



## **The importance of applying resources to develop intelligence Penitentiary, development of the prison system and resocialization.**

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### **1 SUMMARY.**

The topic discussed is extremely important in the current context of society, since the prison system has become a complex problem in recent years that has harmful effects in general, and in the same way it can be said that the area of police intelligence has also suffered greatly over the years with the low amount of investment received by the government. It was necessary to face several obstacles and problems to understand that investments in these two areas, both police intelligence and the prison system, are the way to overcome the world of crime; investment, logistics, training, education, all these areas of activity are extremely important for the good development and smooth running of these two delicate and complex areas of today's society. Intelligence activity is limited when the application of resources is also limited, the development of intelligence in the prison area and in the police area goes hand in hand with resources, because only in this way in a globalized and technological world will it be possible to overcome the current high crime rate.

Keywords: system, investment, police, intelligence.

### **2 INTRODUCTION.**

When talking about the prison system, issues such as crime, overcrowding, factions, among other topics related to this complex and problematic sector of society, immediately come to mind. However, there is one point that needs to be addressed, which is the lack of investment by the government. When it comes to the prison system, it is inevitable to seek the understanding that the lack of investment or the amount of investment is fundamental for

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can be successful in combating crime, the entry of illicit material, the use of inappropriate equipment within the penal system, overcrowding, the formation of negative leadership, the living conditions within the units, the release of inmates into society in better conditions of coexistence, the interference of these people held in the outside world, all of these factors are directly linked to the amount of investment that is made in the prison system, when we fail to invest in infrastructure, equipment, technology, training, and in several sensitive and fundamental areas for the proper functioning of prison units and to avoid negative examples such as those seen today in the Brazilian media of the events that occur in prison units. Currently, the Brazilian prison population ranks third in the world ranking of people deprived of liberty, according to information from the June 2016 survey of prison information by the National Penitentiary Department (DEPEN). This problem has several causes and ramifications, as well as countless consequences inside and outside the prison system.

When the legal system and the tools with the methodologies used and public policies used in this sector do not converge and do not produce the correct and expected results, problems arise such as an increase in crime, the emergence of factions, as well as the degeneration of human dignity in prison, and the disrespect and non-compliance with the laws, because in these conditions it becomes unfeasible for the Penal Execution Law to be complied with and applied.

Overcrowding in prisons is perhaps the biggest problem in this area. What we want to achieve through this article is to obtain alternative solutions or methods to contribute to solving this problem, but they cannot be palliative solutions but rather concrete ideas that have a medium and long-term effect, as it has already been proven that palliative methods no longer solve this chaotic problem.

It is extremely important to change the reality of overcrowding because the consequences are harmful inside and outside the prison system. This chaotic situation experienced in Brazilian prisons makes it very difficult for prisoners to reintegrate into society. Given the current situation and development, Brazilian prisons have become crime and criminal recruitment offices. Therefore, throughout this article, we will elaborate on possible ways to change this reality.

### **3 DEVELOPMENT.**

**3.1**With the passing of time and the evolution of society and humanity, crime has increased exponentially, crime has taken on professional proportions, and thus the prison system has not kept up with this

As the number of penitentiaries and prison units has evolved, it is no longer possible to accommodate all these inmates, and thus a situation has been established that has lasted for years in prison units, especially in state units. The rates are alarming. It is estimated that Brazil currently has the third largest prison population in the world, behind only China and the United States. In this way, the entire structure is compromised, as it is not possible to provide prisoners with a dignified and humane sentence that leaves society with a human being in better conditions than when they entered. In this way, it is understood that investments are extremely important so that this overcrowding and this crime that originates within prisons can be contained with equipment by the State, with investments in the police and prison areas so that it can confront and combat this high crime rate that is often controlled from within penitentiaries.

<sup>2</sup> According to the CNMP (National Council of the Public Prosecutor's Office), Brazil has an overcrowding rate of 175.82%. This shows that the lack of investment over the years was absurd, and the lack of structure and new units to place these people did not reach the speed of the arrests of criminals and bandits who operated in this area. The loss of space by the public authorities in this prison environment is clear, because crime, in addition to being on the streets, has spread from inside the prison units to the outside. The command of the factions that are currently held began to act from inside the prisons to the outside, and all this due to the lack of investment, lack of servers because the deficit is colossal, lack of investment in intelligence and lack of action on the part of the judicial system as well. It is estimated that currently 35% of all prisoners are in pre-trial detention, that is, those who have not yet been tried and who have often exceeded the time required to remain under restriction of freedom due to the slowness and lack of assistance from the judiciary. When citing the Penal Enforcement Law (LEP), it is clear that convicted prisoners should not be allowed to remain in the same environment as pre-trial detainees, as this makes it impossible to individualize the sentence, since the Law seeks to classify and allocate prisoners with specific characteristics to each environment. Thus, investing in the creation of vacancies and more space to allocate prisoners makes it possible to work on and classify the type of prisoners held, and thus be able to deal with each case in a specific manner. This investment in creating vacancies and more space allows us to weaken organized crime and allows the State to act intelligently to reduce crime rates.

The aforementioned article contained in the Penal Enforcement Act demonstrates the importance of having a structure and minimum conditions so that the Law can be complied with and the sentence served within the legal norms. However, for this to be possible, investments are needed. It is extremely important that the judicial system is fast and has an active and leaner profile. It is necessary for the Brazilian judiciary to be less slow in its actions so that prisoners remain in pre-trial detention for the necessary time and have their trials within the right time. There is no point in having legislation that, from the society's point of view, may even work but in practice this does not happen due to structural and functional problems and even a lack of resources.

**Quadro 1. Pessoas privadas de liberdade no Brasil junho de 2017<sup>5</sup>**

Brasil - Junho de 2017	
Total da população prisional	<b>726.354</b>
Sistema Penitenciário	706.619
Secretarias de Segurança e Carceragens*	19.735
Total de Vagas	<b>423.242</b>
Déficit de vagas	<b>303.112</b>
Taxa de Ocupação	<b>171,62%</b>
Taxa de Aprisionamento	<b>349,78</b>

Fonte: Levantamento Nacional de Informações Penitenciárias - Infopen, Junho /2017; IBGE, 2017.

\* Dados referentes a dezembro de 2016.

**3.2**The table above shows, through numbers obtained from the last Census conducted by the National Penitentiary Department, alarming numbers when it comes to the prison population. The deficit of vacancies exceeds 300,000. This problem denotes and makes it clearly clear that the recovery of those who are in this environment is completely compromised, and the return of a human being in better conditions to social life is completely compromised. This entire process becomes a vicious circle, as it triggers a new problem, which is called recidivism. Many times, this reality in which the prisoner finds himself, upon returning to social life, commits crimes again, because the time he spent in the prison system did not serve to have a recovery, but rather a period of human degradation, in addition to what already existed. As mentioned above, it is a vicious circle, where there is no point of recovery, of resocialization, but rather a human being who has improved his gifts and vocation for crime and who returns to commit others. It is understood that the work should be guided by

investments, action by police and prison intelligence so that together we can combat crime and criminal organizations.

It is understood that when resocialization does not work, the winner is crime, because all the work of the state and the public machine for the recovery of the human being did not work.

**3.3** According to the CNPCP (National Council for Criminal and Penitentiary) there is a percentage of 137.5% as a parameter for prison occupancy, this is the maximum occupancy limit, exceeding this limit constitutes a violation of this resolution, according to data obtained from DEPEN, none of the 26 states of the federation has the correct occupancy rate, all exceed the established limit, including the Federal District.

This resolution is a landmark, internationally recognized, as a parameter to be respected, which encourages release from prison, motivates the creation of more humane prisons and allows a life in conditions suitable for the reintegration of prisoners into society. Currently, this resolution is of a guiding nature, and therefore there is no punishment for non-compliance with it.

Another important fact to be highlighted is that 95% of incarcerated people are men, which shows that practically the profile of prisoners is male.

Within this prison reality, there are crumbling structures, prison structures without medical care, without infirmaries, without legal assistance, either due to lack of structure or lack of staff, and the LEP (Penal Enforcement Law) determines that it is the right of the prisoner to have social assistance, medical assistance, legal assistance, educational assistance, as well as the right of the prisoner to have religious assistance. All of these factors mentioned are fundamental elements for the resocialization of the individual, all of these elements make up the basic assistance that must be provided while serving a sentence, and here we see that there is a disconnect between the legislation, which is correct in determining such rights, and the implementation of such rights, and at this point we emphasize again that the applicability of all these points in practice requires urgent investment, nothing in the prison system will be successful without undergoing a structural reformulation and a shock of investment and management, only then will it be possible to have a first-world reality within prisons in Brazil.

The fact is that a prisoner serving his sentence does not have to suffer mistreatment, he does not have to live in a cell that is for 10 people.

prisoners and 20, 25 or sometimes more people live there in a physical space that is unviable for so many people.

One of the purposes of this work is also to alert citizens to the calamity that the Brazilian prison system has become today. It is not an exaggeration to say that the prison system today is a ticking time bomb due to the conditions in which it finds itself. It is important to make it clear to society that this type of reality makes the world of crime inside and outside prisons a more difficult and calamitous situation than it already is. It is not possible to eliminate the people who are currently in prison. At a certain point, no matter how slow it may be, they will be inserted into society. And in what situation will they be inserted? And according to the reality we live in today, we cannot expect them to be inserted into normal conditions of coexistence with society. The reality is this: these are people who do not return regenerated, do not return capable of working, do not return resocialized, do not return in a position to perform practically any productive social function due to the terrible conditions of coexistence inside prisons. If we want crime rates to decrease, it is imperative that we invest in the prison system, and it is fundamental that we have a plan for the rehabilitation of these people who commit crimes and are thrown into prisons without the minimum conditions for rehabilitating an offender or criminal person. We cannot think that nowadays there are people living in incarcerated in subhuman conditions, from which they do not even have the dignity of having hygiene materials, due to the lack of economic and social capacity of the state.

**3.4** It is essential to look at the prison system with different eyes, the laws are there to be followed, the laws exist to be respected and that is not what is happening, because the determinations that exist in the legislation, in practice are not happening, many times countless crimes occur due to this type of disrespect for the laws, because many situations could have been avoided, if what the law determines had been complied with.

The Brazilian penitentiary system is frowned upon by everyone, from the perspective of a STF minister to the view of a person from everyday social life. The conditions in which prisoners find themselves are frightening and often tragedies like those that occurred in the penitentiaries of Rio Grande do Norte in 2017 and 2019 could have been avoided if the investments that should have been made had been made.

**3.5** From the perspective of most of society, the view is that prison It must be a suffering for the prisoner, because the idea is that he pays in this way for what he did, but this is a mistaken and distorted view of what serving a sentence should really be, because the citizen who is there has his rights guaranteed, he still has the right to education, health, protection from the State, rights that cannot be denied or neglected by society and the



State, because the deprivation of liberty and the serving of the sentence must be done in this way, when the public machine is activated asking what are the reasons for so many failures in the prison sector, most of the time what is reported is that there is a lack of financial resources for such investments, that sometimes PPPs (public-private partnerships) are used, seeking to make up for this lack of resources with investments from the private sector, but there is the caveat that this type of partnership in a sensitive area such as public safety, causes many fears even for society, because the private sector aims at profit, and the State aims at the resocialization of prisoners, as these two currents do not make much sense, therefore, the public power should bear the investments, not run the risk of involving the private sector that seeks only profit through a delicate, sensitive and dangerous area such as the prison system, this is an area in which experiments of this magnitude cannot be carried out because the effects can be catastrophic, and thus the situation that is already chaotic can become even more chaotic. worse.

When talking about what the ideal prison unit would be, several points are immediately mentioned as fundamental for the adequate and effective regeneration of a prisoner, such as, for example, an outpatient area in the prison unit, a classroom, an infirmary, cells with adequate space and that this space is respected within its limits, a kitchen suitable for preparing meals, and an area suitable for sunbathing. All of these items mentioned are basically fundamental for the recovery of these people to be successful, without these points that many or most of the time only appear on paper, because in practice the units do not work this way.

Events that occur in the prison system are very frightening, such as what happened at COMPAJ (Anísio Jobim Penitentiary Complex) in Manaus, Amazonas, on 05/26/2017, where 56 people were brutally murdered, allegedly due to gang fights, whatever the motive for these events, one thing is clear: the government does not seem to be present there, as these are regrettable and unacceptable facts: that this type of barbarity occurs in the 21st century. The State's inability to prevent this type of event has become clear, as well as the fact that, in order to be enforced, the government needs to be present in these places, which, by the way, belongs to the government and not to crime. When this type of event happens, the image that is conveyed to both society and crime is that the State is a mere spectator of what happens, and inoperative when it comes to acting. The fact is that all this prison population is under the custody and responsibility of the Brazilian State, which leads us to conclude that The people who are there are no longer in a position to decide what they will do, as there is a restriction on their freedom. As a rule, if the structure of this situation allowed and was in a position to keep all these people together or, at least, in safety so that their sentences can be served, these acts would most likely not have happened.

The aforementioned incident that occurred at COMPAJ is not the only one that has occurred. Recently, in July 2019, more specifically on July 29, 2019, the largest massacre ever seen in Brazil occurred, second only to the Carandiru massacre. In other words, the same situation that occurred years ago occurred. Another situation was identified here that makes this dire reality of the prison system in Brazil even more serious. It was identified and nothing was done. No measures were taken. These events happen repeatedly. This only makes it clear that infrastructure, security, prisoner evacuation, improvements to facilities, investment in staff, and stricter rules for those who commit these events were not taken. Once again, we have a government that is avoiding the problem. Once again, we have the people responsible claiming that it was a conflict between factions. In short, the same things that were said in the past are repeated today.

The reality is that the prison system has become a time bomb installed in every part of the federation. We do not have a single state in the federation that can say that it has facilities with safe conditions and capable of holding these prisoners. This entire prison population of over 700,000 prisoners is in natural conditions to serve their sentences, paying for what they have done, and not controlling crime from within the penitentiaries and executing enemies under the noses of the government. And here the danger of maintaining an environment that sometimes holds 300 people becomes clear, and it is found that it has more than double that. Overcrowding is a tool that deteriorates, that contributes to this type of barbarity, that contributes to disorder and that increasingly proves that in these living conditions within the prison system, nothing good will come of it. It will be practically impossible to return someone to society in better conditions than when they entered.

<sup>4</sup>According to data from the Public Security Department of Pará, 38 of the 62 people killed in the Altamira prison, in the state of Pará, were provisional prisoners. This is a clear example of how the judicial system is often slow and sluggish, and does not act to relieve the pressure on the prison system. This situation occurs in most states. This is compounded by a lack of structure, overcrowding, lack of adequate conditions for serving sentences, security within penal establishments, more appropriate rules for the operation of prisons, lack of staff, that is, of employees, lack of adequate work equipment. In short, this entire situation is a set of errors and mistaken policies on the part of various sectors of society. It cannot be said that only the executive branch is to blame, since it is based on the fact that both the executive, legislative and judiciary branches have



share of the blame for this entire disaster that is the Brazilian prison system today.

The fact is that the world of crime has been strengthened by this type of prison structure, this way of running the prison system, it has collapsed, there are no longer conditions, or rather, there has never been an adequate prison system, that functioned minimally in conditions to, at least, prevent crime from expanding there. Sometimes, the leaders in prison command crime on the streets from inside the prisons, it has reached the point where executions are carried out from inside the prisons, this proves that the presence of the public power in this area is no longer strong, it can no longer prevent this type of situation, when it reaches this point, it is no longer possible to continue with this work methodology that has been applied to this day, and the fact is that the legislation is the least to blame for all this, the laws exist, they are structured and cohesive, and it is possible to say that the penal legislation is outdated, but it cannot be condemned, because it works, what has not worked are the powers, which have completely failed to conduct this subject, so delicate and so important in society as a whole.

There is currently a bill that evaluates and studies the reform of the Brazilian penal code. This work is underway through PLS 236/2012, where there is a committee that studies and evaluates possible changes. This type of bill is essential. It is necessary to modernize the laws and readjust legislation to current times. It is essential to have laws that are in line with the way we live in current times. The world has changed a lot, society has evolved, and legislation has become stagnant over time. However, as mentioned above, there is this mismatch, where things do not go together, and thus there will always be a gap between legislation, investments in the area and the correct functioning of the powers. It is necessary to have harmony. There is no point in having modern, cohesive, efficient legislation if the structure of the prison system does not offer ideal conditions for serving sentences. There is no point in arresting or fighting crime if, from within prisons, it is not possible to stop the participation of leaders in the world of crime. These are the things that need to change. And for many years this situation has been spreading and little has been done to change this reality.

It is possible to highlight that in the federal constitution of 1988, there is the principle of human dignity, Art. 1, paragraph III, which mentions human dignity as one of the objectives to be achieved, well, if the national penitentiary policy focused on resocialization as a goal to be achieved, the time of

It is a shame that the prisoner had to remain in confinement, it would be enough to regenerate his gaps and return him to society in conditions of coexistence, so that he can have a regulated life and the right standards of sociability, the fact is that currently no one believes in resocialization, and this is because perhaps it does not exist even in the current mold of the Brazilian prison system, because sometimes it leads one to think that if the prison system were as it should be, certainly crime on the streets and society would not experience this wave of crimes, of loss of lives that will not return, all this degradation, certainly, would not exist.

Another important point is the functional area, the servers that work in this hostile, degrading and extremely precarious environment, it is important to value this type of professional, it is essential that they are well paid, because it is clear that harassment of prisoners towards these professionals must be avoided, because in this sector, corruption cannot exist due to the fact that organized crime holds a lot of economic power, this type of professional lives with crime leaders, it is very important to protect this type of professional from any harassment, the psychological part is also fundamental for every prison agent who works in this field. When I say that the profession of prison guard is the second most dangerous in the world, it is not an exaggeration. According to the ILO (International Labor Organization), the profession of prison guard is in second place. Because of this, the prison guard is also an important component in this mechanism. Therefore, it is clear that he has good working conditions, that he has a rigid structure in place to work in this environment and in these situations. This is another factor that needs to be paid attention to, because those who operate in practice in this entire reality within these establishments are the prison guards. It is essential to provide structure and security to this professional.

Quadro 6. Capacidade do sistema prisional e déficit de vagas por UF

Capacidade do sistema prisional e déficit de vagas por UF				
UF	Total de unidades ativas	População Prisional	Vagas no sistema	Déficit de vagas
AC	8	6.263	2.723	- 3.540
AL	10	7.760	3.555	- 4.205
AM	19	8.931	4.412	- 4.519
AP	7	2.806	1.526	- 1.280
BA	23	16.829	10.767	- 6.062
CE	149	26.863	13.264	- 13.599
DF	6	15.894	7.395	- 8.499
ES	34	20.060	13.646	- 6.414
GO	106	21.251	11.605	- 9.646
MA	44	8.766	6.079	- 2.687
MG	244	76.713	46.506	- 30.207
MS	46	16.774	9.426	- 7.348
MT	51	12.292	8.555	- 3.737
PA	46	16.490	8.600	- 7.890
PB	80	12.124	7.892	- 4.232
PE	78	31.001	11.944	- 19.057
PI	15	4.368	2.270	- 2.098
PR	32	50.029	18.723	- 31.306
RJ	50	52.691	29.495	- 23.196
RN	32	9.252	6.873	- 2.379
RO	50	11.394	6.028	- 5.366
RR	6	2.579	1.234	- 1.345
RS	105	36.174	25.813	- 10.361
SC	49	21.558	20.030	- 1.528
SE	9	4.888	2.975	- 1.913
SP	168	229.031	139.881	- 89.150
TO	40	3.573	2.025	- 1.548
<b>Brasil</b>	<b>1.507</b>	<b>726.354</b>	<b>423.242</b>	<b>303.112</b>

Fonte: Levantamento Nacional de Informações Penitenciárias - Infopen, Junho /2017

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**3.6**In the table above it is possible to contact according to DEPEN data, that there is a deficit of vacancies in all units of the federation, the problem of the lack of vacancies is chronic, and increases over time, and here lies the big problem, because at this point is where countless other problems and difficulties within the prison system branch out, in this graph it is possible to see that according to this large deficit of vacancies, it becomes latent and with extreme urgency the creation of more vacancies, and the construction of more prison units, so that there is a flow of inmates to new units, because in order to have a horizon the only way to have a solution is to create vacancies and activate the judicial system so that through agile and efficient work, it is possible to judge and define the situation of thousands of inmates who have restricted freedom but who sometimes want an evidentiary hearing to elucidate their situation.

There are two real objectives when it comes to serving a sentence, firstly, serving the sentence itself due to having committed a crime, secondly, resocialization, this would be what would make it possible to return to society, well, all constitutional rights, regardless of being in prison, with the exception of freedom, which is restricted by being imprisoned, the other rights

<http://depen.gov.br/DEPEN>

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constitutional rights remain, but due to the precarious conditions of structure and service, many rights are being neglected, this is due to the lack of investment and presence of the public power, if we look at it from the perspective of recovery, of the reduction of crime, of the regeneration of criminals, these investments would have a great return in the numbers of the drop in crime, these factors are essential for there to be hope that in the future the prison system will work and be an element of regeneration of people.

**Gráfico 10. Destinação dos estabelecimentos penais de acordo com o gênero**



Fonte: Levantamento Nacional de Informações Penitenciárias - Infopen, Junho /2017

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**3.7**In the graph above you can see that prisons were Most of them were created with a structure for men, and the number of women currently being held has grown exponentially, and it is possible to conclude that if most penal establishments were created to accommodate men, many of them are improvised to receive women who have been convicted or provisionally imprisoned, however it is a fact that these establishments do not have and do not have the structure to receive women, where in most cases a structure would be improvised to receive these female individuals.

It is essential to build more prison units to receive women, as many of them sometimes arrive already pregnant, where a structure is needed to receive them in these conditions, and it is necessary that the policy for serving these people be seen with humanized eyes, as it is not possible that in the 21st century, we have to improvise places to keep people imprisoned due to the lack of specific units for this purpose.

#### 4 CONCLUSION:

In this article, it is possible to conclude several things, firstly that no prison system with overcrowding can function properly, secondly that this type of problem fosters many others, such as violence, human degradation, criminality, it serves as a school of crime for those who are already living this reality and for those who are not in this field, but fell into this situation due to accidental facts, or rather, slips, which unfortunately will have to go through the prison system to regenerate their behaviors.

On the other hand, the lack of investment is one of the main causes of these problems. The prison population has been growing over time and investments have not kept up. The current data cited throughout the article prove that the growth of the prison population has been extremely strong, and the government has not given due attention to this problem over time. This entire situation today has repercussions inside and outside the prison system, and this is due to the conditions in which people live there. The fact is that currently all states in the federation need to make investments, both structural and in staff, so that this problem can be addressed correctly, cohesively and intelligently. It is essential that the government starts to see the prison population as a sector in which it needs to invest so that in the future the individuals who will be released from there will no longer commit crimes. This is indeed an intelligent and coherent project, because arresting, imprisoning, releasing and then having to repeat this process countless times proves that resources are being poorly used. Recidivism occurs in alarming numbers, due to the deficient prison system in all aspects. the sectors, and in this way there is a factory of people who commit crimes countless times.

When the government is able to balance investments with public policies that work and are regenerative, together with an agile, swift and active judicial system, Brazil will have lower crime rates, lower reintegration and recidivism rates, and a more just and correct society, because the way this sensitive area is being managed, the tendency is for it to get worse, and in this way, the whole society pays the price. Every Brazilian pays the price of a deficient prison system that does not work and that returns people worse off than when they entered this cruel and complex reality, because human dignity must exist inside and outside the prison system, and when all these factors mentioned work in coordination, then we will have the results desired and expected by all.



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