

## Violent acts in physical education classes from the school's sports field to the hall of justice



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### ABSTRACT

The objective of this study is to characterize the violent events that occurred in Physical Education classes in schools in Belo Horizonte between 2014 and 2015. The documentary data of the research are constituted by lawsuits originated by violent actions practiced by adolescents in the time and space of

Physical Education classes that suffered intervention by military police and legal operators. Through the analysis of these documents, it was possible to identify not only a change in the nomenclature of violent actions through the Brazilian Penal Code, but also to contact the judicial procedures in the treatment of such occurrences in the school. The contact with such information tensions the idea that the school is a place of safety and capable of contributing to the development of children and adolescents.

**Keywords:** School violence, Physical education, Judicialization.

## 1 INTRODUCTION

Studies that investigate the phenomenon of judicialization in education have been increasingly dedicated to understanding the challenges faced by schools in relation to the context of violence in which many of them find themselves and from which many of their students come. The lack of knowledge or fear of having to face situations of school violence can generate attitudes and behaviors that result in lawsuits, in which the judicial system is forced to intervene when it finds the absence of public management in the solution of most of these problems.

In this sense, the objective of this work is to characterize the violent events that occurred in Physical Education classes in schools in Belo Horizonte in the period between 2014 and 2015 that were mediated by the Military Police and, then, by operators of the judiciary. To this end, we analyzed 21 lawsuits originating from aggressions practiced by adolescents in Physical Education classes.

Thus, we carried out a documental analysis of these lawsuits<sup>1</sup> following the recommendations of Cellard (2008), who points out the techniques used to handle documents, namely: describe how the document is organized; classify the documents; and create categories.

<sup>1</sup> The most important document found within the processes was the Police Report (BO). The inquisitorial procedures used by the Military Police throughout the judicial process through which the adolescent goes revolve around the need to reach the verification of the evidence, since it is the "soul of the process" (SENASP, 2019).



## 2 FROM THE SCHOOL COURT TO THE JUDGE'S ROOM

In the last 30 years, researchers have sought to understand the presence of violent acts practiced by adolescents in the school context. These investigations indicate that the phenomenon of violence and its mediation, previously carried out by the school, is now also conducted by other subjects: police officers and magistrates.

Since the 2000s, some studies have observed, at least in Minas Gerais territories, a visceral approximation between the police and schools. This entry is justified by the fact that it, the school, has been part of the route of drug trafficking and consumption since the late 1980s. According to Oliveira (2008), the school was and still is a space to be observed, monitored to ensure the safety of society, needing, for this purpose, a closer police action. "Basically, it is in this context of combating organized crime that the school appears first on the list of spaces to be observed" (2008, p.132).

The connection between the Military Police (PM) and the school influenced the way the school deals with the violent acts that take place inside it. If previously indiscipline, fights were treated pedagogically by the school, for some years now, the PM has been activated by the schools themselves to deal with these issues when they happen within their space. In other words, when the school calls the Military Police to intervene in situations of aggression committed by adolescents within its space, including in Physical Education classes, the treatment becomes the one guided by the principles and procedures of this institution.

For example, when situations involving aggression between students occurred, this case was recorded in the school's occurrence book in the presence of the parents and, for that, terms such as kicks and punches made up this record. Currently, with police intervention, there is a linguistic adjustment of these aggressions to the police-legal vocabulary. The kicks and punches between the students are framed in Article 129 of the CPB of the crime of *Bodily Injury* and are now recorded by the military police officer who answered the call of the school in an Occurrence Report (BO) at a specialized police station (CIAMG).<sup>2</sup>

In the reading of the 21 judicial processes, we identified the categories of the Penal Code used by the military police to classify the violent acts that occurred in Physical Education classes:

- (a) *Bodily Injury* – Art. 129 CPB (Bodily fight between students and/or teachers during Physical Education classes): 9 times.
- (b) *Threat* – Art. 147 CPB. (Threat of death or assault outside of school): 6 times.

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<sup>2</sup> In the case of Belo Horizonte, when an adolescent commits a violent act and the Military Police is called, the offender is taken by the military police to the *Integrated Support Center for Adolescent Offenders – CIAMG*. In addition to the Military Police, the Civil Police, the Public Defender's Office, the Public Prosecutor's Office, as well as the Guardianship Council and other bodies responsible for the protection of children and adolescents are located in this space. We will bring you more information about this place and its operation later in the text.



- (c) *Desacato* – Art. 331 CPB. (Verbal abuse of teachers. Disrespect): 3 times.
- (d) *Crime of Damage* – Art. 163 CPB (degradation of public property. Sports court): 2 times.
- (e) *Drug consumption* – Art. 28 Law 11.343/2006. (drug use inside the locker room): 1 time.

In the case of Bodily Injury, the largest number of violent events that occur in Physical Education classes, we have its legal framework described in Article 129 of the Brazilian Penal Code and refers to the act of "offending someone's bodily integrity or health" (BRASIL, 2016). The episodes of physical aggression practiced by student(s) against another student(s) in Physical Education classes, caused bodily injuries such as abrasions, nose bleeding, abdomen injury, bruises on the arms, face, eyes, cuts on the lips, forehead, face, requiring the victim to be sent to the hospital. Teachers were also victims of aggression, which caused them physical harm when they intervened in situations of indiscipline and confrontations involving adolescent students, whose reactions generated a physically negative impact on the teacher.

"We attended the Municipal School [...] who informed us that during the physical education class the student [...] was participating in a dodgeball game and was the only one who did not adapt to the rules of the game, that he was asked to withdraw with great resistance on the part of the student. Going so far as to assault the teacher to continue in the game, he was given several kicks and threatened to throw objects such as a trash can that was nearby. The teacher did not need medical attention." (BO-24).

In addition to the linguistic adequacy to the police-legal vocabulary recorded in the BO, there are inquisitorial procedures<sup>3</sup> involving the process.

And, how does this process unfold? After the aggression event, the direction or the pedagogical coordination activates the Military Police who listen to those involved while still inside the school. Then, the offending student(s) is taken to the police station in a police car. At the same time, the school tried to locate the person responsible for the adolescent(s) and informed them of what had happened, asking them to go to the CIAMG. When the parent(s) could not be located, a representative of the school should follow up on the procedures.

At CIAMG, the adolescents were sent to the Military Police station to produce the police report with the police officer who responded to the school's call. Then, those involved were sent with the BO to the Civil Police station, which became aware of what had happened, initially, by reading the BO and, later, by listening to those involved in the aggression, a record of the interview (hearing) was produced, which was also attached to the judicial process.

Then, this documentation was sent to the administrative secretariat of the CIAMG, which consulted the system to verify the presence or not of a past record of a crime of an infraction(s) committed by the adolescent considered to be an offender of the aggression in question. The registry then issued a certificate containing the result of the search, which was also added to the file.

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<sup>3</sup> It should be noted that these procedures are defined by the Statute of the Child and Adolescent. (BRAZIL, 2014).



In possession of all the files – the police report, the hearings and the certificate – a *preliminary hearing* was held in the presence of the Child and Adolescent Law Judge and the representative of the Public Prosecutor's Office and the defense lawyer (public defender's office). At this hearing, the magistrate decided whether to close the case and/or to apply (or not) a socio-educational measure and/or<sup>4</sup> protective order<sup>5</sup> to the adolescent who committed the infraction. The two measures could also be used together.

Of the 21 cases analyzed, we counted the following court decisions:

- (a) Dismissal of the case: 7 decisions.
- (b) dismissal of the case with the application of a protective measure: 7 decisions.
- (c) application of a socio-educational measure only: 5 decisions.
- (d) Application of a socio-educational measure with a protective measure: 2 decisions.

Silva (2007) shows that, before the existence of the ECA, the school board acted and warned students in cases of aggression. It is clear that the ECA has modified this procedure. Today, as we have explained, it is the judge who warns, but never with suspension, or expulsion, of the student from school.

The problem that has come to be considered by school agents is the return of adolescent offenders, who, although they have been warned by an agent of the judiciary, are in no way prevented from being in school. This situation is what leads school agents to declare that their "hands are tied", as Silva and Salles (2019) pointed out, or that they can do nothing else. The warning once given by the school board could result in the expulsion of the students, but now the warning given by the judiciary, in the interpretation of the school agents, sounds unimportant. This becomes more conflicting, especially when the egress himself/herself, upon returning to school, uses this situation to say that nothing happened to him/her. And, at times, he even boasts that it happened. Due to this dissatisfaction arising from the teachers, it is difficult to control the school climate. The question that has been asked is what would be missing to transform this feeling that nothing has been done into another perspective that values the work of the school as a space not only for the transmission of knowledge, but also for protection, or, more precisely, for learning coexistence?

### 3 FINAL THOUGHTS

Whenever the Military Police is called by the school, the police officer assigned to the case is required to record the infraction for which he was called. And that's when the differences begin.

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<sup>4</sup> The Socio-Educational Measures are those designated in Article 112 of the ECA: Warning, Reparation of Damages, Provision of Service to the Community, Assisted Freedom, Insertion in a semi-freedom regime and Internment in an educational establishment. (BRAZIL, 2014)

<sup>5</sup> Protective Measures are those designated in Article 101 of the ECA. For this work, the magistrates pointed out those contained in items III (which requires the enrollment and attendance of the adolescent in elementary schools), V (which requires medical and psychological care, or psychiatric care for the adolescent). (BRAZIL, 2014)



Previously, the school's registration followed the standards of ethics and customs that were adopted even by the students' families. The student who broke any norm was sent to the principal's office and there they were isolated for as long as necessary, or they were exposed in a place that was seen as shameful. However, today, through police intervention and the production of the police report, these behaviors are reclassified in order to fit the logic and vocabulary provided for in the Statute of the Child and Adolescent and in the Brazilian Penal Code.

With this process, we observed that the school has had difficulty intervening in violent situations. By abdicating this mediation, we question ourselves about the place of the school as a support point in the protection and safety network for children and adolescents. Thus, we ask ourselves if, by not intervening in such situations, the school ends up weakening its function of helping students to develop essential skills for the formation of citizens and a society based on a good coexistence.



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