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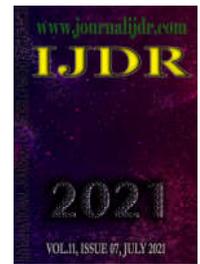
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RESEARCH ARTICLE

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## CONSEQUENCES OF PRETRIAL DETENTION: PERCEPTIONS OF MEN IN CRIMINAL PROCEEDINGS FOR DOMESTIC VIOLENCE

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### ABSTRACT

**Objective:** To know the consequences of the experience of pretrial detention for men in criminal proceedings for domestic violence. **Methodology:** Exploratory and descriptive study with a qualitative approach, conducted with 11 men who were being followed up at the specialized center for assistance to men who committed domestic and family violence located in the city of Belém, Pará, Brazil. Data collection was performed using the focus group technique, in the months of June and July 2018. The data were analyzed using the content analysis technique. Results: Based on the data systematization, it was possible to identify the following categories: altered children's behavior, social stigmatization and financial and patrimonial losses. **Conclusion:** The study revealed that the consequences of pretrial detention for conjugal violence pervade economic, social and behavioral factors, especially concerning children, highlighting the importance of public policies for controlling violence and meeting the needs of those men.

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## INTRODUCTION

Intimate Partner Violence (IPV) consists of any action or omission that may result in harm to one or both persons involved in the intimate relationship (Paixão *et al.*, 2018). It is anchored in a model of a patriarchal society that legitimates the inequality of roles between genders and has repercussions, in various ways, on the lives of those who experience it (Holtmann e Rickards, 2018).

Researchers suggest that, in a relationship permeated by violence, both are attacked; however, there are specificities when under the gender cutout (Cho, 2018). It is worth mentioning that the social construction of gender in our society makes natural the male conduct of power and decision of female actions and behaviors, such as the use of clothes, work, friendships and sexuality. This asymmetry between genders gives way to the experience of violence in conjugality (Scott, 1990). Women often employ mild physical aggression, in addition to verbal and psychological violence; the man causes more serious and visible injuries (Tisak *et al.*, 2016). For this

reason, although studies reveal the reciprocal character of marital violence, it is mainly observed the harm to women's health (Paixão et al., 2018; Follmer e Jones, 2017, Carneiro et al., 2017). The world reality is marked by feminicides. A study conducted in Italy analyzed a 20-year historical series that was marked by 86 feminicides perpetrated by intimate partners (Zara et al., 2019). In Brazil, for example, there were 17,581 female feminicides due to marital violence from 2011 to 2013. It is estimated that, on average, there were 5,860 feminicides caused by an intimate partner each year, which corresponds to 488 deaths per month and an average of 16 lives ceased per day (Garcia e Silva, 2016). In addition, the numerous expenditures of violence into the public safes are added. In 2011, the Unified Health System spent 5.3 million BRL only on hospitalizations of women (Centers for Disease Control and Prevention, 2017). However, this disbursement of resources is not restricted to the health segment, because there are investments of resources also at the legal and police level, which are directed mainly to the male public. These have increased since the creation of the Maria da Penha Law and reach around 10% of the country's Gross Domestic Product (GDP). Enacted in 2006, Law n. 11,340, known as the Maria da Penha Law, aims to curb and prevent violence against women. It provides, among other measures, for the pretrial arrest of men. Although the limited scientific production on the consequences/repercussions of violence for men's lives, studies show that, when entering the prison space, they face a new reality, being even subjected to situations such as: inadequate infrastructure, scarcity of basic supplies for food and hygiene, violence among inmates and constant humiliations, which generates countless consequences, which should be recognized, especially by health professionals, considering that, in most cases, this experience affects their health and that of their families (Castillo et al., 2017; Silva, Moreira e Oliveira, 2016). Considering the limited production on the repercussions of marital violence for the male public, it is important to understand the consequences of the experience of pretrial detention, so that these results can sensitize this public about the phenomenon of violence against women, inserting them in coping with the problem, through the accountability of their actions. In view of this, the question is: What are the consequences of the experience of pretrial detention for men in criminal proceedings for marital violence? The study aimed to know the consequences of the experience of pretrial detention for men in criminal proceedings for marital violence.

## METHODS

Qualitative study, with 11 male participants who were under follow-up by the Specialized Center for the Care of Men Who have Authored Domestic and Family Violence (NEAH, in Portuguese), in the municipality of Belém, Pará, Brazil. This service aims to ensure the care and defense of men who have been denounced for domestic and family violence against women. It also enforces Art. 35, Item V of Law n. 11,340/06, which provides for the education and rehabilitation of the aggressor. The approximation with the research participants occurred through the authorization of the coordination of the NEAH and insertion of the head researcher in the entire organization of Reflective Groups (RG) for men who respond to criminal proceedings for marital violence carried out with a view to education, as recommended by the Maria da Penha Law. The selection of participants was intentionally, and the following inclusion criteria were adopted: Being responding to criminal proceedings for marital violence and being, visually, with their emotional state preserved for participation in the focus groups. The exclusion criterion established was the absence during the focus groups. After the end of the RG cycle, the men were invited to participate in the study, being informed about the objective of the study; the right to participate or not, withdrawal at any time of the research; anonymity and confidentiality of their information, and the identification of the information was performed through alphanumeric coding (M1, M2... M11). There was no objection from any man to participate in the study and all participants of the RG signed the Informed Consent Form, and then the focus group was scheduled. Data collection

occurred in June and July 2018, in a reserved room in the building where the NEAH is located, using the focus group technique. For better data quality and following the recommendations of the method, three meetings were made with an average duration of one hour each, with, in the focus groups, two and three resumed contents that emerged, but were little explored (Barreiros e Morato, 2017). One mediator, the head researcher and two observers, project scholars, composed the research team. Initially, a form containing sociodemographic information (age, religion, race/color, schooling, family income) was filled out with a view to characterize the collaborators. Then the first focus group started with the following question: "What were the consequences of your arrest for marital violence?". From this, men were encouraged to talk about their experience, as well as to respond/comment on elements that emerged during the group.

The focus groups were audio-recorded and their content, transcribed with the help of a text editor. All material was systematized using the steps recommended by Bardin's thematic content analysis. Thus, after exhaustive reading, exploration of the textual corpus and categorization of the data, three categories emerged: "Changes in the children's behavior", "Social stigma" and "Patrimonial and financial losses". It is worth noting that all Consolidated criteria for reporting qualitative research (COREQ) were followed. To comply with one of the points provided for in the resolution of the National Health Council (CNS, in Portuguese) n. 510 of 2016, the study was approved by the Research Ethics Committee (REC) of the Federal University of Pará under opinion number 1.091.031.

## RESULTS

The participants of the research were characterized by being brown, aged between 21 and 57 years, low schooling, family income of up to two minimum wages and Catholic religion.

**Changes in the children's behavior:** The participants of the research addressed the consequences of their imprisonment for their children, when they witnessed the police approach permeated by violence, as well as the procedure at the police station. The implications of this exposure showed changes in the children's behavior, from constant crying to the reproduction of what happened, perceived in games and reactions to police patrols.

*The moment I was arrested I reacted and was assaulted by the police. My daughters witnessed this whole situation and also went to the police station. That was marked in their minds. Today, when the police car approaches home, they run to warn me. They also reproduce in the plays the scene of my prison (M 10).*

*The fact that I was arrested was so marked in my daughters' mind, they cried every day. (M 5).*

*After I was arrested, my son became a scared child [...] he is afraid to play with his friends and when he sees the police car, he runs into the house crying, thinking that the police will take me (M 4).*

**Social stigma:** Personal discredit towards society was perceived by the participants as a serious consequence of being arrested, changing the way they are seen. Besides directly influencing their social relations, being stigmatized proved to be a major obstacle in the search for employment.

*The fact that you have been arrested makes people look at you suspiciously. [...] your life is no longer the same! (M 3).*

*The man who was arrested is very harmed, because, after the arrest, people start to look suspiciously at me. Especially in*

*terms of work. The companies did not accept me and I missed job opportunities (M 6).*

*After I got out of prison, I had trouble getting a job because I had already been arrested. Companies do not give you a chance. (M 5).*

**Patrimonial and financial losses:** For these men, the fact that they were arrested directly had a significant impact on patrimonial and financial loss. These consequences are generated because the family members were devoid of sustenance during their arrest, which led to the marketing of household items. After being released, employees reveal obstacles to get a job, going through financial difficulties, even using external financial assistance.

*When I left prison, I went home and found everything turned up and broken. [...] the light was cut off and my children sold the fan and blender to get money (M 1).*

*In my house I was the only person who worked. I am with financial problems because of the difficulty in getting a job (M 8).*

*I was the one who kept the house. After I left prison I went through financial difficulties for not being able to work and a friend lent me money (M 9).*

## DISCUSSION

The study revealed that pretrial detention provides several consequences that permeate public and private spaces. For some participants, one of the perceived effects of detention was the altered children's behavior, especially when the police approach took place truculently after resistance. This objection is an important finding, because it decants for the naturalization of violent attitudes in loving relationships, as well as for the non-recognition of these actions as liable to criminalization. The non-recognition that the action was a crime is anchored in social standards, in which relationships are based on female subservience in relation to male power. This perception is based on a sexist and androcentric culture present in society, therefore, in family relationships, which makes men not realize that they have violated the rights of their spouse (Silva *et al.*, 2016). There is also the belief that violent attitude is a form used by men to correct behaviors judged inappropriate in their partner (Silva *et al.*, 2016; Thornton, Kevan e Archer, 2016). The understanding of violence as an educational and corrective strategy is socially accepted and comes from childhood. This is because violent practices are used by parents as a way to control the behaviors and attitudes of their children and, nevertheless, by men, in the sense that their companions obey the standards established by them (Ved *et al.*, 2019). In this study, attention is drawn to the similar attitude on the part of the police, since they impose an aggressive action when they realize that men resist their authority. When they witness fathers react, being assaulted and detained, their children have behavioral and emotional repercussions.

A study reveals that children whose father figure is in custody situation experience feelings of longing, changes in behavior and, in view of the father's memory, the manifestation of crying, and these attitudes may have repercussions on mental health (Fernandes e Oliveira, 2017), which is similar to that found in this research. National and international authors also address other possible changes in their children's behaviors, such as: aggressive attitudes, affective dullness, psychological distress, low self-esteem, depression and low school performance (Sánchez, Fernández e Martínez, 2017; Hager, 2015; Kelly *et al.*, 2015). In addition to the trauma of experiencing the father's imprisonment, changes in the children's behavior are directly related to the feeling of shame, which emerges from the social prejudice generated by the prison experience (Sousa *et al.*, 2016; Nascimento e Camargo, 2018; Costsworth *et al.*, 2017). This

condition of social stigmatization, besides providing family disorganization, marginalizes the subject, since he is discriminated and discredited. People do not trust in the recovery of an ex-convict, which is related to the social belief that they will commit new offenses, preventing the construction of relationships of trust and employment bonds (Sousa *et al.*, 2016; Nascimento e Camargo, 2018; Ramírez-de-Garay, 2017). Thus, in addition to personal exposure, social stigma directly affects men's professional lives, which was confirmed in a Spanish study that revealed the difficulty of reintegration into the labor market by these subjects. The obstacles encountered to get a job have repercussions on financial difficulties. This situation was unseen even before the man's release, and the family members were obliged to sell household items in an attempt to maintain their income, in the search for survival, since the provider was incarcerated. The financial and patrimonial disarrangement are pointed out as direct resulting from the process of seclusion, relating to the difficulty of family members in constituting some financial income (Sousa *et al.*, 2016). This context generates concern in all family members, and may catalyze mental problems. In the midst of this scenario, participants turned to other people in their lives seeking financial assistance. Corroborating these findings, a study reveals that ex-convicts call for social support, such as friends and other family members, to be able to support their families after leaving prison (Sousa *et al.*, 2016). In an American and Spanish study, this support was shown as positive for the resocialization of former detainees (Silva *et al.*, 2018; Carretero-Trigo *et al.*, 2021). It is important to emphasize that non-resocialization generates the vulnerability of this public, and may lead them to commit new crimes in search for survival, besides the fact that, by not getting work, it is impossible to rescue their dignity as a human being (Ramírez-de-Garay, 2017). In a cross-sectional way, the consequences of the experience of prison have a direct impact on the physical and mental health not only of men, but also of all family members (Carretero-Trigo *et al.*, 2021). Therefore, health professionals, especially the nurse, should be aware of these situations when they occur in their territory of activity. These, in turn, can collaborate in the reconstitution of the health of family members and men, as well as be a bridge to social support, giving referrals to other professionals.

## CONCLUSION

The study allowed knowing that, in male perception, the consequences of imprisonment for marital violence permeate changes in their children's behavior, social stigmatization and patrimonial and financial losses. Unveiling consequences of prison on the children's behavior reinforces the need for actions with couples, so that they reflect and understand that their attitudes have repercussions on the lives of other ones. Furthermore, on the social and financial consequences, which are directly related, it takes a collective work so that the image of ex-convict is not associated with fear, distrust and discredit. The present study is limited to collecting data on the implications of pretrial detention of men in criminal proceedings for marital violence, with no comparison with other publics. Moreover, our study was limited to social implications, and there is a need to seek the presence of other types of repercussions, such as health issues.

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