




## THE CHALLENGE IN COMBATING THE ACTIONS OF CRIMINAL ORGANIZATIONS WITHIN THE PENITENTIARY SYSTEM

### O DESAFIO NO COMBATE À ATUAÇÃO DE ORGANIZAÇÕES CRIMINOSAS NO ÂMBITO DO SISTEMA PENITENCIÁRIO

### EL DESAFÍO DE COMBATIR LAS ACCIONES DE LAS ORGANIZACIONES CRIMINALES DENTRO DEL SISTEMA PENITENCIARIO

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#### ABSTRACT

This article aims to analyze the structural flaws and obstacles of the Brazilian prison system, with a particular focus on the State of Paraná. By examining the influence of criminal factions and the government's responses, this study seeks to propose guidelines for more efficient prison management and the reduction of criminal recidivism. The methodology consists of a bibliographical analysis aimed at establishing the historical evolution of factions such as the PCC (First Command of the Capital — one of Brazil's most powerful criminal organizations) and at examining the applicability of maximum-security regimes such as the RDD (Differentiated Disciplinary Regime) and Italy's 41-bis regime (a special prison system designed to isolate high-risk inmates from their criminal organizations), as well as successful rehabilitation models, including Brazil's APAC system and the prison approaches adopted in Norway and the Netherlands. The results show that overpopulation, the policy of mass incarceration, and the ineffectiveness of rehabilitation programs have created an environment conducive to the strengthening and spread of organized crime nationwide. The analysis of the State experience has revealed the failure of reactive measures, such as the outsourcing of prison management and the adoption of supermax regimes (RATP), which did not alleviate the crisis and even allowed the emergence of groups such as the PCP (First Command of the State). In conclusion, this study suggests a differentiated management approach based on the strategic separation of inmates according to their profiles, in order to optimize security and rehabilitation policies. Beyond repression, it is essential that the State intervenes by investing in policies that support intelligence mechanisms, address the structural causes of criminality, and effectively implement alternative sentencing and social reintegration programs.

**Keywords:** Criminology. Criminal Organizations. Rehabilitation/Social Reintegration.

#### RESUMO

O presente trabalho analisa as falhas e obstáculos estruturais do sistema prisional brasileiro e paranaense, focando na influência de facções criminosas e nas respostas do Estado, a fim de propor diretrizes para uma gestão penitenciária mais eficiente e a consequente redução da reincidência criminal. A metodologia consistiu em uma análise bibliográfica e comparativa que traçou a evolução histórica das facções como o PCC, e examinou a aplicabilidade de

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regimes de segurança máxima (RDD e 41-bis italiano), bem como modelos de ressocialização bem-sucedidos (APACs, Noruega e Holanda). Os resultados demonstram que a superlotação, a política de encarceramento em massa e a ineficácia das políticas de ressocialização criaram um ambiente propício para o fortalecimento e a proliferação do crime organizado no país. A análise da experiência paranaense revelou o fracasso de medidas reativas, como a terceirização da gestão profissional e a adoção de regimes supermax (RATP), que não mitigaram a crise e permitiram a fundação de grupos como o Primeiro Comando do Paraná (PCP). Em conclusão, o estudo propõe uma gestão diferenciada baseada na separação estratégica de perfis de detentos para otimizar a segurança e a ressocialização. Além da repressão, é fundamental que o Estado invista em políticas que abordem as causas estruturais da criminalidade, fortaleçam os mecanismos de inteligência e implementem eficazmente alternativas penais e programas de reintegração social.

**Palavras-chave:** Criminologia. Organizações Criminosas. Ressocialização.

## RESUMEN

Este artículo analiza las fallas y obstáculos estructurales de los sistemas penitenciarios brasileño y paranaense, centrándose en la influencia de las facciones criminales y las respuestas estatales, con el fin de proponer directrices para una gestión penitenciaria más eficiente y la consiguiente reducción de la reincidencia delictiva. La metodología consistió en un análisis bibliográfico y comparativo que rastreó la evolución histórica de facciones como el PCC y examinó la aplicabilidad de regímenes de máxima seguridad (RDD y 41-bis italiano), así como modelos de resocialización exitosos (APAC, Noruega y Países Bajos). Los resultados demuestran que el hacinamiento, las políticas de encarcelamiento masivo y la ineficacia de las políticas de resocialización crearon un entorno propicio para el fortalecimiento y la proliferación del crimen organizado en el país. El análisis de la experiencia de Paraná reveló el fracaso de medidas reactivas, como la externalización de la gestión profesional y la adopción de regímenes de máxima seguridad (RATP), que no lograron mitigar la crisis y permitieron la formación de grupos como el Primer Comando de Paraná (PCP). En conclusión, el estudio propone una gestión diferenciada basada en la separación estratégica de los perfiles de reclusos para optimizar la seguridad y la reinserción. Además de la represión, es fundamental que el Estado invierta en políticas que aborden las causas estructurales de la delincuencia, fortalezcan los mecanismos de inteligencia e implementen eficazmente métodos penales alternativos y programas de reinserción social.

**Palabras clave:** Criminología. Organizaciones Criminales. Reintegración.

## 1 INTRODUCTION

According to a 2024 study by the Institute for Crime & Justice Policy Research (ICPR) and World Prison Brief (WPB),<sup>3</sup> 10.99 million people were held in penal institutions worldwide (ICPR; WPB, 2024). In the last 15 years, the world prison population has grown by 27%, while in Brazil this growth was 360% (ICPR; WPB, 2024). This increase reflects a policy of incarceration driven by drug legislation and the election of prison as the primary response.

Data from Infopen (2019)<sup>4</sup> showed Brazil in third place in the world ranking in number of prisoners. In the same year, the growth of the prison population (8.6%) was drastically higher than the population growth in the country (0.79%) (INFOPEN, 2019). This disparity highlights the deep socioeconomic inequality and access to justice, which marginalizes a large part of the population and makes it vulnerable to the routine of crime (FERREIRA; NATALINO; SANTOS, 2019).

In 2024, the National Secretariat for Penal Policies (Senappen) released the number of 839,672 people in prison, a ratio of 390 incarcerated people per 100,000 inhabitants (RELIPEN, 2024). This high rate of incarceration raises questions about the effectiveness of prison and about the living conditions in the units, where the absence of effective rehabilitation policies contributes to recidivism and to the emergence and strengthening of criminal groups.

In a context of overcrowding and precariousness, the prison system fails in its resocializing function, transforming itself into a fertile environment for the expansion and strengthening of criminal factions (VOGEL, 2003). These organizations, which also operate from inside prisons, not only expand their power, but also maintain the continuity of illicit activities outside, undermining penal treatment and perpetuating the cycle of crime.

The inability to properly separate the profiles of inmates, allowing low-potential criminals and factional prisoners to coexist, enhances prison instability and increases the challenge of rehabilitation.

In view of this problem, the present work analyzes the structural failures and obstacles of the Brazilian and Paraná prison systems, with special attention to the influence exerted by criminal groups and the actions of the State, and to propose guidelines for a more efficient

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3 FAIR, Helen; WALMSLEY, Roy. World Prison Population List. [PDF]. Available at: [https://www.prisonstudies.org/sites/default/files/resources/downloads/world\\_prison\\_population\\_list\\_14th\\_edition.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_14th_edition.pdf). Accessed on 21 Aug. 2025.

4 BRAZIL. National Secretariat of Penal Policies. Depen launches Infopen with data from December 2019. Brasilia, Apr. 09, 2020. Available at: <https://www.gov.br/senappen/pt-br/assuntos/noticias/depen-lanca-infopen-com-dados-de-dezembro-de-2019>. Accessed on 21 Aug. 2025.



penitentiary management, which promotes effective social reintegration and the consequent reduction of criminal recidivism.

To this end, it brings to the discussion the evolution and impact of criminal factions in the prison environment, exploring the applicability of maximum security regimes (such as the Italian 41-bis and the federal penitentiary system). In addition, it analyzes successful models in rehabilitation and reduction of recidivism (APACs and progression units, and international ones, such as Norway and the Netherlands).

Finally, the study will present a proposal for differentiated management that contemplates the strategic separation of inmate profiles, aiming to optimize both security and rehabilitation policies. The relevance of this study lies in the urgency of rethinking the current prison model, seeking alternatives that promote human dignity, social justice and effectiveness in interrupting the cycle of crime.

## **2 HISTORY OF THE EMERGENCE AND CONSOLIDATION OF THE FIRST CRIMINAL FACTIONS**

The article "PRISON - Evidence of its use and over-use from around the world"<sup>5</sup> brings the historical context of the most populous prison systems in the world, drawing attention to the emergence of criminal groups within prisons in Brazil (JACOBSON; HEARD; FAIR, 2017). Overcrowding and the lack of adequate structure in Brazilian prisons have created an environment conducive to the organization of prisoners in search of protection and power, where violence becomes an instrument of control and imposition of rules parallel to those of the State (JACOBSON; HEARD; FAIR, 2017).

According to the study (JACOBSON; HEARD; FAIR, 2017), the military dictatorship left a legacy of disrespect for human rights and distrust in criminal justice, in addition to bringing together political activists with common prisoners. This convergence of different groups within prisons allowed the exchange of experiences and the dissemination of ideologies of resistance, which were fundamental for the emergence of the first criminal organizations. The political repression and state violence of the time contributed to the formation of a culture of distrust in institutions and the search for alternative forms of organization and power within the prison system (JACOBSON; HEARD; FAIR, 2017).

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<sup>5</sup> JACOBSON, Jessica; HEARD, Catherine; FAIR, Helen. Institute for Criminal Policy Research. PRISON Evidence of its use and over-use from around the world [PDF]. London, 2017. Available at: [https://www.prisonstudies.org/sites/default/files/resources/downloads/global\\_imprisonment\\_web2c.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/global_imprisonment_web2c.pdf). Accessed on 21 Aug. 2025.



In 1976, the first group organized in the Cândido Mendes prison in Rio de Janeiro, called Falange Vermelha, was created, focused on confronting abuses and oppression, whose motto "Peace, Justice and Freedom" inspired the creation of several others throughout the country (JACOBSON; HEARD; FAIR, 2017). The Red Phalanx was born as a reaction to brutality and negligence within the prison system, seeking to guarantee the physical integrity and basic rights of prisoners, establishing an internal code of conduct and a structure of mutual protection (JACOBSON; HEARD; FAIR, 2017).

Later, it became known as the Red Command when it began to control drug trafficking and other crimes, extending to business with the FARC (Revolutionary Armed Forces of Colombia) and the former USSR for the use of heavy weapons and drug distribution. This transition from the struggle for rights inside prison to involvement in external criminal activities demonstrates the power dynamics that have been established in the prison system, where organization and violence have become tools for survival and ascension in the world of crime, also driven by the expansion of drug trafficking in Brazil through international routes (JACOBSON; HEARD; FAIR, 2017).

Overcrowding and violence installed chaos in the penitentiary system in the 70s, even drawing the attention of the federal government to the point of taking measures that would bring more dignity inside the prisons (JACOBSON; HEARD; FAIR, 2017). However, they were not enough, nor were they implemented effectively, allowing criminal factions to continue to strengthen, filling the state's welfare vacuum and offering a form of parallel power within prisons (JACOBSON; HEARD; FAIR, 2017).

In the same vein as the Red Command, in 1993 the criminal faction known as the First Command of the Capital emerged in the state of São Paulo, in the annex of the Taubaté Custody House, called Piranhão. The PCC came in response to the Carandiru massacre, where 111 prisoners were killed by public agents in a repressive action against the installed rebellion (BIONDI, 2008). This event profoundly marked the history of the prison system and served as a trigger for the formation of a criminal organization with a strong sense of identity, strict codes of conduct, and an objective of protection and revenge against state violence (BIONDI, 2008).

The growth of the PCC's influence in São Paulo resulted in 29 simultaneous rebellions that caused the death of 15 people in 2001. This wave of violence demonstrated the faction's capacity for coordination and firepower, exposing its power of organization.





According to Karina Biondi<sup>6</sup>'s article, in 2008 this group was already present in 90% of São Paulo's prisons (BIONDI, 2008), making evident the fragility of state control, where the ideology was quickly disseminated in the vast majority of prisons.

Overcrowding and idleness within the prison system create an environment conducive to the dissemination of their ideals of justice (BIONDI, 2008). Under the pretext of offering protection or access to better conditions inside the prison, gang leaders often co-opt inmates to carry out various activities, from the production and distribution of drugs inside the unit to the execution of criminal orders outside, which perpetuates the cycle of criminality after the release of individuals.

With the insertion of cell phones inside prisons through visitors and corrupt employees, the action was strengthened, and despite the attempts to block, a new tool was created for the coordination of criminal activities inside and outside the walls. Encrypted communication and the use of social networks make it even more difficult for authorities to track and intercept them.

In addition, they also developed money laundering networks, using front companies and "oranges" to hide the profits obtained from drug trafficking, cargo theft, extortion and other illicit activities.

The infiltration of sectors of the legal economy and the corruption of public officials at different levels have also contributed to the sustenance and expansion of the power of these organizations (BIONDI, 2008).

The prohibitionist drug policy accompanied by a strategy of mass incarceration has been pointed out by several experts as factors that contribute to the strengthening of criminal factions (FERREIRA; NATALINO; SANTOS, 2019). By broadly criminalizing the consumption and trade of drugs, the penal system ended up imprisoning a large number of individuals, many of them still awaiting trial (FERREIRA; NATALINO; SANTOS, 2019).

The slowness of Brazilian justice also contributes to the precariousness of the prison system. Data from RELIPEN (Criminal Information Report) for the first half of 2024<sup>7</sup> show that more than 30% of the prison population does not have a final and unappealable criminal

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6 BIONDI, Karina. Political relations and criminal terms: the PCC and a brother-network theory [PDF]. São Paulo, 2008. Available at: [http://neip.info/novo/wp-content/uploads/2017/03/Biondi\\_PCC\\_Teoria\\_Irm%C3%A3o-Rede\\_Sociedade\\_2007.pdf](http://neip.info/novo/wp-content/uploads/2017/03/Biondi_PCC_Teoria_Irm%C3%A3o-Rede_Sociedade_2007.pdf). Accessed on 21 Aug. 2025.

7 BRAZIL. National Secretariat of Penal Policies. Report of Criminal Information. Brasília, 2024. Available at: <https://www.gov.br/senappen/pt-br/assuntos/noticias/senappen-divulga-levantamento-de-informacoes-penitenciarias-referente-ao-primeiro-semester-de-2024/relipen-1-semester-de-2024.pdf/view>. Accessed on 21 Aug. 2025.



conviction (RELIPEN, 2024), which often hinders or even prevents the application of criminal treatment because of work, study, and other activities that provide for the remission of the sentence.

The data are also alarming when referring to penal treatment and rehabilitation. Only about 23% of incarcerated people work and almost 18% study within the Brazilian prison system (RELIPEN, 2024).

In addition, the absence of effective penal alternatives and the lack of investment in education, health, and legal assistance contribute to marginalization, criminal recidivism, and maintenance of the cycle of incarceration, providing the co-optation of members and sympathizers by criminal organizations, who find it easy in an environment of vulnerability and lack of opportunities, making it even more difficult for them to reintegrate into society.

In 2025, information was released in the press about the union between the main criminal factions in the country with the aim of engaging joint efforts to make the rules of the RDD more flexible, which will be dealt with in sequence, but experts on the subject do not rule out the possibility of strengthening it beyond the legislative demand, sharing trafficking routes and promoting joint actions against the State as a form of pressure (RELIPEN, 2024). This possible strategic alliance between the largest factions operating in Brazil creates a worrying scenario for public security, requiring a coordinated and innovative response by the authorities to prevent an even greater strengthening of organized crime and the consequent increase in crime.

## 2.1 THE PROLIFERATION OF CRIMINAL ORGANIZATIONS ACROSS THE COUNTRY

In an attempt to contain the dominance in São Paulo's prisons, it was decided to transfer the leaders to other states in order to isolate them. From 1998 to 2002, the leaders of the PCC passed through at least three states each. This strategy, however, had an unexpected side effect: the dissemination of the faction's influence and structure to other units of the federation, creating the capillarity that we see to this day with tentacles established in different regions (BIONDI, 2008). In these states, new representations were emerging, as well as the strengthening of existing ones. The absence of a cohesive and effective national policy for the prison system allowed the factions to expand throughout the country, exercising power beyond the prison walls.

There are indications that in Rio de Janeiro the PCC has allied with the CV to take the drug known as crack to the state, as well as to acquire weapons. This strategic alliance



between the two largest factions in the country, although it may be punctual and motivated by specific interests, points to a reconfiguration of organized crime in Brazil, making it an even greater challenge for the authorities.

Although CV and PCC dominate the national scene, the dynamics of prison organized crime is also marked by the emergence and action of several other regional factions. These organizations, often with specific actions in some states or in penitentiary complexes, fill power gaps and dispute territories both inside and outside prisons.

In most Brazilian states, other groups have emerged and also participate in this dynamic, sometimes joining factions with activities already consolidated in other federative entities, sometimes entering into conflict.

The proliferation of these smaller factions, often arising from dissidence or the search for autonomy in relation to large organizations, makes the administration of the prison system even more complex. The inherent rivalry intensifies violence inside prisons, hinders prison management and spills over into the public space, contributing to the increase in crime rates and insecurity.

## 2.2 HISTORICAL AND SOCIOPOLITICAL DEEPENING

The growth of organized crime in Brazil is something complex, linked to the country's history, society, politics, and structure. To understand why it has become so strong, we need to look at its origins, how it operates, and how it interacts with government.

The lack of planning in the urbanization process in the 70s and 80s, which occurred with the move of part of the population to the cities, resulted in significant marginalization, promoting social exclusion and economic vulnerability due to the unequal distribution of income. This financial difficulty of the majority of the population, combined with the lack of attention on the part of the State, created a fertile ground for criminal groups to be born and grow, finding in prisons the ideal habitat for their strengthening (JACOBSON; HEARD; FAIR, 2017).

It is clear that the return of democracy in Brazil, even though it is a great political advance, has not been accompanied by changes in security institutions and the prison system to the same extent.

The insistence on adopting authoritarian and outdated strategies to contain the crisis established in public security, together with the incompetence in the fight against corruption and organized crime on the part of the State, opened space for its growth.





The increase in drug trafficking in Brazil, on the occasion of the exploitation of international routes during the Cold War era, brought a new status to organized crime. From within the scrapped and overcrowded prison units, the leaders controlled all the logistics of the functioning of these groups, achieving sufficient purchasing power to make them attractive to the prison mass.

Prisons proved to be a perfect place for criminal factions to find new members, taking advantage of the fragility of prisoners, the precarious assistance of the State and the desire to belong to an excluded mass.

These groups have a complex internal organization, with roles defined for each member, from leadership, finance, and those who execute orders at the end. The establishment of well-defined rules, which control behavior inside and outside prisons, was very important to maintain order and unity in the group.

Violence is used as a form of domination of the masses and makes it possible to achieve their intentions, aiming at the conquest of territories, the resolution of internal disputes, the intimidation of rival groups and the imposition of their influence in various sectors.

Being inserted into the faction's routine, the co-opted members begin to accept its norms and values, building a collective identity that often overlaps with the individual.

Today we know how these factions work and what their rules are, whether through the reports of former members, the dissemination of police work and also through academic studies that research their operation.

On the other hand, the public power faces this high level of organization without having sufficient investment in structure and personnel, which over time ended up contributing even more to the spread of the factions.

Also a result of inefficiency in the fight against crime, corruption has become a constant problem in the relationship between criminal organizations and representatives of the State, occurring in different ways in prisons and other sectors of public security, in some cases even at the highest level, from receiving bribes to the active participation of public agents in illicit activities.

This dynamic, which oscillates between the search for agreements and the demonstration of power, proves to be crucial for discerning the tactics employed by the factions and the state.



Groups such as the PCC found it easy to multiply, creating branches or partnerships with local criminals in almost every state in Brazil, maintaining a central organization and adapting to each region, seeking control of the main drug and weapons routes to become more powerful, thus gaining a strong presence in the country and arousing rivalry with other similar groups.

But if, on the one hand, the dispute over strategic areas on these routes is the main reason for the violence and the way crime is organized in various parts of the country, the union between these groups, such as the PCC and the Red Command (CV), reveals that they are articulating in the scenario of organized crime, whose motives may involve the control of routes, the acquisition of weapons and the confrontation with the State, which reflects negatively on the security of the entire Brazilian population.

### 2.3 TIMELINE OF THE FIGHT AGAINST CRIMINAL FACTIONS: THE ROLE OF THE BRAZILIAN STATE

As already demonstrated, the Brazilian prison system, historically marked by challenges such as overcrowding and ineffective rehabilitation, has become a fertile ground for the proliferation and strengthening of criminal organizations (JACOBSON; HEARD; FAIR, 2017; RELIPEN, 2024). Its influence has expanded beyond the prison walls, posing a growing threat to public safety.

Faced with the complex scenario, the Brazilian state sought to implement several measures, at the federal and state levels, to curb the growth and performance of these organizations

In 1975, the National Council of Criminal and Penitentiary Policies (CNPCCP) was created (BRASIL, 1975). Between 1975 and 1976, a Parliamentary Commission of Inquiry (CPI)<sup>8</sup> surveyed the situation of prisons, resulting in legislative changes, which introduced changes in criminal justice, diversifying penal execution and establishing work as mandatory for convicts in all regimes (BRASIL, 1977).

In response to criminal attacks in the 1980s, the Penal Execution Law (LEP - BRASIL, 1984) was instituted, which attempted to modernize the execution of sentences. The LEP formalized the rights and duties of prisoners, aiming to humanize the execution of penal

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<sup>8</sup> Rudnicki, Dani. In search of a public policy for Brazilian prisons: The CPIs of the penitentiary system of 1976 and 1993. Senate Digital Library. Available at: <https://www2.senado.leg.br/bdsf/item/id/198676>. Accessed on 21 Aug. 2025.



sentences, and established programmatic guidelines for the improvement of the infrastructure and management of the system (BRASIL, 1984).

Changes in the rules of the LEP established the Differentiated Disciplinary Regime (RDD - BRASIL, 2003), with severe restrictions to interrupt external communication and dismantle the command of the factions. Years later, the inclusion of prisoners in maximum security federal penal establishments was regulated (BRASIL, 2008), innovating in the confrontation of highly dangerous prisoners.

Subsequently, the well-known Organized Crime Law (BRASIL, 2013), brought significant innovations in the fight against gangs. In addition to the legal definition of criminal organization, the law improved instruments for investigation and obtaining evidence, such as plea bargaining and the infiltration of agents, aiming to dismantle their complex structures and track their financial assets (BRASIL, 2013).

The need for more coordinated planning culminated in the creation of the Unified Public Security System (SUSP), which formally integrated the penitentiary system as one of its operational components (BRASIL, 2018).

The following year, changes in legislation created the Anticrime Package (BRASIL, 2019), tightening the rules of criminal execution to increase security. There was an increase in the percentages of sentence served for regime progression and the maximum term of the RDD. The inclusion of federal, state, and district criminal police in article 144 of the Federal Constitution<sup>9</sup>, conferring police power, strengthened security inside prisons (BRASIL, 2019).

With the new legal framework, the federation units have adopted specific measures, investing in the creation of police units specialized in the fight against organized crime and in the implementation of stricter access control programs in state prisons. The screening and separation of members of rival factions within prison units has also been adopted to reduce violence. Other measures, such as partnerships with municipalities to develop crime prevention and rehabilitation actions, have been adopted to prevent the enticement of young people by gangs.

The penitentiary system now has a specific intelligence sector that must dialogue with other public security institutions to promote the identification, scale of action and monitor the

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<sup>9</sup> "Article 144. Public security, a duty of the State, a right and responsibility of all, is exercised for the preservation of public order and the safety of people and property, through the following bodies: (...) VI – Federal, state and district criminal police." (BRAZIL. CF, 1988)



activities linked to these organizations, but it still lacks large investment in technology, training and, above all, human resources.

In addition to the construction of federal prison units, also in the states, it was invested in the construction of prisons, including the allocation of federal funds. However, the increase in the prison population alone already accounts for the occupation as a way to mitigate overcrowding, not allowing it to be directed to specific purposes of combating organized crime.

However, despite federal, state, and even municipal initiatives, the challenge of curbing the growth and influence of criminal factions persists, requiring a continuous analysis of the effectiveness of these measures and the proposition of new approaches.

The state's response to this phenomenon has ranged from the creation of stricter laws to the implementation of large-scale police operations. However, the effectiveness of these measures comprises a range of actions that also require large investment on other fronts.

The future challenges in confronting criminal factions require a more comprehensive and integrated approach, which goes beyond police and criminal repression. It is essential to invest in public policies that address the structural causes of crime, such as social inequality, lack of opportunities, and the fragility of the education system. Within the prison system, it is crucial to implement effective rehabilitation policies, offer penal alternatives for less serious crimes, invest in the training and appreciation of workers, and strengthen intelligence and control mechanisms within the units.

## 2.4 THE HISTORY OF THE PARANÁ PRISON SYSTEM

According to information on the website of the Secretariat of Justice and Citizenship of the state of Paraná<sup>10</sup> (PARANÁ, 2024), the regulation of the penitentiary system began with the institution of the Ahú Prison in the city of Curitiba, inaugurated in 1909, under the management of the State Secretariat of Interior Affairs, Justice and Public Instruction. Linked to the portfolio was the Police Headquarters, to which the administration of the penal unit was subordinate (PARANÁ, 2024).

In 1941, the Agricultural Penal Colony, in the city of Piraquara, was the second penitentiary inaugurated in Paraná to meet the new rules that came with the creation of the

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<sup>10</sup> SECRETARY OF STATE FOR JUSTICE, LABOR AND HUMAN RIGHTS. History. Available in <https://www.justica.pr.gov.br/Pagina/Historia>. Accessed on 21 Aug. 2025.



semi-open regime, intended for prisoners who had already served half of their sentence and had good behavior (PARANÁ, 2024).

Ten years later, the Central State Penitentiary was inaugurated, also in Piraquara, considered at the time to be the largest and most modern prison in Latin America (PARANÁ, 2024). Initially built with 522 vacancies, the PCE is to this day the largest prison in the state, having undergone constant renovations and housed 1800 prisoners recently (PARANÁ, 2024).

The Judiciary Asylum, built in the metropolitan region of Curitiba, began operating on January 31, 1969. Created to dispel the negative repercussion that existed in society that psychiatric prisoners served their sentence in the same environment as common prisoners, this establishment was, for years, used only for the segregation of people with mental pathologies.

It was only almost two decades later that a policy of treatment for incarcerated psychiatric patients began to be adopted, with the creation of a health division capable of providing medical, psychological, dental, pharmaceutical, and physiotherapeutic care, with a nursing sector, its own social service and occupational therapy treatments. The unit then also began to function as a penitentiary hospital for common prisoners undergoing medical treatment, using the same structure as the old asylum. Later, it had its name changed to Penal Medical Complex.

With the increase in demand in the field of public security, in 1962 the Secretariat of Public Security was created, bringing together the police, sanatoriums, prisons, and recovery schools under its subordination (PARANÁ, 2024).

The imprisoned women served their sentences scattered throughout public prisons and in improvised facilities in men's penitentiaries (PARANÁ, 2024). With the inauguration of the Women's Penitentiary of Paraná, in the city of Piraquara on May 13, 1970, defined as a maximum security unit, the inmates began to be housed in a separate place from the male prisoners, with a daycare space for their children (PARANÁ, 2024).

At the end of the 1980s, the State Secretariat of Justice was created with the responsibility of supervising and supervising the application of prison and detention sentences, as well as the administration of the penitentiary system (PARANÁ, 2024).

The 1990s, which were marked by the growth of the prison population and several rebellions in the Brazilian prison system, also brought the internalization of the construction of units in the penitentiary system of Paraná (PARANÁ, 2024).





In the cities of Londrina and Maringá, respectively in 1994 and 1996, in the north of the state, modern maximum security units were inaugurated to cope with the overcrowding of public prisons in the region (PARANÁ, 2024).

Following the national trend of regulation of the prison system with federal laws and initiatives, the creation of the Penitentiary Statute through State Decree No. 1276/1995 detailed the organization of prison establishments, the rights and duties of prisoners, disciplinary procedures and rules for penal execution in the State (PARANÁ, 1995).

However, through an agreement between the federative entities in 1998, six prisoners belonging to the PCC leadership and distributed in three prisons administered by the state were received by transfer, where they disseminated the culture of the factions, being responsible for the foundation of the First Command of Paraná (PCP), a process that took advantage of the gaps and failures of the Paraná prison system (PARANÁ, 2024).

In addition to the measures to mitigate the prison chaos, the national conjuncture brought privatizations as a solution through the National Privatization Program in the Collor government, also during the 90s.

The penitentiary system is attractive to the private sector due to its great capacity to generate profit. At the historical moment of ineffectiveness of public management in managing the crises caused by overcrowding and the spread of criminal factions, Paraná became fertile ground to favor the rhetoric of administrative optimization during the government of Jaime Lerner.

Outsourcing then emerged in the form of a public-private partnership, with the objective of escaping the legal prohibition of total management of the sector by private companies. This model includes the administration of sectors such as the construction of the building, provision of human resources for medical care, psychological care, social work, administrative assistants and internal security, as well as general services, various materials, from cleaning, uniforms and food.

In the Paraná model, with the promise of implementing work and study policies as tools for rehabilitation, the entry of private companies into the prison sector has conquered public opinion, leaving the State only to supervise compliance with the law and management through positions of trust in each outsourced unit.

The Industrial Penitentiary of Guarapuava, located in the central region of the state, was inaugurated in 1999 and became the first prison unit in Brazil to operate in the



outsourcing system. In the following three years, five other prisons were inaugurated with the management of public-private partnerships in Paraná.

However, the installed crisis did not find solutions in the outsourcing model, showing that the exorbitant cost to the treasury did not fulfill the promise of resocialization, nor did it bring security to society that justified the expense.

According to sociologist Alcione Prá:

The year 2000 was an atypical year for the Penitentiary System of Paraná, Governor Jaime Lerner, in an emergency measure in view of the rebellions that occurred in the period, resolved through Decree No. 2881 of October 19, 2000, the DEPEN to be part of the State Secretariat of Public Security, with a new name: COPEN – Coordination of the State Penitentiary System, with the entire structure under the care of SESP (PRÁ, 2009, p. 44).

Even in the face of management changes, on June 6, 2001, the largest rebellion in the history of Paraná began, led by prisoners Mizael Aparecido da Silva, César Augusto Roriz Silva "Cezinha", Gilmar Ângelo dos Santos and José Felício "Geleia", appointed as founders of the PCC in São Paulo.

The crisis, which lasted six days and had 22 servers taken hostage, only ended with the judicial authorization of the transfer of 23 inmates to other states, including São Paulo, Santa Catarina, Mato Grosso do Sul, Amazonas and Pará. The result was the death of prison officer Luciano Aparecido Amâncio (30 years old), and three inmates, in addition to the destruction of the largest penitentiary in the state. The PCE, which already housed more than a thousand prisoners at the time, had its construction sites destroyed and suffered serious damage to its structure, requiring the support of the military police to return to operation.

The Paraná prison system, which was already facing disorderly growth, marked by the constant increase in the prison population and the expansion of prison units without the proper hiring of permanent employees, began to suffer from the proliferation of criminal factions, generated by the reception of members of the PCC of São Paulo.

The convergence of these factors culminated in an unprecedented crisis, raising Paraná to a level of risk similar to that experienced in the neighboring state.

In this scenario, in 2002, Depen reintegrated the structure of the Secretariat of Justice with the proposal to modernize management. The evident failure of outsourcing led to a strategic change in the expansion of the penitentiary system, whose option was the construction of maximum security units inspired by the North American *supermax models*.



In the cities of Foz do Iguaçu, Curitiba, Piraquara and Ponta Grossa, fully automated units were inaugurated, with more severe restrictions on the entry of people and perks for prisoners. The State Penitentiary of Piraquara was defined as the safest unit in the state, being the only one with the capacity to house highly dangerous prisoners.

Thus, even before the institution of the Differentiated Disciplinary Regime at the federal level, Paraná had already put into practice the RATP (Regime of Adequacy to Penal Treatment) regime, which had similarities with the RDD, both characterized by stricter measures of isolation and restriction of rights, applied to prisoners considered to be of high danger or involved with criminal organizations.

"(...) Resolution 092, of March 7, 2003, published by the Secretary of Justice and Citizenship of Paraná, was responsible for defining a type of differentiated criminal treatment, to be served at the PEP facilities, which placed this unit as the only one in the State capable of complying with a maximum concept of security. Resolution 092/2003 creates the Regime of Adequacy to Penal Treatment (RATP), and in Article 2, it states that "it will be served in the cells of the State Penitentiary of Piraquara – PEP" (BONDEZAN, 2011, p. 95)

The rhetoric of classifying the actions of criminal factions in the state in a generic way as "discreditable conducts for prison coexistence" does not fail to demonstrate that the situation of the Paraná penitentiary system was so serious that it was necessary to seek inspiration in the American *supermax* models, with the suppression of rights and maximum security measures, even in the context of broad debates about human dignity and rehabilitation as the basis of penal execution.

According to an article called Capitalism and Incarceration, written by the American Richard D. Vogel, quoting Chase Riveland, a semi-official spokesperson for the American Department of Justice, he brought a definition of *supermaxes*:

"... a highly restrictive unit, high-supervision shelter within a secure facility, or an entirely secure facility, that isolates convicts from the general population and from one another due to serious crimes, repeated assaults or violent behavior, threat of escape or actual escape from high-security facility(s), or incitement or threat to incite disturbance in the correctional institution." (VOGEL, 2003, p. 13)

Although the authorities were slow to admit the worrying existence of organized crime in Paraná's prisons, the civil servants who worked and managed the State Penitentiary of Piraquara, today called PEP I, recognize the existence of important leaders of the PCC and

CV under the RATP regime in 2003, even before the enactment of the federal law that created the RDD within the scope of state penitentiaries.

In the following years, giant CDPs (Provisional Detention Centers) were built in the cities of São José dos Pinhais, Piraquara, Londrina, Maringá, Foz do Iguaçu, Cascavel, Francisco Beltrão and Cruzeiro do Oeste, with an extremely fragile building structure and deficient architecture to maintain security. The capacity of these establishments was for 800 to 900 prisoners, but they quickly became overcrowded and scrapped, some even housing more than 1200 inmates, imitating the failed model of the PCE that continued to operate with the maintenance of the military police inside the unit to ensure the security of the servers.

The great rebellion that took place in the Central State Penitentiary in 2001 culminated in the transfer of leaders to other states, but did not mitigate the organization of the prison mass that maintained the widespread culture, waiting for a moment of fragility to confront the State again.

In 2010, even in the face of insistent warnings from the civil servants, the withdrawal of the military police that had been maintaining the security of the PCE since the rebellion was determined, under pressure from the Public Security Secretariat, under the arguments that the internal security of the unit was the responsibility of Depen linked to SEJU, and that the attributions of the PM included external policing and other public security demands.

A few days after the departure of the internal policing unit, on January 14, 2010, another extremely violent rebellion broke out, which resulted in the death of five prisoners, with scenes of decapitation and charred bodies. Three prison guards were taken hostage and released after negotiations. The main cause pointed out for this rebellion was the dispute between rival criminal factions within the unit.

This event was treated as an isolated fact by the authorities who began to rely excessively on the application of the RATP in operation in PEP I since 2003. The leaders linked to the PCC were transferred to the *supermax* in Paraná and it was believed that they would be neutralized there, according to a report by the Penitentiary Council prepared in the midst of the rebellions that later occurred in that unit.

While rehabilitation goals were sought in the first Master Plan of the Penal System of Paraná 2011-2014<sup>11</sup>, in 2013 there was a massive disclosure in the press of the mapping

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11 Secretariat of Justice and Citizenship. MASTER PLAN OF THE PENAL SYSTEM OF THE STATE OF PARANÁ 2011-2014, 2011.  
[https://www.justica.pr.gov.br/sites/default/arquivos\\_restritos/files/migrados/File/sigepsemiaberto/PlanoDiretorSistemaPenal\\_PR\\_.pdf](https://www.justica.pr.gov.br/sites/default/arquivos_restritos/files/migrados/File/sigepsemiaberto/PlanoDiretorSistemaPenal_PR_.pdf). Accessed on 21 Aug. 2025.

carried out by the Public Prosecutor's Office of São Paulo, placing Paraná as the second largest stronghold of the PCC, behind only the state of São Paulo in number of identified members, which forced the government of Paraná to publicly admit the existence of members of the faction in its units.

However, data from InfoPen<sup>12</sup> show that in 2008, the first time this information appears in the reports, there were 723 prisoners under the Differentiated Disciplinary Regime in Paraná. Perhaps the high number reported has caused excessive noise in the legal community and inspection bodies of the prison system, since in 2009 it had already been reduced to 21 inmates and in 2010 the application of the RDD had already been extinguished in the State.

In 2013, a decade after the institution of the RDD and RATP in PEP I, the regimes were no longer heard of. The *supermax* had become a common unit, intended for members belonging to the CCP with greater leadership capacity.

This year, after the attempted murder of a prison guard inside this unit by members of the PCC, the servers refused to carry out the work without the necessary security, keeping the cells locked without any movement for about three months, demanding measures in relation to security.

In the face of pressure from the authorities, the unit returned to operation with some restrictions, but insufficient to maintain the safety of workers and the entire unit. A few days later, the first rebellion broke out in the PCC unit, demanding transfers and better conditions.

The failure of the State to provide reinforcement to the security of that unit, maintaining its functioning like any unit of the State, with unarmed and insufficient servants, ended up culminating in a sequence of unprecedented rebellions.

Faced with the scenario of frequent rebellions and lack of state control in the face of the growing activities of criminal factions, the entire structure of Depen was transferred again to SESP, changing the name to the State Secretariat of Public Security and Penitentiary Administration (PARANÁ, 2014), where it remains to this day.

Subsequently, in 2018 and 2019, rescue actions for PCC members were orchestrated to remove them from the Piraquara I State Penitentiary, with the use of explosives and heavy weapons, leaving a trail of burned vehicles and blocked roads.

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12 Infopen - National Survey of Penitentiary Information. Ministry of Justice Data Portal. <https://dados.mj.gov.br/dataset/infopen-levantamento-nacional-de-informacoes-penitenciarias>. Accessed on 21 Aug. 2025.





Between 2014 and 2024, 26 rebellions were recorded in the state of Paraná, resulting in the deaths of prisoners and many state employees taken hostage. The period was also marked by the murder of 12 prison guards, engineered by organized crime with the clear intention of destabilization and threat to public security and the integrity of the prison system, using violence as an instrument of power and imposition of their will.

Even in the face of such a crisis in the Paraná prison system, instead of taking measures to reinforce the security of the penitentiaries, the government went against the grain. In agreement with the public security secretariat, SEJU committed to accepting transfers of a large part of the prisoners from public jails and jails under the administration of the civil police to the Depen units, without adapting the physical structure or hiring.

In May 2014, there were 1,300 transfers only to the units of the capital and metropolitan region in the interior.

According to a report by InfoPen, in 2011<sup>13</sup> there were 14,244 inmates for 14,500 vacancies in Depen-PR, while under the administration of the civil police there were 13,122 inmates. In 2013, Depen already had 17,150 out of 14,913 vacancies, evolving to 19,860 prisoners in 2016.

In the end, the custody of all prisoners from the various jails attached to the police stations and public jails previously under the responsibility of the civil police spread throughout the state was transferred.

To cope with such a change, the overcrowding in these establishments had to be absorbed by the penitentiaries. Where it was possible to transform bunk beds into bunk beds, isolation into common cells, where there was space to put a mattress on the floor, prisoners were housed.

In this way, the capacity of vacancies in the units was increased in beds, but not in the other structures. It was no longer possible to isolate and control negative leaders or provide fundamental assistance to prisoners, expanding the void left by the State, which was easily filled by criminal factions.

Depen, which managed 24 penitentiaries with a staff of 4,647 prison officers, in 2019 had already assumed responsibility for 151 units, including public prisons and electronic

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13 BRAZIL. Ministry of Justice Data Portal. Infopen - National Survey of Penitentiary Information. <https://dados.mj.gov.br/dataset/infopen-levantamento-nacional-de-informacoes-penitenciarias>. Accessed on 21 Aug. 2025.

ankle bracelet monitoring centers, operating with a staff of only 2,373 permanent employees, 633 temporary employees and 43 outsourced employees.

Instead of holding a public exam, the government again opted for outsourcing the labor to carry out the custody of the prisoners. The temporary hiring under the Simplified Selection Process regime was terminated to make way for the signing of a billionaire contract with an outsourced company.

Relipen data from the second half of 2024<sup>14</sup> point to a prison population of 40,574 in custody in 30,895 vacancies in the Paraná penitentiary system, with only 1,432 criminal police officers and 2,730 outsourced employees working in custody.

The drastic reduction of career civil servants working within the penal units at Depen was also due to the professionalization of the penitentiary department. As of 2011, the management of the units began to be carried out by prison officers, as well as the creation of specialized groups to act in crisis situations, directing part of the career servers to other functions not previously occupied, such as the directorates, special operations division and the transport sector.

With the creation of the Criminal Police in the State (PARANÁ, 2021) almost two years after the regulation in the Federal Constitution of 1988, the positions of prison officers were transformed into criminal police officers with the requirement of hiring via public tender.

Before the regulation, the civil and military police were co-responsible for various police and management activities, with the penitentiary system being an annex of the other public security institutions.

In addition, the last public tender for the hiring of civil servants in administrative and professional positions in the prison environment was held more than 20 years ago, in the context of a prison population of a third of what it is today.

In addition to all this, in addition to the reduction of more than 1,800 civil servants since 2013, as a result of retirements and termination of temporary contracts, approximately one thousand criminal police officers were assigned to occupy the new functions created.

If, on the one hand, there was the professionalization and consolidation of Depen as an autonomous institution of public security, on the other hand, it was precarious with the

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14 BRAZIL. National Secretariat of Penal Policies. Report of Criminal Information. Brasilia, 2024. Available at: <https://www.gov.br/senappen/pt-br/servicos/sisdepen/relatorios/relipen/relipen-2o-semester-de-2024.pdf>. Accessed on 21 Aug. 2025.



unconstitutional hiring of outsourced employees who work on a scale considered inhumane for prison employees and with low salaries.

Despite the scenario reported above – decrease in effective servers, expansion of attributions, increase of more than 280% in the number of prisoners, increase of more than 600% in the number of prison units, replacement of servers by outsourced employees, overcrowding, growth of criminal organizations – it is a fact that the evolution of the prison system, especially with the creation of the criminal police in Paraná, it returned control of penal establishments to the State.

Concomitantly, in this professional transition, Deppen's own intelligence sector emerged, with servers in all the main units and in the regional coordinations, integrating information with the other police forces.

With the management of the department becoming exclusive to the criminal police, the vision was focused on security, resulting in investments in the areas of its attribution:

- Frequent renovations to modernize the units, providing physical structure to operate more safely, for workers and society;
- Professionalization through Espen (Criminal Police School, formerly called Penitentiary School), which conferred the essential autonomy for rapid action in crisis situations;
- Acquisition of lethal weapons with less offensive potential, essential to reestablish discipline and carry out custody inside and outside the prison walls.

Not only security, but criminal treatment and assistance to people deprived of liberty were also readjusted. Numerous agreements were signed with universities, municipal governments, municipal community and security councils, professional education institutions, federal government projects and private companies to provide access to health, education, training and labor therapy activities to those in custody.

Even so, the data show that the reality is far from ideal. Data from the RELIPEN (Penal Information Report) for the first half of 2024<sup>15</sup> reveal that approximately 30% of the prison population has a job occupation, and about 24% are enrolled in formal education, considering the fact that a third of this percentage carries out work and study simultaneously.

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15 BRAZIL. National Secretariat of Penal Policies. Report of Criminal Information. Brasília, 2024. Available at: <https://www.gov.br/senappen/pt-br/assuntos/noticias/senappen-divulga-levantamento-de-informacoes-penitenciarias-referente-ao-primeiro-semester-de-2024/relipen-1-semester-de-2024.pdf/view>. Accessed on 21 Aug. 2025.



### 3 A WAY TO MAKE IT DIFFICULT FOR CRIMINAL FACTIONS TO CONTROL

As Brazil is the third country with the largest prison population in the world, despite its territorial population being the seventh in the world ranking, whose majority of prisoners are black, with low education and in unfavorable socioeconomic conditions, it is clear that the challenges of prison overcrowding originate in the flawed social justice system that does not provide equal conditions and opportunities to all citizens.

Far from trying to bring to the debate the other problems that culminate in an ineffective criminal justice, which involve the disproportionate and biased performance of the police and the judiciary, overcrowding prisons in an excessive way and making it impossible to receive criminal treatment and rehabilitation, the fact is that the solutions are not only in implementing measures within the prison system.

However, the objective of this research is to bring the history of the emergence and expansion of organized crime in Paraná, coming from a national scenario, with the understanding of how it has been fought or underestimated so far, by the Brazilian state and especially focusing on this state, seeking international experiences and their results, to suggest viable and effective alternatives.

In Paraná, according to Relipen data for the 2nd half of 2024<sup>16</sup>, the state prison population is made up of 11,797 pretrial detainees, that is, almost 30%. Of these, 2,064 have already been deprived of liberty for more than 90 days. Considering that the prison system has 8,269 vacancies for this profile, we live in a condition of overcrowding of 43% just awaiting trial.

There is no miracle that does not involve the need for more agility of the judiciary and the implementation of alternatives to imprisonment for provisional incarceration and conviction for crimes of lesser offensive potential, especially in a society with a penal system that acts with criminal selectivity and criminalizes behaviors linked to poverty and lack of opportunities.

In addition to overcrowding, we have the precariousness of the physical and human structure in prison units, which often do not even have adequate spaces for the application of penal treatment and all the assistance that the law enunciates.

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16 BRAZIL. National Secretariat of Penal Policies. Report of Criminal Information. Brasília, 2024. Available at: <https://www.gov.br/senappen/pt-br/servicos/sisdepen/relatorios/relipen/relipen-2o-semester-de-2024.pdf>. Accessed on 21 Aug. 2025.



It is common for there to be no care from health and social service professionals in public prisons in the interior and, even in large centers, few professionals rotate between large units, attending only to more urgent situations.

The legal assistance provided by the public defender's office also does not account for the enormous number of cases, depending on the appointment of dative defenders, who often do not manifest themselves in the records, increasing the slowness in the trial.

Despite the efforts of local managers to seek varied services that Deppen does not provide, overcrowding and lack of structure limit its effective implementation. Criminal treatment is also impaired.

The absence or precariousness in access to health, education, work, reproduces within prisons the same reality of the poor classes of society that end up directing the practice of crimes. Without the proper separation and differentiated treatment of the different profiles of criminals, the most influential end up imposing their ideology while presenting a new way of accessing what the State does not provide.

Eliminating the gaps left by the State in its role of assistance and penal treatment is the first step towards an effective change in this scenario, and this necessarily involves reforms that reduce incarceration and invest in rehabilitation programs inside and outside prisons.

Assuming that petty criminals enter the prison system and end up making a school in organized crime, becoming part of a network that is more harmful to society, what would be the effectiveness of arresting?

Countries such as Norway, Germany, the Netherlands, Sweden, Portugal, and even some US states, such as California and Texas, have managed to reduce recidivism rates and prison population, which proves that it is possible.

In order to ensure that alternative measures to imprisonment do not cause a sense of impunity and encourage the commission of crimes, models that have shown success in reform have focused on rehabilitation and reintegration, with programs of education, professional training, therapy, and treatment of substance abuse; post-release support, with assistance for housing, employment, mental health and connection with the community; use of alternative sentences, diverting low-risk individuals from incarceration; evidence-based approaches, using programs that have demonstrated effectiveness; implementation of a more humane criminal justice system, with the reduction of long sentences and interventions





that address the causes of crime; and the integration of services between prisons, social services and communities.

The 2025 Annual Budget Law (PARANÁ, 2024) provides for a total cost to the Criminal Police Department of R\$ 1,442,768,492, which represents an average monthly cost per prisoner of R\$ 2,963 reais.

Alternative measures to incarceration, in addition to reducing overcrowding and providing the correct destination of the physical structures of the units for the separation of custodial profiles and penal treatment, also allow resources to be directed to the expansion of the entire care framework, filling the gap left by the State.

The fact is that without a union of efforts by the executive, legislative and judicial powers to provide social justice to the population in general, and within criminal justice, massive investment in structure, technology, decarceration, combating overcrowding, social assistance and effective programs aimed at criminal treatment, with initiatives to provide the removal of individuals from criminal life, There is little real progress, as history shows that these isolated actions do not solve the problem.

Several countries face problems related to the actions of organized groups within the prison system, each with its own characteristics, but the measures are similar and the data show little effectiveness in practice, given the increase in the prison population and overcrowding, as well as violence and crimes committed within prisons or coordinated there.

Countries that have been successful in prison reform have started by eliminating overcrowding, which is not possible without decarceration programs.

As a result, investment in security-oriented technologies to identify and isolate the activities of criminal organizations from the rest of the prison population and the outside world becomes feasible and effective.

The subject of the moment, when talking about modernity, brings artificial intelligence technology, aiming to improve and facilitate people's lives. Today there are security cameras installed on the streets, financial institutions, commerce, companies, monitoring the population to bring more security.

In public security it is no different. Inside the prison units and in their surroundings, fixed in the uniforms of police officers and in vehicles, the monitoring brings supervision and the chance for intervention in real time, in addition to recording elements beyond the versions of the participants and witnesses.

Nowadays, technology is capable of identifying individuals through facial recognition, and even detecting unusual movement patterns, physical aggressions, and the formation of suspicious groups.

An implement of advanced technology, the cameras of some prisons in the United Kingdom from 2018, which have as one of their biggest problems in the prison system violence, deaths, suicide and self-mutilation, monitors the behavior of prisoners with the aim of identifying potential risks.

The presentation of the effectiveness of the "Monitor, Warn, Intervene" application<sup>17</sup>, which at Peterborough Penitentiary is used to prevent suicides and self-harm, demonstrates a revolution in the functioning of prisons, bringing improvements to the safety and mental health of prisoners. It stores the information collected over the years, being able to send *insights* to the unit's management, which can act preventively.

Also in China, artificial intelligence is used through video surveillance systems. Prisons, such as Yancheng<sup>18</sup>s, are equipped with cameras installed even inside the cells, which promote full-time monitoring, with facial recognition and movement analysis.

Efforts aimed at technology within the prison system can create a system capable of analyzing data platforms that combine records of police reports, prisons, cellmates, visits, behavior history, intelligence information, judicial and electronic surveillance data, performing facial recognition in the monitoring of factional prisoners within prisons, in addition to the entry of illicit drugs into the units, identifying the use of cell phones and the drug trade in their dependencies, using artificial intelligence to identify patterns, connections, and risks that would go unnoticed in isolated analyses.

The information collected would have the dual function of providing subsidies to the penitentiary administration and the judicial police. In the prison sphere, it would support decision-making in relation to the activities of criminal groups acting in co-optation, oppression, communication with the outside, drug trade and corruption of officials, as well as to support requests for monitoring measures by wiretapping with judicial authorization, based on evidence collected and verified by public security operators.

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17 ZLATINOVA, Alex. Harnessing the Power of Technology in the Justice System: Insights from AIM and the Modernising Criminal Justice Conference. GovNet, 08 Jul. of 2024. Available at: <https://blog.govnet.co.uk/justice/harnessing-the-power-of-technology-in-the-justice-system-insights-from-aim-and-the-modernising-criminal-justice-conference>. Accessed on 21 Aug. 2025.

18 Zamorano, E. Lo que hace China en sus cárceles para impedir que nadie se fugie. Y no se fugan. El Confidencial, Apr. 03, 2019. Available at: [https://www.elconfidencial.com/alma-corazon-vida/2019-04-03/social-china-inteligencia-artificial-carceles-prision\\_1918830/](https://www.elconfidencial.com/alma-corazon-vida/2019-04-03/social-china-inteligencia-artificial-carceles-prision_1918830/). Accessed on 21 Aug. 2025.

We have seen that since the implementation of legal measures to contain the advance of criminal factions, which at least in Paraná had their peak in 2018, the RDD has been gradually reduced in the state, until it is completely extinguished. This is due to the difficulty in consolidating the evidence in order to convince the judiciary to authorize the isolation of factional members with negative influence on the prison mass and with articulation to continue acting beyond the walls.

Decision of the Superior Court of Justice in Habeas Corpus No. 251.132 - RS (2012/0167200-3) brings in the vote of the Rapporteur Justice Marco Aurélio Bellizze that:

Communication – and if one is examining communication between prisoners – deserves respect, and the fundamental right to intimacy must be safeguarded. However, in the national constitutional order there are no guarantees or absolute rights, which can be exercised at any time and under any circumstances. In terms of concrete reality, in the face of situations of incompatibility between two or more fundamental rights, it is imperative to effectively understand and apply the postulate of proportionality or reasonableness.<sup>19</sup>

It is a fact that the history of violence employed by these organizations silences victims and witnesses, making it difficult for the police authority to produce evidence, and most of the information obtained inside the prisons ends up being lost due to the lack of evidence or indications that can be minimally proven to the point of obtaining an authorization in this way.

However, with a technology system that interconnects data and behaviors, documenting evidence to support police authorities, it may be possible to demonstrate the need for a more accurate investigation aimed at dismantling groups of criminal actions inside and outside the prison system, so the judiciary would have more security in allowing the collection of evidence to assist in investigations.

Telephone interception and the capture of ambient sounds, which are only possible by judicial authorization, help in the collection of information and evidence, helping to prevent crimes and identify leaders and key members in criminal organizations, dismantling their structures.

Several articles on prison intelligence point out that the information obtained in investigations carried out inside prisons has become a very versatile tool, which enriches the

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19 BRAZIL. Superior Court of Justice. HABEAS CORPUS Nº 251.132 - RS (2012/0167200-3), report, 11 Sept. 2011. Available at: [https://processo.stj.jus.br/processo/revista/documento/mediado/?componente=ATC&sequencial=32723062&num\\_registro=201201672003&data=20140307&tipo=51&formato=PDF](https://processo.stj.jus.br/processo/revista/documento/mediado/?componente=ATC&sequencial=32723062&num_registro=201201672003&data=20140307&tipo=51&formato=PDF). Accessed on 21 Aug. 2025.

fight against drug trafficking and the activities of criminal organizations beyond the prison walls.

EL PAcCTO<sup>20</sup> (Latin America Assistance Program against Transnational Organized Crime), an international cooperation program funded by the European Union that seeks to contribute to security and justice in Latin America by supporting the fight against transnational organized crime, is based on Italian experiences in the use of prison intelligence to combat terrorism and organized crime.

Italy deals with the problem of criminal groups in the prison system like Brazil and has used similar measures, such as the regime of article 41-bis<sup>21</sup>, similar to the Brazilian RDD, but with greater effectiveness in its operationalization. The number of vacancies compared to the prison population is 7.44 times higher than in Brazil and has greater restrictions and monitoring.

One of the mechanisms adopted by Italy in the fight against the mafia and terrorism, which fall under the definition of criminal organizations, was the strong collaboration between prison intelligence and other security forces, allowing the information collected in prisons to feed into external investigations and assist in the dismantling of criminal networks outside the prison walls.

It is evident that investments in intelligence alone are not enough alone, it is necessary an effort by the judicial and ostensive police so that, in possession of the information collected, they carry out investigations and accurate approaches, providing the justice system with elements that determine the arrest and subsequent isolation under special regimes restricting communication.

In Sweden and the United States, programs have been developed with the aim of supporting individuals to leave criminal groups or violent extremist environments, which have also shown promising results.

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20 TARTAGLIA, Giovanni. "It is essential that Latin American criminal intelligence develop the necessary operational activities in strategic spaces, such as border crossings and prison systems." ELPACCTO, June 22, 2022. Available at: <https://elpaccto.eu/en/espanol-es-imprescindible-que-la-propia-inteligencia-criminal-latinoamericana-desarrolle-tambien-las-actividades-operativas-y-ofensivas-necesarias-en-espacios-estrategicos-como-son-los-cruc/>. Accessed on 21 Aug. 2025.

21 TARTAGLIA, Giovanni. "Interview - The maximum security penitentiary system in Italy – regime 41 bis." Brazilian Journal of Penal Execution, Jan/June 2021. Available at: <file:///C:/Users/DEPEN/Downloads/admin,+VERS%C3%83O+COMPLETA+COM+CAPA-316-320.pdf>. Accessed on 21 Aug. 2025.

Norway has undergone a reform of the prison system implementing a more humane approach, focusing on the reintegration of the individual into society, going from a recidivism rate in crime of around 70% to 25%.

Among the Norwegian changes implemented are the transformation of correctional units to be as close as possible to community life, with the loss of freedom being the only right taken away from the individual. The sentences were reduced causing less stay in the prison system, and this period was used to motivate a change in life, as educational programs, professional training and therapy are offered to address the causes of criminal behavior. The maintenance of family and social ties is encouraged, and there is a great effort to ensure that those released reach work and housing for later reintegration into society.

Obviously, each country has its own challenges and treats the prison system differently, but what we can observe in Brazil, even if each state of the federation is organized in a way that is peculiar to its conditions, is that we have a mixture of different models that have been successful around the world, from the treatment dedicated to organized crime to initiatives aimed at rehabilitation, that here in Paraná are established through APACs (Associations for the Protection and Assistance of Convicts) and progression units.

A 2023 survey by the Sou da Paz Institute published a survey that points out that 40% of the prison population in Brazil is imprisoned for crimes against property (robberies, extortion, etc.), and another 28% for drug-related crimes.

Ulisses Schlosser, a researcher at a network of universities called *Alternative Perspectives and Global Concerns* and a psychologist at Deppen-PR, says in an interview with The Intercept Brasil that only 20% of individuals who enter the penitentiary system are dangerous criminals, the rest need opportunities<sup>22</sup>.

What reinforces the researcher's statement is the fact that there is a very low recidivism rate in APACs, with only 7%, and in progression units, which was pointed out as a 10% recidivism rate.

With all these data, it is possible to conclude that, if the prison system were able to identify and isolate dangerous and factional prisoners from the others, it would be able to act in two areas with differentiated treatment: on the one hand, offering a humanitarian treatment aimed at effective reintegration into society, focused on the formation of the individual for a

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22 Martins, Rafael Moro. Prison in which inmates work, study and are treated well causes criminal recidivism to fall to 10%. Intercept-Brasil, Nov. 13, 2018. <https://www.intercept.com.br/2018/11/13/prisao-pr-presos-trabalham-menor-reincidencia/>. Accessed on 21 Aug. 2025.





life independent of crime; and on the other hand, the application of sufficient security measures to those who refuse to abandon their criminal career, insisting on continuing to commit crimes even within the prison walls.

The focus on social reintegration should be the main goal of management through the most varied programs and partnerships, seeking alternatives that have demonstrated effectiveness around the world, but it is necessary to separate the two worlds that cohabit the prison system.

#### **4 CONCLUSION**

An examination of the Brazilian prison system, from its uncontrolled expansion to the complex activities of criminal factions within it, reiterates the urgent need for a profound restructuring of its bases.

Mass incarceration by itself proved to be flawed, resulting in a scenario where prison establishments became strongholds of criminal groups, perpetuating recidivism and burdening the public coffers without fulfilling the function of rehabilitation, which represents the justification for the deprivation of liberty and the return of security to society.

It was found that, in Paraná, the influence of the factions exerted from within the prison walls, added to the lack of investment in structure and penal treatment by the government, are the pillars of the current crisis.

Although the maximum security regime, such as the Italian 41-bis and the federal penitentiary system, are indispensable tools to isolate leaders and disrupt external communication, its capacity to absorb and neutralize the totality of criminal structures is limited. This requires States, responsible for the majority of the prison population, to implement their own strategies to combat intramural influence, adapted to their reality.

The research showed, however, that there are proven effective ways to reduce recidivism. Models such as the APACs, with their recidivism rate of only 7%, and the progression units in Paraná, with 10%, as well as the experiences of Norway, the Netherlands and other countries that prioritize rehabilitation and social reintegration, show that it is possible to transform the prison environment.

The primary focus on training the individual for a life independent of crime, through education, professional qualification, work and psychosocial support programs, proves to be not only a humanitarian issue, but a public security strategy to reduce overcrowding and promote social justice where other mechanisms have failed.

Therefore, the main proposition of this work is the imperative separation of the two worlds that cohabit the prison system: on the one hand, the highly dangerous and factional inmates, who demand a rigorous maximum security regime, with a focus on the total rupture of their criminal networks; and on the other, the vast majority of inmates, who need humane and intensive treatment in rehabilitation.

This strategic separation would allow the optimization of resources and the implementation of more focused policies, directing isolation to those who persist in criminal activity, while offering a real chance of reintegration to those who show a desire for change.

To this end, the crisis of the Brazilian prison system requires a paradigm shift, from mere incarceration to an approach based on the intelligence of security, human dignity and the effectiveness of social reintegration.

Investing in rehabilitation, strengthening and supervising penal alternatives and, crucially, implementing a management that distinguishes and treats the profiles of inmates differently, are fundamental steps to build a prison system that, in addition to complying with the law, effectively contributes to the reduction of crime and the construction of a fairer and safer society.

The challenge is immense, but successful experiences demonstrate that it is a possible path and, more than that, indispensable.

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