

AFTERWORD – THE RELEVANCE OF POLICE INVESTIGATION AND INTELLIGENCE TO THE CRIMINAL JUSTICE SYSTEM AND ITS IMPROVEMENT IN BRAZIL¹

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The article *The Relevance of Police Investigation and Intelligence to the Criminal Justice System and its Improvement in Brazil*, published for the first time in 2012, remains relevant because it discusses a central point for the success of police activity in confronting crime. The use of police intelligence is one key piece for the improvement of public security policies. However, it is crucial to insist on a conceptual distinction: it is a common mistake to misunderstand “investigation” and “intelligence” even among professionals in police organizations. In the cases presented by the media, for instance, a slightly more sophisticated police investigation is often taken as an intelligence operation. It is usual to think that using wiretapping in an investigation represents intelligence work. However, it is not the case. Intelligence is an organization’s specialized activity to collect, gather, and analyze information to guide strategic decisions. In this sense, intelligence helps to plan action strategies for all public security agencies in their decision-making processes, not just the police. Therefore, police intelligence is a subgroup of a slightly broader category called criminal intelligence. Other institutions, such as the Public Ministry, the Municipal Security or Social Defense Department, universities, and agencies of government-related research, can also develop criminal intelligence. It is important to emphasize that, while the investigation has, by nature, the function of providing subsidies for the repression of crimes that have already occurred, on the other hand, criminal intelligence serves to assist both in preventive and repressive actions against crime. It refers to gathering information and producing knowledge by establishing correlations between illegal facts, or situations of immediate or potential influence on them, establishing patterns and crime trends in a given context. Such information refers to the nature of the environment (social, cultural, economic, and legal) that spreads specific criminal activities and the motivations of their agents. In practice, such knowledge allows for a better allocation of personnel and resources based on effective planning of policing actions and the possibility of faster investigation of crimes. It is possible to create systematic processes for gathering and analyzing information on the modalities of criminal activity and trends regarding market niche expansions (Oliveira Junior, 2017).³ In this sense, it is also necessary to monitor the uncertainties that can cause significant changes in the ways criminals act or migrate from their areas of activity, as well as predict the effects of technological changes that can lead to the emergence of new types of crime. Therefore, the intelligence activity’s prospective nature is complementary to the police investigation activity without replacing it. Likewise, it is essential to reinforce investigative work in judicial police organizations with more investment in training and personnel.

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3. Oliveira Junior, A. Análise da criminalidade organizada e incremento das atividades de inteligência policial. In: Pereira, E. S.; Werner, G. C.; Valente, M. M. G. (Org.). *Criminalidade organizada: investigação, direito e ciência*. São Paulo: Almedina, 2017. v. 1, p. 105-122.

Costa and Oliveira Junior (2016)⁴ noticed a change from a predominant pattern of traditional investigation, based on the search for witnesses and the production of testimonies and confessions, to another pattern in which arrests in flagrante delicto occupy a prominent place. In the investigation process, the civil police, in principle, identify and interrogate suspects, produce legal evidence, and instruct criminal legal proceedings. However, evidence indicates that in most cases where the suspects are delivered to justice, there was no police investigation work since the arrests occurred in the act, and investigations concluded in non-specialized police stations. It suggests that the police investigation in Brazil has not become more technical or sophisticated in recent years. On the contrary, arrest in flagrante delicto came to play a central role in the criminal investigation. The reasons for this change remain unclear. However, they probably go through the resistance of the civil police to abandon their notary standard of action, with little emphasis on investigation and intelligence activities (Costa and Oliveira Junior, 2016, p. 162).

4. Costa, A. T. M.; Oliveira Junior, A. Novos padrões de investigação policial no Brasil. *Sociedade e Estado*, v. 31, n. 1, p. 147-164, 2016. Available at: <<https://periodicos.unb.br/index.php/sociedade/article/view/6083>>.