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***The Strategic Role of the Federal Penitentiary Police in Combating Crimes***

***Criminal Organizations After Constitutional Amendment No. 104/2019***

*THE STRATEGIC ROLE OF THE FEDERAL CRIMINAL POLICE IN CRIMINAL CONFRONTING*

*ORGANIZATIONS AFTER CONSTITUTIONAL AMENDMENT NO. 104/2019*

THE STRATEGIC ROLE OF THE FEDERAL CRIMINAL POLICY IN EL

CONFRONTING CRIMINAL ORGANIZATIONS AFTER THE ENVIRONMENT

Constitutional Decree No. 104/2019

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**SUMMARY**

This study presents the strategic role of the Federal Penitentiary Police in confronting...
criminal organizations in Brazilian territory, especially after the enactment of the Amendment.
Constitutional Amendment No. 104 of 2019. It is recognized that combating organized crime represents a
One of the biggest challenges for public safety today, requiring more state intervention.
structured and integrated. Therefore, the research aimed to highlight the responsibilities and relevance of
Federal Penitentiary Police, as well as pointing out the main problems faced that limit its
performance. The methodology adopted was a qualitative approach, based on research.
bibliographical research was conducted through consultation of legislation, institutional data, and legal scholarship. It was found-
I know that the Federal Penitentiary Police's performance, with utmost excellence, in carrying out the custody and...
isolating the leaders of criminal organizations, as well as the effective application of
Prison intelligence is an indispensable and fundamental tool in combating crime.
organized.

**Keywords:** Public Security; Federal Penitentiary System; Federal Penitentiary Police;
Criminal Organizations.

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**ABSTRACT**

This study presents the strategic role of the Federal Penitentiary Police in confronting criminal organizations present in Brazilian territory, especially after the promulgation of Constitutional Amendment No. 104, 2019. It recognizes that combating organized crime is one of the greatest challenges to public security today, requiring more structured and integrated state action. Therefore, this research aimed to highlight the attributions and relevance of the Federal Penitentiary Police and to identify the main problems that limit its performance. A qualitative approach was adopted as the methodology, based on bibliographic research and the consultation of legislation, institutional data, and doctrine. It was found that the Federal Penitentiary Police's performance, with maximum excellence in the custody and isolation of leaders of criminal organizations, as well as in the effective application of penitentiary intelligence, constitutes an indispensable and fundamental instrument in confronting organized crime.

**Keywords:** Public Security; Federal Penitentiary System; Federal Penitentiary Police; Criminal Organizations.

## 1 INTRODUCTION

The Federal Penitentiary Police (PPF), an agency within the Federal Executive Branch, linked to National Secretariat for Penal Policies (SENAPPEN) of the Ministry of Justice and Public Security (MJSP), It became part of the list of public security agencies foreseen in article 144 of the 1988 Federal Constitution. following the enactment of Constitutional Amendment No. 104, of December 2019.

The regulation of the Penitentiary Police career can be inferred from Law No. 14.875/2024. Federal within the scope of the Union, which provides, in its article 63, that the PPF has the responsibility to security of federal penal establishments. Furthermore, article 123 of the aforementioned legal instrument. It establishes that the duties of the position include activities of customer service, surveillance, custody, and guarding. escort, assistance and guidance of people held in penal and other establishments. federal internments, as well as activities of a technical, administrative and support nature. related areas, highlighting the functional scope and institutional relevance of the career.

Since the inauguration of the first federal penitentiary in 2006, the Penitentiary System The Federal Police, through the Federal Penitentiary Police, has been standing out, both nationally and internationally. internationally recognized as a benchmark in custody, security, intelligence operations, and excellence in execution. criminal.

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In this scenario, criminal organizations in Brazil currently represent one of the largest... challenges (if not the greatest) for public safety and the organizational structure of the State. This is about well-defined hierarchical structures, with ample financial capacity and territorial influence, that go far beyond traditional crime and require even more specific state responses and permanent.

Given the complexity and growth of organized crime, the Brazilian State, having Prioritizing the principle of legality, it enacted Law No. 12,850 of 2013, which defines the organization. criminal and provides for the means of criminal investigation, the obtaining of evidence, criminal offenses and the criminal procedure to be adopted in this type of crime.

In this context, the Federal Penitentiary Police is positioned as a strategic instrument in confronting criminal organizations, not limited to the custody of these criminals, but playing a key role in neutralizing these structures, especially through Isolation of highly dangerous leaders in the Federal Penitentiary System, coupled with Development of intelligence operations.

Thus, the institutional progress embodied in the enactment of Amendment No. [number] is irrefutable. 104/2019; however, strengthening and valuing the Prison Police is still necessary. Federal, given the persistence of regulatory and operational gaps that compromise full implementation. in the exercise of their duties, such as the need for salary parity with other police forces. Union and the expansion of the workforce through the creation of new positions.

It is important to clarify that, in recent years, organized crime has advanced substantially throughout the world. the national territory, including international connections, which reinforces the role of the Penitentiary System. The Federal Police, through the Federal Penitentiary Police, as an indispensable tool in confronting these organizations.

Given this scenario, the problem addressed in this research is as follows: Question: What are the regulatory and operational obstacles that limit performance? What is the strategic role of the Federal Penitentiary Police in combating organized crime?

Finally, the study aims to analyze the role of the Federal Penitentiary Police in combating criminal organizations after Constitutional Amendment No. 104/2019, as well as to identify the challenges and possibilities for institutional strengthening, adopting, for this purpose, a qualitative approach, based on bibliographic research and normative analysis.

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## 2. The Constitutionalization of the Penitentiary Police in Brazil

Since the promulgation of the Constitution in 1988, public security has occupied a position of a prominent feature of the Brazilian legal system, so much so that the original drafters of the Constitution foresaw it. It is expressly stated in Article 144 of the Federal Constitution that public security is a duty of the State. and responsibility of all (Brazil, 1988). Furthermore, the aforementioned regulation brought, in its bojo, the basic structure of the institutions responsible for public order and the safety of people and property.

However, the constitutional system of public security did not include these professionals. who worked in the penal system, responsible for the custody and security of the establishments. prison officers, previously called correctional officers and now called correctional police officers.

This regulatory gap has generated enormous legal uncertainty for the practice of law for decades. of these professionals, as well as government actions and investments that contributed to the institutional strengthening. With that, there were numerous debates about the legal nature of... The activity performed highlighted the need for greater appreciation and investment in it. category.

Over the years and with the evolution of social dynamics, organized crime has grown. and gained ground, often filling state gaps. In this context, the activities Strategies implemented within the national prison system have become increasingly... evident and gained importance.

In this context, it was observed that the largest criminal organizations emerged and... They consolidated within the prison environment as a way of confronting the State, for example. This led to the emergence of Comando Vermelho (CV) in the Ilha Grande prison in the state of Rio. of Rio de Janeiro/RJ (Amorim, 1993), as well as the attacks in the city of São Paulo, in 2006, which resulted in the deaths of authorities and security agents at the behest of the leaders of the First Command of the Capital (PCC), who were being held in prisons in the interior of São Paulo. (Abreu, 2017).

As demonstrated, it is evident that successful action in addressing the issue is not possible. to organized crime without valuing and investing in the Brazilian prison system, because, As has been observed, it was precisely the inertia of the State that contributed to the strengthening of criminal organizations.

Given this scenario, the imperative need for institutional recognition of police activity carried out within the prison system, which resulted in the enactment of Constitutional Amendment No. 104, of December 4, 2019, which included federal prison police officers,

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state and district authorities are included among the public security agencies stipulated in the Federal Constitution of 1988.

> Article 144. Public security, a duty of the State, a right and a responsibility.
> Of all, it is exercised for the preservation of public order and safety.
> of people and property, through the following bodies:
>
> I - Federal Police;
>
> II - Highway Patrol
> Federal; III - Police
> Federal Railway; IV -
> civil police;
> V - Military police and military fire departments.
>
> VI - Federal, state, and district prison police forces. (Brazil, 1988)

The constitutionalization of the Penitentiary Police represented a significant milestone in the evolution of the entire national prison system, because, with this act, the former prison officers
They were appointed as prison officers, effectively and legally assuming a new role.
institutional identity and expanding the range of responsibilities. Furthermore, it provided greater
Legal certainty in the exercise of the activity.

Another significant milestone resulting from the enactment of Constitutional Amendment No. 104/2019 was the recognition of the Penitentiary Police as an integral part of the Unified Public Security System.
Public (SUSP), strengthening institutional integration and interoperability with other
Police in the fight against criminal organizations.

At the federal level, the regulation of the Federal Penitentiary Police career occurred with the enactment of Law No. 14,875, of May 31, 2024, which formally created the position of Police Officer.
Federal Penal, formerly known as Federal Penal Execution Agent (Brazil, 2024). The aforementioned
The regulation transformed the position into a higher-level one, structured the salary scale, and established the responsibilities.
for the performance of the duties of the position, representing an important step forward for the entire category.

However, despite the significant progress made in recent years, challenges still persist.
and regulatory obstacles to the effective institutional consolidation of the Federal Penitentiary Police,
especially with regard to career advancement, such as the creation of more

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positions for the subsequent holding of new public competitions and the consequent increase in staff. of civil servants, payment of border allowance in hard-to-reach and permanent postings, compensation for voluntary service during paid leave (IFR), funds that are already offered to sister forces such as the Federal Police and the Federal Highway Police.

## 3. THE FEDERAL PRISON SYSTEM IN THE FIGHT AGAINST ORGANIZED CRIME

With the expansion and refinement of organized crime activities, it became necessary the adoption of more elaborate state strategies, with the aim of dismantling these organizations. criminals, especially the top officials responsible for decision-making. For proper understanding To understand this phenomenon, it is necessary to define the legal concept of a criminal organization.

In this regard, Law No. 12.850/2013 establishes in its article 1, paragraph 1, *in verbis:*

> Article 1, § 1. 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 goal of obtaining, directly or indirectly, any type of advantage gained through the practice of criminal offenses whose maximum penalties exceed 4 (four) years or of a transnational nature. (Brazil, 2013)

This definition highlights the degree of organization, structure, and complexity of these. organizations, which justifies the adoption of specific state measures, such as the creation of the System Federal Penitentiary (SPF) as an instrument of public security policy, aimed at especially due to the isolation of its leaders.

The SPF was created by Law No. 11,671 of 2008, which establishes the criteria for... transfer and custody of prisoners in federal prisons (Brazil, 2008). Subsequently, it was Decree No. 6,877 of 2008 was enacted, detailing which prisoner profiles can be included. in the SPF, and one of the hypotheses is precisely that of the leadership of high-level criminal organizations. dangerousness, with the aim of promoting their isolation.

It is noteworthy that the SPF adopts rigorous security procedures, having extensive... recognition of its efficiency at the national and international levels, such as monitoring continuous communication with family members and lawyers, the maintenance of individual cells, without Physical contact between inmates and family members, and strict control of the means of communication, which It promotes true social isolation and makes the exercise of the chain of command impossible.

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In this vein, it is noted that, given its characteristics, the SPF (Special Prison System) was not created for custody. not a mass influx of prisoners, but rather as a strategic instrument of state action against high-profile individuals. degree of dangerousness, which requires differentiated treatment.

In addition to all the aforementioned rigor, the SPF, through the Federal Penitentiary Police (PPF), emphasizes- whether through integration, in the area of intelligence, with other institutions, since the custody of this profile Prisoners' rights guarantee access to broad sources of information that may emerge within the system. prison.

Coordinated action between the PPF and other agencies enables the production and Sharing strategic information, which results in the triggering of police operations, arrests, seizure of assets, and preventive actions, causing disruption and a major shock. to the entire structure of criminal organizations.

Notwithstanding the relevance of the SPF as a tool in combating crime. organized, it is imperative to note that its efficiency is compromised when used That being said, currently, combating organized crime in Brazil requires broad... coordination between the agencies that make up public security and the entire system of penal policies, for the promotion of public policies, the expansion of preventive, repressive and... intelligence, in addition to institutional strengthening.

Therefore, it is observed that the Federal Penitentiary System, operated by the Police The Federal Penal Code plays a strategic role in confronting criminal organizations. establishing itself as an indispensable instrument in public security policy in Brazil.

## 4. The Strategic Role of the Prison Police Inside and Outside the Prison System FEDERAL

Given the significant advances that contributed to the consolidation of the Prison Police Federal in the context of public security in Brazil, which represented a significant change in The way the State approaches the fight against organized crime. This is because, according to what has been widely accepted. As demonstrated, the role of the Federal Penitentiary Police is not limited to custody, but encompasses a wide range of functions. a set of responsibilities and strategic actions that directly impact the way things *work* . Criminal organizations present in the national territory.

For a long time, there was the perception that the prison system served only as a place for serving a sentence, with little or no relevance in the context of security. public. However, with the advancement and increasing coordination of criminal organizations, Even within the prison environment, the importance of incarceration as a focal point became evident.

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structure of organized crime.

Thus, the Federal Penitentiary Police emerges as a key player in controlling these structures.
acting directly to isolate the leadership and all the high-ranking officials who hold power to
decision of these criminal organizations.

Regarding the context of its duties, the Federal Penitentiary Police, within the prison walls,
It performs its duties with excellence, such as the security and management of federal penitentiaries,
Constant vigilance and rigorous control, strictly following pre-established procedures.
for internal operations, as well as monitoring all communications with the outside world.
outside, whether with relatives or lawyers, everything to ensure the effective isolation of
detainees.

In the context of its operations outside prison walls, the Federal Penitentiary Police also performs...
a relevant role, such as carrying out land and air escorts, with secrecy and security for all.
involved, which demands a high degree of planning, technical capacity, and operational support.
from other police forces, promoting greater integration for the sake of the country's public safety.

Another point that deserves highlighting is the role of the Federal Penitentiary Police in the context of
prison intelligence, in light of the consolidation of its doctrine and its dissemination to others.
States of the federation. Intelligence activity is focused on the collection, analysis, and production of
knowledge for decision-making, as well as allowing the identification of patterns of
Behavior of potential targets, aiming to anticipate criminal actions. The Doctrine
The National Penitentiary Intelligence Agency defines the activity of Penitentiary Intelligence.
(IPEN) as the permanent and systematic exercise of specialized actions for the identification,
monitoring and evaluating real or real threats
Potential in the sphere of the Penitentiary System (DNIPEN, 2013).

In light of the above, it is clear that the inclusion and integration of the Federal Penitentiary Police
with the other bodies that make up the Unified Public Security System are essential.
with a view to building more effective and coordinated strategies and actions in addressing
to criminal organizations present in the national territory.

Thus, in order for the Federal Penitentiary Police to advance even further and be able to contribute in a way...
For public safety policy actions to be more effective, continuous investment is necessary.
in state-of-the-art technologies and instruments, such as electronic monitoring equipment,
Military equipment, professional training, increased staffing, career advancement.
and salary parity with other sister forces, as these are determining factors for the
institutional consolidation and strengthening.

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Therefore, the strategic role of the Federal Penitentiary Police in combating [crimes] is crystal clear.
criminal organizations, whether inside or outside prison walls, in the performance of their duties.
strategic and multifaceted, which consolidates its performance in the context of Public Security in
country.

## 5. INSTITUTIONAL CHALLENGES AND PROPOSALS FOR STRENGTHENING FEDERAL PENAL POLICE

Despite the significant progress made in recent years, as mentioned, one of the
The main obstacle currently is the insufficient number of personnel, given the complexity of the activities.
tasks performed by the Federal Penitentiary Police, coupled with the growing increase in the prison population, this
This could compromise the operational capacity and expansion of the responsibilities of institutional actions.

Another point to be discussed, which could significantly contribute to appreciation.
Institutionally, it involves assuming new responsibilities, especially regarding actions outside the institution.
For example, the continuous presence of Federal Prison Police officers in all states.
of the federation, acting as a focal point in areas of interest, and the recapture of escaped prisoners.
of the Federal Justice system. However, for this to happen, an increase in the number of
positions through law and subsequent promotion through public competition, aiming to increase the
effective.

Furthermore, another persistent problem is the wage disparity compared to other [competitions/situations].
police careers in the Union. In this sense, Carvalho and Vieira (2020) highlight that the
Institutional recognition of the Prison Police represents an important step forward, but, by itself,
This is not enough to ensure the effective appreciation of the category; policies are necessary.
Ongoing public initiatives for institutional strengthening.

As previously stated, the integration between the Federal Penitentiary Police and the other forces that
comprise the Unified Public Security System should be constant; indeed, it is a planned strategy.
This coordinated action is standard practice; however, in practice, the exchange of information and execution...
The combined actions proposed do not always occur efficiently, due to fragmentation.
The institutional framework still presents itself as a significant barrier preventing the adoption of strategies.
integrated into the fight against criminal organizations operating in Brazilian territory.

Given this context, it is essential to adopt actions aimed at
Strengthening and enhancing the institutional value of the Federal Penitentiary Police, such as the implementation of new...
public recruitment processes to expand the workforce, allowing for greater reach of actions and
distribution of human resources, investment in military equipment, intelligence, and quality.

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of the prison officer's life in the work environment, as these are fundamental elements for the Enhancing the responsibilities of the Union's newest police force.

Ultimately, confronting criminal organizations requires a specific approach. multidimensional, involving preventive and repressive actions, as well as the implementation of policies public security initiatives on several fronts, so that the Federal Penitentiary Police can overcome the address existing institutional challenges and exercise your constitutional duties in the most effective way. as efficient as possible.

## CONCLUSION

This study aimed to explore the importance of the Federal Penitentiary Police's role. in the fight against criminal organizations after the enactment of Constitutional Amendment No. 104/2019. In another vein, to point out the main institutional challenges faced by the newest Union police in the performance of their duties.

Thus, based on what has been presented, the singular importance of... is clear. The constitutionalization of the Penitentiary Police provided a significant advancement due to to the normative scope conferred by Constitutional Amendment 104/2019, considering the recognition of the relevance of the activities carried out within the prison system national context for public security as a whole.

In this context, it was possible to ensure greater institutional strengthening and security. legal framework for the performance of duties by Federal Prison Police officers, as well as to reinforce The need for strategic action by the agency in combating organized crime. It was observed, However, with the advancement and structuring of criminal organizations, the State began to The need for more effective public security policies led to the creation of the prison system. Federal, operated by the Federal Penitentiary Police, which functions as an important instrument. in the fight against organized crime, through the custody and isolation of the top leaders. of these criminal organizations, in addition to intelligence operations that support preventive actions and repressive measures and continuous integration with other public security agencies.

However, it became evident that, notwithstanding the significant regulatory advances and However, institutional obstacles still exist that limit the full performance and expansion of... The responsibilities of the Federal Penitentiary Police include, among other things, the reduced number of personnel. civil servants, institutional recognition, and salary parity with other federal police forces.

In light of the above, it has become evident that indispensable measures must be adopted to to strengthen the performance of the Federal Penitentiary Police in confronting criminal organizations, such as

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Investment in human and technological resources and the creation of regulations aimed at to provide greater institutional strengthening and salary increases.

Above all, given that combating organized crime today requires action. A uniform and integrated state system, which is not limited to custody but encompasses various sources, through development of structural and preventative public security policies. Thus, the Penitentiary Police The Federal government gains significant importance, as it comes to be understood as a strategic instrument. in the context of public safety as a whole.

Therefore, it is possible to conclude that the appreciation and consolidation of the Federal Penitentiary Police As a state institution essential for public safety, it needs to overcome the challenges. as mentioned above, as well as requiring the implementation of policies aimed at strengthening institutional, in order to provide greater capacity for action in addressing criminal organizations present in the national territory, because, in this way, it is possible to contribute to the promotion of public order and security in the country.

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