



MINISTÉRIO DA JUSTIÇA
E SEGURANÇA PÚBLICA
Assessoria Especial Internacional

TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL

Decreto nº 6.049, de 27 de fevereiro de 2007.

Aprova o Regulamento Penitenciário Federal.

VERSÃO EM INGLÊS



Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução¹, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



¹Traduções não juramentadas ou oficiais.

DECREE nº 6,049 of FEBRUARY 27th, 2007.

Approves the Federal Penitentiary Regulations.

The PRESIDENT OF BRAZIL, in the use of the attribution conferred on him by article 84, items IV and VI, subitem "a", of the Constitution, and in view of the provisions of Laws nº 7,210 of July 11th, 1984, and 10,693 of June 25th, 2003,

DECREES:

Art. 1. The Federal Penitentiary Regulation is approved, in the form of the Annex to this Decree.

Art. 2. This Law comes into force on the date of its publication.

Brasilia, February 27th, 2007; 186th of the Independence and 119th of the Republic.

LUIZ INÁCIO LULA DA SILVA
Márcio Thomaz Bastos

This text does not replace the one published in the Federal Gazette of 2.18.2007

ANNEX

FEDERAL PENITENTIARY REGULATIONS

TITLE I

ORGANIZATION, PURPOSE, CHARACTERISTICS, AND
STRUCTURE OF THE FEDERAL CRIMINAL ESTABLISHMENTS

CHAPTER I

ORGANIZATION

Art. 1. The Federal Penitentiary System consists of the Federal Penitentiary establishments, subordinate to the National Penitentiary Department of the Ministry of Justice.

Art. 2. The National Penitentiary Department shall supervise, coordinate, and manage federal criminal establishments, in the exercise of the assignment conferred on it by the sole paragraph of [article 72 of Law nº 7,210 of July 11th, 1984](#) - Law of Criminal Enforcement.

CHAPTER II

PURPOSE

Art. 3. The purpose of federal criminal establishments is to promote the administrative execution of restrictive freedom measures of prisoners, provisional or convicted, the inclusion of which is justified by the safety of the public of prisoner.

Art. 4. The federal criminal establishments shall also house prisoners, provisional or convicted, subject to the differentiated disciplinary regime, provided for in [article 1 of Law nº 10,792 of December 1st, 2003](#).

Art. 5. The convicted prisoners shall not maintain contact with the provisional prisoners and shall be housed in separate wards.

CHAPTER III

CHARACTERISTICS

Art. 6. The federal criminal establishment has the following characteristics:

I - for provisional and convicted prisoners in closed regime;

II - capacity for up to two hundred and eight prisoners;

III - external security and sentry houses of responsibility of Federal Penitentiary Agents;

IV - internal security that preserves the rights of the prisoner, order, and discipline;

V - accommodation of the prisoner in an individual cell; and

VI - existence of workplaces, socio-educational and cultural activities, sports, religious practice, and visits, within the possibilities of the criminal establishment.

CHAPTER IV

STRUCTURE

Art. 7. The organizational structure and jurisdiction of the units that make up the federal criminal establishments shall be disciplined in the internal regiment of the National Penitentiary Department.

Art. 8. The federal criminal establishments shall have the following basic structure:

I - Directorate of the Criminal Establishment;

II - Security and Discipline Division;

III - Rehabilitation Division;

IV - Health Service; and

V - Administration Service.

TITLE II

FEDERAL PENITENTIARY AGENTS

Art. 9. The career of Federal Penitentiary Agent is regulated by [Law nº 10,693 of June 25th, 2003](#), which defines the general attributions of the occupants of the position.

Art. 10. The rights and obligations of federal penitentiary agents are defined in the Legal Regime of Civil Servants of the Union, [Law nº 8,112 of December 11th, 1990](#), without prejudice to the observance of other legal and regulatory provisions applicable.

Art. 11. The National Penitentiary Department shall issue complementary standards of prison procedures and routines, the form of action, the obligations, and the charges of Penitentiary Agents in federal criminal establishments.

Sole paragraph. The Directorate of the Federal Penitentiary System shall prepare a manual of prison routine operational procedures to comply with the provisions of this Regulation.

TITLE III

AUXILIARY AND SUPERVISORY BODIES OF THE FEDERAL CRIMINAL ESTABLISHMENTS

Art. 12. The following are auxiliary bodies of the Federal Penitentiary System:

I - General Coordination for Inclusion, Classification, and Removal;

II - General Coordination for Penitentiary Information and intelligence;

III - General Comptroller for the Federal Penitentiary System;

IV - Ombudsman; and

V-General Coordination for Penitentiary Treatment and Health.

Sole paragraph. The jurisdiction of the auxiliary bodies shall be regulated in the internal regiment of the National Penitentiary Department.

CHAPTER I

GENERAL COMPTROLLER

Art. 13. The General Comptroller is a unit for the supervision and inspection of the Federal Penitentiary System, charged with the task of preserving the standards of legality and morality of the actions of the management and managers of the units subordinated to the National Penitentiary Department, with a view

to the protection and defense of the interests of society, employing inspections and investigations as a result of the representation of the public agents, representative entities of the community or individuals, or ex officio, whenever becoming aware of any irregularities.

CHAPTER II

OMBUDSMAN

Art. 14. The Ombudsman of the National Penitentiary System is the body responsible for receiving, evaluating, suggesting, and forwarding proposals, complaints, and denunciations received in the National Penitentiary Department, seeking understanding and respect for needs, rights, and values inherent to the human person, within the scope of federal criminal establishments.

TITLE IV

INTERNAL EVOLUTIONARY STAGES, CLASSIFICATION, AND INDIVIDUALIZATION OF SENTENCE EXECUTION

Art. 15. The administrative execution of the sentence, respecting the legal requirements, shall obey the following stages:

I - inclusion procedures; and

II - evaluation by the Technical Classification Commission for the development of the sentence execution process.

Art. 16. Convicts shall be classified according to their background and personality to guide the individualization of criminal enforcement.

Paragraph 1. The classification and individualization of the sentence execution addressed in the head provision shall be performed by the Technical Classification Commission.

Paragraph 2. The Ministry of Justice shall define the procedures of the Technical Classification Commission.

Art. 17. The inclusion of the prisoner in a federal criminal establishment shall be by court order, observing the exceptions provided for in law.

Paragraph 1. The effective inclusion of the prisoner in a federal criminal establishment shall take place only after the conference of his/her identification with the official letter of presentation.

Paragraph 2. In the act of inclusion, the prisoner shall be subject to the rules of identification and operation of the federal criminal establishment provided for by the Ministry of Justice.

Paragraph 3. The following procedures shall be observed during the inclusion of the prisoner to the federal criminal establishment:

I - communication to the family of the prisoner or person indicated by him/her, made by the social assistance sector of the federal criminal establishment, regarding his/her location;

II - provision of written information to the prisoner, and verbal information to the illiterate prisoner or with communication difficulties, on the norms that shall guide their treatment, the disciplinary impositions, and their rights and obligations; and

III - certification of the physical and mental conditions of the prisoner by the federal criminal establishment.

Art. 18. When the prisoner derives from the penitentiary systems of the States or Federal District, the copy of the penitentiary record, their belongings, and information regarding the available savings must accompany him/her at the time of inclusion in the Federal Penitentiary System .

Art. 19. When signs of violation of the physical or moral integrity of the prisoner are verified during their inclusion, or weakness of his/her state of health, this fact must be immediately communicated to the director of the federal criminal establishment.

Sole paragraph. Upon receipt of the communication, the director of the federal criminal establishment must adopt the appropriate measures, under penalty of responsibility.

TITLE V

ASSISTANCE TO PRISONERS AND EGRESSES

Art. 20. The material, health, legal, educational, social, psychological, and religious assistance provided to the prisoner and the egress shall comply with the procedures established by the legislation in force, observing the complementary provisions of this Regulation.

Art. 21. Material assistance shall be provided by the federal criminal establishment through a program to meet the basic needs of the prisoner.

Art. 22. Health assistance consists of the development of actions aimed at ensuring the correct application of health norms and guidelines, and shall be preventive and curative, including medical, pharmaceutical, dental, outpatient, and hospital care, within the federal criminal establishment or institution of the public health system, according to the guidance of the National Penitentiary Department.

Art. 23. Psychiatric and psychological assistance shall be provided by professionals in the area through programs involving the prisoner and their families and the institution, within the framework of resocialization and social reintegration.

Art. 24. Prisoners subjected to the differentiated disciplinary regime shall be provided with psychiatric and psychological care, with the purpose of:

I - determining the degree of responsibility for previous misconduct, leading to the application of the differentiated regime; and

II - monitoring, during the sanction period, the possible psychic effects of a severe imprisonment, notifying the higher authorities of any occurrences arising from the said regime.

Art. 25. Educational assistance shall include school instruction, basic education, professionalization, and sociocultural development.

Paragraph 1. Basic education shall be compulsory, integrating into the school system of the federative unit, in accordance with the work regime of the federal criminal establishment and other socio-educational and cultural activities.

Paragraph 2. Professionalization education may be taught at the level of initiation or technical improvement, considering the characteristics of the urban and rural population, according to individual skills and market demand.

Paragraph 3. Education should be extended to prisoners in a differentiated disciplinary regime, preserving their prison and isolation condition in relation to other prisoners, through a specific education program aimed at prisoners in this regime.

Paragraph 4. The federal criminal establishment shall have a library for the general use of prisoners, provided with books of national and foreign, technical literature, including legal, didactic, and recreational.

Paragraph 5. The federal criminal establishment may, through the competent bodies, promote agreements with public or private bodies or entities, aimed at the donation of books or library programs by these entities to expand the establishment's library.

Art. 26. Freedom of worship and belief is guaranteed, ensuring the participation of all interested religions, in compliance with the security standards and the programs instituted by the Federal Penitentiary Department.

Art. 27. Assistance to egresses consists of guidance and support to reintegrate them into life in freedom.

Art. 28. Assistance to the egress may be provided by the state or district penitentiary systems, where the family resides, by agreement established between the Union and the States or the Federal District, to facilitate the monitoring and implementation of programs to support the egress.

Art. 29. After an interview and referral conducted by the Technical Classification Committee and ratified by the director of the federal criminal establishment, the prisoner may report to the prison administrative authority in the state or federal district where his/her family members reside to obtain assistance.

Paragraph 1. The egress shall only obtain assistance in the State or Federal District where their family members demonstrably reside.

Paragraph 2. The state or Federal District, where the relatives of the prisoner reside, must be in agreement with the Union for the provision of decentralized assistance to the egress.

Art. 30. To the effect of this Regulation, egresses are:

I - the person definitively released, for a period of one year from the departure from the criminal establishment; and

II - the person released on parole, during the probationary period.

TITLE VI

ORDINARY DISCIPLINARY REGIME

CHAPTER I

REWARDS AND BENEFITS, RIGHTS AND OBLIGATIONS OF PRISONERS

Section I

Rewards and Benefits

Art. 31. The rewards are based on the recognized good behavior of the convict or the provisional prisoner, his/her collaboration with the discipline, and dedication to work.

Sole paragraph. The rewards aim to motivate good conduct, develop the sense of responsibility, and promote the interest and cooperation of the definitive or provisional prisoner.

Art. 32. The following are rewards:

I - a praise; and

II - the granting of benefits.

Art. 33. The practice of an act of exceptional humanitarian relevance or of interest to the common good shall be considered for the purpose of praise.

Sole paragraph. The praise shall be formalized in an ordinance of the director of the federal criminal establishment.

Art. 34. The following are benefits, granted to prisoners by the director of the federal criminal establishment:

I - attend film, theater, shows, and other sociocultural activities, in special times, outside normal hours;

II - watch sports games sessions at special times, outside normal hours;

III - practice sports in specific areas; and

IV - receive duly authorized extraordinary visits.

Sole paragraph. Other benefits may be added by the director of the federal criminal establishment in a progressive manner, following the various phases of the sentence execution.

Art. 35. The benefits may be suspended or restricted, individually or cumulatively, due to a conduct incompatible with this Regulation, by a substantiated act of the directorate of the federal criminal establishment.

Paragraph 1. The criteria to control and ensure the prisoner the granting and enjoyment of the benefit referred to in the head provision shall be established by the administration of the federal criminal establishment.

Paragraph 2. The suspension or restriction of benefits must be strictly observed in the rehabilitation of the prisoner's misconduct, resumed after rehabilitation at the discretion of the director of the federal criminal establishment.

Section II

Prisoner Rights

Art. 36. The convicted or provisional prisoner included in the Federal Penitentiary System shall be ensured all rights not reached by the sentence or law.

Art. 37. The following constitute basic and common rights of convicted or provisional prisoners:

I - sufficient food and clothing;

II - assignment of work and its remuneration;

III - Social Security;

IV - constitution of savings;

V - proportionality in the distribution of time for work, rest, and leisure;

VI - exercise of previous professional, intellectual, artistic, and sporting activities, provided that they are compatible with the execution of the sentence;

VII - material, health, legal, educational, social, psychological, and religious assistance;

VIII - protection against any form of sensationalism;

IX - personal and reserved interview with his/her lawyer;

X - visit with his/her spouse, partner, relatives, and friends on specific days;

XI - roll call;

XII - equal treatment, except regarding the requirements of sentence individualization;

XIII - special hearing with the director of the federal criminal establishment;

XIV - representation and petition to any authority, in defense of rights; and

XV - contact with the outside world through written correspondence, reading, and other means of information that do not compromise morals and good customs.

Sole paragraph. Given the difficulty of communication, those who can effectively accompany and assist the prisoner should be identified among the agents, technicians, doctors, and other prisoners to better understand their needs and translate them faithfully to the person who shall interview or treat him.

Section III

Prisoner Obligations

Art. 38. The following constitute obligations of the convicted or provisional prisoners:

I - respect the constituted authorities, public servants, employees, and other prisoners;

II - comply with the rules of operation of the federal criminal establishment;

III - maintain appropriate behavior throughout the execution of the federal sentence;

IV - submit to the disciplinary sanction imposed;

V - maintain conduct opposite to individual or collective movements of escape or subversion to order or discipline;

VI - not to perform collective demonstrations with the purpose of claim or complaint;

VII - indemnify the state and third parties for the material damage which one causes, in a faulty or intentional manner;

VIII - ensure personal hygiene and cleanliness of the cell or any other part of the federal criminal establishment;

IX - return to the competent sector, when released, the objects provided by the federal criminal establishment and intended for one's use;

X - submit to the request for examinations or interviews from of judicial, police, and administrative authorities, and to professionals from any technical area;

XI - work in the course of one's sentence; and

XII - not to carry or use a cellular mobile phone or any other communication device with the external environment, or its components or accessories.

CHAPTER II

DISCIPLINE

Art. 39. Prisoners are subject to discipline, which consists in the obedience to the norms and determinations established by the competent authority and the respect for the authorities and their agents in the performance of their functional activities.

Art. 40. Order and discipline shall be maintained by the servants and employees of the federal criminal establishment through appropriate legal and regulatory means.

Art. 41. There shall be no foul or disciplinary sanction without express and previous legal or regulatory provision.

CHAPTER III

DISCIPLINARY OFFENCES

Art. 42. Disciplinary offense are classified according to their nature as:

I - slight;

II - average; and

III - serious.

Sole paragraph. The provisions of this regulation shall also be applied when disciplinary offenses occur outside the federal criminal establishment during the movement of the prisoner.

Section I

Slight Disciplinary Offenses

Art. 43. The following are slight disciplinary offenses:

I - communicate with visitors without proper authorization;

II - handle work equipment without authorization or knowledge of the person in charge, even under the pretext of repairs or cleaning;

III - use of property owned by the state for a purpose distinct from which it was received;

IV - be improperly dressed;

V - use service material for a purpose distinct from that provided for, if the fact is not provided for a serious offense;

VI - send correspondence without regular registration by the competent sector; VII - cause disturbances with noises and screaming, or boos; and

VIII - disregard the other rules of operation of the federal criminal establishment, when it does not configure another class of offense.

Section II

Average Disciplinary Offenses

Art. 44. The following are average disciplinary offenses:

I - act in an inconvenient way, failing with the duties of urbanity before the authorities, employees, other prisoners, or private individuals within the federal criminal establishment;

II - manufacture, supply, or have possession of an object or material of which possession is prohibited in the normative act of the National Penitentiary Department;

III - divert or hide objects entrusted to oneself;

IV - simulate an illness to exempt oneself from legal or regulatory duty;

V - disseminate news that may disturb order or discipline;

VI - make surveillance difficult in any dependency of the federal criminal establishment;

VII - disturb the working day, tasks, night rest, or leisure;

VIII - fail to observe the principles of personal and cell hygiene, as well as of other dependencies of the federal criminal establishment;

IX - carry or have possession of money or credit title anywhere in the federal criminal establishment;

X - practice fact provided as an unintentional crime or misdemeanor, without prejudice to the criminal sanction;

XI - communicate with prisoners in a disciplinary cell or differentiated disciplinary regime or deliver them any object, without authorization;

XII - oppose the order of counting of the prison population, not responding to the conventional signal of the competent authority;

XIII - refusing to leave the cell, when determined, while remaining in a rebellious behavior;

XIV - practice acts of commerce of any nature;

XV - fail to speak the truth to obtain any advantage;

XVI - transit or remain in unauthorized places;

XVII - not submit to administrative, judicial, and police requests;

XVIII - not comply with the dates and times of the routines stipulated by the administration for any activities in the federal criminal establishment; and

XIX - infringe items I, III, IV, and VI to X of [article 39 ff Law nº 7,210 of 1984](#).

Section III

Serious Disciplinary Offenses

Art. 45. The following are considered serious disciplinary offenses, according to the provisions of [Law nº 7,210 of 1984](#), and complementary legislation:

I - incite or participate in a movement to subvert order or discipline;

II - escape;

III - improperly possess an instrument capable of offending the physical integrity of another;

IV - cause an work accident;

V - cease to obey the server and respect anyone with whom one should relate;

VI - fail to perform work, tasks, and orders received; and

VII - practice a fact foreseen as an intentional crime.

CHAPTER IV

DISCIPLINARY SANCTION

Art. 46. Acts of indiscipline shall be subject to the following penalties:

I - verbal warning;

II - reprimand;

III - suspension or restriction of rights, subject to the conditions provided for in [article 41, sole paragraph, of Law nº 7,210 of 1984](#);

IV - isolation in the cell or in a suitable location; and

V - inclusion in the differentiated disciplinary regime.

Paragraph 1. The verbal warning is a punishment of an educational character, applicable to slight offenses.

Paragraph 2. The reprimand is a disciplinary sanction with greater rigor in the educational aspect, applicable in cases of average offenses and to repeat offenders of slight offenses.

Art. 47. The sanctions of suspension or restriction of rights, or isolation correspond to the serious offenses.

Art. 48. The practice of a fact foreseen as an intentional crime and that causes subversion of internal order or discipline, subjects the prisoner to the differentiated disciplinary regime, without prejudice to the criminal sanction.

Art. 49. The director of the federal criminal establishment shall apply disciplinary sanctions relating to average and slight offenses, after hearing the Disciplinary Council, and the serious offenses shall be dealt with by the judicial authority.

Art. 50. The suspension or restriction of rights and isolation in the cell or in an appropriate place may not exceed thirty days, even in cases of competition for disciplinary infringements, without prejudice to the application of the differentiated disciplinary regime.

Paragraph 1. The prisoner shall undergo a medical examination attesting to his/her health conditions, before and after the application of the disciplinary sanction consistent in isolation.

Paragraph 2. The medical report resulting from the examination covered by paragraph 1 shall be attached to the prisoner's medical record.

Art. 51. The attempt shall be punished with the penalty corresponding to the completed offense.

Sole paragraph. The prisoner who competes for the commission of disciplinary offenses shall focus on the penalties added to his/her culpability.

CHAPTER V

ADMINISTRATIVE PRECAUTIONARY MEASURES

Art. 52. The director of the federal criminal establishment may determine in a justified act, as an administrative precautionary measure, the preventive isolation of the prisoner, for a period not exceeding ten days.

Art. 53. In the event of rebellion, the director of the federal criminal establishment may, in a duly justified act, suspend visits to prisoners for up to fifteen days, extendable once for up to the same period, to ensure the safety of people and objects.

TITLE VII

RULES FOR THE APPLICATION OF THE DIFFERENTIATED DISCIPLINARY REGIME

Art. 54. Without prejudice to the rules of the ordinary disciplinary regime, the subjection of the prisoner, provisional or convicted, to the differentiated disciplinary regime shall be made in strict compliance with the legal provisions.

Art. 55. The director of the federal criminal establishment, in requesting the inclusion of prisoners in the differentiated disciplinary regime, shall instruct the issuance with the term of statements of the person concerned and his/her technical defense, if possible.

Art. 56. The director of the federal criminal establishment in which the differentiated disciplinary regime is complied with may recommend that the director of the Federal Penitentiary System request the judicial authority to reconsider the decision to include the prisoner in said regime or consider it unnecessary or inconvenient to continue the sanction.

Art. 57. Compliance with the differentiated disciplinary regime exhausts the sanction and can never be invoked to substantiate a new request for inclusion or disparage the merit of the prisoner, except, in the latter case, when motivated by the misconduct denoted in the course of the regime and its persistence in the common system.

Art. 58. Compliance with the differentiated disciplinary regime in a federal criminal establishment, in addition to the characteristics listed in items I to VI of article 6, shall observe the following:

I - maximum duration of three hundred and sixty days, without prejudice to repetition of the sanction, under the terms of the law;

II - two-hour daily sunbathing;

III - use of handcuffs in internal and external movements, waived only in the visiting, sunbathing, and care areas, and in the work and study areas, when existing;

IV - subjection of the prisoner to the procedures of personal search and search of his/her cell and belongings, whenever his/her internal and external movement is necessary, without prejudice to periodic inspections; and

V - weekly visit of two people, not counting children, lasting two hours.

TITLE VIII PROCEDURE FOR DETERMINING DISCIPLINARY OFFENCES, CONDUCT CLASSIFICATION, AND REHABILITATION

CHAPTER I

PROCEDURE FOR DETERMINING DISCIPLINARY OFFENCES

Art. 59. For the purposes of this Regulation, the procedure for determining disciplinary offenses is understood as the sequence of acts adopted to determine a certain fact.

Sole paragraph. A close friend or disafect, family member in straight of collateral line, up to the third degree, spouse, companion, or any member of the family nucleus of the complainant or the accused, may not act as an agent or secretary in any act of the procedure.

Art. 60. The prisoner is guaranteed the right of defense, with the resources inherent to him/her.

Section I

Initiation of the Procedure

Art. 61. The server that witnesses or becomes aware of any fault of any nature practiced by the prisoner shall write a statement of the event with a detailed description of the circumstances of the fact and the data of the involved, and will forward it to the director of the federal criminal establishment for the adoption of the necessary precautionary measures and other appropriate measures.

Paragraph 1 The announcement of the event must be written in the act of knowledge of the fault, stating the fact in the book of events on the shift.

Paragraph 2. In cases where the disciplinary offense of the prisoner is related to the misconduct of a public servant, a verification of the fact involving the public servant shall be provided for in a separate procedure, observing the relevant provisions of Law nº 8,112 of 1990.

Art. 62. When the disciplinary offense also constitutes a criminal offence, it shall be reported to the competent authorities.

Art. 63. The disciplinary procedure shall be instituted by order of the director of the federal criminal establishment.

Sole paragraph. The inaugural ordinance must contain a brief description of the facts, including the time, form, place, indication of the offense, and other relevant information, as well as, whenever possible, the identification of its authors with the full name and the respective registration number.

Art. 64. The procedure should be concluded within thirty days.

Art. 65. The preliminary investigation shall be adopted when it is not possible to immediately individualize the prisoner's offense or in the event that the authorship of the fact is not proven, appointing, if necessary, a server to preliminarily ascertain the facts.

Paragraph 1. The preliminary investigation must observe the pertinence of the facts and the materiality of the misconduct, inquiring prisoners, servants, and employees, as well as present all relevant documentation.

Paragraph 2. A report shall be drawn up, having finished the preliminary work.

Section II

Instruction of the Procedure

Art. 66. The authority that presides over the procedure shall draw up the term of installation of the works and, when there is an appointment of a secretary, the separate term of commitment of the secretary, providing the following:

I - designation of date, time, and place of the hearing;

II - summons of the prisoner and his/her defender, informing them about the appearance in court at the appointed date and time; and

III - subpoena of witnesses.

Paragraph 1. In the impossibility of summoning the definitive or provisional prisoner, resulting from escape, the procedure shall be overrun until recapture, informing the competent court.

Paragraph 2. In the event that the prisoner does not have a constituted defender, immediate communication shall be provided to the legal assistance area of the federal criminal establishment for the designation of a Public Defender.

Section III

Audience

Art. 67. A hearing shall be held on the previously designated date, providing the presentation of a preliminary defense, continuing with the interrogation of the prisoner and the hearing of the witnesses, followed by the final oral or written defense.

Paragraph 1. The authority responsible for the proceedings shall inform the accused of his/her right to remain silent and not to answer any questions put to him/her, and the hearing shall continue.

Paragraph 2. Silence, which shall be considered as a confession, cannot be interpreted to the detriment of the defense.

Paragraph 3. In cases where the prisoner is not in preventive isolation and in view of the complexity of the case, the final defense may be replaced by the presentation of a written challenge, in which case the authority shall grant a useful, non-renewable period for its offer, subject to the deadlines for conclusion of the procedure.

Paragraph 4. The essential acts, fundamental statements, and information useful to ascertain the facts shall be briefly recorded in the minutes of the hearing.

Paragraph 5. All incidents and exceptions that may interfere with the continuation of the hearing and the procedure shall be decided on a plan, and the remaining issues shall be decided in the report of the disciplinary authority.

Art. 68. If the prisoner appears at the hearing unaccompanied by a lawyer, he/she shall be assigned a defender by the authority to promote his/her defense.

Art. 69. The witness shall not be exempt from the obligation to testify, except in the case of legal prohibition and impediment.

Paragraph 1. The servant who, without just cause, refuses to testify, shall be subject to the appropriate sanctions.

Paragraph 2. The witnesses listed shall be subpoenaed by post, unless the interested party undertakes to arrange for their attendance.

Section IV

Report

Art. 70. After the phases of instruction and defense, the authority designated to preside over the procedure shall present a final report, within three days, counted from the date of the hearing, fundamentally considering the application of the disciplinary sanction or the acquittal of the prisoner, and shall forward the records to the consideration of the director of the federal criminal establishment.

Sole paragraph. In cases where there is evidence of damage, capable of giving rise to criminal or civil liability, the authority should express itself conclusively in its report, proposing the referral to the competent authorities.

Section V

Decision

Art. 71. After evaluating the procedure, the director of the federal criminal establishment shall make a final decision within two days from the date of receipt of the casefiles.

Sole paragraph. The director of the federal criminal establishment shall order essential steps to clarify the fact before making a final decision.

Art. 72. The following measures should be included in the decision of the director of the federal criminal establishment regarding any disciplinary offense:

I - knowledge in writing to the prisoner and his/her defender;

II - registration in disciplinary record;

III - attached copy of the disciplinary procedure in the prisoner's record;

IV - referral of the procedure to the competent court, in cases of preventive isolation and serious offenses; and

V - communication to the competent police authority, when the offense constitutes a crime.

Sole paragraph. Regarding possible civil liability for damage caused to state property, copies of the procedure shall be sent to the National Penitentiary Department for the adoption of appropriate measures, aiming at the eventual reparation of the damage.

Section VI

Appeal

Art. 73. The decision to apply a disciplinary sanction consisting of solitary confinement, suspension or restriction of rights, or reprimand, may be appealed within five days.

Paragraph 1. The appeal shall not be subject to suspensive effect and shall be tried by the Directorate of the Federal Penitentiary System within five days.

Paragraph 2. The decision to apply the penalty of verbal warning enables a request for reconsideration within forty-eight hours.

Section VII

General Provisions

Art. 74. The deadlines of the disciplinary procedure, in cases where it is not necessary to adopt the preventive isolation of the prisoner, may be extended once for up to the same period.

Sole paragraph. The extension of time referred to in head provision shall not apply to the deadline for the completion of the union work.

Art. 75. The failure to show of the defender constituted to the prisoner to any act of the procedure, regardless of the reason, shall not result in the suspension of work or extension of the deadlines, requiring another defender to be appointed to accompany that specific act.

CHAPTER II

CONDUCT CLASSIFICATION, AND REHABILITATION

Art. 76. The conduct of the prisoner collected in federal criminal establishment shall be classified as:

I - optimal;

II - good;

III - regular; or

IV - bad.

Art. 77. Optimal prison behavior is considered that resulting from the record without notes of disciplinary offenses, from the entry of the prisoner in the federal criminal establishment until the time of the request of the certificate of conduct, adding to the note one or more rewards.

Art. 78. Good prison behavior is considered that resulting from the records without notes of disciplinary offenses, from the entry of the prisoner in the federal criminal establishment until the time of the request of the certificate of conduct.

Single paragraph. Good prison behavior is equated to that of the prisoner whose records register the practice of offenses, with subsequent rehabilitation of conduct.

Art. 79. Regular behavior is considered that of the prisoner whose record registers the practice of average or slight offenses, without conduct rehabilitation.

Art. 80. Bad prison behavior is considered that of the prisoner whose record registers the practice of serious offenses, without rehabilitation of conduct.

Art. 81. The prisoner shall have the following deadlines for rehabilitation of the conduct, from the end of compliance with the disciplinary sanction:

I - three months, for slight offenses;

II - six months, for average offenses;

III - twelve months, for serious offenses; and

IV - twenty-four months, for serious offenses committed with severe violence to the person or for the purpose of inciting participation in a movement to subvert the order and discipline that lead to the application of a differentiated disciplinary regime.

Art. 82. The commission of disciplinary offenses of any kind during the rehabilitation period shall result in the immediate cancellation of the rehabilitation time until then fulfilled.

Paragraph 1. A new time for rehabilitation shall be required with the practice of new disciplinary offenses, which should be added to the time established for the previous offense.

Paragraph 2. The director of the federal criminal establishment shall not issue the certificate of conduct while processing disciplinary procedure for ascertaining an offense.

Art. 83. There shall be an appeal, without suspensive effect, within five days, addressed to the Directorate of the Federal Penitentiary System, against a decision that ascertains a conduct.

TITLE IX MEANS OF COERCION

Art. 84. The means of coercion shall be allowed only when they are inevitable for the protection of human life and for the control of the order and discipline of the federal criminal establishment, provided all less extreme measures have been exhausted to achieve this goal.

Sole paragraph. Servers and employees who resort to the use of force shall limit themselves to using the minimum necessary, and must immediately inform the director of the federal criminal establishment about the incident.

Art. 85. Subjection to instruments such as handcuffs, chains, irons, and straitjackets should never be applied as punishment.

Sole paragraph. The use of these instruments shall be regulated by the Ministry of Justice.

Art. 86. Lethal firearms shall not be used except when strictly necessary.

Paragraph 1. The carrying of a lethal firearms in the internal areas of the federal criminal establishment is prohibited.

Paragraph 2. Lethal firearms shall be carried by federal penitentiary agents exclusively in external movements and when guarding and surveilling the federal criminal establishment, walls, fences, and sentry houses that make up its buildings.

Art. 87. The federal criminal establishment shall only be allowed to use dogs to assist in the surveillance and control of order and discipline after they comply with all the requirements provided in an act of the Ministry of Justice that address the matter.

Art. 88. Other means of coercion may be adopted, provided their purpose and use are disciplined by the Ministry of Justice.

Art. 89. An intervention group may be created, composed of prison officers, to conduct preventive action and rapid response to acts of prisoner insubordination, which may lead to a situation of greater proportion or detrimental effect on the discipline and order of the federal criminal establishment.

Art. 90. In cases of complaint of torture, bodily injury, ill-treatment, or other occurrences of a similar nature, the director of the federal criminal establishment must, as soon as he/she becomes aware of the fact, arrange the following, without prejudice to the appropriate procedure for ascertaining the facts:

I - immediate establishment of an appropriate investigation procedure;

II - communication of the fact to the police authority for the appropriate measures, in accordance with article 6 of the [Brazilian Code of Criminal Procedure](#);

III - communication of the fact to the competent court, requesting the performance of a *corpus delicti* examination, if applicable;

IV - communication of the fact to the General Comptroller of the Federal Penitentiary System, to proceed, when appropriate, with the monitoring of the respective administrative procedure; and

V - communication to the family of the victim or person indicated.

TITLE X

VISITS AND INTERVIEW WITH A LAWYER

CHAPTER I

VISITS

Art. 91. The purpose of the visits is to preserve and strengthen the prisoner's relations with society, especially with his/her family, relatives, and companions.

Sole paragraph. The National Penitentiary Department shall provide regulations for the visitation procedure.

Art. 92. The prisoner may receive visits from relatives, spouse, or partner of proven affective bond, provided they are duly authorized.

Paragraph 1. Common visits may be conducted once a week, except in case of the proximity of festive dates, when the number may be greater, at the discretion of the director of the federal criminal establishment.

Paragraph 2. The visiting period is of three hours.

Art. 93. The prisoner collected at the hospital pavilion or infirmary and unable to move or in psychiatric treatment, may receive a visit at the site, at the discretion of the medical authority.

Art. 94. Common visits cannot be suspended, except in cases provided for by law or in this Regulation.

Art. 95. Intimate visits aim to strengthen the family relations of the prisoner and shall be regulated by the Ministry of Justice.

Sole paragraph. Intimate visits to prisoners' cells are prohibited.

CHAPTER II

INTERVIEW WITH A LAWYER

Art. 96. Interviews with lawyers must be previously scheduled, upon written or oral request, to the administration of the federal criminal establishment, which shall immediately designate the date and time for the reserved service, within ten subsequent days.

Paragraph 1. For the designation of the date, the administration shall note the reason for the request, the expediency of the federal criminal establishment, especially the security of the establishment, lawyer, servants, employees, and prisoners.

Paragraph 2. When urgency has been proven, the director must immediately authorize the interview.

TITLE XI

SEARCHES

Art. 97. The search consists in the examination of persons and property that come to have access to the federal criminal establishment, to detect objects, products, or substances not allowed by the administration.

Sole paragraph. The National Penitentiary Department shall provide regulations for the search procedure.

TITLE XII

WORK AND EXTERNAL CONTACT

Art. 98. All prisoners, except for legal exceptions, must submit to work, respecting their individual conditions, abilities, and restrictions of the order of safety and discipline.

Paragraph 1. The implementation of work routines shall be mandatory to prisoners in a differentiated disciplinary regime, provided it does not compromise the order and discipline of the federal criminal establishment.

Paragraph 2. The work for prisoners under a differentiated disciplinary regime shall have a remunerative and labor-therapeutic character, being developed in the cell or in an appropriate location, provided there be no contact with other prisoners.

Paragraph 3. The development of the work cannot compromise the procedures of review and surveillance, nor harm the functional framework with escort or additional surveillance.

Art. 99. External contact is a primary requirement in the process of social reintegration of the prisoner, who should not be deprived of communication with the outside world in the appropriate form and through recourse allowed by the administration, preserving the order and discipline of the federal criminal establishment.

Art. 100. The written correspondence between the prisoner and his/her family members and the like shall be conducted through the regulatory channels.

Paragraph 1. Correspondence is free, subject to the rules of security and discipline of the federal criminal establishment.

Paragraph 2. The exchange of correspondence may not be restricted or suspended by way of disciplinary sanction.

TITLE XIII

FINAL AND TRANSITIONAL PROVISIONS

Art. 101. The federal criminal establishment shall be provided with means for the use of information and communication technology regarding:

I - computerized prisoner records;

II - video-conference for interview with prisoners, servers, and employees;

III - computerized savings system;

IV - prisoner movement system; and

V - system for prisoner disciplinary procedures and server disciplinary administrative process.

Art. 102. The National Penitentiary Department shall create a Permanent Group for Improvements in the Quality of the Provision of Penitentiary Service, which shall count with the participation of a representative of the office of the Penitentiary System Ombudsman, the Penitentiary System General Comptroller, the Social, Labor, and Education Integration area, the Information and Intelligence area, and the Health area, to study and implement the actions and methods to improve the delivery of public services regarding the management of the federal criminal establishment.

Sole paragraph. Other members of the structure of the National Penitentiary Department, organized civil society involved in human rights and penitentiary affairs, or other bodies of the Union, the States, and the Federal District may be invited to participate in the group.

Art. 103. The federal criminal establishment governed by this regulation should have a Citizen Service Centre - SAC to assist in obtaining information and guidance on the services provided, including those assigned to the Federal Penitentiary System.

Art. 104. The elderly, pregnant, and people with special needs, prisoners, family members, and visitors, shall have priority in all the procedures adopted by this Regulation.

Art. 105. The Ministry of Justice shall issue complementary normative acts to comply with this Regulation.