

The role of Intelligence work in the control of Organized Crime

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Photo Edson Silva/Folha Imagem - 6.8.2004

Inmates from the Araraquara Penitentiary, serving semi-open sentences, display new yellow-gold uniforms, which substitute beige ones. Officials say the new color is more lively and cheerful.

Prologue

THE purpose of this article is to discuss a fundamental question in the combat against criminal organizations: How can criminal Intelligence be used effectively? The media and those responsible for public safety increasingly present the use of police intelligence as the master key to winning the war against Organized Crime, both current and future conflicts. This type of assertion, however, comes far from corresponding to reality.

The first error is in the use of the expression “war”, which already denotes certain confusion. The issue does not involve a war, but the repression of criminal activities. War is something else, and to use this term recalls the famous “war on drugs” lost by recent U.S. presidents. When the State

fighters a war, there is an identifiable enemy, with a clear leadership. Criminal organizations are much more complex than this. They have, as we will see below, fluid leadership. They are very adaptable and they are related to the State apparatus in such a way that makes it difficult to see one without seeing the other.

Another crass error is to believe that Intelligence, on its own, has the power to win that “war”. Even in conflicts between nations, the use of Intelligence is always only one of the factors that determine victory or defeat. Military historian John Keegan, for example, affirmed in a book dedicated to the effectiveness of Intelligence in the fields of battle, that this factor was always over estimated. The side with more information often lost. There are, however, various authors with different positions. Some affirm that the importance of information agencies was always underestimated. There is a consensus, however, that Intelligence agencies, on their own, cannot confront any type of crime, organized or not.

The third error is the confusion found between Intelligence and Investigation. We are regularly bombarded with news that the “intelligence services” of one police force or other detected something or other. In reality, there is generally confusion between the use of telephone taps in an investigation and the work of Intelligence. In most cases that have been made public, what is presented as Intelligence work is nothing more than mildly sophisticated police investigation.

To undo the related confusions, this article intends, in a summarized form, to define the concepts of Organized Crime and Criminal Intelligence, and based on this, to understand the uses of this tool. The last part of the article is a study of a case in which a criminal information apparatus and a criminal organization are seen acting in a concrete form.

What is Criminal Intelligence?

Although the more common expression in Brazil is Police Intelligence, it is preferable to call the activity Criminal Intelligence. One reason is that not only the police work in this activity. There are other institutions involved such as the Public Ministry [Attorney General], the Army, the Municipal Security Forces and others. In addition, following academic norms, a research activity usually takes the name of the object of research, not of the researcher (Urban Anthropology, for example).

Whatever the name, this is a specialized activity with its own techniques and methods. It is considered a “poor cousin” of Government Intelligence and a “distant cousin” of Military Intelligence, which is the oldest activity in the field.

In recent years, various books were published about military intelligence and that of Sun Tzu (500 A.C., *The Art of War*) was rediscovered. Basically, the motive for the revival of this text is its celebrated affirmation:

If you know the enemy, and thyself, you need not fear the results of 100

battles. If you know yourself, but not the enemy, for every victory you will also suffer defeat. If you know neither yourself, nor the enemy, you are a fool and will know defeat in every battle.

What is most significant about this branch of study is that it is no longer only an object for military historians, although they are still the majority in the field. Much has also been produced about State Intelligence, principally after World War II.

This abundance of new books in the field has advantages and disadvantages. The principal advantage is that it opens a new field of knowledge. The more disturbing disadvantage, from our point of view, is that each one of the authors, because it involves a nearly virgin field, wants to reinvent the wheel. Principally concerning the definition of what is or is not Intelligence. To not fall into these traps, we will stick to the classic definition, which is that used by the Agência Brasileira de Inteligência (Abin) [Brazilian Intelligence Agency], the organ responsible for producing State Intelligence in Brazil. ABIN defines its purpose as: “The obtainment, analysis and dissemination of knowledge in and outside the national territory about facts and situations of immediate or potential influence on the decision making process and government action and about the safeguard of society and of the State”.

The idea of Criminal Intelligence is not very different from that presented above. The finality of both is to obtain knowledge to influence the decision making process, in benefit of society and the State. The greatest difference concerns the scope and the means used by the two.

While one works with various fields of knowledge (political, technological, military, etc.) the criminal modality acts only in the field of Public Safety, or that is, in the obtainment of knowledge that helps decision making concerning criminal repression or prevention.

Concerning the issue of means, Criminal Intelligence has many more legal limitations than its cousin. In reality, of the two, it is the only one that is concerned, historically speaking, with the legal limitations. Even if an information agency is very respectful of the laws of its country, which is very rare, the same does not occur when it operates abroad.

The comparison between the two British Intelligence agencies can show the differences between the two models. The Special Division of Scotland Yard was created in 1883. Its purpose was to combat Irish separatists. With the passage of time, the division came to oppose all terrorist activity. MI5, the security agency of the British government, is responsible for protecting the country against threats to national security, such as terrorism and espionage.

The difference between the two consists in that the Special Division is a police unit, aimed at combating crime. Any action that does not involve illicit behavior is not its responsibility. Its reports can be used in Court; therefore it must follow legal procedures. MI5, meanwhile, is an internal security agency. It spies on diplomats, unionists, suspect foreigners etc. Its reports serve only

to guide the government or as a form of directing the work of police units. Another difference is that the Special Division is controlled, in the final instance, by the Judiciary, and the MI5, by the upper level of government. Excluding, therefore, the more restricted focus and the greater control of legality, the methods and the techniques are very similar.

Contrary to the United Kingdom, in Brazil there is no clear definition of the Intelligence system. In relation to criminality, each state of the federation has, or not, one or more Criminal Intelligence agencies.

In São Paulo State there are various, principally in the Civil Police. Beginning with the Department of Intelligence (Dipol), which should centralize all the criminal information. But practically all the operational departments have their own division, delegation or sector. In reality, as I wrote elsewhere, there are many agencies and little Intelligence.

Even if there was only one in the Civil Police, each one of the other large institutions responsible for criminality that acts in the State – the military police, the prison system, the Public Ministry, Federal Police etc. – have their own intelligence division. This causes two problems: a duplication of efforts and rivalry. The first problem generates enormous additional expense, while the second is responsible for each institution having only partial knowledge.

The work of Criminal Intelligence is not limited to, however, the accumulation of data. The data may come from hidden sources (from infiltration, interception, negotiation etc.) or from open sources (Internet, files, investigations etc.) the raw data, collected by any one of the institutions mentioned, must be manipulated. In reality, there is a basic model for processing data that does not differ very much in the various Western countries.¹

The first phase is the collection of the information or raw data. The second is the analysis of the material, separating the wheat from the chaff and aggregating pertinent data, which, little by little, transforms the raw data into information. Based on a piece of information, or from a set of information, the analyst enters the third phase, the synthesis, and produces an evaluation, which is already a form of knowledge. The fourth and last phase is that of forecasting, elaborated from consolidated knowledge.

This model has been maintained since the mid 20th century. The work of intelligence has, since then, a close tie with the human sciences, from where most of its analysts come.² Perhaps for this reason, because it is not a hard science, choice is an integral part of Intelligence, given that the information available is generally insufficient and or contradictory. The work of analysis implies, according to the theory of psychologists from the CIA, filling in the gaps by means of three forms of analytical judgement:

- Application of theory – creating a generalization based on the study of many examples of some phenomenon.
- Logic of the situation or situational logic – identifies the logical

antecedents or consequences of this situation.

- Historic comparison - compares the current situation with historic precedents, or with similar events in other locations (cf. Heur Jr., s. d.).

In other words, the work of Intelligence is much more opinionative than that traditionally conducted by the judicial police. There are other basic differences between the work of Criminal Intelligence and Criminal Investigation, which distance the two activities even more and often cause misunderstandings on each side.

In an investigation, the detective or prosecutor works with individual cases and needs proofs. The information they seek has to have immediate usefulness, because it is seen as part of an on-going investigation. The results of Intelligences, however, are of a longer term, and in most cases, do not serve as proofs. Therefore, the greater separation between the operational and the Intelligence field the better.

Timing is another important issue in Criminal Intelligence. According to John Keegan (2003), the important issue for producing useable intelligence is to suitably respond to the basic questions (who, when, where and how) in real time. The responses should arrive on time to be used productively by operational agencies. In Public Safety, this means preventing crimes, warning against a new criminal modality, or at least identifying the authors.

In the specific case of criminal organizations, the Intelligence can be employed in various crimes such as: drug dealing, contraband, gambling, prostitution, cargo theft etc. It is possible to identify at least four applications for the information produced by the Intelligence sector:

1. Foresee trends – identify the coming crime development, or that is, where they will migrate, what type of crime will be the next trend etc.
2. Identify the leaders and the key elements of criminal organizations.
3. Monitor the daily movement of the organization to identify its routine.
4. Identify potential weak points and informants.

What is criminal organization?

Not everything that the press identifies as Organized Crime is in fact related to this modality. Even drug trafficking is often extremely disorganized, especially retail sales. In reality, the drug market is relatively organized, with or without a criminal element behind it. The São Paulo market, which until recently was full of small “street dealers”, is now apparently being increasingly managed by criminals belonging to the Primeiro Comando da Capital (PCC) [First Command of the Capital]. This, however, does not imply any improvement in the organization. The users pay the same prices, purchase in the same places and the corruption is the same, it doesn't increase or decrease.

The situation is similar in other modalities, such as the robberies and

theft of vehicles, which in most cases are conducted by common gangs. There are, however, criminal organizations specialized in vehicle theft. The same is true with other types of crime, such as contraband, which can be practiced by an individual, a gang or a criminal organization. Nevertheless, it is not the mode of crime that identifies the existence of organized crime. What defines it are some characteristics that makes it different from common crime. These involve five characteristics, according to most authors:

1. Hierarchy.
2. Forecasted profits.
3. A Division of labor.
4. Business planning.
5. Symbiosis with the State.

The first four characteristics, which are found in all modern business activity, are only adapted by criminal organizations. There is no company without an hierarchy, which does not forecast the return on its investments and where work is not divided in sectors and specialized. The same is true with Organized Crime, but not in all criminal gangs, whose leadership is more fluid and often based on the capacity that the leader has to impose himself physically.

Concerning business planning, the name itself reveals it to be a characteristic specific to companies, which does not exist or is weak in common gangs.

Profit forecasting is normally far from the capacity of gangs, even specialized ones. The most common are that of thieves, and they take as much as they can in each robbery. It is impossible to predict the profitability of the coming month. Meanwhile, in a criminal organization involving gambling or drug dealing, for example, routines are identified that allow predicting the next month based on previous ones.

A division of labor, in most cases, is not found in common crime. A gang of bank robbers has only one distinct function, the driver, the rest of the group does only one thing: enters the bank with a weapon and steals what they can. It is true that in some recent cases women or children were used to carry weapons inside the bank. But these are rare situations and do not indicate specialization, only opportunism. Meanwhile, in an organization, even in a small one that operates in the sale of stolen car parts, the division of labor is clear. There are members specialized in stealing vehicles; others in separating the parts; others in selling the parts, in the production of false books or in the cover-up or related activities.

Concerning the planning, anyone who has already dealt with common criminals, especially thieves, finds that they live for the moment. The maximum planning concerns the survey of a location before the robbery. There are rare gangs that plan a month in advance. After all, this is the reason for which many are arrested. Even common kidnappers, who do not belong to criminal organizations, often decide to conduct a kidnapping in the middle of

the robbery. They don't even plan where to guard their victims.³

The fifth characteristic, "symbiosis with the State" is the most polemical. Many police officers deny that this is a constant, although it is, on its own, the most important of the five. In all the organizations studied, a link appears with the State machine. A chop shop of stolen cars is only able to operate if it has support from inspectors or the police. A street dealer, who serves his clients for years in the same place, has a constant need for some type of protection. To confirm this information, just check the tranquility with which numbers rackets operate in most urban centers.

Another marred characteristic of Organized Crime is that it has three different modalities: the traditional, the corporate and the endogenous.⁴

Organizations in the first modality, "traditional", have a model of relationships among members based on paternalism. One member recommends a new one, and from that moment the career of the two become linked. Other strong characteristics are: the clientele system, the imposition of the law of silence and control through force of a determined portion of territory. Another distinguishing practice is that they act in "general services" or that is they do a bit of everything. They do not specialize, opting for the most profitable crimes of the moment. The Sicilian Mafia, for example, in recent decades, has worked in contraband cigarettes, heroin, morphine, extortion, kidnapping, protection, cartel formation, hired killings. etc.

An interesting element of this type of criminal organization is that it is normally born in very specific circumstances:

1. In jail, through a league of inmates. Such as the Napolitan Camorra, which has more than a century of operations.
2. Through the union of small gangs, creating a council or naming a boss, such as the Yakuza.
3. By means of blood ties, which unite groups in a land dominated by strangers, in a model similar to the Mafia in New York.
4. Through the union of groups interested in the maintenance of the monopoly of a good or services, such as the Cali Cartel.

In Brazil, the prison is the great gestation site of these organizations. It was there that the Comando Vermelho (CV), the Primeiro Comando da Capital (PCC) and the Terceiro Comando (TC) were all born.

Meanwhile the "corporate" modality is marked by bringing to crime some modern administrative principles. The relations among members are limited to the work, and no stronger ties exist. In addition, they are generally specialized, or that is, they act with a certain type of crime. Money laundering, for example, is a specialty in this model.

Those that follow the "endogenous" modality are those that are born within certain institutions, seeking to take illegal advantages that are not accessible to those on the outside. Normally they are generated within the State apparatus, but in some cases they appear in companies. They act to

appropriate public money, in corruption, favors, etc. What is important to understand about these groups is that they are involved in more than taking advantage of opportunities that arise. They are involved in constant activity and the maintenance of these individuals for long periods in a situation of power, in addition to recruitment or co-optation of new elements that can provide influence. It is more likely for organizations of this type to appear in activities that involve a high degree of influence, such as inspection, investigation, purchasing, etc.

In Brazil, numbers rackets is a field most adapted to the “traditional” modality. Meanwhile the organizations aimed at cargo theft, vehicle theft and money laundering are adjusted more to the “corporate” mode. In terms of “endogenous” Organized Crime, the famous Inspectors Mafia, fought by the São Paulo State Public Ministry in the late 1990’s is the strongest example.

In relation to drug dealing, the definition is more difficult, because it depends heavily on the region of the country and on the phases of the dealing that they operate. In the international organizations, for example, we have traditional structures, such as that of Nigerian groups who use Brazil as a bridge for cocaine to Europe while others are highly specialized and corporate. The groups that began in prison, such as the PCC are, little by little, taking on the form of traditional criminal organizations.

When Intelligence fails

The security crises of 2006 in São Paulo was not an isolated incident. It was the culmination, at least until then, of a confrontation that began in the first half of the 1990’s. The history of the PCC began in 1993 in a prison in the interior of the state. For a few years, the group was seen only as an association of inmates, equal to others in the world. At the end of the decade, the organization had a strong presence in the São Paulo Penitentiary prison.

They were only noted by the State and by the media in February 2001, when they launched a megarebellion in the prison system, reaching 28 prisons and Provisional Detention Centers (CDP).

In 2003, the organization returned to show its force. First with the assassination of Judge Antonio José Machado Dias in the municipality of Presidente Prudente in far western São Paulo state. Months later, they began to attack Military Police stations and civil police precincts.

It cannot be said, however, that the organization was unknown to the São Paulo police. In spite of this, little, or nearly nothing, was done to decrease its power. Part of the problem stems from failures in the Criminal Intelligence system or in the poor use that was made of it. There are some basic needs of the use of intelligence that should be observed if we want to take advantage of this instrument. Six of them, listed below, were ignored in that period:

- Do not trust certainties.
- Forget ideology and discourse.



On March 14, 2003, a criminal judge in Presidente Prudente, SP, was shot to death just after leaving court in his car.

- Identify the target.
- Obtain information in real time.
- Build knowledge.
- Act based on knowledge.

Do not trust certainties

The PCC built its power within the São Paulo prisons in a relatively short period of time: less than 10 years. The model followed, at least initially, was that of the Comando Vermelho (CV), born in the Ilha Grande prison in Rio de Janeiro State nearly twenty years earlier. Contrary to the other inmate organizations in São Paulo jails at that time, the PCC acquired increasing adeptness with a union-type discourse; everyone is equal, they need to unite, one comrade should not be the enemy of another and the common enemy was the prison administration. With this discourse, allied to the defense of weaker inmates against exploitation from the numerous gangs that infested the system, the initial leaders were winning sympathizers among the weak, among those without power or influence within the system.

In the mid 1990's, practically all the leaders at the time were in Carandiru penitentiary, where they gained the confidence of the inmate population and came to control the prison. This rise certainly brought benefits to the detained. According to lawyers, Catholic Church related prison counselors and even prison guards, when the PCC took control, the

number of deaths dropped, as well as the number of victims from all types of assault, including sexual assaults.⁸ This power thus represented a problem for the administration of the Carandiru complex, which on its own was already ungovernable. Therefore, in a poorly considered measure, they resolved to disperse leaders to try to decrease their power. In reality, the reverse took place. The contagious seeds were spread throughout the system, The corporate discourse was taken to other prisons and the power of the organization increased. This was the first certainty that was frustrated.

The second was related to the implementation of one that was correct but, on its own, insufficient. Everything indicated that the biggest prison problem at the time was overcrowding. A crowded prison was seen as a synonym for poor treatment and rebellion. Therefore, the principal measure taken by the State was to resolve the prison problem by building prisons and CDPs. This was a necessary but not sufficient action for various reasons.

One of the most evident was that the increased prison capacity coincided with large growth in the number of inmates. This somewhat decreased the beneficial effects of the construction policy. It also had other consequences, given that the number of inmates per guard increased significantly, according to data from the Secretariat of Penitentiary Administration (SAP). Thus, the control of the system, which was already divided, transferred even more so to the hands of the inmates.

Most seriously, however, was that the administration did not realize that the situation was no longer the same as a few years earlier, that the increasing control of the system by the “party” (as PCC members called the organization) had changed the paradigm. The demands did not stop there.

The members of the penitentiary administration that controlled the system, had, however, two certainties in this initial phase of the PCC: that spreading out the members would decrease their strength and that the simple construction of prisons would resolve the problem. In both cases, the policies adopted were based on old and untested certainties. The information about the system was

faulty and insufficient to produce useable knowledge. Thus, if it was constructed, it was not utilized to advantage by the administration.

Forget ideology and discourse

The first reactions of the State to the news about the growth of the PCC, both from the enforcement agencies as well as that of top government leaders, were of three types:

- Denial. During the 1990's, the PCC officially did not exist and was not mentioned by the administration, even if in their daily activities the operational levels of the Secretariat had to increasingly negotiate with the PCC. Who denied its importance, was not only the SAP but also the police agencies.

- The “this is not Rio” theory. This theory, which shifted the discussion to the rivalry between Rio versus São Paulo, was used considerably in small meetings, when the issue was raised. The basic idea was that the crime fighting agencies in São Paulo knew how to take care of the problem, that a dispute like that which existed at the time between the CV and the police in Rio would not take place in São Paulo. This was never an official discourse for obvious reasons, but it was a way of disqualifying any doubt about the issue.
- The issue was created by the political opposition. For years, this discourse was part of the response of many public authorities to any allusion to the PCC made by the São Paulo state assembly. It was a way of transferring a fact into simply one more political ploy of the opposition, of either the right or left. This argument originated during the administration of Governor Franco Montoro, when the right-wing opposition with links to the military regime exaggerated the ability of a small criminal organization to destabilize the new model of penitentiary administration implanted by then Secretary José Carlos Dias.

What was the response of the intelligence services to this question?

In practice, the response was shaped by the decisions already taken by governments. The criminal Intelligence agencies suffered from a lack of concern from the superior agencies. This led them to inertia because, in the first place, the spirit was that “we only respond to demands”, there was no work of analysis worth mentioning. The demands were specific and the mere collection of information often resolved the problem. At most, they reached an analysis stage and rumors were transformed into information. Evaluation and forecasting were far from the concerns of the police intelligence agencies at that time.

This attitude made it even easier to determine that “there are more important things” and “the inmate is the least of our problems”, attitudes that reinforced the lack of care for the problem.

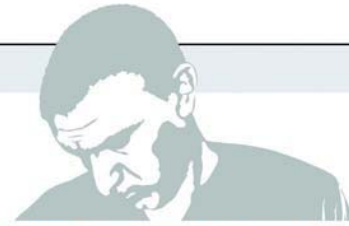
Identify the target

The situation changed in 2001. It was a time in which the “party” left the prisons and made the headlines. The first serious conflict between the PCC and the State was the megarebellion, in which inmates took control of 28 prisons. It was a total surprise. Perhaps there was information in the Secretariat of Public Safety about the situation, but the scope of the dispute took everyone by surprise.

There are some factors that could have helped the authorities to control the crisis. They, however, depended on two conditions: that intelligence work would be conducted within the penitentiary system and that the PCC would be identified as a priority target. It is evident that these

THE PCC IN OPERATION

The faction operates as an association of criminals, which organizes robberies, prison breaks, drug dealing and collects monthly payments from the criminals and offers protection to its members.

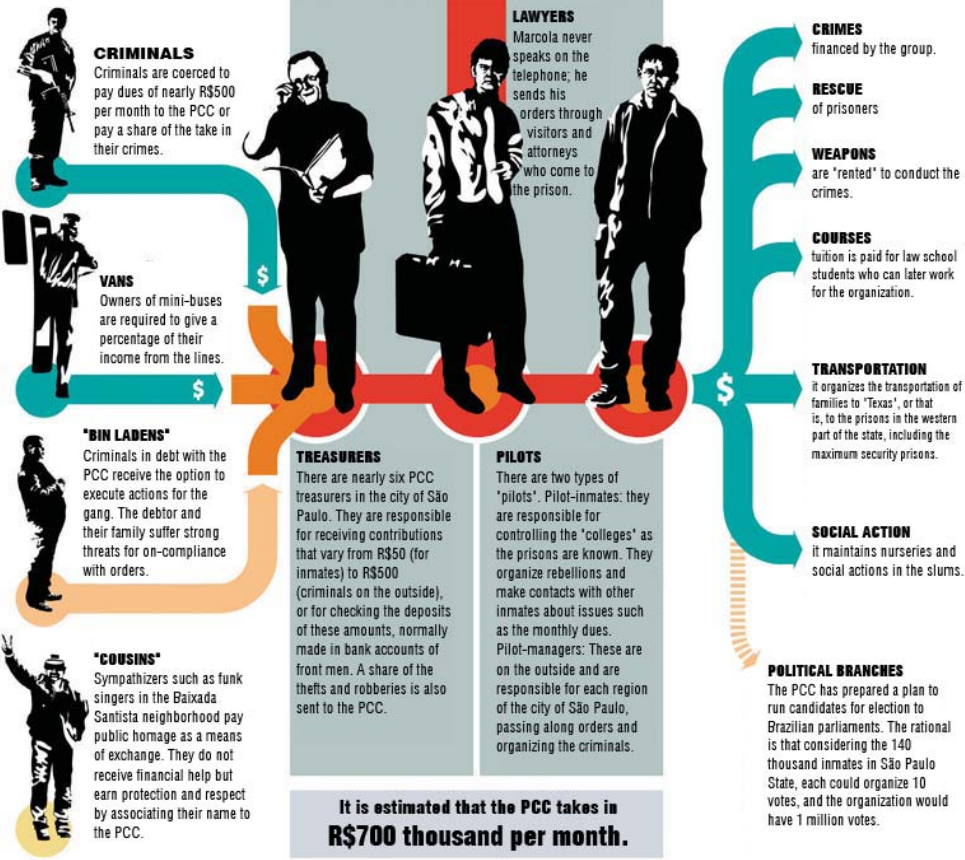


MARCOLA Marcos Williams Norbas Camacho, 38, is the leader of the First Command of the Capital.

IN ON THE TAKE

The PCC does more than manage businesses such as drug dealing. It often prefers to receive part of the profits from the 'owners' of the points of sale.

INSIDE THE PCC



According to an article in the Folha de S.Paulo newspaper, "Party of Crime functions like a union" (Cotidiano, May 21, 2006), the PCC collects R\$700 thousand each month from "members", according to São Paulo police data. The funds are "invested" by the faction's finance officer.

conditions were not met.

One factor that could have allowed the anticipation of the crises is that it took long to prepare. It was the first movement of the inmates, at least in Brazil, of this scope, and required considerable internal discussion

and the exchange of messages, whether by cell phone or other means. There were certainly many indications that it was taking place, or that is, lots of information should have reached people at SAP. The question that remains is if these indications were presented to the higher administration and if they were treated to produce knowledge about the situation. Everything indicates that the response to the questions is negative.

Another factor was that the prisoner movement certainly had, at least in the first phases, cooperation from prison guards. At least in the exchange of information, in the facilitation of the action of the inmates in the first moments, in the entrance of weapons etc. This means that a number of guards were approached, and it is impossible that all cooperated. If some refused to participate, more indications were available for an intelligence agency that operates continuously in the São Paulo prisons.

The response to the megarebellion involved two phases: the tactical, which led the police to surround and invade the prisons; and the strategic, which was strongly tied to simple rhetoric. Many discourses were made by the higher level police officers with affirmations such as “they missed the boat”, “we showed who is in charge” and for the first time, “the PCC is done with”.

There was also no response from the intelligence agencies. In addition to the actions such as those made by Gradi,⁵ which involved extermination of some criminals and their presentation as PCC leaders, the maximum action of the agencies responsible for the information was the identification of the apparent leaders. There was no serious work of mapping the structures of the “party”, except by isolated individuals within the Public Ministry or the police.⁶

In 2002- 2003, there was a second conflict, which once again took an unexpected course, not seen by the security forces. The PCC began attacking police stations and precincts, which caused some deaths. There were also bombings. In the same period Judge Antonio José Machado Dias was murdered in the municipality of Presidente Prudente, São Paulo State, apparently by the order of “party” leaders jailed in that region.

In practice, however, the response to the attacks was minimal. Beyond the investigation to identify the authors of the judge’s killing, the only tactical response was the protection of the police stations and precincts. They were circled by police, who defended themselves.

The strategic response was limited to public identification of the leaders and the disputes among them. Another factor was the return to the rhetoric that it was over. One high level officer, responsible for confronting organized crime, even declared in public that the “PCC had only one tooth in its mouth, and we broke it”. Concerning the Intelligence mechanisms, there was no real advance. The only thing that increased was the discourse of intelligence as a universal panacea.

Obtain information in real time

The large crisis erupted in 2006. On Friday night May 12, the press reported various assaults against police and municipal guards. A few hours later, rebellions began in half the prisons in São Paulo. During the early morning and through the next two days, the police tried to defend themselves against attacks and at the same time surrounded the prisons to control escapes. On the third day, the PCC changed its tactic and caused surprise once again. The criminals began to burn buses and spray banks with machine-gun fire. The situation only began to return to normal in the middle of the week, when a commission of police officers was sent to a prison in the Presidente Prudente region, to speak with an inmate, Marcola, known as the principal leader of the organization. A few hours after the meeting, the rebellions stopped and things returned to a nearly normal rhythm. They did not normalize completely because the deaths continued to occur, but this time the target was prison agents. Weeks later it was realized that the situation remained out of control, because the bombings returned.

The response to the large crisis involved a succession of errors. In terms of practical measures, from the beginning, the police siege was limited to the prisons and to protecting police precincts and stations. This meant that mobile security forces (mobile tactical units Rota, Garra, Goe etc.) were immobilized, because they were used to impede the escape of prisoners and wait for a moment to retake control. The territorial police (military police units and civil police at the precincts) were also immobilized, protecting themselves and their installations. These two attitudes, were actually logical and possibly expected by the leaders of the “party”.

Despite the logic, the police actions demonstrated a total lack of knowledge of what would happen. The lack of anticipation was also responsible for the large number of deaths among the police, many of whom died in the early hours, without any warning that the attacks would occur.

The surprise was in part responsible for some of the excesses committed those days. The lack of knowledge, combined with the lack of command, meant that each police group responded to the attacks in the way it saw best. Some defended themselves and wound up killing criminals in legitimate defense. Others killed notorious criminals, even those who had nothing to do with the attacks, as pure reprisal. A third standard was that of the scared, angry police, with no direction, who wound up killing people who simply were in the wrong place at the wrong time. Others simply followed the standard routine and used the opportunity to settle accounts.

Another disastrous action was the negotiation with PCC leader Marcola. When the PCC had already begun to show a lack of stamina, and the security agencies began to reorganize, a detective, a coronel and a prison director went to western São Paulo to meet with the leader of the organization. Moreover, they went in a Military Police plane accompanied by Marcola’s lawyer. When the press criticized the meeting, the authorities

affirmed that no negotiation took place and that nothing was offered to him. Even so, the bad impression was already created. For everyone in the system, the message was that the State did not have the strength to confront the PCC. This increased the group's prestige, principally in the prisons and among young rebels in the periphery.

The strategic response, for the first time, dealt with something more than the immediate crisis. The first measure was to isolate the leaders. Some were already in isolation, and the fact that some had been sent to isolation is what triggered the crisis. Since then, all the known PCC leaders have entered the Differentiated Disciplinary Regime (RDD). Whether the system functions or not is a question for another article, but the fact is that this measure was seen as strategic and not as palliative. Actually, it sparked a discussion about the Italian model of isolation of Mafia leaders, which is still very tough.

Another measure that began to be discussed was the blocking of cell phones in prisons. The principal line of these debates was the incapacity of the State to impede the entrance of the devices.⁷ Therefore, the solution was to block the signals within the prisons. Until now, for supposed technical reasons, this still has not been done.

Another strategic measure was the criminalization of behavior. That is, certain attitudes or actions by prisoners came to count as a grave offense, which impeded reduction of sentences.

Concerning the Intelligence agencies, the response, finally, was a bit more effective. Everyone began to work actively in the identification of the PCC networks and to track the organization's money. Another action, more perfunctory than effective, was the preparation of lists that sought to identify PCC members. The reason this was not very useful was that each organization made its own list of PCC members. In each one of them there was a core nucleus, the first scale, which was practically the same. Concerning the rest, the names and the functions changed according to the interests of the institution that created the list. For the SAP, they were important inmates; for the Civil Police, the individual who supposedly controlled drug dealing in the streets etc. This made these lists unreliable tools that were too partial.

The two other measures began with the junction of the efforts of various police units, the Public Ministry, federal agencies, etc, which was dedicated to a long term task. This yielded some fruit, at least in the understanding of the structure of the "party", its motivations and the tools it used. The tracking of PCC funds, meanwhile, is an on-going activity that achieved some results at that time, but has to be reworked constantly.

Build knowledge

The work of analysis and construction of knowledge is always the most difficult in any Intelligence Agency. Most of the problems derive from the lack

of trained personnel and the need for time for ideas to mature and become more clear.

In a situation such as that which we experienced, the process is even more difficult. The rush, the lack of preparation and the political need for a short-term response made knowledge indispensable for most authorities in the field. What was needed, they maintained, was precise information, but this is a utopian desire. The analyst that seeks greater objectivity by suppressing their own subjective contribution only embraces the obvious. To treat data objectively means to make explicit assumptions, so that they can be examined and tested against reality. This model, however, is of no interest to people who have to present certainties to keep their job. In addition to this basic question, there are others that impede and continue to hamper the construction of knowledge:

- “Each one for itself” was the previous rule among the Intelligence agencies, and in some cases, even after the tremendous crisis.
- The excessive rhetoric, the discourse that “we won”, is not a good stimulus for the production of realistic information. Any objective analysis winds up in conflict with the winning attitude of the upper echelons and the loser is the employee.⁸
- The non-identification of the causes or at least the lack of work in this direction has been a problem since the rise of the PCC. Few evaluations spoke of the first causes that led common thieves to adhere to the PCC. Many debated the imposition of leaders, the fear of the common criminal of not complying with the “salves” as the group’s regulations were known,⁹ and other factors, but very little was produced about the voluntary collaboration.

Act based on knowledge

At no time did decision makers act based on existing information (which was admittedly limited). The great motor of the actions undertaken was always voluntary action. This will not change by only improving the Intelligence activity. It is also necessary to change the receptivity of top administrators to the knowledge produced. It would be good if they could recall an affirmation by Sherlock Holmes found in one of Conan Doyle’s books, where the fictitious detective explains better than any real personality the difference between thinking and supposing. If I remember well, he said something like “raising a hypothesis without having the necessary data hampers reasoning”.

Conclusion

It is evident that the repressive apparatus was incompetent to deal with the problem. This contributed considerably to the poor performance and the lack of a structure of analysis made it impractical to separate rumors from valid information. At various times, the police prepared to confront threats that did



Maria Cristina Rachado, attorney for Marcos Willians Herbas Camacho, Marcola, in the headquarters of the Organized Crime Investigations Department (Deic) in São Paulo.

not exist, while at others, accurate information was ignored. Thus, while the criminals attacked in one place, the police were protecting another.

In their daily work, the police and the Public Ministry are able to deal with common crime. At times they even obtain a victory against a branch of Organized Crime. To keep it under control, however, it is necessary to have reliable and useable information that provide crime fighting institutions the information that allows understanding the problems and to prepare effective strategies.

In the ides of May, the effective use of Criminal Intelligence would have avoided many deaths and the panic of the population. It also would have aimed the action of the police agencies to the true targets, making their action more effective and legitimate.

Notes

- 1 According to Gottlieb (1998, p.13), Criminal Analysis is the main instrument to guide police work and he defines it as “a set of systematic processes aimed at the provision of opportune and pertinent information about the patterns of crime and their relations with trends, in order to support the operational and administrative departments in the planning and distribution of resources for prevention and suppression of criminal activities”.
- 2 The best moment of Western Intelligence was during World War II. In this period,

various intellectuals entered Intelligence agencies and redirected an extremely bureaucratic service. For example, the greatest English success during the war, the Double Cross System, which was the capture of all the German spies operating in the country and their use to confound the enemy, was the fruit of the work of John Cecil Masterman, a historian and professor at Oxford.

- 3 Months before being assassinated, an ex-commander of the Military Police of Rio de Janeiro, cel. Nazaré Cerqueira, told me of various cases of kidnappers who hid victims in their mother's house, under a bed, in an improvised room, etc.
- 4 In previous texts, I did not mention the "endogenous" modality because it appeared to be poorly defined, highly linked to crimes of opportunity. The observation of reality and the reading of the most recent literature has convinced me otherwise.
- 5 The group for Repression and Analysis of Crimes of Intolerance (Gradi), created in March 2000, was formed to investigate crimes of intolerance related to prejudice or discrimination. It had two arms, the civil and military police forces. The latter ignored its attributions and according to a charge of the Public Ministry, based on an investigation of an Internal Police Auditor, police in the group committed various illegal actions. This included the use of agents provocateurs, constituted by condemned prisoners, who planned crimes and led criminals into a planned ambush. The result of these actions according to the charge, was the execution of crime suspects.
- 6 Prosecutor Marcio Cristino was one of them. He requested the assistance of a criminal analyst in the Sector of Criminal Analysis (Saic) of the Public Ministry, which prepared the first organizational chart of the PCC.
- 7 It is interesting to note that, now, nearly a year and a half after the crisis and now that the possession of cell phones is considered a grave disciplinary violation, they are still commonly found in prisons and there are reports of locations in which they are so abundant that the inmates use them like intercoms. According to various sources, there are telephone taps that monitor requests for drugs from one cell to another.
- 8 History shows that the Intelligence agencies tend to adopt the points of view of the political leaders to whom they respond. One clear example of this trend were the Intelligence reports of the U.S. Army during the Vietnam war, which were molded to conform to ideas from Washington. More recently, the same problem took place in the United Kingdom and in the United States concerning the Iraq invasion.
- 9 "Salves" are how the instructions of the "party" were known and that when broadcast by voice, always begin with this traditional Portuguese greeting.

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ABSTRACT – Criminal Intelligence is essential to the control of Organized Crime. Nevertheless, the Brazilian experience in this field until now has not been fruitful. The trajectory of the PCC, which culminated in the confrontations of May 2006, show that Intelligence agencies failed in their appreciation of the risk, or were poorly used by government.

KEYWORDS – Organized Crime, Criminal Organization, Criminal Intelligence, First Command of the Capital (PCC).

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