

**PENITENTIARY INTELLIGENCE AS AN INSTRUMENT OF
CONTROL THE ADVANCE OF CRIMINAL FACTIONS IN
PRISONS IN THE INTERIOR OF RIO GRANDE DO SUL**
PENITENTIAL INTELLIGENCE AS AN INSTRUMENT TO CONTROL THE
ADVANCEMENT OF CRIMINAL FACTIONS IN THE INTERIOR BUILDINGS OF RIO
GRANDE DO SUL

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Summary

This article is based on bibliographical research and aims to present the importance of prison intelligence as a State Power strategy for confronting violence and curbing the advancement of Criminal Factions in Rio Grande do Sul. The social situation of violence is desperate; and within Public Security, the weakest link is certainly the Prison System due to the State's own mistaken actions that mix prisoners of different dangerousness, first-time and repeat offenders, convicted and provisional, all in a scenario of overcrowding in prisons. The State needs to act, be the protagonist of security and know the crime before it happens.

Key words: Strategy. Public security. Intelligence. Violence. Crime.

1. Introduction

Brazil sees a high number of violence in its territory; The current news is worrying. This high number of crimes is a consequence of the war between factions over control over territories for drug sales.

The weak link in Public Security is, notably, the Prison System due to a lack of efficient State strategies, which mixes inmates of different dangerousness, pre-trial detainees with convicts, and also first-time prisoners and those repeat offenders with an extensive history of crime. This exchange, combined with the transfer of prisoners between the various state prisons, favors the recruitment of new criminal soldiers and the dissemination of the ideology of each criminal organization.

The State needs instruments that enable it to adequately combat crime, changing this increasingly chaotic situation. It is notably observed that it is from within the prisons that the orders for the factions come from and at this point it is crucial that the few prisons in Rio Grande do Sul that are not yet dominated by criminal groups maintain this reserve condition of neutrality. Therefore, only by knowing each individual is this control and prior knowledge of their illicit actions possible. This work presents itself as an instrument for discussion on the advancement of factions

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criminal groups into the interior of the State of Rio Grande do Sul, starting from the following problem: how to control the advance of criminal factions in prisons in the interior of Rio Grande do Sul? And, at this point, there is an imperative need for investment in prison intelligence with investment in appropriate technologies, human training and the creation of a database capable of mapping profiles, command hierarchies in the group and the movement of criminals with the intention of advancing. and conquest of territories from criminal organizations within the state of Rio Grande do Sul.

The general objective of this research is to understand the Intelligence service and the possibility of its application to Public Security problems in Rio Grande do Sul and the specific objectives are: to understand the fragility of the penitentiary system within public security; list the aspects that make the penitentiary system vulnerable to the actions of criminal organizations; present the application of penitentiary intelligence techniques and methodologies and highlight practical measures to strengthen these weaknesses, on the part of the State.

Therefore, this research work presents itself as a work of great importance for all those who seek to understand the current scenario of the gaúcho prison system, the causes and consequences of maintaining the currently implemented model.

The preparation of this work took place through bibliographical research using books and articles in physical journals and on the world wide web.

2 Theoretical foundation

2.1 The prison system in Rio Grande do Sul

The State of Rio Grande do Sul has its Prison System administered by the Superintendence of Penitentiary Services (SUSEPE), which is linked directly to the government of Rio Grande do Sul through the Secretariat of Penitentiary Administration.

SUSEPE is the state body responsible for the administrative execution of custodial sentences and security measures; was created and structured through Law No. 5,745, of December 28, 1968, receiving duties of being responsible for planning and executing the State's prison policy, replacing the Departments of the Penal Institutes. Prisons in Rio Grande do Sul were administered by the Civil Police, prior to this law, which separated the Civil Police from this administration. The State Prison System conceives units classified by hostels, penitentiaries, prisons, Public Prisons, colonies

penal institutions and penal institutes, electronic monitoring penal institutes, which house prisoners from the open, semi-open and closed regime, currently totaling 113 (one hundred and thirteen) prison establishments in the State of Rio Grande do Sul.

The Penal Execution Law (LEP), of 1984, modified the enforcement of custodial sentences, allowing regressions and progressions of regimes, which must be served in appropriate and compatible Prison Establishments.

2.2 The crisis in the prison system of the state of Rio Grande do Sul and criminal factions

There is a great lack of strategy within the Brazilian penitentiary system and the prison system in Rio Grande do Sul is no different. The challenge of repressing or preventing further crimes is a constant for society, but public penitentiary agents are directly affected by the crisis in the country's prisons.

Organized crime arises from the State's neglect to implement efficient public policies, the individual finds himself without prospects and helpless viewing criminal groups as an alternative to access rights.

Criminal factions, making use of the absence of the State, have over time operated in the prison system with a certain ease, functioning as true "offices" of crime.

Therefore, as long as the situation is not treated in a serious and emergency manner by the competent authorities, the prison system will be performing an adverse function for which it was created, functioning as a promoter of crime. In addition, they are creating criminals who are more brutalized than the previous ones, because the individual is no longer reintegrated into prison, becoming an institution that only serves as a school for crime. (ARIGONY;GRACIANO; SUPTITZ,2015, p.2) .

The prison system represents a fertile field for criminal organizations that manage to attract supporters to their cause, transforming prisons into true factories for soldiers of organized crime. In this sense, it is interesting for individuals to join the organization as they will have protection, food, basic hygiene items, access to lawyers and communication with family members, which they would not be able to achieve on an individual journey.

There is an informal market operating in prisons and prisoners participate in a "parallel trade" selling various products and even drugs. In this way, factions are increasingly growing and consolidating themselves as large criminal groups. The crisis in the prison system of Rio Grande do Sul occurs due to many factors and encompasses the entire

structure and public system from the lack of adequate structure for prisoners, wrong trials to the lack of penitentiary intelligence policies to prevent further crimes. In this way, it is possible to affirm that there is an institutional crisis, but also a social one as there is a set of failures that contribute to the worsening of the situation (LACERDA, 2015).

The Brazilian Prison System represents a great challenge for the State, there are several aspects that make the work of prison managers and agents difficult. Greater coordination with other institutions is necessary so that penitentiary intelligence works effectively, preventing more crimes inside and outside prisons.

2.3 Brazilian public intelligence service

The public intelligence service encompasses many institutions responsible for ensuring social peace, such as the police and bodies linked to the penitentiary system. The institutions work together to facilitate the solution of crimes and facilitate the application of criminal enforcement law.

The Brazilian Intelligence System (SISBIN) is made up of institutions responsible for executing strategic services to obtain information that will be used in decision-making by public managers, including the Brazilian Intelligence Agency. Thus, there is an entire structure in the country to act in search of data that allows the execution of activities related to the Intelligence service to essentially protect the Brazilian State (LIMANA, 2011).

Among the sub-areas of the Intelligence Service, that focused on Public Security is certainly one of those that has the greatest capacity to enhance the achievement of better results by state agents, in the tireless search for social peace. So much so, that the Public Intelligence Subsystem was created.

The Public Intelligence subsystem was created by decree 3,695 of December 21, 2000, with the aim of integrating Public Security activities carried out throughout Brazilian territory. For greater lucidity, it is appropriate to transcribe the inaugural article of the aforementioned legal diploma:

Art. 1 The Public Security Intelligence Subsystem is created, within the scope of the Brazilian Intelligence System, established by law 9883 of December 7, 1999, with the purpose of coordinating and integrating public security intelligence activities throughout the country, as well as providing federal and state governments with information that supports decision-making in this field. (BRASIL, 2020, p.12).

Decree 3695 of 2000 defends the creation of a subsystem responsible for organizing intelligence actions in Brazil, specifically dealing with the practical application of intellectual activity in Public Security, as can be seen:

Art. 2(...)§ 3 It is up to the members of the Subsystem, within the scope of their competences, to identify, monitor and evaluate real or potential public security threats and produce knowledge and information that support actions to neutralize, curb and repress criminal acts of any nature.(BRASIL,2020, p.12).

Public Security bodies operating in our country must act jointly, with a feeling of assistance, integration and cooperation, regardless of the Federated Entity to which they are linked or subordinate. In this sense, the regulation of the Public Security Intelligence Subsystem was of great importance, which occurred through the National Public Security Secretariat, which published Resolution nº 01 of July 15, 2009. The Resolution itself brings in a very didactic way some concepts which allow the understanding and terminological delimitation of the subject as seen in its Article 1:

§ 4 For the purposes of this Resolution, the following concepts must be considered:

III - Public Security Intelligence: is the permanent and systematic activity via specialized actions that aims to identify, monitor and evaluate real or potential threats to public security and produce knowledge and information that support planning and execution of Public Security policies, as well as actions to prevent, neutralize and repress criminal acts of any nature, in an integrated manner and to support research and the production of knowledge;

IV - Police Intelligence: is the set of actions that employ special investigation techniques, aiming to confirm evidence, clues and obtain knowledge about covert and complex criminal activities, as well as identifying networks and organizations that act in crime, in a to provide a perfect understanding of the way of acting and operating, ramifications, trends and scope of criminal conduct. (SECRETARIA NACIONAL DE SEGURIDADE PÚBLICA, 2009, p.1).

Intelligence activity, related to public security services, is a collection of acts that use specialized investigation techniques, aiming to confirm evidence, clues and knowledge about criminal activities.

Intelligence activity is currently regulated and active in Brazil. There is no illegal act or invasion of privacy in carrying out suspect monitoring activities. Within the segment focused on the area of public security, as proposed in this work, we understand that intelligence activity is the State's differential instrument in combating crime, because it guarantees access to data and information that support decision-making such as in the preparation of police operations.

2.4 Penitentiary intelligence as an instrument to control the advancement of criminal factions in prisons in the interior of Rio Grande do Sul

In the content of this study, an in-depth effort was made aimed at analyzing the contemporary prison context of the State of Rio Grande do Sul. Within the existing prison model in our state, it is undeniable the *establishment and maintenance of networks and relationships between internal prison agents. Thus, when members of criminal factions enter prisons, an environment known to be unaccompanied by resocializing measures, a proximity* between those incarcerated, so that they begin to interconnect their external networks- which are not undone from the moment of imprisonment- in this scenario, *the recruitment of new soldiers for criminal factions* it's just a matter of time.

It is noticeable that the leaders of the factions, even from a great distance, begin to organize the behavior of prisoners, establishing codes of conduct, understanding inmates' demands, consolidating rules of coexistence, instituting trials of transgressions (so-called debates) and control mechanisms. of the internal drug trade.

Once the faction is installed in a prison, there is an ease of associations and contact networks among inmates. Primary or provisional prisoners find an organized, hierarchical structure in the "jail" and when they return to the street, they will already be in debt to the faction.

The southern state has a border with Uruguay of 1003 kilometers of dry limits or divided by rivers, and this dimension presents itself as a problem for the control of the territory by state agents and at the same time arouses the interest of groups related to transactions that are outside the law in the region. In the case of factions related to drug trafficking, beyond passing through the dividing lines, the entire journey to the merchandise dispersion center is complex and denotes the need to think about territorial logistics. Therefore, the border presents itself as an important point correlated to a network of municipalities that are strategic bases and that are part of a route designed by groups that transport illicit goods. (DUARTE; PINHEIRO, 2015, p.3).

Criminal organizations in Rio Grande do Sul find it easier to connect with people from some countries, facilitating illicit relationships and making the State's work to repress criminal activities more difficult. In this sense, it is feasible for prison intelligence to be attentive to territorial issues and the contacts that criminal groups maintain with other criminals outside Brazil.

The best alternative to prevent the entry of factions into prisons that are not yet factionalized in Rio Grande do Sul (particularly those in the interior) is the implementation of a police and prison intelligence service capable of identifying, already in the individual's medical records, which

faction he belongs to; From this point onwards, entry into the system would be in houses where the factions are not installed. Furthermore, with great technological advances, the State should make use of telephone and environmental tapping, with due judicial authorization, to monitor negative leaders within prisons in order to anticipate whether crimes will be carried out.

An important mechanism to assist agents and managers of the prison system in combating crimes, including those committed within the criminal institution itself, is interoperability, that is, a communication system with other prison managers and those responsible for public security in other states to optimize the work of the prison system. penitentiary intelligence. (LEITE,2019).

The National Penitentiary Department's role is to present public policies to improve the prison system, contributing to penitentiary intelligence and acting as an institution that influences this entire process.

Based on this premise, and taking into account the increased sophistication, organization and boldness of factions in planning and executing attacks against public security institutions and society, ordinance no. 125 of May 6, 2013 was published, which established the national penitentiary intelligence doctrine (Dnipen) as a guiding instrument for the prison intelligence bodies of the Union and the Federative Units (ROCHA, 2020, p.80-81).

The national penitentiary intelligence doctrine was created to assist state units by functioning as a type of manual with data and methodological information on the ways penitentiary managers operate that need to be considered.

Dnipen is one of the state alternatives to guide penitentiary intelligence mechanisms, the combination of contributions from public security and jurisdictional institutions can bring relevant assistance to improve the entire functioning of the prison system, hindering the action of organized crime.

Therefore, the production of penitentiary intelligence knowledge is defined as an ordered sequence of activities according to which data is obtained and knowledge is produced, filtered, protected and formalized in intelligence documents aimed at the decision maker. (ROCHA, 2020, p .81).

Penitentiary intelligence acts based on penitentiary public policies formulated to facilitate the work of penitentiary managers, therefore, the entire process of knowledge of actions and activities carried out in prisons, as well as access to data on prisoners and the entire prison structure are accessible and must be explored to assist in actions aimed at preventing factions from acting in prisons.

There are important measures to hinder the action of criminal groups in interior prisons, the very articulation between security and justice institutions makes it possible to

access to knowledge of subjects who are serving sentences, the possibility of recidivism and the formation of criminal groups, whilst still being a way to gain more knowledge about the execution of the sentence, contribute to the supervision of prisons and consequently to penitentiary intelligence.

Final considerations

Penitentiary intelligence is essential to improve the functioning of prisons in the interior of Rio Grande do Sul. Some strategies must be implemented so that the execution of the sentence takes place properly and new crimes can be avoided, especially in relation to the actions of criminal groups such as factions .

The State has some ways to act in search of social peace and public intelligence is a mechanism that aims to systematize information to achieve knowledge that makes it possible to prevent crimes, therefore, some public institutions work with the purpose of obtaining data that can contribute to the articulations of prison managers.

Organized crime is growing in the southern state's prisons and criminal factions continue to operate even inside the prison. In this way, the State's efforts have not had satisfactory results to prevent the articulation of criminal groups and this happens due to several factors such as the lack of greater interoperability, that is, an efficient communication network between states to facilitate the work of prison managers. .

There are some other measures that can be taken to make it difficult for factions to operate in southern prisons, such as implementing a telephone and environmental wiretapping system so that the State obtains prior information and can repress crimes.

There are some laws and decrees that deal with public intelligence in Brazil, encouraging the State to act through an effective intelligence service that guides actions to uncover and prevent crimes. However, the State has not shown good results in this regard and criminal factions continue to grow and exercise parallel power in society.

Penitentiary intelligence must be equipped with data and information to carry out its function, and for this to be possible it is necessary to use technological mechanisms that capture and systematize information. Furthermore, it is essential that there is greater coordination between those responsible for public intelligence in the Brazil, interoperability cannot be discarded, as it facilitates the process of acquiring knowledge of group action

criminals and consequently optimizes the work of prison agents and managers, reducing criminal activity inside and outside the prison.

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