RCMOS – Multidisciplinary Scientific Journal O Saber
ISSN: 2675-9128. Sao Paulo-SP.

The importance of prison intelligence in combating organized crime

The importance of prison intelligence to combat organized crime

Nolar Pich [1]
Talita Palaver da Silva [2]

Submitted on: 01/01/2024 | Approved on: 01/12/2024 | Published on: 01/22/2024 | DOI: 10.51473/rcmos.v2i2.502

SUMMARY
This work deals with investigation activities, police intelligence and penitentiary intelligence. Firstly, the main differences between police investigation, police intelligence and penitentiary are analyzed, addressing the interconnection between activities and their essential role in combating organized crime. The main objective is to identify the importance of the effective implementation of intelligence activity in the prison system of the State of Rio Grande do Sul as an instrument capable of preventing, neutralizing and eliminating the activity of criminal organizations, considering that the main leaders of the factions are in prison. in prisons and commanding organized crime from within the prison establishment. **KEY WORDS:** Investigation. Investigation. Police intelligence. Penitentiary intelligence. Prison establishment. Organized crime.

ABSTRACT
This work deals with investigation activities, police intelligence and penitentiary intelligence. At first, the analysis of the main differences between police investigation, police and penitentiary intelligence is carried out, addressing the interconnection between activities and their indispensability in the fight against organized crime. The main objective is to identify the importance of the effective implementation of intelligence activity in the prison system of the State of Rio Grande do Sul as an instrument capable of preventing, neutralizing and suppressing the activity of criminal organizations, considering that the main leaders of the factions are inmates in prison houses and commanding organized crime from within the prison establishment.
KEYWORDS: Research. Investigation. Police intelligence. Penitentiary Intelligence. Prison facility. Organized crime.

INTRODUCTION

The work deals with investigative activity, police intelligence, penitentiary intelligence and the importance of implementation in the State of Rio Grande do Sul. The main objective is to analyze the difference between investigation and intelligence activities, divided into police intelligence and penitentiary intelligence . Investigation is considered to exist as a reactive activity to the illegal act committed or attempted and police intelligence activity as a proactive activity in order to prevent, elide, neutralize or identify the illegal act. This study points out that the main leaders of the factions that plague the State of Rio Grande do Sul are housed in prisons, concluding that the implementation of penitentiary intelligence activity is a relevant instrument capable of neutralizing criminal activities.

1 DEVELOPMENT

Intelligence activity is linked to State intelligence. As stated by Gonçalves (2009, p. 40) that "The classical perception of intelligence activity is closely linked to State intelligence. [...]

-

1 Specialist in police intelligence from Centro Universitário Faveni. Email: nolarppich@gmail.com

2 Master in Development and Public Policies from the Federal University Fronteira Sul – Campus Cerro Largo. Email: talitapalaver85@gmail.com

This is an article published in Open Access under the CreativeCommons Attribution license, which permits unrestricted use, distribution and reproduction in any medium, as long as the original work is correctly cited.

having as its scope the security of the State and society, and which constitute subsidies for the decision-making process at the highest level of government."

Initially, it is necessary to distinguish the concepts of investigation and police intelligence. In the words of Pereira (2010, p.), police investigation acts in a reactive manner and its function is to provide support for the repression of crimes that have already occurred. The investigative activity seeks to identify signs and evidence of crimes that have already been committed, the purpose of which is the police investigation and criminal records, in the event of a complaint being filed by the Public Prosecutor's Office. In contrast, police intelligence is a proactive activity and its function is to assist in both preventive and repressive actions against crime. Intelligence activity aims to collect information that, when organized, is capable of preventing a crime from being carried out or identifying organizations and modes of operation, as well as assisting in decision-making to prevent and combat new crimes.

According to Celso Ferro Junior (2005, p. 9), police intelligence aims to obtain, analyze, produce knowledge of interest to public security in the national territory, about facts and situations of immediate or potential influence of crime and, also, advise on judicial and overt police actions through the analysis, sharing and dissemination of information.

Pacheco (2005, p. 5) states that the so-called State intelligence, corresponding to national security, must be complemented by public security intelligence (ISP). For the author, criminal intelligence is divided into police intelligence, developed within the police, and prison intelligence, developed within prison establishments.

The Ministry of Justice (2018) defined the concept of prison or penitentiary intelligence activity as being:

> (...) the permanent and systematic exercise of specialized actions to identify, evaluate and monitor real or potential threats in the sphere of penitentiary systems, basically aimed at producing and safeguarding the knowledge necessary to support decision makers, for planning and execution of policies and actions to predict, prevent, neutralize and repress criminal acts.

The scholars Fioravante and Feliciano (2016, p. 88) advocate that prison or penitentiary intelligence has great relevance in monitoring criminal organizations, as the majority of faction leaders are prisoners and from within the prison system they communicate and order the committing the most diverse infractions.

It is extremely important to verify that Bill no. 2,563/2003, recommends that the penitentiary intelligence service is responsible for monitoring and analyzing the activities of inmates, monitoring all means of communication, monitoring and evaluating personal contacts with visitors or penitentiary agents, as well as producing data and collecting information related to crimes or evidence of crimes and serious misconduct committed during the execution of the sentence. Let's see:

> The penitentiary intelligence service is responsible for:
> Monitor and analyze the activities of prisoners;
> Produce data and knowledge related to crimes or signs of crimes and serious misconduct committed by prisoners during the execution of their sentence;
> Monitor all means of communication, including written correspondence. Monitor and evaluate prisoners' contacts with each other, with visitors or with prison officers.

Afonso (2006, p. 49) asserts that the intelligence service carried out in a serious and committed manner has the ability to provide explanatory and predictive information. For the author, the main function of police intelligence activity is what makes it indispensable for any government, it is the ability to put into practice a set of methods materialized throughout arduous and continuous work in order to compose a opportunity to combat and prevent crimes, with maximum impartiality, clarity and conciseness. The specialist in strategic intelligence, Robson Gonçalves (2007, p.5) recommends that "the State cannot do without intelligence services, as they produce the knowledge necessary for decision-making and work to protect this information, preventing intelligence elements from adverse events that compromise national interests."

It is public knowledge that prisons in the State of Rio Grande do Sul are in precarious and overcrowded conditions, corroborating the development of criminal organizations. There are even leaders of prison factions who carry out their activities within the prison establishment itself.

In the words of Manso and Dias (2018, p. 55), prisons have an intimate relationship with factions and

This is an article published in Open Access under the CreativeCommons Attribution license, which permits unrestricted use, distribution and reproduction in any medium, as long as the original work is correctly cited.

criminal gangs, whether as environments conducive to the initial development from which they originate, or as a space in which organizations are strengthened through the recruitment of members and the exercise of power through individual and collective interests.

For Fernandes (1995, p. 36), there are three doctrinal aspects advocating the concept of organized crime. The first aspect considers the existence of criminal organizations in which members use it to commit crimes. The second uses the basic characteristics, without adaptation to the criminal type, including the fact that the agent belongs to a criminal organization and finally, the framing of the facts to the normative type, adding others, considering organized crimes.

Although there is no exact definition of what organized crime is, Law no. 12,850/2013, in its Article 1, §1, established that an association of four or more people is considered a criminal organization, as long as they are structurally ordered and with division of tasks, even if informally, with the intention of obtaining an advantage of any nature through the commission of criminal offenses with a maximum sentence of more than four years or that have a transnational nature. Let's see:

> Art.1º. (...)
> §1º A criminal organization is considered to be an association of 4 (four) or more people structurally ordered and characterized by the division of tasks, even if informally, with the aim of obtaining, directly or indirectly, an advantage of any nature, through the commission of criminal offenses whose maximum sentences are greater than 4 (four) years, or are of a transnational nature.

In this way, organized crime can be concluded as the union of people to carry out crimes in an articulated manner, not being a mere eventuality or coincidence. Therefore, it is clear that the permanent and organized exercise of intelligence activity will bring benefits to the State, making it possible to identify, evaluate and monitor real or potential threats, the objective of which is to eliminate criminal organizations or, at least, predict, neutralize and repress their form of action. , supporting decision makers to plan and organize policies and actions.

In a published report (2022), Jornal Correio do Povo reports the removal of faction leaders to the Charqueadas High Security Penitentiary, called PASC, in which the Director of the State Department of Homicide and Personal Protection (DHPP) of the Civil Police stated that removing the detainees and placing them in isolation would be a way of demobilizing criminal organizations.

It is noteworthy that penitentiary intelligence activity constitutes an essential part of the production of knowledge, helping to maintain order and social peace, greatly influencing the decision-making scope of the State.

CONCLUSION

It is pertinent to highlight that the factions that command the State of Rio Grande do Sul are successful in criminal activity and have formed a large force parallel to the State, establishing their own rules and means of execution, increasing the crime rate and bringing insecurity to the population.

Authors Genena and Cruz (2014) point out that:

> It is well known that criminal factions cannot continue to achieve success in their aims and for this reason the State needs means capable of guaranteeing public security, effectively combating criminal organizations that impose terror on society, whether by issuing specific legislation to the fight against this type of crime, whether through investment in Intelligence activities to support its decisions. (GENENA; CRUZ, 2014).

It is possible to conclude that the development of penitentiary intelligence activities in conjunction with police intelligence and investigation actions in the State of Rio Grande do Sul, in an impartial manner, is capable of reduce the alarming numbers of crime. As reported, the main commanders of the factions are prisoners, therefore, when implementing penitentiary intelligence activity, it is possible to produce data and knowledge, map behaviors, monitor communication with visitors and with penitentiary officers themselves, among other behaviors, in order to identify, prevent and neutralize illicit activities . Fernandes (2006, p. 12), when translating the publication of the intelligence doctrine of the Department of the Navy, United States Marine Corps, Marine Corps Doctrinal Publication (1997, p.7-8), states that:

“Good intelligence does not simply repeat information revealed by sources. Rather, it develops a range of material that tells us what that information means and identifies its implications for decision makers.” (FERNANDES, 2006, p. 12).

This is an article published in Open Access under the CreativeCommons Attribution license, which permits unrestricted use, distribution and reproduction in any medium, as long as the original work is correctly cited.

Taking into account the situations explained, it can be seen that the control and monitoring of prison units by the State plays a fundamental role in preventing and combating crimes carried out inside and outside the prison system, given that the leaders of the main criminal organizations are imprisoned in the system. .

REFERENCES

AFONSO, Leonardo Singer.**Open sources and state intelligence**. Brazilian Intelligence Magazine 2-2/49-62. Brasília: Abin, April. 2006.

BRAZIL. Chamber of Deputies**. Bill No. 2,563/2003**, of August 18, 2021. Amends articles of Law No. 7,210/1984 that establishes the Criminal Execution Law and provides other measures. Brasília: Chamber of Deputies, 2013. Available at:https://imagem.camara.gov.br/Imagem/d/pdf/DCD00202110220018800000.PDF#page=521

Law No. 12,850/2013. Brasília: Presidency of the Republic, Civil House, Deputy Chief for Legal Affairs, 2013. Available at:https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/l12850.htm. Accessed on: 16.07.2022.

GENENA, Samia Kamal; CRUZ, Tércia Maria Ferreira da.**The role of intelligence in combating organized crime: the recent experience of the state of Santa Catarina.**Brazilian Journal of Public Security Studies, Goiânia, v. 6, no. 1, p. 2-11, 2014. Available at:http://revista.ssp.go.gov.br/index.php/rebesp/article/viewFile/163/63 Accessed on: 08/19/2022.

GONÇALVES, Joanisval Brito**. Intelligence activity and related legislation.**Rio de Janeiro: Impetus, 2009.

GONÇALVES, Robson José de Macedo**. Intelligence and the Legislative Power.**Federal Senate, Brasília. Available in:https://www.senado.gov.br/senado/spol/pdf/artigorobson1.pdf Accessed on: 08/19/2022.

FERNANDES, Antônio Scarance.**Organized crime and Brazilian legislation**. In: PENTEADO, Jaques de Camargo (Coord.). Criminal justice: criticisms and suggestions, vol. 3. São Paulo: RT, 1995. p. 36.

FERNANDES, Fernando do Carmo.**Intelligence or information?**Brazilian Intelligence Magazine 2-3/7- 21. Brasília: Abin, September. 2006.

FERRO JÚNIOR, Celso Moreira.**Intelligence activity in the DF civil police. MBA Public Security and Social Defense, discipline Intelligence activity and police counter-intelligence**. Audio-visual presentation. Brasília, Pioneer Union of Social Integration (UPIS), 2005

FIORAVANTE, Rosane; FELICIANO, Antônio Marcos.**The Penitentiary Intelligence System and the Analysis and Monitoring of Criminal Organizations Operating in Santa Catarina.**Brazilian Intelligence Magazine. Brasília: Abin, nº 11. 2016. p. 79-93.

MANSO, Bruno Paes; DIAS, Camila Nunes. (2018),**The war: the rise of the PCC and the world of crime in Brazil.**São Paulo, however.

PACHECO, Denilson Feitoza.**Intelligence activities and criminal proceedings.**IV Legal Day of Justice Union Military – Audit of the 4th CJM, 30.09.2005, Juiz de Fora/MG. Available in:http://www.militar.com.br Accessed on: 07/24/2022

Complete access to Enccla's goals for 2008 and earlier is available on the Ministry of Justice's website on the World Wide Web:**Public security services of a police and non-police nature must seek to establish, improve and maintain, jointly and permanently, a collective feeling of security**. Available in:https://www.camara.leg.br/ Accessed on: 07/16/2022

Without author:**REMOVAL of faction leaders for PASC should reduce conflicts in Porto Alegre,**

This is an article published in Open Access under the CreativeCommons Attribution license, which permits unrestricted use, distribution and reproduction in any medium, as long as the original work is correctly cited.

authorities say. Porto Alegre, April 13, 2022. Available at:https://www.correiodopovo. com.br/not%C3%ADcias/pol%C3%ADcia/remo%C3%A7%C3%A3o-de-l%C3%ADderes-defac%C3%A7%C3%B5es-para-a-pasc- must-reduce-conflict-in-porto-alegre-say-authorities-1.805361 Accessed on: 08/04/2022

This is an article published in Open Access under the CreativeCommons Attribution license, which permits unrestricted use, distribution and reproduction in any medium, as long as the original work is correctly cited.