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ESCUELA DE SEGURIDAD
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Course on

ILLICIT MARKETS AND ORGANIZED CRIME IN THE AMERICAS



MINISTÉRIO DA
JUSTIÇA E
SEGURANÇA PÚBLICA



Eurofront

Class

Modern criminology applied to the control of criminal behavior

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Introduction

This class is dedicated to introduce modern criminological literature, which is based on empirical evidence and scientific substantiation.

It provides technical instruments for the production of policies that are effective in protecting people, companies and the environment, through the arrest of criminals, the dismantling of gangs and the control of criminal networks that operate transnational illicit markets..



Concepts

Behavioral criminology: criminological theories with a solid empirical basis, which focus on, first, the legal response structure to crime, and, second, the economic regulatory structure of countries that generate incentives for individuals already predisposed to commit crimes, to act;

Criminal entrepreneurship: criminal activities “of a continuous nature that rationally seek profit in the exploitation of illicit activities, their continued existence is ensured by the use of force, threats, in the exercise of monopolies and/or with the corruption of public agents” (ALBANESE, 2000, p. 411);

Illicit markets: According to Williams (2001), they are the set of practices, isolated or combined, of commercialization of four categories of illegal products or services: (1) prohibited products and services, such as narcotics and sex trade; (2) irregular sale of commodities, such as antiques or fauna and flora; (3) products that infringe intellectual property rights and products that do not conform to local standards, such as contraband and deviation; and (4) selling products outside their target market without paying local taxes, such as cigarettes and alcohol, and selling stolen goods, such as cars and electronics.

Institutions

OECD: Organization for Economic Co-operation and Development is an intergovernmental economic organization for cooperation in economic progress and world trade;

UNCTAD: The United Nations Conference on Trade and Development was established in 1964 in the context of global trade liberalization discussions.

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When we deal with modern criminology and policies to control transnational illicit markets nowadays, we are necessarily talking about **behavioral criminology**.

It contributes to the formulation of public policies focused on increasing the cost of criminal behavior, by expanding enforcement that is both efficient and legal. For this, **it is necessary to prioritize transnational illicit markets and understand the environmental architecture and the situational context**, because both also generate incentives or disincentives for crime and this must be understood by the formulator.



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The main reference of this approach is the **rationalist perspective**, provided by the contemporary organization of the economic theory of crime that addresses the economic incentives of criminal behavior. Its assumptions have been known since Jeremy Bentham and Adam Smith in the 19th century, but it was Gary Becker who, in 1968, was responsible for bringing this perspective to contemporaneity.

In Brazil, the economist Geraldo Brenner, the empirical works of the economist Pery Shikida and the works of professor Leandro Piquet Carneiro, who organized the first disciplines on the subject in the International Relations courses, are the highlights.



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In consolidated democracies, the focus on criminal behavior replaces the focus on the “psychic or social formation of the criminal”, whose exception is Latin America. Understanding the difference between **behavior versus training** is crucial, because public security policies need to be structured to prevent the objective conditions that trigger criminal action from forming and encouraging criminal acts.

These **objective conditions are those that make the criminal feel safe enough to act and victimize a person, company or the environment**, in pursuit of illicit benefit that brings him a lot of money and pleasure. This benefit becomes attractive because the risk associated with this behavior is low enough to motivate the action.

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In this sense, **the cost and risk of criminal activity is elevated by (1) dissuasion and (2) incapacitation** (BECKER, 1968): (1) dissuasion is produced by the risk of being arrested, through the updated legal forecast of behavior criminal offenses and the efficiency of the police in preventing or capturing offenders, these are actions that, combined, produce a deterrent effect on the individual and his closest or connected criminal network; (2) incapacitation can be summarized as “making the criminal fully comply with the sentence to which he was sentenced”, be it imprisonment or a fine. Realize that **the result of this policy is to prevent the victimization of third parties in the foreground**, and if the criminal learns, he tends to protect himself, controlling his “criminal impulses”.

As with other types of crimes, control of illicit markets occurs when public policies, complemented by private security actions, manage to produce the effects of deterrence and incapacitation, implemented in such a way as to ensure the protection of society, justice for victims and guarantee the due process of law to criminals.

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Both for the OECD, through the Task Force on Countering Illicit Trade (2016), and for UNCTAD, the policies formulated, employed and evaluated are always those aimed at controlling the criminal phenomenon through the creation of disincentives, in particular, serial behavior, which is what the literature denominates criminal entrepreneurship.

Using Williams' (2001) definition of illicit markets, institutions, mainly the State, focus on adding costs to the point of preventing or hindering criminal activity in the **process** **"production/Acquisition-transport-sale"**.



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Discouragement of these criminal behaviors prevents the commercial viability of crimes from occurring, as **it prevents the sedimentation of intermediate economic incentives** that are generated by the gains from each stage of the described criminal activity process and not only by the final gain.

To this, the OECD recommends that governments:

- Strengthen law enforcement capacities and share information through policy balances that inadvertently create business opportunities for criminals;
- Be more flexible and agile than criminal networks to quickly adapt.
- Have a comprehensive approach to stop illicit trade that explores how to reduce demand for banned products, premised on the willingness of government leaders to use all their power to impose sanctions that have a deterrent effect on both criminal and their buyers .

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However, in regions such as Latin America, a context of partial dissuasion prevails today, in which the criminal law and detention do not generate significant restrictions to the criminal to the point of demotivating him, and the absence of incapacitation, in which prison, provisional or by conviction, as a rule, does not prevent him from committing new crimes and remaining active in the criminal network.

In the general evaluation of the WJP Rule of Law Index, **Brazil and the other Latin American countries are within the percentage of the 10% countries with the worst performance in the protection of people, companies and the environment**, mainly in factor 5 (order and security) and 8 (criminal justice).



- Necessidade de priorizar mercados ilícitos transnacionais mais violentos e rentáveis.
- Compreender a arquitetura ambiental e o contexto situacional é essencial para políticas de controle.
- Foco na perspectiva racionalista para desestimular o crime e criar políticas efetivas de segurança pública.
- Desempenho precário da América Latina no controle do crime aponta para a necessidade de mudanças estruturais.



Class Summary

- Modern criminology is focused on criminal behavior in transnational illicit markets;
- Public policies must increase the cost of criminal behavior through efficient and legal enforcement.
- It is necessary to prioritize more violent and profitable transnational illicit markets
- Understanding the environmental architecture and situational context is essential for control policies.
- Latin America's poor performance in crime control points to the need for structural changes that prioritize cross-border cooperation.



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