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### PRISON SYSTEM IN THE JURISDICTION OF JI-PARANÁ/RONDÔNIA: CHALLENGES AND POSSIBILITIES

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All content in this magazine is licensed under a Creative Commons Attribution License. Attribution-Non-Commercial-Non-Derivatives 4.0 International (CC BY-NC-ND 4.0). Abstract: The article aims to analyze the prison system in the District of Ji-Paraná, in the State of Rondônia, discussing the challenges and existing possibilities. The work initially presents general considerations about the Brazilian prison system at the national level and then discusses the regional reality of Rondônia to finish off with the local context of Jiparana to verify whether or not the problems found in other places would be repeated in the analyzed region.

**Keywords:** Penal Execution Law. Prison system. District of Ji-Paraná.

#### INTRODUCTION

The theme of the prison system is a complex issue demanding a multidisciplinary action aimed at minimizing the effects. For equating, several answers were tried, verbi gratia to self-protection, having occurred problems such as submission to the claim of others in spite of being the reason or else disproportionate imposition of punishment, which generated the need for proportionality and reasonableness in the answer, through the rule of "an eye for an eye, a tooth for a tooth", the lex talionis being found in the Babylonian Code of Hammurabi (1770 BC) and in the books of the Old Testament (Exodus, Leviticus and Deuteronomy) and New Testament (Matthew 5.38-41).

Several other measures were adopted over the centuries until the replacement of the private by the Judiciary that occurred embryonicly in the past and in a systematized way today after the idealization of the separation of powers (Monstesquieu), where the State was in charge of using the necessary instruments in the mission to do justice, whose yearning was already present in the words of the Roman jurists, understanding that "justitia est constants et perpetua voluntas jus suum cuique tribuere".

In this light, Moraes (1998) presents the

Roman vision of coexistence and respect for the rights of others, which can also be applied as an instrument to avoid conflicts and minimize crime, stating that "the conception of this notion of fundamental duty boils down to to three principles of Roman law: honestere vivere (live honestly), alterum non laedere (harm no one) and suum cuique tribuere (give each one his due).

Currently consolidated, the system of substitution by the Judiciary Power faced the challenge of serving the sentence and the creation of the respective prison for this purpose.

This research is based on the assumption that the Brazilian prison system has a purpose defined by law that is theoretically and legislatively healthy, but in practice it has not produced the desired effects.

Considering that the issue is complex and very broad, the subject was delimited in order to analyze the prison system in the District of Ji-Paraná, in the State of Rondônia, discussing the challenges and existing possibilities.

In view of this, the question is: what challenges and possibilities are found in the prison system in Jiparana?

As a strategic option, the work initially presents general considerations about the Brazilian prison system at the national level and then discusses the regional reality of Rondônia to conclude with the local context of Jiparana to verify whether or not the problems found in other places would be repeated in the analyzed region.

The methodology used comprises the inductive method, using the referent, category, operational concepts and bibliographical research techniques, according to Pasold (2008).

#### **OBJECT OF THE STUDY**

The object of study of this work is the prison system. However, as this is a broad

spectrum theme, the delimitation was chosen by focusing on the prison system in the Judicial District of Ji-Paraná/Rondônia regarding the challenges and existing possibilities.

Initially, it will address the Brazilian prison scenario in terms of its generalities, in a preparatory way for the analysis that follows and after the "Rondoniense" and Jiparanaense prison scenario, verifying whether the local situation is similar or not to the regional and national ones.

It is a fact that the Brazilian legal system establishes a direction for legal practitioners, both for arrests resulting from a final conviction (called prison-penalty), and for procedural arrests (arrest in flagrante delicto, preventive detention, temporary detention etc). Thus, the principles of due process of law, wide defense, contradictory, natural judge, motivation of decisions, reasonable duration of the process, among others are salutary and have been the foundation for judicial issues, among them the issue addressed in this article

Therefore, whether as a provisional or permanent prisoner, it is assumed that people imprisoned this way are in compliance with the Brazilian legal system, whether constitutional or infra-constitutional, and there is no need to talk about people incarcerated for investigation as in the past, according to doctrine and jurisprudence of the homeland in this regard.

#### BRAZILIAN SCENARIO AND ITS GENERALITIES

Analyzing the issue of the prison system is current and relevant, but complex and controversial. There are authors who support the existence of supposed overcrowding and mass incarceration and there are others who disagree, pointing out that the statistics are not correct or are being interpreted in a wrong way.

For supporters of the first position, Brazil

would supposedly have the third largest prison population in the world, with 232,000 prisoners in 2000, 622,202 in 2014, rising to 726,712 prisoners in 2016 and 773,151 prisoners in 2019, according to data from the National Survey of Penitentiary Information Penitentiary Department and Nacional (Depen), from this perspective considering so many people who would be in prisons as in home confinement, claiming that Brazil would not be the third country in number of population in the world, presenting a prebankruptcy prison system with overcrowded prisons, number of prisoners in constant growth, lack of separation of provisional prisoners with prisoners already convicted, as well as the permanence of prisoners without previous records with other contumacious ones or who committed non-violent criminal offenses with highly dangerous prisoners, perpetrators of violent crimes, factioned, among others.

They still allege several problems in the Brazilian prison scenario, such as escape attempts, rebellions, riots in prisons, lack of hygiene, unhealthy environment, spread of diseases, formation of factions, poor infrastructure, overcrowding of detainees, lack of investments, precariousness of conditions of the detainee and lack of basic conditions. It is considering this state of affairs that Leandro Piquet Carneiro, a research professor at the Institute of International Relations and the Public Policy Research Center at the "Universidade de São Paulo" (USP) argues that "A full prison is a lack of investment in the system. following the demand of justice. In the short term, there is no alternative: it is necessary to invest in a consistent plan, increase the number of vacancies in new units".

On the other hand, despite agreeing on the problems pointed out here, there are discordant positions regarding the number and who would be incarcerated in Brazil.

In this sense, Carpes points out that there is a discrepancy between the data released by the National Council of the Public Prosecutor's Office, by the National Council of Justice and the Ministry of Justice, including with regard to the latter, he highlights the divergence of results between the new and previous management of the Ministry of justice. Such disagreements make it difficult to present the real scenario and the respective analysis in search of a solution.

Carpes considers that there has been a methodological evolution and greater clarity in data collection, in addition to greater clarity regarding the criteria adopted, but brings to light an important note that makes a difference in the number or supposed number of people incarcerated in Brazil, that is, treating as effectively prisoners those linked to the semiopen and open regimes, even pointing out the first as bankrupt and the second as practically non-existent.

Faced with the existing reality in Brazilian Districts where there is a prison system, it is almost impossible to present concrete data that discredit Carpes' argument. A quick search in criminal cases and media archives in general shows several criminals, supposedly -'trapped' in the semi-open and open system, as well as using electronic anklets, photographs and filmed in possession of weapons and committing new crimes.

In turn, presenting data updated in 2020, the Minister of Justice Sérgio Moro claimed that "there are about 33% of provisional prisoners, that is, prisoners without trial. Brazil has fewer pre-trial detainees than Monaco (56.3%), Switzerland (42.2%), Canada (38.7%), Belgium (35.6%) and Denmark (35.5%), for example " [...] "There is no excess of pre-trial detention in Brazil".

The minister also denied that the number of prisoners in relation to the size of the Brazilian

population is high. "There are 773,151 prisoners in Brazil. A high absolute number. The relative number, 367.91 prisoners per 100,000 inhabitants, is not one of the highest compared to the world. In any case, the only way to reduce the number of prisoners is to reduce the number of crimes, there is no other alternative."

The final part of Moro's allegation is in line with the teachings of Beccaria (2004) who points out that "it is better to prevent crimes than to have to punish them; and every wise legislator must seek to prevent the evil rather than to repair it, for good legislation is nothing but the art of providing men with the greatest possible well-being and preserving them from all the suffering they may cause them".

On the other hand, Cruet teaches that "you see society reforming the law every day, you never see the law reforming society". However, it is not possible to dispense with this coping strategy combined with other proposals, since the issue of the prison system is multidisciplinary, presenting a high degree of complexity.

Country	Classification	Feminine	Masculine	Both	Grand total		
BRAZIL	Public jail	25	420	115	560		
	Shelter house	5	30	5	40		
	Crime Observation Center.	0	17	1	18		
	Agricultural Colony, industrial	11	77	4	92		
	Hospital of Custody and Treat.	0	11	19	30		
	Penitentiary	72	452	132	656		
	Total	113	1.007	276	1.396		
National Council of the Public Ministry -							

CNMP -

The number of prisons in Brazil is 1,396, according to data from the National Council

of the Public Ministry in 2019 for the 1st quarter.

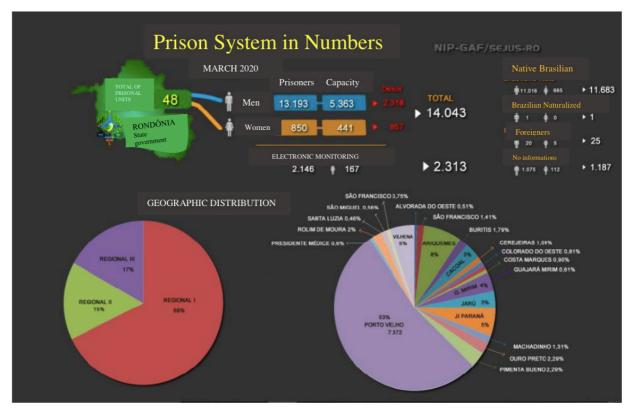
It is a fact that the expected resocialization has not occurred. After serving the sentence, which in most cases does not even start in a closed regime and when it starts after it progresses to semi-open and open, social reintegration occurs. Sometimes the person is put back into social life in the same way they had entered the prison system and at other times it comes out worse.

Education in prisons could contribute to changing this state of affairs, but only 1 in 10 inmates participate in educational activities, in some cases due to lack of interest from the prisoners themselves and in others due to lack of vacancies and investment in this issue. If there is interest from the detainees, it would be necessary to multiply the number of classrooms 16 times to serve the prison population.

#### **RONDÔNIA PRISON SCENARIO**

Not far from the Brazilian scenario, the problems of the prison system in Rondônia are significant, according to INFOPEN data [http://data.portal.sistemas.ro.gov. br/2020/01/SEJUS-Sistema-em-Números-2-Janeiro-2020.jpeg], "The imprisonment rate in the State of Rondônia is 606.1 per 100,000 inhabitants. It is almost double the national average. The vacancy deficit is 5,863".

The State of Rondônia has 49 prison units, distributed in 23 municipalities, with 13,000 male and 825 female prisoners, considering the capacity of 5,363 places available to males and 441 to females.



http://data.portal.sistemas.ro.gov.br/2020/03/Infogr%C3%A1fico-SIPE-MAR%C3%87O1-SEJUS.jpg

For various multi-conjunctural reasons, crime has increased, generating countless losses for victims and society. Analysis of criminal records and media disclosure demonstrate that criminals are increasingly armed with equipment used even in wars, which are publicly displayed without any fear of state action. In addition to heavy weapons, criminals have come together to form factions and militias that fight each other, causing many deaths, as well as facing state police forces, causing deaths of state agents and the population in general.

In this battle against criminality that operates in retail, in terms of wholesale, as well as against factions, the State has achieved success in some situations, but after being investigated, accused and judged, in cases where the problems are effectively trapped still persist, as the lack of vacancies in prisons generates other problems, such as the meeting of rival factions that, due to a power struggle, again face each other in prisons, causing deaths among themselves and criminal police agents, as well as taking hostages, including their own families, rivals, state authorities, among others, causing countless losses to society.

Exemplifying this situation, it is mentioned that in the capital of the State of Rondônia, the José Mário Alves da Silva House of Detention, better known as Urso Branco, became well known for being a true scenario of some of the biggest massacres in the State. One of the last rebellions was recorded in 2015.

In the first major rebellion in 2002, Rondônia was the scene of the second largest massacre recorded in the country, after the massacre at the Carandiru prison. White in Porto Velho. The deaths had international repercussions due to the brutality of the crime, there were reports of decapitations, hangings and electric shocks and the case was taken to the International Court of Human Rights, demonstrating the brutality of the incarcerated, who in freedom make countless victims in society and incarcerated victimize other rival criminals.

Since 2002, the overcrowding of prisoners at the Urso Branco Prison has been alarming, with more than 1,000 inmates, while the capacity was 350.

The great violence that occurred inside the prisons in Rondônia are mostly consequences of the exacerbated violence of rival factions against each other, which is aggravated by overcrowding, lack of structure generating rebellions, deaths, injuries, destruction of public property and making work difficult. state in the prison system.

Without wanting to emphasize the cliché that has been used for years, analogously it is a fact that prisons have become a true crime school, mainly due to the action of rival criminal factions operating in the State of Rondônia, verbi gratia Comando Vermelho, Primeiro Comando da Capital and Family of Norte, among others who work in an organized way to co-opt new members, under threat of execution of prisoners' relatives (Jornal Diário da Amazônia and police and judicial data).

It was also verified that the prisoners received the Christmas induction in December/2019, with a total of 723 convicts in Rondônia, but 3.88% (28 prisoners) did not return at the end of the temporary departure period, being now in the category of fugitives of the penitentiary system. In the capital Porto Velho, 165 prisoners benefited from the departure and, of these, 3.63% also did not return.

The inmates benefited from the semi-open regime of the State prison system, that is, they work and return to sleep in the prison, in accordance with articles 123 and 124 of the Penal Execution Law, with five temporary departures annually: Holy Week, Mother's Day, of the Parents, Círio de Nazaré and End of Year Festivities (Christmas and New Year).

## JIPARANA SCENARIO AND ITS PECULIARITIES

The current situation of the Ji-Paraná Prison System has been developing together with the National Council of Justice, carrying out several actions at strategic points in order to expose and establish an effective alternative to the criminal scope, in terms of information management and alternatives for improvement. non-overcrowding of prisons.

The National Council of justice, in accordance with the consultant Talles Andrade (2019), has expressed the importance of improving the work that is being carried out together with the Secretary of Justice, aiming to minimize problems and difficulties that the SEJUs have been facing and for that there must be the contribution in a more effective way so that in the short term the modernization of the system will be implanted with sustainability.

In Ji-Paraná there are 4 prison units, consisting of the House of Detention, the Monitoring Unit, the Regional Penitentiary Dr. Agenor Martins de Carvalho and the Social Resocialization Center (CRS).

The House of Detention in the Comarca of Ji-Paraná has capacity for 100 prisoners and in March/2020 it has 112 inmates, according to data collected from the 2nd Criminal Execution Court (2020).

Agenor Martins de Carvalho Penitentiary has 252 places for men and 50 for women, currently with 304 prisoners in total, 263 men and 41 women. It is also important to point out that prisoners in the semi-open regime are also included in this number above, as it operates in the Penitentiary complex.

According to data from the Criminal Execution Court of Ji-Paraná/RO, there is also the Social Resocialization Center (CRS), whose 67 convicts are serving time in compliance with the principles of the

APAC system (Association for the Protection and Assistance of Convicts), which receives prisoners for criteria of seniority, good behavior and propensity to adapt to the APAC methodology.

As for the Monitoring Unit, it was found in March/2020 that there were 218 people.

Comparing data from 2018, also obtained from the files of the Criminal Execution Court of the Judicial District of Ji-Paraná/RO, it is observed that the situation was:

Persons deprived of liberty by nature of prison and type of regime	TOTAL	FEMININE	MASCULINE
No condemnation	107	11	96
Sentenced – closed regime	434	23	411
Sentenced – semi- open regime	138	4	134
Security measure - Internment	0	0	0
Safety measure – Outpatient treatment	0	0	0
Sentenced – semi- open home regime	15	10	5
Sentenced – open regime – electronic monitoring	104	6	98
monitoring Precautionary measure - Monitoring	22	4	18
Home prison	5	1	4

It is showed that the situation of the prison population is worrying, but not alarming.

#### CHALLENGES AND POSSIBILITIES: RESEARCH RESULTS

Analyzing data from the files of the Penal Execution Court of the Judicial District of Ji-Paraná, as well as reports from professionals working in this area, it was found that in the prison units of this location there are a greater number of prisoners than the number of vacancies available. However, this is a worrying situation that must give rise to efforts, but it is not an alarming situation, with a much better number than those found in the Brazilian prison scenario and Rondonian prison scenario.

Incidentally, prisoners who have already been incarcerated in other Districts and States report that the conditions of the prison units in Ji-Paraná are better than the others in terms of comparison in several aspects.

There were no problems with the inadequacy of the food provided, being of good quality, defined by a specialized professional and prepared by a team qualified for this purpose. The questioning of the incarcerated regarding this issue was that in some periods the menu would be repeated or that they would like to choose what would be served.

The existence of organized criminal factions was also found, which is worrying and increases the number and level of violence in prison units, as well as making escapes possible, which is extremely worrying, making it necessary to improve the structural conditions of prisons, such as lighting and increase in the number of criminal police officers.

During this research, there was a mass escape, according to news published in the Jornal Diário da Amazônia, on 2/5/2020, in the early hours of Wednesday, at the Agenor Martins de Carvalho prison under the closed regime, when 26 detainees fled through a tunnel.

One possibility used in the prison system of Ji-Paraná was the creation of the Social Resocialization Center (CRS), whose convicts (there called recovering persons) serve time in compliance with the principles of the APAC system (Association for the Protection and Assistance of Convicts), which receives arrested by the criteria of seniority, good behavior and propensity to adapt the APAC methodology.

The APAC method was designed to humanize prisons, offer opportunities for social reintegration, and the project has been effective in Ji-Paraná/RO, mainly in the education of criminal recidivism, in the coresponsibility of the detainees in the recovery and in the spiritual, medical, psychological and legal services provided by the community where they are located.

According to Ottoboni (2016, p.46 and 47) of "every 100 prisoners who leave prison, 80% return to the life of crime". He still maintains that "the APAC method aims to put the human being in the first place, as a being endowed with dignity, which is why all the work must be aimed at reformulating the self-image of a man who made a mistake, not feeling inferior".

It was found that in Ji-Paraná, in the Centro de Reabilitação Social (CRS) prison unit, using the APAC method, the recidivism rate is around 10%, which is significant, with the change in the quality of the sentence and the form of compliance being a way pointed out by Ferreira (2016, p.33):

The APAC in Ji-Paraná was implemented in June 2015 and the project has presented itself with an interesting possibility for the social reintegration of the convict and the work has had the support of organized civil society through volunteers who perform various actions and point out ways of opportunities for these convicts (in recovery).

The survey also pointed out that, with the support of the APAC system in Ji-Paraná/RO, meetings are held that offer lectures for parole re-educators, being very satisfactory for these to accompany their families, all lectures address various topics such as subject of drugs, professional training, family and several other topics that are extremely important for reeducators.

There are several activities being carried out by the rehabilitated APAC of Ji-Paraná,

among them, bakery so that they are trained to make the products, which are offered to public institutions of the municipal and state network. These actions help recovering patients to be reinserted into society, aiming for a new goal in life, as it seeks for the person to return humanized, recovered and with a new concept of life, benefiting from the work that will be offered by society.

#### FINAL CONSIDERATIONS

During the course of this research, several of the problems pointed out in the scenario of the prison system, be it in Brazil, Rondonia or Jiparana, were repeated, which demonstrates the timeliness and importance of facing this theme.

As pointed out elsewhere, preventive or repressive confrontation alone is not enough, the two add up and must be effectively used for the benefit of the incarcerated, the victim and society.

However, theoretical or legislative confrontation is not enough, but varied and multidisciplinary actions must take place in a practical way that effectively promote the minimization of the negative results hitherto harvested by state agents and by society that is the final recipient.

The problems found at the national level are repeated in the regional environment and also locally, but keeping the due proportions, on a much smaller scale.

The scenario of the jiparana prison system proved to be controlled, but it calls for care so that worrying indicators do not become alarming in the future. The equalization of the system can be achieved with systemic actions and not just punctual and that are permanent and not just temporary.

The convict's co-responsibility for serving the sentence and social reintegration in conditions to live in society and not go back to delinquency is a goal to be pursued. The participation of organized civil society in solving problems, also because all power emanates from the people, is also desirable, and the initial steps have proven to be fruitful and must be encouraged.

The challenge is immense, but no less than the will to solve the problem of the Brazilian prison system, especially in the case of the Jiparana prison system, object of this study.

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