and *cis* by Brazilian *travesti* academics and activists, although I recognize a tension between this use and a critique within Anglophone scholarship that the term represents a "categorical ruse disingenuously hailing those who nevertheless do not and cannot sit comfortably within it," particularly since it is propped up by white standards of gender that Black men and women, among others, do not inhabit (Bey 2022, xiv). Where Savannah Shange (2019) puts forward the concept of "non-trans," this term would also sit uneasily here, since many *travestis* do not identify as trans.
8. These terms are often interpreted as markers of color rather than race, although in practice the distinction constantly slips; still, both Hillary and Diana also identified as *negra* (Black).
9. Here, *axé* represents a call for good energy or high spirits. But the term is also tied to Afro-Brazilian religions such as Candomblé; more broadly, it refers to a Yoruba concept of vital energy, one that also emerges in Black religious traditions across the Americas. In English, it is often rendered as *ashe* or *ase*.

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