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# BRAZILIAN JOURNAL OF **PUBLIC SECURITY**

**M**any of the papers in this issue of the Brazilian Journal of Public Security were supported by the Paulo de Mesquita Neto Grant Programme. In fact, these papers were produced by police officers whose projects were funded by this Programme and present the outcomes of projects carried out in 2008. Supported and funded by the Open Society Institute, the Programme is a firm believer in the potential of each project to act as a multiplier. The focus of these projects was on the evaluation and discussion of training programmes, and the relationship between the police and society at large, including analyses of youth-oriented police programmes, and police encounters. The dossier comprising the first part of this issue bears out the conviction that some members of the Brazilian police are carrying out noteworthy activities, and that these activities warrant further investigation. Moreover, these projects should be made available in the public sphere, thereby laying the groundwork for an academic debate on public security policies in Brazil.

Another aspect that is highlighted in this issue is the Network of Police Officers and Civil Society. This institution has been striving to forge a network that is able to engage police officers throughout Brazil in the exchange of experiences to promote both innovation and democratic principles. This issue features an article by a police officer of the Network who reports the activities carried out on the border between Brazil and Argentina.

This marks the fourth issue of the Brazilian Journal of Public Security, and indisputable evidence that we have come a long way. We are also very proud to see so many police practitioners contributing high quality academic texts, which foster public debate on security issues, and interaction with other professionals in the field in this country. Above all, it endorses the idea that professionals at the frontline of the public security sector must have a voice, a notion embraced by the Brazilian Public Security Forum. The other papers also provide in-depth analyses of the Brazilian reality, offering readers important insights on consensus building in the domain of public security in Brazil. ✎

Enjoy your reading!

Editorial Committee

# Training processes on the use of force for military police officers from South-eastern Brazil: a preliminary analysis

## Paulo Augusto Souza Teixeira

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### Abstract

*This article presents a preliminary analysis of a study into the training processes on the use of force for military police officers from South-eastern Brazil (States of Espírito Santo, Minas Gerais, Rio de Janeiro and São Paulo). The study was carried out in 2008 and funded by the “Paulo de Mesquita Neto” Grants Program of the Brazilian Forum of Public Security. The work highlights the overall importance of this topic for these organizations and the public at large. Based on a search of the literature and interviews with police from all States throughout the region, some key issues were presented regarding the effectiveness of continuous training programmes for this group of professionals. The criteria for the use of force were studied together with the changes in training structures and processes which have taken place within these organizations over time, along with information on the initiatives that have been developed in the different states throughout the region.*

### Key-Words

*Public security. Military Police. Training. Use of force.*

The present study investigated the training processes currently in place on use of force for military police officers from the South-eastern region of Brazil (Espírito Santo, Minas Gerais, Rio de Janeiro and São Paulo States). This preliminary report described, compared and analyzed these processes in the context of the national legislation and international principles applicable to the use of force during police work.

The study was carried out in 2008 under the Paulo de Mesquita Neto Grants Program of the Brazilian Forum on Public Security, and entailed an exploratory and descriptive analysis of the training processes used among Brazilian Military police, as well as a search of the literature and field work which addressed the following topics: use of force; criteria for the use of force; historical aspects of teaching and training frameworks; norms and procedures; monitoring of training; and training of special operations units. Work by eminent authors on the subject was examined, together with a range of official documents including the Federal Constitution, Laws, Decrees, Plans from the Public Security Area, Norms, and Procedures of the region's Military Police.

The field work consisted of semi-structured interviews with managers of training processes and police officers (in training or active duty). In addition, informal inter-

views were conducted with those in charge of giving the training sessions (teachers and instructors).

The author, in the capacity of superior officer of the Military Police of the State of Rio de Janeiro, faced several challenges in performing the study. The major problem was analyzing the institution itself, while attempting to minimize the influence of pre-formed opinions on the subject matter under study. A distancing between researcher and researched is normally sought to allow unbiased analysis, but how can a critique-free study be conducted when the initial goal was to improve a given process? How can a biased or overly critical stance be avoided? These issues pervaded throughout all field work and the self-critical attitude of the author often led to schedule changes and redefining of approach strategies during the course of the study.

On the other hand, being a police practitioner allowed unparalleled access to information others would not be privy to, or be able to grasp in such a short timeframe. Some of this free-license presented other problems such as ethical issues. For instance, although intended for research purposes, much information was supplied by police on trust. We trust that a balance was struck to mitigate these drawbacks and privileges encountered and that results have been presented in a clear fashion, with-

out constituting a source of personal or institutional embarrassment.

The choice of this topic reflects the concerns of the Military Police Center of the State of Rio de Janeiro (PMERJ) to evaluate the police training programs currently provided on the use of force. Along these lines, the seminar “The Police we Want! Sharing the Vision and Building the Future!” was held between 18 and 20 July 2006, and pointed to the need for a teaching center for Personal Defense and Prudent Use of Force (ALBERNAZ; CARUSO; PATRÍCIO, 2007).

During 2007, the media channels of Rio de Janeiro State aired debates over whether several high-profile actions by Military Police in Rio de Janeiro would have had different outcomes had the officers involved been better trained. As a result of requests from the General Police Command, and in the light of events which had serious repercussions on public opinion, an in-depth analysis of the professional training processes of Rio State’s police force was undertaken and efforts channeled toward improving these processes.

These efforts were aimed at developing new training methodologies and adapting proven methods to meet the needs of the State of Rio de Janeiro. Methods were selected that had proven successful in other units around the country, and were underpinned by the goal of preserving human life and guaranteeing adherence to constitutional principles.

## The study

The use of force, particularly lethal force, has been a central issue in debates on police work.

Muniz and Proença Júnior (2007) stated that use of force should be governed by explicit rules in a mandate developed as a formal set of powers exercised by organizations whose remit is to keep public order. According to the authors, the mandate is defined by the “exercising of coercive power authorized by the support of legitimate and legal force”. Bobbio (2007) addresses this issue more broadly, highlighting that the use of force, although a necessary element in the definition of political authority, use of force alone does not suffice. According to Bobbio, it is more important for the incumbent government to ensure exclusivity of this right to use force within a given territory than to grant the right to use force *per se*.

Thus, a greater understanding on the variety of factors related to the use of force by police can help identify and implement the minimum standards to be followed by these organizations in democratic countries. This encompasses the valuing and preservation of life, despite the current challenges Brazil’s faces in tackling the rising level of armed violence emerging in different regions of the countries. This rising violence has led to many debates on controlling the incidence of non-natural deaths, and represents a priority of Brazilian public security policies. This also represents a key concern of organizations expected to abide by the law, particularly the State Military Police, highlighting the importance of coordinated actions between government authorities and society. In this context, calls for improved quality of training have been a common feature of current debate, claimed to be a factor which can make a difference to this scenario.

The first phase of the study was largely bibliographical and documental in nature. The

first steps consisted of devising a study strategy (work plan) which sought to establish the key train of logic.

Information was drawn from the Internet and based on published works considered seminal in the field. The early research and conversations with Prof. Jacqueline Muniz, the supervisor of this study, helped identify the study by Bittner as the core reference on which to base the present study. Other studies were incorporated such as doctorate theses and Master's dissertations on the subject.

In order to carry out the study it became clear that a tighter definition of the concept of "use of force" was required since this ultimately represented the focus of the police training programs under study. These conceptual efforts adopted two approaches. The first was to address the issue from a "theory of police" approach, based on studies carried out by Egon Bittner, Jacqueline Muniz and Domício Proença Jr.

The studies by these authors found several elements which attempted to explain the activities performed by police agencies, characterizing the legitimate use of force within the constraints of the law, as core to their activities.

This "theory of police" is based on the concept of a police mandate together with its component elements,<sup>1</sup> and presents a valuable discussion on what the police "profession" entails. The study by Bittner was criticized on several fronts by Rolim (2006), such as its focus of police actions toward

protecting citizens, as opposed to the classic view of the use of force by the State. According to the author, this approach broadened the group of actions performed by the police to more closely reflect routine tasks practiced by these organizations.

The second approach consisted of carrying out a literature search on the use of force by police agencies. As a first step, studies on the subject conducted in the USA were examined, given the ease of reading in the English language coupled with the strong influence of US police organizations on strategies implemented in Brazil. Studies assessed included those by Adams (1999), Alpert (2000) and McEwen (1996). Regarding Brazilian literature, a search was conducted for previous studies on victimization, especially those covering States situated in the Southeastern Region of Brazil which focused on issues involving encounters between police and the public (PINTO, BORGES; AZEVEDO, 2006).

Although methodologies employed by the studies differed, studies into police-public encounters yielded intriguing clues on the issue of use of force. Although this topic has been the subject of many studies, there is a great difficulty in establishing analysis parameters defining what constitutes "use of force". Thus, for the purposes of this study, it was decided to examine only concrete uses of force by the police (MUNIZ; PROENÇA JÚNIOR, 2007), defined as actions of dissuasion and repression, the outcomes of police action in events involving actual encounters between officers and citizens, albeit public-initiated or police-initiated.

The potential effects of the existence of a police force (inducing self-regulation) and a police presence (prevention) were beyond the scope of this study.

In the process of narrowing the subject matter to be studied, several factors which influence the use of force by police agencies (political, legal, strategic, tactical and logistic) were identified.

With regard to the political influences on the use of force, aspects of international internal policy<sup>2</sup> were identified as determinant in the use of force by police organizations. In addition, a set of international instruments exists which establishes principles and act as guidelines for police activity.

According to Gomes and Piovesan (2000), Only after the process of democratization began in 1985, did the Brazilian government begin to ratify the main treaties for the protection of human rights. Driven by the 1998 Constitution—which safeguards the principles of upholding human rights and human dignity - Brazil became a player in the international arena of the protection of human rights.

It is important to note that Brazil only recognized the legal powers of the Inter-American Court of Human Rights<sup>3</sup> on the 3rd December 1998 and signed the Statute of the Permanent International Criminal Court on the 7th February 2000. In the light of this information, it is evident that Brazil has only entered the fold of the international system for the protection of human rights relatively recently.

In the legal sphere, the norms established in the 1988 Federal Constitution reflect the international principles of International Laws on Human Rights but criminal norms and criminal procedure lag behind, requiring further debate.

Several contemporary issues were also explored in this study such as the debate on the use of handcuffs, involving the Federal Supreme Court, as well as the recent debates concerning the law on abuse of authority which is currently going before the National Congress and is intended to amend Law No. 4.898/65.<sup>4</sup>

The strategic factors seek to translate the prevailing policies and legal limits for use by the police, establishing their routine and extraordinary duties and in doing so, defining what constitutes special police activities.

In Brazil, the union of the Military Police with the Land Forces, especially after 1930, outlined the role of these organizations as auxiliary forces and reserves of the Army, conferring on them a joint mission: they are responsible for carrying out policing within the States of the Federation and act, when called up, as a reserve military force. The Military Police were reorganized in 1936, 1967 and 1969, having solely responsibility for carrying out uniformed ostensive policing in Brazil. This affected the qualification and training of their professionals. The democratization of the country brought with it the challenge of developing new paradigms of police action. One form involved efforts to instill a philosophy of community policing, when violent crimes

and homicides were rising significantly and represented a major challenge for police chiefs countrywide.

The area of technical factors—normalizing what is defined as routine and extraordinary—is responsible for creating the rules to which the organization works (“state-of-practice<sup>5</sup>”). The logistic factors refer to the resources available for police work, ranging from communication systems to different types of weaponry and personal safety equipment, such as handguns and bullet proof vests, respectively.

Part of the study examined the education topic<sup>6</sup> along with its impact on police training processes. A brief historical overview of the military police was provided as a backdrop to the structures set up for training officers as well as the training processes involved. In addition, the role that the Federal government has played on the training of the military police since the 1960s was highlighted. This initially occurred under the auspices of the General Inspectorate of the Military Police (IGPM), an Army organ which exerted a strong influence on training processes from the 1960s to 1990. From 1990 onward, Senasp oversaw training and developed a number of initiatives aimed at qualifying public security practitioners. Also noteworthy is the partnership between the International Committee of the Red Cross and Senasp, which has enabled the development and dissemination of police practices in line with the precepts of human rights, exemplified by the Giraldi® Method outlined in the present report.

## Field work

Several techniques were used to carry out field work which sought to identify the training processes on the use of force currently used among Military Police from the Southeastern region of Brazil. A preliminary comparison and analysis of these processes was conducted, in the light of the principles established in the national legislation as well as international principles applicable to the use of force in police activities.

### *Methodology employed*

Interviews were conducted with managers of the teaching areas of the Military Police (directors of studies and commanders of police training academies—officers and soldiers). Questions were asked to elucidate how the issue of force was being addressed in the organizations, along with its impact on training processes, the devising of work norms and procedures, acquisition of equipment and weapons, and perception of the institution by the public.

In-depth interviews were also performed involving police officers working on beats. The respondents were selected by each Military Police Center, although police units were selected according to criteria defined by the researcher: one of these units had to be in charge of policing a precinct or region considered violent by the police themselves, while the other unit had to be responsible for a less violent precinct or region. Three police officers were chosen from each unit, where all assigned operational duties, i.e. actively working beats. Police assigned to administrative functions were not interviewed.

Detailed interviews were also conducted at training centers among trainee police officers, in order to ascertain their expectations in terms of use of force in future work scenarios. Information was gathered from both training courses for officers and soldiers by interviewing police who had some work experience in which to apply some of the knowledge acquired in the classroom.

Parallel to the interviews, visits were paid to the training centers to monitor classes and when possible, speak to instructors and students during the breaks. Visits were also made to all States to assess the activities carried out at special police units. In these visits it was possible to converse with those responsible for the training at these units.

#### *Outcomes of field work*

Although some of the data is in the process of being analyzed, some key preliminary observations could be drawn from the study.

It can be concluded that there were institutional concerns toward orienting police on the ethical and legal aspects governing the use of force in routine police work. Moreover, the majority of training processes observed incorporated the publicly presented legal principles and policy guidelines.

Several noteworthy points arose from the interviews with patrol officers. In response to questioning on the frequency that use-of-force strategies were employed during routine practice, the majority of officers stated they had to mediate conflicts (provide

guidance, information) while only a small number of police officers reported having fired their weapon while on duty. However, training processes tended to place greater emphasis on the use of firearms and less emphasis on resolving the minor conflicts most commonly encountered by officers during routine police work. Some professionals interviewed stated to have exercised “common sense” or brought “their experience” to bear in dealing with these issues. The majority of police interviewed at police academies felt confident with the knowledge gained during the training. Moreover, participants felt the situations presented in classes closely mirrored the issues they were likely to be dealing with on a daily basis.

The special units of the Military Police investigated frequently mentioned training and the availability of greater logistical resources such as special equipment (material for climbing etc.) and firearms, in contrast to needs cited by standard police units.

In terms of logistic resources available to Military Police, a wide variety of equipment, patrol vehicles and uniforms were evident among each States of the Federation. Arms and munitions were more standardized however, largely because the arms acquisition process is controlled by the Brazilian Army.

Other aspects observed warrant special attention, such as the holding of regular training in the Military Police. Regular training programs for majority of Military Police officers were noted in the States of Espírito Santo, Minas Gerais and São Paulo.

In Espírito Santo State there is a concern to train military Police in the use of firearms and to this end the Giraldi® method was chosen. The Giraldi® method was devised by a Colonel of the Military Police Reserves of Espírito Santos called Nilson Giraldi, who sought to consolidate the several teaching approaches to an ‘armed practices doctrine for police’. This integrated several principles of police work and is characterized by emphasizing the procedures (ready positions and weapons handling, verbalizing of actions and police safety) inherent to policing, in contrast to the classic training involving target practice. This method of training was based on years of experience as a firearms instructor and drew on several studies conducted to align police practices with the principles of human rights. According to information obtained from the Directorate for Teaching and Instruction of Espírito Santos State, around 75% of the permanent Military Police force in active service has undergone the new model of training.

The student coming off the training course for soldiers and other courses run by the state, are subsequently trained under the new form of training and given annual refreshers. Another annually-run training course includes the “Operational Techniques” course, which aims to raise the level of knowledge of police officers who are not yet familiarized with the Giraldi® method. The course is held over a one-week period and comprises 52-class hours, with a focus on activities (in class and hands on) that build on and/or update knowledge regarding the legal grounding and techniques of

encountering citizens, vehicles and buildings, in addition to sessions on firearms use by police.

Regular, two-yearly training programs are also held in Minas Gerais State. Training activities are coordinated and executed by the Police Training Center (CTP), which is one of the units comprising the military police education system. The Center is in charge of the direct training of military police from the Region of Greater Belo Horizonte and coordinates activities run at other units. In 2002, the Police Practices Manual was approved which contains the concepts of use of force and encounters, in accordance with the international principles of human rights. This manual, approved by a Resolution of the General Command, sets forth rules of professional conduct which are compulsory across the entire Corporation. Based on this manual, Training Guides were devised which bring together the topics covered in the Basic Police Training (TPB), run every two years.<sup>7</sup> After each cycle, the contents are reviewed and new guides compiled. In Minas Gerais, training on firearms adheres to a methodology which concentrates on shooting accuracy. However, before giving classes on marksmanship, personal defense or police technique, the instructors must first be qualified in human rights. According to information supplied by the Police Training Center, all members of the Minas Gerais Military Police force (PMMG) undergo training every two years.

In São Paulo, regular training processes are also in place for all police officers, but

high-ranking Military Police are not obliged to undergo this training. The training is called Professional Refresher Experience (PRE) and is designed to provide military police with a set of universal guidelines applicable to all modes of policing (including police marksmen–Gibaldi® method), and seeks to cater for the specific needs of the range of services provided by the Military Police of Espírito Santos State (highways, forestry etc.).

Police officers who do not work on specialized activities are trained in community policing. The training of police who work in the capital city is centralized at the Police Command Centers which pool several units, while officers assigned to the interior of the State undergo training at their home unit. Based on the information obtained from the Teaching and Instruction Directorate, the majority of active Military Police of Espírito Santo State undergo the PRE annually.

No training programs to provide continuous training for the majority of the active force were found in Rio de Janeiro. However, several innovations have taken place in the training areas through the experiences of the Special Police Operations Battalion (Bope) and the setting up of the Center for Specialized Training in Arms and Shooting (Cieat). By means of the Bope schemes, many police officers were trained in patrolling high-risk areas, including members of the National Force for Public Security, whereas the creation of the Cieat aims to standardize the teaching of firearm use in the Military Police force of Rio de Janeiro state.

In both Minas Gerais and São Paulo states, the use of Information technology tools was evident for the support and dissemination of knowledge on police work for officers. Although beyond the scope of the present study, information on standard operational procedures (SOPs) was available on the Intranet of the Military Police of São Paulo State, while information exchange among military police of Minas Gerais state via corporate data systems was also verified, as was the widespread use of computers for on-line communication between students and teachers.

Another important issue involves training of police officers assigned to special police operations. All states studied had specialized units for handling complex events, such as prison riots and hostage-taking. These units were typified by offering regular training to officers (who are assigned to normal services, except when mobilized to respond to a specific event). These police officers seek to maintain the knowledge and skills already developed and also to analyze errors and successes in the wake of recently performed operations. In the State of Espírito Santos, these observations on complex events are converted into case studies for more in-depth analysis.

## Discussion

The study brought to the fore a number of obstacles in relation to police training which warrant mention. The first finding is that, despite the existence of regular training processes throughout the majority of Military Police units in the region, these proc-

esses are subject to a number of filters. There is an institutional filter, during which processes are adapted to align with political and legal considerations and undergo an often long-winded institutional acceptance process. After passing this hurdle, the processes are filtered by teaching staff that validate or exclude the contents provided for discussion with the students. Thus, even after official approval of conformance of the material with institutional principles, the content is further screened by those who are tasked with conveying this information to students. Finally, the last filter consists of reception by students who may accept or reject the knowledge received from the formal education system. This filter may imply discrediting of the teachers who are not deemed the real bearers of knowledge in the given discipline, a situation which consequently invalidates the information presented to the group.

An important aspect of the training processes developed pertains to the geographical distribution of students. Police officers that work in the capital cities or within metropolitan regions take part in training which is more directly supervised by the teaching bodies of their particular institutions, thus ensuring that outcomes attain the original goals set out for the training. The challenges faced in providing continuous training to police who operate in more remote regions were evident during the study.

Another challenge concerns the relationship between student numbers and logistic resources needed to hold the training processes. In Minas Gerais, a dedicated center

was set up specifically to train police and provide continuous education. The continuous education processes in other states however, rely either on the same teaching facilities as used for initial training, or on those of other units. Across all states investigated, the police teaching institutions seek to cope with the need to train a large number of officers but in doing so often are working at overcapacity.

The signing-on meetings held before police are assigned to their beats, are generally viewed as part of the training process. In some cases however, these meetings do not address the needs relevant to the services performed by the police. Such opportunities could potentially be better exploited by military police organizations.

Finally, the study revealed that the rank held by the police practitioner in the hierarchy of the institutions examined, was a factor affecting access to training processes (ARAÚJO FILHO, 2003; PONCIONI, 2007). As a result, a greater level of training occurs among officers than military police of other ranks.

## Conclusions

Due to the great difficulty in defining the concept of “use of force”, the present study opted to examine only concrete use of force by police, namely, acts of dissuasion and repression arising during encounters between the police and the public.

The factors addressed in this study enhance understanding on the myriad facets of this

complex issue, which range from elements external to police organizations (political and legal factors) to internal influences (strategic, tactical and logistic factors). Training is one of the factors that can contribute to the development of professional practices which are congruent with international precepts.

Interviews conducted revealed differences in police attitudes depending on the precinct they patrolled (whether considered violent or not). Police assigned to less violent precincts had a low expectancy as regards use of force, generally citing conflict mediation or verbal warnings as the most commonly used approaches during their tours of duty. However, across the four states examined, a wide range of responses was given by officers working in precincts deemed violent by the police. Despite working within areas considered sub-normal (shanty towns, poor outlying districts or densely built-up areas, depending on the terms used in each region), police used different degrees of force in each State analyzed, with the highest degrees being employed by police forces in Rio de Janeiro State.

A need for greater logistic resources was identified, which can provide police with a broader range of alternatives in terms of use of force during their routine work. Research into new materials and equipment for police use, together with the respective training, may be a way toward the raising the quality of services rendered by the police forces. The development and use of “less lethal” weapons represents a topic for future research in the area.

Another valuable element of the study is the discussions on raising the professional caliber of police work through provision of continuous training and education processes to police practitioners. There is much debate over police training, including in relation to creating an integrated view of education (focused on functional improvement) and training (focused on developing skills and abilities needed to execute routine tasks) by combining the areas currently called teaching and instruction. Noteworthy examples of this include the initiatives undertaken by the Military Police forces of São Paulo and Minas Gerais States.

The final report on this study contributes through presenting a rich set of information on the “state-of-practice” adopted by the Military Police forces of the Southeastern region, and by bringing about the review of certain methods while fostering change in currently used training processes. Specifically, in the case of Rio de Janeiro, a program of regular police training can be introduced in order to keep professionals trained up in relation to their work.

The study also paves the way for developing new training methods, processes and control mechanisms, and may also lead to further research. It was observed that some Police forces, such as those of Minas Gerais, Rio de Janeiro and São Paulo states are developing methods of personal defense tailored to the needs of police who work at street level. Hence, martial arts training is gradually being phased out, giving way to new methods which at present lack development and dissemination.

The role played by the Federal government in developing police training processes is also under review, resulting in schemes by the National Secretariat of Public Security (Senasp). To date, its main strategies have been to create and strengthen the Renaesp (National Network of High-level Studies on Public Security), which has promoted the running of specialized course on the theme, and to devise a core curriculum containing national guidelines for police education, including the dissemination of distance learning as a strategy to provide up-to-date content to police practitioners. Also noteworthy is the role played by the International Committee of the Red Cross in the process of adapting content on human rights for use in the training processes of the Military Police. I would like extend my thanks to the general commanders of the Military Po-

lice of the Southeastern region for their invaluable support which made this study possible.

Finally, the results of interviews conducted with police patrol officers have shown that the majority of these professionals deal with non-crime issues. In addition, the research identified the need for a deeper understanding of conflict mediation techniques and for developing support systems able to relay reliable information to police working at street level. This may prove one of the most significant outcomes of this study, namely, the proposal that military police organizations incorporate a skills set that equips officers to mediate the conflicts they encounter daily on streets nationwide, to the competencies currently included in the training given by the police organizations (legislation, encounters and marksmanship).

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1. According to Muniz and Proença Jr (2007), the elements forming the Police mandate include the setting, remit and forms. The setting establishes the object to which delegated powers apply, and seeks to fully encompass a given political community. The remit establishes who has the prerogative to act in a given situation, while forms define the contextual limits to what is authorized, and can be understood as "what to do" and "how to do it"
  2. In relation to foreign policy, Brazil is a signatory of several international accords governing norms of International Law of Human Rights, and in a domestic setting, this manifests in the form of plans devised for the area of public security at national, state and municipal levels. Since this addresses issues connected with domestic policy, the studies by Rover (2005) and by Gomes and Piovesan (2000) which explore issues related to the international principles of Human Rights and National Plans for Public security shall serve as a foundation.
  3. For in-depth information on the workings and powers of the Inter-American Court of Human Rights and the Inter-American Commission of Human Rights consult Gomes and Piovesan (2000); Rover (2005).
  4. On 19/08/2008, the Federal Deputy Raul Jungmann, President of the Public Security Commission of the Federal Chamber, presented Bill No. 3.886, as an amendment to Bill No. 4.898/65. The bill won the support of the Ministry of Justice and the Brazilian Bar Association (OAB).
  5. According to Muniz and Proença Júnior (2007), the term "state-of-practice" denotes the best practices achieved by the Police organization at a given moment in time. The term "state-of-the-art" means the best practice known and tends to be closer to the maximum bounds of what is possible.
  6. Studies by Schön (2000) and Perrenoud (2002) were used as support literature for this part of the study, because they are currently used as benchmark references by the National Secretariat of Public Security (Senasp).
  7. For the 2008/2009 period, the subjects covered in the Basic Police Training (TBP) comprised: ethics; doctrine and refresher; police personal defense, first-aiding; police technique; firearms training (TCAF); in addition to physical assessments, firing practice and theory (encompassing all subject matter learned).

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# Training processes on the use of force for military police officers from South-eastern Brazil: a preliminary analysis

Paulo Augusto Souza Teixeira

## Resumen

**Procesos de instrucción en el uso de la fuerza para policías militares de la Región Suroeste: un análisis preliminar**

*Este artículo presenta un análisis preliminar de la investigación sobre los procesos de instrucción en el uso de la fuerza para los policías militares de la Región Suroeste (Espírito Santo, Minas Gerais, Río de Janeiro y São Paulo), realizada en 2008, con recursos del Programa de Ayudas "Paulo de Mesquita Neto", del Foro Brasileño de Seguridad Pública. Se destaca la importancia del tema para estas organizaciones y para la sociedad de una forma general. A partir de una investigación bibliográfica y de entrevistas con policías de todos los estados de la región, se presentaron algunas cuestiones importantes para la efectividad de los procesos de formación continua de estos profesionales. Se estudiaron los condicionantes para el uso de la fuerza y los cambios en las estructuras y procesos de instrucción de estas organizaciones a lo largo del tiempo, aparte de los datos sobre las iniciativas que están en marcha en todos los estados de la región.*

**Palabras Llave:** Seguridad Pública. Policía Militar. Instrucción. Uso de la fuerza.

## Resumo

**Processos de treinamento no uso da força para policiais militares da Região Sudeste: uma análise preliminar**

*Este artigo apresenta uma análise preliminar da pesquisa sobre os processos de treinamento do uso da força para os policiais militares da Região Sudeste (Espírito Santo, Minas Gerais, Rio de Janeiro e São Paulo), realizada em 2008, com recursos do Programa de Bolsas "Paulo de Mesquita Neto", do Fórum Brasileiro de Segurança Pública. Destaca-se a importância do tema para essas organizações e para a sociedade de uma forma geral. A partir de uma pesquisa bibliográfica e de entrevistas com policiais de todos os estados da região, foram apresentadas algumas questões importantes para a efetividade de processos de capacitação continuada desses profissionais. Foram estudadas as condicionantes para o uso da força e as mudanças nas estruturas e processos de treinamento dessas organizações ao longo do tempo, além de informações sobre as iniciativas que vêm sendo desenvolvidas em todos os estados da região.*

**Palavras-Chave:** Segurança pública. Polícia Militar. Treinamento. Uso da força.

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# Deconstructing paradigms: the QSL Project <sup>1</sup>

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### Abstract

*This paper briefly describes the “Delegacia Legal” Program, which was implemented by the Civil Police in the state of Rio de Janeiro, with a focus on its ongoing police training initiative. The tools used in this training program are analyzed, and a new model for professional improvement proposed, with a view to overcoming resistance from participants, and making policing more democratic. As police officers have considerable autonomy and discretion in their professional duties, this study emphasizes the importance of integrating these professionals into the process of changes proposed by this new model.*

### Key-words

*Civil Police. “Delegacia Legal” Program. Professional qualification. Police training.*

The *Delegacia Legal* Program was introduced in Rio de Janeiro in 1999. This program is an initiative of the state government that aims to restructure police stations organizationally and functionally, seeking changes to the relationship between the Civil Police and citizens who rely on it by increasing transparency in police activities and the trust of the population in its police force.<sup>2</sup>

Since the implementation of the program, the work routine at police stations has changed dramatically, moving away from the traditional division into investigation and registry sections. At “traditional” police stations, the section that “records” the police reports is separate from the one that “investigates,” which leads to a lack of involvement when entering the data into the registry and a superficial relationship with the task, which is not understood as an *end*, but as a *means*.

The sequence of procedures at a conventional police station begin with the officer who stays behind a counter near the entrance to assist the public who request police assistance. (...) this officer is responsible for providing assistance related to police reports (his main function), answering most of the phone calls made to the police station or helping people needing information and directing them to the right sec-

tions at the station, if necessary. The jail keys are also kept by this officer who accumulated numerous responsibilities (PAES, 2006, p.61).

At *Delegacias Legais*, the officers who issue the police reports are also responsible for leading the investigations. The idea is to reduce the distance between the person who makes the complaint and the officer responsible for the investigation. These changes were believed to create a greater involvement on the part of the officer responsible for issuing the report, as well as enabling the identification of responsibilities in the investigation and procedures.

This new model has also led to the removal of jail cells from police stations. The program also set forth the building of *Casas de Custódia* (Custody Houses) for housing the prisoners who were held at the stations. The prisoners “were transferred to eleven custody houses (three in the Bangu prison complex, one in Campos, two in Bangu and one in Magé, Japeri, Itaperuna, Volta Redonda and Benfica)”<sup>3</sup>. This freed up one of the police officers from the position of jailer to carry out other police responsibilities at the station, such as assisting the public in issuing police reports or in police investigations.

The Service Counter—responsible for the public’s first contact with the police station—

is staffed by professionals and students of the human sciences, such as psychology or social work. The intention was to create a screening process, humanizing the first contact when people victimized by crime arrive upset or out of control and, at the same time, freeing up officers for “specific police tasks.”

Along the same lines, “the position of ‘police station manager’ (*síndico de delegacia*) was created to reduce the involvement of officers in administrative type of activities. This non-police technician is in charge of building maintenance, stocking materials and the operation of equipment”.<sup>4</sup>

The program has the clear intention to keep officers focused on their core duty and competence: criminal investigation. By freeing up officers from non-essential tasks (administrative, custody of prisoners, screening of assistance), the program aims to reclaim an essential purpose of judiciary police: the investigation of crimes.

The changes have also included the police station buildings themselves, which have been standardized as of the program’s inception, providing greater comfort to the officers on duty with the installation of air conditioners, dormitories and bathrooms and turning stations into functional and transparent environments. Unlike traditional police stations, where service and investigation were conducted behind closed doors, at *delegacias legais*, police officers work in a large room with desks divided by partitions, allowing for constant control and supervision, the opposite of secrecy.

It is interesting to note that drinking fountains and public telephones were also installed, denoting a qualitative change in the understanding of police and public service. The building’s interior went from being a “private” to a “public” space. Many people have started to enter police stations simply to use the bathrooms or make phone calls.

This is not a trivial point: these measures contribute to a greater perception of the police’s public function and create real mechanisms against obscurantist temptations and the old logic that the police should protect and shield itself by closing itself off from the general public.

As explained by Rolim (2007, p. 33):

Few areas provide such little room for innovation and such strong attachment to tradition as public safety policies. We are therefore dealing with an area that has an unusual resistance to innovation, which becomes itself a part of the problem that has to be faced.

One of the innovations introduced is the continuous education of its employees. Prior to the Delegacia Legal Program (PDL), training or education enhancement initiatives were few and unrelated, always responding to an external and occasional demand. From the start of the program, all civil police officers assigned to PDL police stations received a bonus of R\$ 500, which represents close to 30% of their net monthly salary, if they take part in a monthly updating course. In theory, this bonus makes it clear that the state government emphasizes

and believes that continuous education will lead to changes and better practices.

Different formats for this enhancement course have already been tried. At the start of the program, these courses were taught in Police Academy classrooms. However, since it is a state-wide program, many officers complained about having to travel long distances to attend classes in downtown Rio de Janeiro. Next, classes were to be held at police stations on off-duty days, but ended up causing the same problem: officers who lived faraway from their workplaces also complained from being forced to travel long distances to attend classes. Finally, the solution was to teach the courses over the Internet. Today, close to ten years after the start of the Delegacia Legal Program, it is possible to scrutinize this effort by the state of Rio de Janeiro's public safety policy and measure the advances made and the obstacles encountered.

### Resistance and autonomy

It is natural for changes to cause discomfort. Resistance to change may be interpreted as not only incompatibility with the new, but also as a reaction against new demands and the effectiveness of changes. However, not all resistance is attributed to police "subculture" or intellectual conservatism. Listening to the students, police officers in this case, and to their perspectives—even if they are mistaken or imprecise—is a necessary condition for dialogue and awareness to take place.

Two issues, among many, were the main driving forces behind their resistance: the fact

that when PDL was introduced, two police station models coexisted—the "Delegacia Legal" and the traditional—and they associated the R\$ 500 bonus with the Delegacia Legal and not with the enhancement course. Since officers who were not assigned to Delegacias Legais did not receive the bonus, many of them sought to be assigned to these units, hoping to increase their income. Hence, the courses were seen as a "mechanism" created to take away their bonus: officers who did not attend the courses or did not make the minimum grades on exams would lose their bonus. This would be a major reduction in income when considering the share this bonus represents of an officer's income. The R\$ 500 became known as the "Legal's five hundred." Perhaps this is the origin of the nickname "the little five hundred course".

Another issue that deserves consideration is the format and content of the course modules. It is often said that police work is resistant to theories and contrary to anything that is not pragmatic.

Finally, police culture is marked by a form of intellectual conservatism that, under the cover of pragmatism, prioritizes a superficial assessment and only takes concrete elements and anti-intellectualism into consideration (MONET, 2001apud ROLIM, 2007, p.34).

The *theory* learned at the academy was always an obstacle to surmount when faced with the challenges of real life *practice*. However, it would be interesting to also understand why police education traditionally limited itself to teaching legal knowledge,

which was assumed to be identical to court and police techniques. In other words, Investigation and Law would be synonyms, genres of the same species.

If in fact they are genres of the same species, it is important to understand an explicit difference in the letter of the law. Whereas criminal procedure and its process is described in more than 800 articles of the Code of Criminal Procedure, police investigation—a key item in indictments by the Attorney General’s Office and the unfolding of the entire activity of the criminal justice system—is summarized and defined in 19 articles of the same Code. In practice, a legal fantasy separates police procedure from the rest of the legal process. From this perspective, perhaps the officers’ resistance cannot be summarized as mere brutalization and anti-intellectualism.

The PDL enhancement course adopted a format consisting of animation with characters and dialogues using word balloons. Many officers, however, felt they were being underestimated by the courses’ childish format, very similar to the one used in comic strips.

Additionally, the course content was limited to a sort of summary of Criminal Law classes. There was much discussion of articles, clauses, aggravating and minimizing factors, focusing on disseminating knowledge related to the legal field, to the detriment of knowledge closer to the human sciences. Knowledge that could contribute more effectively to the discussion on the role of the police; to the perception that conflict

is inherent to society; to the changing of authoritarian practices.

According to Poncioni, the growing criminality observed since the 1970s arouses a special interest in the need for training police officers for a more professional practices that will lead to a more efficient and effective performance in public safety. Despite having witnessed innovations in professional education, few initiatives have been able to lead to an effective change in current practices and procedures based on predominantly arbitrary and violent methods. According to the author, we still operate from a militaristic and bureaucratic perspective where the police officer is conceived as an “impartial operator of the law, relating to citizens in neutral and distant conditions” (PONCIONI, 2007, p. 23).

With rare exceptions, the courses taught made reference to legal issues, legislation wording, or system operations created for the Delegacia Legal, along with discussions on Law or information technology. The role of the police, the purpose of the police officer and the goals to be pursued were not considered, since it was accepted that the role of the police is to fight crime and the purpose of the police officer under this reasoning is obviously to fight criminals.

Poncioni makes us reflect on how this reactive attitude, together an *ethos* of “war against crime,” drives police officers to believe that what is expected of them must be translated into a number of arrests, seizures and fines charged.

The course syllabuses (...) display an excessive emphasis on crime control within the police's exclusively reactive strategy directed mainly toward confrontation, pointing out the deficiencies of preventive actions focused on conflict negotiation and direct relationship with the public; it is also evident that a clear negligence exists in training police officers—both civil and military—to handle other demands and interests of the public that are not restricted to following the law, but are related to maintaining public order by means of negotiation (PONCIONI, 2007, p. 601).

Even police officers, with their inflexible repressive attitudes, realize that crime will never end. However, this understanding is alienated, not because it is removed from reality, but because of the fact it becomes natural. It has always been this way and it will always be—this perception is not theorized.

A teaching system that combines content with a methodology that provides for dialogue and reflection would be able to, starting from this awareness, overcome common sense and create something. It would be capable of joining police theory and practice.

Obviously, the issue is not simple. If the PDL's objective is to change practices and qualify police officers for dealing with the public, we would have to rely on a minimum amount of support from the officers. It will not be by discussing law that we will create a philosophy capable of understanding the police as a public service dedicated to protecting and defending the public.

The training offered by an organization for its employees would, at least in theory, provide the type of theoretical and practical knowledge that is primarily required for carrying out the productive tasks expected from these individuals. Employees, in turn, see training as the possibility of attaining greater autonomy and recognition (MINAYO, 2003, p. 98)

In a survey of the Civil Police of Rio de Janeiro conducted by Minayo, only 43.6% of interviewed officers stated that they had studied investigation techniques; when taking into account only officers who work in police stations, this percentage drops to 40.8%. It is worrisome that close to 60% of officers did not recall this subject from their period of education. Other figures provide an even better idea of the size of the challenge that the Civil Police is facing: only 40.5% have stated that they studied children and adolescent rights, only 36.7% discussed the topic of gender violence and an even smaller percentage (34.3%) mentioned having discussed the police's relationship with the public.

It is also not surprising that officers view their job as a purely reactive activity. If their performance is simply guided by the types of criminal offences, it is not possible to talk about the police before the appearance of "article" "155," "121" or "157".<sup>5</sup> If we only respond to articles of the Penal Code, and not to the conflict, we only act after the "criminal offense."

It is not a question of content-based training—as if the police's problem were its ignorance of the legal codes—but a matter of training that

is able to qualitatively alter the officers' understanding of their purpose and the role of the police in a democratic state that observes the rule of law. The creation of this enhancement tool will depend considerably on our own ability to dialogue.

However, in no way should it give in to the temptation of merely contributing to "improve" the police institution we have in our country by making it operational and modern. The task is to show it other paths and that will depend on the skill and art of achieving common objectives that allow for a better performance from our police and a fairer negotiation of our public safety (KANT DE LIMA, 2003, p. 255).

The importance of dialogue in the course is not a minor issue. The work of an engineer or a dentist can be understood without establishing a direct link between their activities and their personal values. Building a bridge or filling a cavity does not have much relation to the set of opinions or values of the professionals involved. Their goal or task is, at least at first, uncoupled from any reference to their value system. The police, however, have an objective and purpose that deals closely with their values and understanding of the world.

The discretionary aspect of police work carries a degree of autonomy that cannot be eliminated. However, since we are never sure of the "problems" that will arise in the line of duty of an officer—the unpredictability of demands—it is impossible to have total control over the actions of officers. Every profession needs to rely on a certain degree of au-

tonomy. However, the police have a number of efficient mechanisms that resist change.

The first one is the supposed inability to proceduralize all police actions, which makes it a necessarily complex activity. Despite all the resolutions and service orders, it is not possible to summarize police tasks—as it is also impossible to do so in teaching. The qualification and typification of police reports are not immune from the perspective, filters and understanding of the officer who is issuing them. The central role of *information* in how police function and plan cannot be ignored. And information is obtained at the "lowest" levels of police hierarchy. Monjardet even talks of "information's hierarchical inversion," in that each level depends a lot on the information collected and provided by the lower levels. It is not a case of the supposed displacement of the focus of power, but of understanding the importance of having the *street level bureaucracy*<sup>6</sup>—the officer on duty at the counter—internalize the rules as well.

Police organization is thus very particular. Its hierarchical form seems to be the most rigid model of authority, based on orders, commands and discipline. But it can only work effectively if the informal organization adopts mechanisms for cooperation and exchange founded on the mutual recognition of a very close functional interdependence (MONJARDET, 2002, p. 104).

The second mechanism, according to the same author, is common to all large bureaucratic organizations, such as education or health: the more autonomy given the pro-

fessional, the more likely he is to replace set goals and interests with personal ones. Institutional interests are replaced by the interests of their agents. All the resources of opacity and inertia available at any bureaucratic organization are used against outside interference. The old argument of the specialist is employed against outside interference: schools are for teachers, universities for researchers, hospitals for doctors...

Finally, a third mechanism helps the police shield itself against outside interference. While it is easy for a screw factory to evaluate its productivity, it is not so simple for the police. If we base our evaluation on “productivity”—the number of arrests or weapons seized—we are obliged to recognize that no preventive work is taken into account. It is easy to praise the officer who arrests a mugger. But how can we recognize an activity that may have prevented the mugging? Arresting a gang of swindlers provides visibility, but what if the embezzlement is prevented? Therefore, everything leads police officers to believe that their work is limited by the number of arrests, seizures and deaths resulting from confrontations with the police.

Pragmatism, often described as a trait of police culture, is conceived in fact much more as a reasonable adaptation to a system of sanctions that concentrates compensation for the results of police action. (...) The evaluation of police service is therefore focused on what can seem to translate into a result, an efficiency, a mobilization, that is, within the repressive realm. It is the only way that provides a number that can be immediately

interpreted: number of misdemeanors, preventive arrests, cases solved (MONJARDET, 2002, p. 159).

No police corps is limited to pure instrumentality. Every organization, no matter which, adapts the prescribed rules to its practical daily routine. It is not a question of resistance, but of understanding the content of the order and implementing it with the available means. There is always a distance between the prescribed and the observed. Understanding this hiatus is the first step to creating an enhancement that understands the importance of including top officers and the ones out in the field in the proposed changes. Minting new officers is not the point. The issue is restructuring concepts and reformulating paradigms in effect.

There is no formal organization that does not have an informal organization. As Monjardet emphasizes, sit-down and work-to-rule strikes gives evidence to the issue. If flight controllers follow all the orders given them, flight traffic will come to a standstill; if the customs agents follow all the codes, the port will also be paralyzed.

Discussing police training means mostly discussing what the police is all about. This point is emphasized because it has become common to state, almost always following a tragedy, that the police have a training problem. The police appear to lack minimum knowledge regarding tactics, shooting or use of force. These techniques are very important and absolutely necessary, since they provide officers with safety in the critical moments when they need to use them.

However, the decision to use them has a close relation to the system of values just mentioned above. Equally important as teaching these techniques are the tools and guidance given officers in relation to this decision and how it should be related to the role of the police in a democratic society. The death of a child in a car with tinted windows is not the result of lack of training in handling weapons, but it arises from the belief that it is acceptable to shoot at an escaping car; a belief that it is acceptable to execute criminals.<sup>7</sup>

Along with this perception, another misunderstanding helps maintain resistant authoritarian and hostile attitudes. Police officers are forced on daily basis not to believe in laws and rules. In their own work, officers are pressured for results and carry out actions such as: roadblocks, raids and incursions; all of them very well described in numerous resolutions. However, they are forced to coexist daily with the lack of the means prescribed in such orders. The decision to be made every day is the following: “either we do it even without the prescribed means, and consequently, without legal support; or we don’t do it, we don’t arrest, we don’t produce, we don’t seize”.

This daily conflict ends up being summarized, in its two extreme forms, in two situations: on one extreme, the action is carried out and the criminal is arrested, without “incidents” and the officers are praised and congratulated for their bravery and exceptional performance; on the other extreme, if the action is not successful, an administrative procedure is opened to determine who are the “responsible parties.”

The letter of the law, dead in the case of success, comes back to life and falls on the heads of the officers. In other words, raiding a house in the middle of the night is not a problem. The problem is not finding anything inside it. The officer, an agent hired by the State for law enforcement, is the one who believes less in the law and its equal and fair implementation.

As Kant de Lima states (2003, p. 243):

Is what we call poor performance really poor performance, or is it performance according to a model that, at its roots, legitimizes the actions that we are questioning? Afterward, we need to know if the police officers do what we consider wrong because they do not know what is right or if, knowing what is right, they simply decide to do the opposite. We can occasionally conclude that what we consider to be unpreparedness is actually a preparedness infused with values and an ideology different from the ones that explicitly inform our judgment.

Believing that the PDL is an important step in the direction of a fairer police force, distant from obscurantist temptations, we consider the resistance of officers to be an obstacle to the enhancement of professionals who, in the end, are responsible for the concrete implementation of any policy defined at the top. Finding a tool able to overcome this resistance and win over the officers in this extremely important debate over public safety, the role of the police and the conflicts faced by officers, would enable a qualitative change in the education of officers.

### **Tactics and strategies**

In 2008 work began on a police education project that was designed to break down the

barriers of mistrust of policemen. The idea was to change the format of courses by transforming them into more attractive tools that would serve as a means of dialog with policemen to sensitize them. This would allow for significant strides in the pursuit of legal and democratic values and practices. However, not only the format should be changed. As stated previously, the course content also needs to be rethought to enable discussion of issues central to public safety and its agents, such as the importance of civil servants responsible for the investigation, and reclaim and recognize the value of investigation as a competence of the police itself, an ethical commitment, etc.

With funding from a national scholarship program sponsored by the Brazilian Forum for Public Safety, a 15-minute video was produced that analyzed the police investigation of a homicide. It is an example of investigative police work portrayed as a documentary. This film will help in making strides toward a more citizen-like, tempered and effective police force, in line with legal frameworks and the rule of democratic law.

The transfer of knowledge in the police force has almost always been oral and spontaneous. In view of the few educational initiatives, historically police officers have based their methodology and techniques on trial and error and experimentation.

The study of a case, however, is not just an educational choice. Creating an internal channel of dialog, which enables the police officers to hear from others and exchange diffuse individually appropriate information, would

help. It also involves recognizing appropriate methods by giving them visibility and motivating the professionals involved. The discourse of the police officers interviewed, because it comes from inside the profession itself, serves as self-criticism and aids in the individual consciences of those studying.

From this perspective, understanding the perspective that police officers have of the fact that their work is or is not socially recognized is of fundamental importance to understanding how they position themselves and how they identify with the activities that they carry out. (...) recognition is a central complaint for those who do police work, where we can consider that, if a police officer feels he receives social recognition for the work he does, he might feel more motivated to endure possible suffering, burn out and the inherent stresses from the type of work that he performs (MINAYO, 2003, p.164).

Faced with the non-recognition of police work, the public servant may establish a merely formal, superficial relationship, based on performing the content of his duties. In activities such as those that cover PCERJ, commitment and involvement are central factors in its practice.

It is not a matter of transforming the mechanism of continuing education and qualification of the PDL into just motivational marketing, but rather how to make police officers see the positive effects of their work.

The argument of the video was based entirely on the discourse of police officers interviewed, deconstructing the idea that

education must necessarily come from above or from specialists. No narration was used in this film. The video was produced from interviews with police officers who were present at the scene of the crime, who interviewed the witness, or those who effectively participated in the investigation.

It deals with the murder of a young woman, from a low-income family, who lived in a shanty town and worked as a prostitute. This case presented many telltale signs that little effort would be made toward solving it: a prostitute found dead in the street with a bullet in her head. Due to the proper work of a police team, however, the author of the crime was identified, indicted and arraigned before a Jury Court.

Through interviews, the film showed what is most fluid and oral about police work: police methodology, “police work”; knowledge that today still remains restricted to police teams. How is knowledge passed from the old guard to the new? Disseminating knowledge is a democratic initiative. Dialoging with a profession that believes knowledge is built on practice is a *tactical choice*, strategically designed to build a mechanism to improve continuing education using the students themselves, while also promoting discussion about what this knowledge is, how effective and/or legitimate it is.

In the video various topics were explored that extrapolate the basic analysis of a real life case. When the positive points of the selected homicide investigation were indicated, the importance of dialog between the police

officer—the investigator—and specialist became clear. Both possess their own competencies and knowledge. In this sense, the video borrowed from scientific discourse which relegates the investigative professional to a subordinate knowledge. It tried to explain the technical character of creating a hypothesis in an investigation and the paths traveled to prove these ideas. This method reveals the capacity for abstract thinking that leads to inductive and/or deductive conclusions.

The building of this hypothesis, the “line of investigation,” is clearly defined in the video as a collective construction, in which the various professionals and knowledges should complement each other. It has been shown, therefore, the importance of using the technical conclusions of the investigation, as well as the fact that, without team work, the “queries” of an expert report will add little to the investigative work.

By showing the legal proceedings, the video aims to discredit violent practices. Those interviewed speak openly about the importance of finding evidence and proof within the limit of the rules accepted by the penal process in the building of the case. The confession was treated not as the point of arrival to be pursued, but as just another possibility of a successful investigative exercise. These conclusions help to undo the idea of torture as an investigative method.

According to Kant de Lima, the mistaken perception that the truth could be obtained through confession was the argument that validated the use of torture as a present day in-

vestigative technique in the Civil Police of Rio de Janeiro. For the author, this belief would motivate—even after gathering evidence that indicates the participation of an individual in a particular crime—torture as a technique to obtain a confession.

In fact, the positive correlation between torture and a successful investigation is so institutionalized that the assistant police chief who would not permit torture during his shift was reprimanded by the police chief. The reprimand was based on the presumption that without torture investigations would not be successful, which would, in turn, seriously affect the effectiveness of the police station (KANT DE LIMA, 1995, p.84).

The road to deconstructing some paradigms and concepts is a slow process and will require the participation of others in this debate outside of just police officers. However, a subject that could serve to qualify police officers cannot avoid these issues and must bring them to an internal debate of the profession.

Throughout 2008, the QSL project was built collectively. When we presented the initiative and discussed the possibility of developing material capable of enhancing the work of police officers, the project started to take form and received new support and partners.

Despite being non-fiction, the documentary needed dramatization to illustrate the discourse of the police officers interviewed. For these scenes, we relied from the outset on the support of an NGO that has been working for 14 years in art education in the

Baixada Fluminense, on the outskirts of Rio, holding theater introduction courses for young people of the Lixão shanty town. This NGO—the Center of Theater Studies—is concerned with marginalization, violence and human rights.

The QSL project also relied on, from the start, a partnership with Nufep—a multidisciplinary and interinstitutional center, associated administratively with the Institute of Human Sciences and Philosophy of the Universidade Federal Fluminense, which explores issues of public safety and criminal justice.<sup>8</sup>

This center developed, in 2007, the Public Safety and Criminal Justice Administration Course, which promotes discussion between different institutions of the State's criminal justice system. Many of the theoretical frameworks and the accumulation of the base discussion for the present project were acquired in the activities carried out by this center.<sup>9</sup>

We believe it constructive to unite the police officers involved, organized civil society and the university that explores issues of criminal justice. Such a meeting could only result in a new proposal for police education, disseminating good practices and minimizing the resistance of police officers to the today's ongoing training of the PDL.

The idea is to disseminate knowledge using interviews within the PCERJ and find ways to reformulate police practices. The participation of the police officers in the videos is of utmost importance, since, seeing police officers with

whom they have already worked or cases with which they identify, the students themselves serve as disseminators of the course, encouraging other police officers to watch and discuss the film. They are “witnesses” that broaden this impact and the reach of the videos, reinforcing the discussion that we propose in their teams and with colleagues.

However, many police officers feel at ease to explore topics that are not so simple and ready themselves delve deeper into the issues. This is how other partnerships, co-disseminators, were formed over the course of the process. At the beginning of the year the base team, which developed the project, was made up of three people, of which only one was a police officer. Currently five members of this base team are police officers from different departments and career tracks.

Two police inspectors work at a suburban district precinct—one of them works directly in the main purpose of the profession, serving the public, while the other is allocated to another section responsible for access to different databases, from where he provides support. A third partner is an official in a registry office who has already worked in traditional police departments and Delegacias Legais—helping us to understand the advances achieved by the PDL. Another inspector is allocated to the Office of Special Resources (Core) and experiences, on a daily basis, the reality and lethal nature of violence. Finally, one of those interviewed—a police commissioner—also joined the group and contributed with his experience accumulated over 25 years. This group, plural and representative, was fundamental to creat-

ing plural material that speaks to the different sectors of the police.

The material presented *speaks* much more to the police officers for various reasons: a video was made about an investigation that occurred in the 21st Police District—a district with a large backlog of work and intense demand. In the case discussed, the author of the crime went to the police station alleging that he had been held up in front of his house by two individuals and blaming them for the murder of the victim. There was, initially, a version to be investigated. The investigative exercise was the only alternative that would separate an investigation of the facts from just an exercise of recording information. In the video investigative techniques were portrayed and not just registration procedures for an inquiry.

The idea was to disseminate and advertise the knowledge that today is still held privately by each police team or by a few police officers: the “*modus operandi*” of police officers that was forged based on trial and error, and experimentation. We don’t believe that this practice meets all the needs and requirement of the profession. However, we believe that it is an important initiative and effort to make personal and subjective material more objective, since professional and technical knowledge comes from individual knowledge, and the entire profession, in the strict sense of the term, complains about this monopoly of knowledge.

Revealing these methods is important for the Civil Police of Rio de Janeiro, which trains its police officers by studying real cases in which the work of the police was exemplary. It is

also important for each police officer to equip himself and, in practice, rethink his conduct by watching real, attainable, successful work. However, it is more important for all of society to gain from a better trained and prepared police force to face conflicts and daily events.

We believe that we are moving toward a dialog and consensus, which would be impossible without the compliance of the police. In its absence, we will again see changes that will meet resistance, instead of seeing resistance give way to the new.

1. "QSL" is one of the codes used by police officers when communicating by radio. It is used to confirm receipt of a message, or whether a message has been understood. It is not an acronym but a specific term representing a radio communication convention.
2. Guide to the Delegacia Legal Program. Available at: <[www.delegacialegal.rj.gov.br](http://www.delegacialegal.rj.gov.br)>.
3. Guide to the Delegacia Legal Program. Available at: <[www.delegacialegal.rj.gov.br](http://www.delegacialegal.rj.gov.br)>.
4. Guide to the Delegacia Legal Program. Available at: <[www.delegacialegal.rj.gov.br](http://www.delegacialegal.rj.gov.br)>.
5. The articles quoted are from the Brazilian Penal Code and refer to theft, homicide and robbery, respectively.
6. Policemen, firemen and teachers are examples of professionals charged with the concrete application of public services and policies. Whatever may be the guideline adopted by the top echelon of these organizations, it is the officer on duty and the teacher in the classroom who will implement it.
7. In July 2008, following a chase, police officers fired more than 15 shots at a car supposedly driven by criminals. Inside the car, there was a woman with her two children. Her three-year old son was shot in the head and died. (<http://oglobo.globo.com/rio/mat/2009/01/12/memoria-relembre-morte-do-menino-joao-roberto-baleado-numa-acao-policia-na-tijuca-657119897.asp>).
8. The Fluminense Research Center (Nufep) is headed by Prof. Roberto Kant de Lima, at the Universidade Federal Fluminense ([www.uff.br/nufep](http://www.uff.br/nufep)). Prof. Gláucia Maria Pontes provided guidance for the QSL Project.
9. The Public Safety and Criminal Justice Administration course in Rio de Janeiro ([www.uff.br/nufep/cursogest.htm](http://www.uff.br/nufep/cursogest.htm)) was created in partnership with the Special Secretariat for Human Rights (SEDH), attached to the Office of the President of Brazil, and financed by the European Union. The course is coordinated by Prof. Roberto Kant de Lima and Prof. Gláucia Maria Pontes Mouzinho.

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# Deconstructing paradigms: the QSL Project

Hildebrando R. Saraiva Jr

## Resumen

### Deconstruyendo paradigmas: la experiencia del proyecto QSL

*Este artículo describe brevemente el Programa Comisaría Legal, llevado a cabo en la Policía Civil de Río de Janeiro y que hace hincapié en la formación continua de los policías. Se analizan los instrumentos usados en esa cualificación, proponiendo un nuevo modelo de perfeccionamiento profesional capaz de superar la resistencia de los policías y de elaborar una perspectiva democrática de la tarea policial. Considerando que el trabajo policial cuenta, por naturaleza, con gran autonomía y arbitrariedad, el texto refleja la importancia de integrar a los policías en los cambios propuestos.*

**Palabras Llave:** Policía Civil. Programa Comisaría Legal. Cualificación profesional. Formación policial.

## Resumo

### Desconstruindo paradigmas: a experiência do projeto QSL

*Este artigo faz uma breve descrição do Programa Delegacia Legal, implementado na Polícia Civil do Rio de Janeiro, com ênfase na capacitação permanente dos policiais. Analisam-se os instrumentos usados nessa qualificação, propondo um novo modelo de aperfeiçoamento profissional capaz de superar a resistência policial e elaborar uma perspectiva democrática da tarefa policial. Considerando que o trabalho policial conta, por natureza, com grande autonomia e discricionariedade, o texto reflete a importância de englobar os policiais nas mudanças propostas.*

**Palavras-Chave:** Polícia Civil. Programa Delegacia Legal. Qualificação profissional. Formação policial.

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# Police performance: does training matter?<sup>1</sup>

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### Abstract

*The present study assessed the impact of training on police performance based on a novel measurement methodology. The results revealed a true measure of the key principles of police work deployed on a typical tour of duty. Data was gathered through a controlled study involving 24 military police officers from the city of São Paulo. Police officers were observed during encounters by means of systematic social observation, a direct, non-participant observation technique. The sample pooled the results of 199 police encounters which were collected during two separate phases: July and August 2006, and February and March 2007. Prior to the second phase, 50% of the police officers underwent 60 hours of training.*

### Keywords

*Police. Police training. Police performance. Police encounters. Systematic social observation.*

The police force is one of the most important public institutions given the practical results they pursue (MOORE; BRAGA, 2003) that are directly related to the control of conflicts which affect social order and have a direct impact on people's lives. In this context, the main aim of the police's work is to contribute toward creating an environment in which individuals' rights are safeguarded.<sup>2</sup>

For the purposes of this study, police performance encompasses *all operational procedures carried out by police agents in a public setting which promote or otherwise, direct contact with non-police civilians*. In practice, this covers all tasks involved in ostensive policing,<sup>3</sup> chiefly: the action of presence through patrolling (on foot, bicycle, horseback, by motor vehicle etc.); checkpoints or roadblocks; and encounters involving citizens or vehicles.

The operational performance of police, as for any other public functionary who deals directly with the public, is extremely hard to measure (LIPSKY, 1980). Traditionally, police performance has been measured by crime rates and more recently, by community satisfaction (DADDS; SCHEIDE, 2000).

In Brazil, it is also common to associate police performance with the process of creating a democracy in the country (PINHEIRO, 1991; CARDIA, 1997; MESQUITA, 1999; CAL-

DEIRA, 2000). The most frequently used measure employed in these studies to assess police performance was police lethality (PINHEIRO, 1991; CANO, 1997; PROENÇA JR., 2006). Nevertheless, it is well acknowledged that these indicators are insufficient to achieve a reliable measure of police performance (DADDS; SCHEIDE, 2000). The present study therefore sought to contribute with the creation of new indicators, by testing a novel method which uses Systematic Social Observation,<sup>4</sup> a direct, non-intrusive observation technique in which police are unaware they are under observation.

In addition to creating a new measure of police performance, the methodology enables the impact of training to be assessed, through observing the conduct of a group of police during encounters. The study tests the hypothesis that *training brings police conduct closer in line with the standards established by the police institution*. The data were gathered in a controlled study, and pooled to produce a sample of 199 encounters.

To conclude, this article presents a debate on potential alternative strategies to influence behaviors.

### **Performance measures: criticisms of traditional standards**

Over the past two decades, governments of many countries have implemented strate-

gies and targets to ensure that public services, policing among them, are efficiently managed. This represents a responsibility for the police policymakers in devising standards of conduct which can be adhered to by officers during police work.

Public security, or lack of it, has an impact on everyone and for this reason, according to Moore and Braga (2004), the public wants to see a reliable measure of police performance in order to assure that police are doing valuable work for the budget and resources they receive. It is important to highlight that public spending on policing is substantial.

For their part, police administrators and managers also seek a measure of police performance which can assess the operational feasibility of specific internal policies (MOORE; BRAGA, 2004).

Devising a reliable measure of police performance poses a great challenge, both for public managers as well as researchers.

The use of crime rates as a measure of police performance entails demonstrating a link between a fall in crime rates and higher standards of police work.

In terms of the logic behind this notion, the fact that crime rates may be related to other factors must be considered. For instance, people's behavior may change by becoming more preventive, or change may occur in public spaces which could be placed under greater surveillance thereby reducing opportunities conducive to criminal activi-

ties. Thus, the indicator of crime rate is not a suitable measure for providing an accurate picture of police performance since other variables influence this outcome.

Other variables besides crime rate are also used as measures of police performance, including the number of wrong-doers caught red-handed, along with the quantity of firearms and drugs seized by the police. According to Lipsky (1980) there is a link between the measuring of performance and police behavior. The rule of thumb is that the behavior within organizations tends to shift toward becoming more compatible with the forms in which the organization is evaluated.

In Brazil, the Military Police makes policing policy with the objective of cutting down on the number of crimes. In parallel, it seeks to reduce police lethality while investing in formal control. However, police behavior during policing is more oriented toward increasing the number of arrests and seizures of arms and drugs.

With regard to raising standards of management and police performance, this path has reaped results, bearing testimony to the effectiveness of this decision, particularly in the State of São Paulo. However, work toward controlling social conflicts requires other efforts by the police which are not measurable using these indicators.

Another widely used measure of performance are surveys to ascertain public satisfaction. These surveys tend to qualify police activity by asking respondents whether "the

police do a good job”. Moore and Braga (2004) criticized this criterion asking: What behaviors warrant inclusion in assessments of police performance? Which police activities do local community leaders assess? It could be the case that the outcome of the survey on public perception may not be able to reconcile these two perspectives.

These authors also questioned whether all community leaders are really in a position to assess police work as “good” or “bad”, given that their direct contact with the police, when this takes place, only does so under specific circumstances.

The *users* of the police services vary according to the type of police action, which may act reactively when mobilized by directly by someone, or by dialing the emergency number (190). In this situation, people *need* the police to resolve a problem they cannot resolve or because they have become a victim. Another form is pro-active action, when the initiative is taken by the police, during police patrols for instance. Under these circumstances, police, as a general rule, act in a *coercive* manner, carrying out encounters, arrests etc.

There is also a category of individuals which have never had direct contact with the police. This population are aware of the police through hearsay or seeing them at street level, or simply because they pay their taxes. Therefore, it is necessary to bear in mind that somebody who has been incarcerated tends to assess police performance differently to someone who has had their cell phone stolen and

recovered by the police, and to an individual who has never needed the police.

### **Performance measures: innovative methods**

In a bid to prevent the biases which these traditional forms can introduce, some researchers have helped devise new indicators of police performance.

Dadds and Scheide (2000) have developed a police “activity measure” whose method allows time spent by police on certain measurable activities to be quantified. In other words, the model allows measurement not only of time spent by police on actual policing, but also what police engage in during their work shift.

The data from the cited research was gathered using a survey applied among a sample of Australian police.<sup>5</sup> The results indicated that these police spent their time on the following activities: 40% on police services dedicated to the community (community policing, programs with the community, information services, etc.); 32% on crime control (patrols mainly for controlling crime against other persons or property, and illegal drugs); 13% on traffic activities (traffic police, accident investigation); 12% in supporting criminal justice; 2% on response time to deal with and coordinate emergencies; and 1% on ministerial support services.

Based in this data, it can be inferred that the time spent by police carrying out arrests or seizing drugs or arms accounts for only a fraction of their daily routine and occasionally may not even take place.

Another contribution is that by Wang and colleagues (2000) which tested a new typology for classifying the different police performance measures used by police departments of American cities. The typology proposed classified the performance measures into three categories: objective measures of output; objective measures of outcome; and subjective measures of outcome.<sup>6</sup> Drawing on survey data, the authors tested the hypothesis that this typology was able to elucidate the measures of performance used by police administrators. Within the constraints of the model, the three categories of typology proposed covered 61.3% of the total variation in 12 performance measures<sup>7</sup> selected.

This methodology was innovative in pooling together a large group of indicators directly associated to police activity, while linking these with data from public satisfaction surveys.

The police “activity measure” devised by Dadds and Scheide (2000) represents a form of accountability, demonstrating the activities that police engage in during their work shift. The typology proposed by Wang and colleagues (2000) however, represents a useful tool for explaining the preferences of police administrators in their choice of police performance measures.

The study presented in this article aimed to test a new type of measurement of police performance which may serve as a tool that enables police administrators to see how certain institutional strategies are being put into operation, particularly after the pro-

vision of training. Furthermore, this measurement satisfies the need to elucidate the public on the behavior of police during their routine duties, chiefly in terms of the use of non-lethal force.

### **Instruments and methods**

With the aim of verifying the impact of training on operational performance, a controlled study was carried out on two groups of police officers. The groups were observed during operational activities. One of the groups subsequently received training and both groups were observed again.

The Systematic Social Observation (SSO) technique was employed.<sup>8</sup> The main idea underlying this technique is to record the way in which police act in public spaces, without the intervention of an observer or supervisor, in a bid to record their natural behavior.

Police encounters are the most frequent interaction between police and the public (PINC, 2007) and for this reason was the event elected for observation.

The observations were recorded on video<sup>9</sup> and the image coded on a questionnaire used to create a data base for analysis.<sup>10</sup>

The questionnaire was devised based on institutional procedures adopted by the Military Police of the State of São Paulo, which seek to standardize individual behavior during encounters. The standardizing of conduct underpins quality-improvement programs implemented in organizations among

the private sector, and more recently in the public sector.

The Standard Operating Procedures (SOPs)<sup>11</sup> contribute toward producing standard police behavior during dealings with the public, which can be managed and controlled by the organization. Besides safeguarding people’s civil and social rights, working to SOPs raises safety of police officers during encounters, which are acknowledged as being a high-risk situation for police officers.

To this end, the SSO tool ascertains whether new knowledge produced by the institution (SOP) has been assimilated into individual police behavior, thereby serving as a performance measure.

In order to conduct this study, 24 male military police officers were chosen<sup>12</sup> and

then split into two groups<sup>13</sup> as shown in Table 1. The police were assigned to patrols by car under the 190 program, which responds to emergency requests and provides ostensive policing. The groups policed the same beats<sup>14</sup> and worked on alternate days between 6:00 and 6pm on a 12 x 36 shift scheme (12 hours on duty followed by 36 hours on leave).

The SSO was carried out in two phases, each lasting approximately two months. The first took place in July and August 2006 while the second was run in February and March 2007.

The objective of the observation was to record the police performing citizen encounters. Given the difficulties in predicting when and where these events would take place, police were observed carrying out stops of vehicles

**Table 1**  
**Police sample characteristics**

**Municipality of São Paulo – Jul./Aug. 2006-Feb./Mar. 2007**

Police Groups	1 <sup>st</sup> Phase <sup>(1)</sup>		2 <sup>nd</sup> Phase <sup>(2)</sup>	
	absolute N.	%	absolute N.	%
Control Group -CG	12	50.0	12	50.0
Group selected for training - TG <sup>(3)</sup>	12	50.0	12	50.0
Total policemen	24	100.0	24	100.0
<b>Police by gender</b>				
Men	24	100.0	24	100.0
Women	0	0.0	0	0.0
Total policemen	24	100.0	24	100.0

Source Research conducted by Tânia Pinc.  
 (1) 1st Phase of the SSO: from July to August 2006.  
 (2) 2nd Phase of the SSO: from February to March 2007  
 (3) Training – 60 hours given to TG: from September to January 2007.

and motorcycles at predetermined times and venues. This approach allowed observers to be situated so as not to be perceived by the observed police officers. The precinct offered two venues which satisfied the pre-requisites for efficient SSO.

## Training

This article presents a descriptive analysis of data gathered through direct observation of police-public encounters, whose key focus was to ascertain the impact of training on police performance during such encounters. It is noteworthy that in Brazil, no studies to date have investigated the training-performance relationship.

According to Goldstein (1976),<sup>15</sup> Police training, i.e. *the process of updating and refining knowledge on Police practices*, is viewed by Police departments as something of a luxury. This training investment is time, resource and team-permitting, since it is not yet considered indispensable for this complex and serious work.

Many departments in America have introduced programs to provide one week or more of annual training for their staff, but few have been able to maintain their programs which prove highly costly, because a reasonable number of police substitutes must be found to cover those on training courses (GOLDSTEIN, 1976).

A study conducted by Adlam (1998), involving a group of 20 police officers from the United Kingdom, demonstrated that throughout their entire careers (20 years on average)

they had undergone only 12 months of on-the-job training. Other data from 1985 sourced from the Texas State police force, showed that more than half of police officers had received no manner of training within a one-year period (CAMPBELL, 1993). This corroborates the claims by Goldstein which showed that training is not a usual practice within police institutions in a host of different countries.

In São Paulo, the Military Police run a rigorous training schedule ensuring that all police involved in operational activities or otherwise, attend at least one week of training every year. Further, other initiatives are underway at state<sup>16</sup> and regional<sup>17</sup> levels, which enhance training both quantitatively and qualitatively beyond traditional standards.

The training program in the current study was run between September 2006 and January 2007 and given to only one of the groups. Thus, the study design enabled the analysis of the behavior of the trained group, while controlling by the behavior of the group not receiving training.

The study employed a training program within a traditional framework, in which police are oriented on how to act during an encounter, based on SOPs and the enactment of test simulations. Sixty hours of training were provided, shared between the instruction given at the Center for Training and Operational Qualification (CCFO)<sup>18</sup> and the maintenance and supervision of knowledge performed on the job. The instructors were seasoned male Sergeants with extensive professional experience and knowledge.

Several measures were intentionally taken in a bid to create favorable conditions for assimilation of the new knowledge. These steps included giving the training only during the day and when the police officers were officially on duty, the provision of transport and meals over the two days of training sessions held at the CCFO, the hand-picking of instructors able to convey knowledge in line with the institution's standard model, i.e. without the introduction of any bias. In addition, special attention was dedicated to the course load.

### Study Outcomes

For each operation, an average of two patrol cars and four police officers were deployed, stopping five vehicles within a forty-minute period. A total of 38 operations were carried out, 19 for each phase. The sample pooled data on 199 stops per road block and constitutes the data set for analysis in this study.

Although each phase had the same number of operations or roadblocks (19), the data showed the number of stops per roadblock during phase two (87) to be lower than in phase one (112). It should be noted that these represent encounters that were valid for coding.

In the second phase, it was not possible to codify a portion of encounters for several reasons: in some operations the police positioned patrol cars on the opposite side of the street to that expected, changing the viewing angle of the observer who was unable to record the images on video; the quality of the images was also of a lower standard in the 1st phase due to the use of different equipment; the observers taking part in each phase were different.

The results presented in Table 2 show that motorcycles were more frequently stopped

**Table 2**  
**Stops per roadblock and persons encountered**

**Municipality of São Paulo – Jul./Aug. 2006-Feb./Mar. 2007**

Encounters	1 <sup>st</sup> Phase		2 <sup>nd</sup> Phase	
	Absolute N	%	Absolute N	%
<b>Stops per roadblock</b>				
Cars	31	27.7	13	14.9
Motorcycles	79	70.5	73	83.9
Pedestrians	2	1.8	1	1.2
Total stops	112	100.0	87	100.0
<b>Persons encountered by gender</b>				
Men	128	94.8	102	86.4
Women	7	5.2	16	13.6
Total persons encountered	135	100.0	118	100.0

*Source Research conducted by Tânia Pinc.*

than cars during the two phases. While not a standard procedure, it is known that motorcycles are the mode of transport which provides fastest and cleanest getaway following the committing of a crime. Also, the majority of motorcycles used in committing crimes are illegal - that is they may be stolen or bear cloned number plates.<sup>19</sup>

Regarding participation of women, although the percentage rose in the second phase, it is fair to conclude that females tend to be less encountered than men. This is consistent when taking into account that in the universe of crimes, the vast majority of violations are committed by men.

On the other hand, it is important to highlight that all of the women encountered were in the capacity of passenger of the vehicle and none were submitted to body search. Although legal restrictions prevent male police officers from frisking women and touching them, police may carry out a visual inspection, requesting the female suspect to remove her shoes and coat and lift her shirt to expose her waist, while her handbag may also be searched. These procedures alone are highly likely to expose illegal objects being carried such as firearms and drugs. Meanwhile, the reluctance to adopt this conduct facilitates women's role in the world of crime. Criminals commonly use women to assist in carrying out certain crimes, such as transporting weapons, because women are highly unlikely to be searched.

#### *Impact of training: validation of hypothesis*

The main hypothesis of this study holds that the training given under this program to one of

the groups between the 1<sup>st</sup> and 2<sup>nd</sup> phases of the SSO, is able to change the behavior of the participants to adhere more closely to the standards of conduct adopted by the institution. The data from the group which received no training served as a control measure to determine whether the progress of the trained group between phases resulted from the training given.

The instrument used for coding allowed indicators to be classified under four aspects: police safety; verbal communication; abusive practices; and crime prevention.

#### *Aspect 1: police safety*

All of the indicators in Table 3 represent factors relevant in the safety of police officers during encounters. The expectation during this event is that the police adjust their conduct to allow for the possibility of the encountered individual reacting. If the encountered individual is armed or a criminal the risk of police mortality increases. Although the likelihood of this occurring is slim, police can only be sure after the search and inspection procedures have been completed.<sup>20</sup>

Any organization whose practitioners run the risk of death on duty is obliged to provide resources toward minimizing this outcome. Investment in a bullet proof vest and a lethal and non-lethal weapon is not sufficient. With this in mind, the Military Police of São Paulo produced, following research, a guide on Standard Operating Procedures (SOPs) which outline some individual conducts which reduce exposure to risk during encounters. This new knowledge produced by the police institution builds on some conducts, changes others which were in use for decades, and introduces new innovations.

Police who choose not to follow the safe conducts provided under SOP are not liable for disciplinary action but ignoring these guidelines could cost them their lives.

This aspect only included indicators which represented changes in conduct promoted by the SOP. The percentages presented in Table 3 and other tables correspond to valid cases only.

Prior to 2002, the year the SOPs were introduced, the recommendations of the institution were for the suspect encountered to place both hands against a wall or on the vehicle during personal searches. The change brought in by the SOP was to have the encountered suspect place their interlocked fingers behind their neck, allowing them to be immobilized by grasping only two or three of their fingers. This is a position which makes reacting difficult, requires less physical strength on the part of the officer and overcomes differences in physical build. The data indicates

that the trained group did not improve on this point post-training, but actually worsened falling to a level below that of the control group.

Another change introduced by the SOP is the positioning of the police officers carrying out the personal search. Prior to approaching the suspect to be searched, the police officer should place their firearm into the holster and fasten the button. In view of the proximity, the police officer must take care to keep his holster as far as possible from the searched individual,<sup>21</sup> so as to prevent “jump and reach”. The data indicated that the trained group had improved on this conduct, exposing their firearm less when carrying out personal searches than the control group.

To provide cover for the officer carrying out the personal search, the covering police officer should stand at 90° to the officer charged with performing the search. This reduces the chances of exposing their partner to the line of fire,

**Table 3**  
**Conducts related to police safety employed during encounters**

**Municipality of São Paulo – Jul./Aug. 2006-Feb./Mar. 2007**

Conducts observed	1 <sup>st</sup> Phase		2 <sup>nd</sup> Phase	
	Absolute N	%	Absolute N	%
<b>Encountered suspect interlocked fingers behind neck</b>				
CG (control)	35	50.0	18	32.7
TG (study group)	8	24.2	7	23.3
<b>Police showed their firearm during a personal search</b>				
CG	44	62.9	44	80.0
TG	19	57.6	14	46.7
<b>Exposed partner to the line of fire</b>				
CG	45	64.3	51	92.7
TG	23	69.7	22	73.3

Source Research conducted by Tânia Pinc.

should they need to employ their firearm. The analysis demonstrated that both groups increased the frequency of exposure to risk between the first and second phases, where this increase was more marked in the control group.

*Aspect 2: verbal communication*

Verbal communication makes up part of the continuum of use of force and is the most commonly used form of non-lethal force in police-citizen encounters (PINC, 2007). The SOP is innovative in that it details the verbal utterances of police with the encountered citizen, from the time of alighting from the vehicle to the point when the individual is placed into the correct position and stance for searching.

During this period, police control the whole situation by means of verbal communication. This verbal input is necessary because officers are using both hands to grip the firearm in the Sul position thereby preventing gesticulation. In

addition, this communication requires a certain sternness in tone of voice to induce the encountered suspect to obey the commands. However, after the procedures have been completed and it has been ascertained that the citizen is not violating the law, the sternness ceases and at this juncture the citizen can be casually addressed.

The two first indicators in Table 4 illustrate some degree of difficulty by police in controlling the situation using solely verbal communication, either due to lack of clarity or for having used gesticulation.

Since the video equipment was unable to record the voice of the police, the sign of a farewell gesture or wave in parting was used to indicate an attempt to strengthen police-citizen ties.

The key changes evident in this aspect was that in the second phase the trained group gesticulated more and waved less than in the first,

**Tabela 4**  
**Conducts related to verbal communication during encounters**

**Municipality of São Paulo – Jul./Aug. 2006-Feb./Mar. 2007**

Conducts observed	1 <sup>st</sup> Phase		2 <sup>nd</sup> Phase	
	Absolute N	%	Absolute N	%
<b>Encountered suspect did not obey verbal command</b>				
CG	64	91.4	54	94.7
TG	30	85.7	25	83.3
<b>Used gesticulation to lead the encountered suspect</b>				
CG	51	76.1	48	88.9
TG	23	76.7	21	84.0
<b>Farewell gesture or wave in parting</b>				
CG	6	7.9	3	5.3
TG	2	5.6	1	3.3

Source Research conducted by Tânia Pinc.

demonstrating a negative change. However, all results observed reflected difficulties in police verbal communication which need tackling.

### *Aspect 3: abusive practices*

It is important to point out that the procedures studied here essentially represent the cornerstones of police action. Overlooking certain fundamental principles may lead to undesired outcomes.

In Brazil, studies on abusive police practices have tended to concentrate on events which have major repercussions in media channels, such as those resulting in harm or death. Despite being serious, these outcomes are not representative of police action and call for remedial action after the event, i.e. levying of some type of penalty.

The ideal approach to prevent abusive police practices entail actions taken before any incident because such intervention takes place before any damage is done. This study measured some conducts which may represent a valuable contribution to a preventive scheme.

Prior to analyzing the data, it is important to point out that the SOP establishes conducts to be adopted by police while factoring into each procedure the eventuality that the suspect may react by using a firearm, because this is the highest risk situation faced by police, albeit seldom occurring.

There is another scenario which SOPs are unable to govern by virtue of the unpredictability of human behavior, and which represents one of the greatest difficulties for the police:

the situation whereby the encountered suspect does not react using a firearm, but also does not obey the instructions of the police.

For example, it is commonplace for stopped citizens to alight from the vehicle wishing to show their documents, or declaring who they are in order to let the police know *who they are dealing with*. As the objective of SOPs is to standardize procedures, there is no difference in conduct by police according to social status of the encountered person. All encountered individuals must receive the same treatment.

Under these circumstances, the encountered suspect shall have the opportunity to present their documents, but this will take place only after the search. An encounter is a police-initiated meeting conducted by the police. Any attempt by the encountered individual to alter the course of the procedures obliges the police to take decisions to maintain this on track.

Each time the suspect deviates, the police's level of suspicion regarding the attitude of the encountered subject rises. The options open to the police officer to return to the original course of action remain a grey area, because the police officer may be dealing with a non-violator who refuses to be searched and challenges, to some extent, police authority; or be faced with a violator who is seeking to gain control, a situation which may prove fatal.

In this context, our theory is that acting in compliance with the fundamental principles of police action narrows the chances of abusive practices.

**Table 5**  
**Conducts in relation to abusive practices during encounters**

**Municipality of São Paulo – Jul./Aug. 2006-Feb./Mar. 2007**

<b>Conducts observed</b>	<b>1<sup>st</sup> Phase</b>		<b>2<sup>nd</sup> Phase</b>	
	Absolute N	%	Absolute N	%
<b>Led with firearm to indicate place</b>				
CG	15	22.4	15	27.8
TG	4	13.3	2	8.0
<b>Physically controlled the suspect</b>				
CG	9	13.4	3	5.6
TG	1	3.3	3	12.0

*Source Research conducted by Tânia Pinc.*

Leading with the firearm to position the suspect for searching and/or physically control them, independently of the physical strength involved, are behaviors which go against the fundamental principles of police action. These conducts had been previously predicted and so were strengthened by the SOP.

The main observation based on the data in Table 5 is the low frequency of conducts discouraged by the SOP, representing a positive factor for this aspect.

With regard the differences, although the number of cases observed was very low, these do nevertheless demonstrate a lower incidence of leading with the firearm among the trained group, yet an increase in physical handling of suspect.

*Aspect 4: crime prevention*

The quality of officer-citizen encounters is directly linked to the prevention of a crime. The greater the adherence of police conduct to stan-

dard procedures, the higher the likelihood of locating an illegal firearm which may have been used in committing crime, and the greater the chances of finding a drug which have been peddled.

Personal searching is an opportunity for police to locate any illegal objects. Hence, it is important that the officer carrying out the search runs their hands all over the body of the encountered subject. After finishing the search, if suspicion remains, the police can perform a more rigorous search. This involves the suspect removing all clothing in a private setting. It is not uncommon to find drugs concealed within the female genital region. This conduct was also strengthened by the SOP.

Although the incidence of this indicator was low, the data demonstrate that the trained group began using this conduct during phase 2, representing a positive change, while the control group used this conduct less frequently during phase 2.

**Tabela 6**  
**Conducts related to the prevention of crime during encounters**

**Municipality of São Paulo – Jul./Aug. 2006-Feb./Mar. 2007**

Conducts observed	1 <sup>st</sup> Phase		2 <sup>nd</sup> Phase	
	Absolute N	%	Absolute N	%
<b>Used logical sequence in personal search</b>				
CG	7	10.0	1	6.8
TG	0	0.0	4	13.3

Source Research conducted by Tânia Pinc.

### Conclusion of results

The analysis presented in this article selected nine of the conducts observed and broke them down into four aspects.

The expected results were that behavior of the study group would reveal a positive change following training, and that the percentage of this improvement would be higher than that seen in the control group which did not undergo training. Only three conducts attained this desired level, namely: *showed firearm during personal search; led with firearm to indicate place; and used logical sequence in personal search.*

The remaining five conducts presented no positive change among the trained group during the second phase: *Interlocked fingers behind neck; wave farewell in parting; exposed partner to the line of fire; did not obey verbal command; and gesticulated to indicate place.* Moreover, the frequency of use of expected behavior was below 30%.

Finally, the conduct, *physically controlled the suspect* presented negative evolution, but the number of cases observed was very low.

Another item of data which represented very infrequent use of the conduct governed by a SOP was the ready position of the firearm.

The use of the firearm in the Sul position is an innovation which, as depicted in Table 7, has not yet been assimilated in police behavior. The first column to the left represents the four police who played a part in the operations, where P1 is the MP Sergeant, and the others were MP Corporals and soldiers. This ready position must be used by all police officer during encounters of individuals who are displaying a suspicious attitude.

The Low ready or Guard position is a position in which the police officer grips the firearm with an outstretched arm pointed toward the ground. In the Sul position, the hand gripping the gun remains at chest level, and the muzzle is pointed downwards, with flexed elbows, while the extended off hand can be placed over or under the firearm. There is no express rule against using the first ready but the Sul position is recommended.

Using the firearm in the Low ready or Guard position may increase exposure of the police

**Table 7**  
**Conducts related to firearm ready position during encounters**

**Municipality of São Paulo – Jul./Aug. 2006-Feb./Mar. 2007**

	Groups	Low ready or Guard Position				Sul Position			
		1 <sup>st</sup> Phase		2 <sup>nd</sup> Phase		1 <sup>st</sup> Phase		2 <sup>nd</sup> Phase	
		Absolute N	%	Absolute N	%	Absolute N	%	Absolute N	%
P1	CG	19	26.0	6	10.5	1	1.4	0	0.0
	TG	22	62.9	7	23.3	0	0.0	4	13.3
P2	CG	34	46.6	18	31.6	1	1.4	0	0.0
	TG	13	37.1	5	16.7	0	0.0	0	0.0
P3	CG	27	37.0	10	17.5	0	0.0	0	0.0
	TG	12	34.3	4	13.3	0	0.0	1	3.3
P4	CG	8	11.0	5	8.8	2	2.7	1	1.8
	TG	9	25.7	8	26.7	0	0.0	0	0.0

*Source Research conducted by Tânia Pinc.*

officer to risk, since it requires greater response time to reach the firing position if needed.

In sum, the analysis of evolution of the trained group between first and second phases demonstrated that the positive changes detected were not significant. However, the majority of conducts assessed presented no improvement, thus revealing that the training given in this study did not achieve the expected outcome. Nonetheless, this does not invalidate the theory that training brings police behavior closer in line with the institutional standard adopted by the organization.

Despite this outcome, we can affirm that training indeed matters. What has been ascertained is that traditional training programs, namely, those with a central focus on verbal persuasion, are insufficient to bring about the change in behaviors sought. Alternative programs should be developed which are able to effect change. “Influence calls for much more

than the right combination of words” (Patterson et al., 2008, pg.5).

### **How can training produce the changes envisaged?**

It is not only police administrators who pursue an answer to this question. This issue is of relevance to any area intending to bring about changes in individual behavior which have a beneficial knock-on effect throughout a group or organization. In view of the importance of the subject, numerous researchers and professionals in behavioral science have dedicated efforts to investigating the theme over the past half century.

In the book *The laws of influence*, Patterson and colleagues (2008) presented a host of successful strategies for exerting influence on people. “The extraordinary discovery by the majority of influence geniuses is that influence is largely exerted based on only a few

*vital behaviors*” (PATTERSON et al., 2008, pg. 23). The major challenge is identifying these behaviors.

Judging solely from the results of the direct observation of police work, we can conclude that the group did not assimilate the SOP, i.e. the training did not result in learning. However, this is not exactly the case.

Besides direct observation, both groups sat a theoretical test after the training sessions, which comprised questions on the knowledge transferred. The results showed that the police who underwent the training had greater knowledge of the SOP than those who did not participate in the training.

The control group scored an average mark of 4.6 out of 10, while the trained group attained 7.1. Only two officers out of the twelve from the trained group scored less than 5, whereas only four officers from the untrained group scored over 5. This result indicates that the training had a positive effect concerning the formal aspect of performance of police activity.

The opinions of the participants regarding the training were also collected. The results of this survey showed a high level of satisfaction with regard to the contribution of the training on operational activities (80%)<sup>22</sup>. The group proved unanimous in rating the high level of effectiveness of the instructor, but the majority of the participants (80%) felt that the length of training was too short and were not confident to perform all the actions satisfactorily (60%).

These outcomes pose the question: given the training was highly rated, the instructors competent, and the knowledge assimilated, why did the expected level of deployment of conducts not reach the desired standard? The root failure of the training may stem from the model employed.

Administrators who attempt to provide incentives only to then see poor results, often replace the verbal persuasion approach with criticism or withdraw encouragement and resort to threats (PATTERSON et al., 2008). Yet contrary to first impressions, this may represent a window of opportunity to implement alternative strategies which seek to change police behaviors.

The satisfaction survey applied yielded a clue: the police undergoing training did not feel confident and wanted further training time. The solution recommended by Patterson et al. (2008) is to try something new.

The focus on the key principles of police action, standardized by the SOP, should be retained since this is a pro-active approach to remedying the underlying problem before it manifests. As outlined earlier, dealing with problems arising from poor police performance typically entail levying of sanctions on the police officer responsible, may result in personal injury, such as wounding or even death of an officer.

Indeed, the expected behavior which police must adopt during encounters is defined in the SOP. However, the strategies that must be adopted to influence this behavior are not yet

clear, evident from the failings of the training method applied.

It is precisely under these circumstances that Patterson et al. (2008) prescribes the identifying of vital behaviors. In this case, the vital behaviors specific to police are associated with the “street code” shared among police actively on the beat but not by those who administrate police activities.

The argument posed by Lipsky (1980) corroborates this notion when stating that police administrators and active police officers have different ends in achieving results. The former wish to attain results that are compatible with the objectives of the organization, while the latter wish to do their jobs in a way that gets them what they want.

This does not imply that police on the front line are working against the organization, but such officers may develop mechanisms that run against the grain of internal policy, mechanisms which are vital for survival, at least from their standpoint. This is closely related to “street code”. To identify and invert these behaviors may contribute toward changing a multitude of other conducts.

In this context, the challenges for future research include: identifying vital behavior of the police and discovering high leverage actions which lead to the desired outcomes. Studies should draw on the novel schemes which have been implemented by the Military Police of São Paulo State, which go beyond the traditional model of training employed in the present investigation.

## Final considerations

This study presented a new instrument for measuring police performance which seeks to assess those routine police actions that most involve interaction with the public.

Hence, it explores the fundamental elements of operational actions developed to produce a standard response that protects the police, safeguards the rights of citizens and prevents crime. Although this was the first application of the methodology in Brazil to assess police work, it constitutes a tool which assesses true performance and yields a direct measure of the key operational elements. The methodology developed may also be replicated in any other setting, beyond São Paulo State or even abroad.

In addition to testing the SSO method, this study investigated the hypothesis of the training effect on police performance during encounters. The aim was to verify whether dissemination of new knowledge (SOP) through a training program was effective in changing the behavior of active police officers.

Investigation of the quality of the SOP was beyond the scope of this work. This study was based on the premise that the very existence of a framework of standard procedures represents an asset. However, success will be marked by the implementation of these procedures in operational practice. The testing of the hypothesis revealed that the training applied in this study did not achieve the desired outcome.

The conclusion was drawn that this poor outcome was directly linked with the model of training chosen, which focused on verbal

persuasion. We also concluded that the police officers are fully able to assimilate the knowledge purveyed by the institution. Future avenues

of research include efforts toward seeking an alternative training model capable of effecting behavioral change.

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1. I extend my thanks to the Brazilian Forum of Public Security and to Melissa Pimenta for assistance in coding the data of this study.
  2. This study focuses on the operational performance of the Military Police, given their powers to carry out ostensive policing and their mandate of maintaining public order.
  3. Ostensive policing is characterized by the use of a uniform, patrol vehicle and equipment (such as the truncheon or baton, firearm, radio device etc.), allowing police to be easily identified and located by anyone.
  4. Systematic Social Observation – SSO is an observation technique which has been employed in a number of types of research on crime (SAMPSON; RAUDENBUSH, 1999) and police work (REISS, 1971) in countries abroad.
  5. The study was conducted by the National Center for Crime and Justice Statistics Information Days and organized by the Australian Bureau of Statistics, applied to Police officers belonging to the South Australia Police (Sapol). The survey period was approximately one or two weeks' long. The results presented correspond to the data collected in October 1997 and February 1999, when 85% of police belonging to Sapol were interviewed.
  6. Objective output measurements refers to the number of patrol cars dispatched to deal with incidents; objective outcome measurements means the cut in the number of crimes as a result of police intervention; subjective outcome measurements relates to the rate of residents that deemed police work "good" or "excellent".
  7. The 12 performance measures chosen were: Percentage of residents who deemed police work "good " or "excellent"; the number of calls to the emergency service which led to dispatch of a patrol car; the release rate of individuals; crime rate; victim rate; kilometers traveled during policing per police officer; percentage of residents that consider the police fair and educated; the number of police investigations conducted per year; response time; percentage of residents who feel safe; number of imprisonments per police officer; number of patrols dispatched per police officer.
  8. Albert Reiss (1971) was the first to employ this technique in 1968 to study the use of excessive force by Boston police in encounters with the public.
  9. SSOs recorded on video was employed by Sampson and Raudenbush (1999) in Chicago, on the Project Human Development in Chicago Neighborhoods – PHDCN, to study the impact of the characteristics of the district on development of youths, particularly the variations in relation to crime and violence.
  10. For the purposes of this study, the images were coded by a single, non-police observer. The reliability test was performed at a later date and presented in a PhD thesis on a course at the Department of Political Science of São Paulo University.
  11. The SOP approach was created by the Military Police of the State of São Paulo in 2002 and, as part of a quality control process, has been revised periodically.
  12. There was no deliberate intention to exclude women police officer, merely to adhere to the original structure of groups or patrol units.
  13. Each group comprised an MP Sergeant and 11 MP corporals and/or PM soldiers.
  14. A Unit which is based in the poor suburban district on the outskirts of the Northern Region of São Paulo city, with a high incidence of homicides.
  15. Although this statement was originally published in 1976, the few studies conducted since have not indicated any change in opinion.
  16. The Regional Police Stations have also developed other training strategies, such as that by the Center for Policing of the Downtown precinct of São Paulo city which developed an on-the-job training program run for all patrol members. A new feature of this program is its ability to measure the performance of police on the fundamental elements of police actions, a method derived from the instrument applied in the present study.
  17. The Regional Police Stations have also developed other training strategies, such as that by the Center for Policing of the Downtown precinct of São Paulo city which developed an on-the-job training program run for all patrol members. A new feature of this program is its ability to measure the performance of police on the fundamental elements of police actions, a method derived from the instrument applied in the present study.
  18. The CCF0 provides SOP training to all active officers of the Military Police of São Paulo State where a large proportion of instructors contributed to devising these procedures.
  19. Falsification of license plates through using the same characters born by a similar vehicle.
  20. There are records of other situations in which the encountered individual is disarmed and reacts by trying to remove the police officers weapon. This occurred in an incident in November 2008 at the downtown region of São Paulo city when two police officers stopped and searched a man who was driving a stolen car. On this occasion, the police were unharmed and arrested the criminal.
  21. Police carrying out this search should take up a stance with one foot forwards and the other back in order to remain steady in the event of the individual reacting. The foot placed backwards should be the one on the holster side.
  22. Answer the question: "To what extent did the training satisfy your operational requirements?" The result of 80% corresponds to the sum of the answers "Very Well" (50%) and "Well" (30%).

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# Police performance: does training matter?

Tânia Pinc

## Resumen

### El ejercicio policial: ¿importa la instrucción?

*Este estudio pone a prueba el impacto de la instrucción en el ejercicio policial, utilizando una nueva metodología de medición. Los resultados muestran una medida real de los fundamentos de la acción policial operados en las actividades cotidianas. Los datos fueron recogidos en un experimento controlado, que seleccionó a 24 policías militares, de la ciudad de São Paulo. Los policías fueron observados haciendo controles, por medio de la observación social sistemática, una técnica de observación directa, no participante. La muestra reunió 199 controles policiales, recogidos en dos etapas: julio y agosto de 2006 y febrero y marzo de 2007. Antes de la segunda etapa, 50% de los policías recibieron 60 horas de instrucción.*

**Palabras Llave:** Policía. Instrucción policial. Ejercicio policial. Control policial. Observación social sistemática.

## Resumo

### Desempenho policial: treinamento importa?

*Este estudo testa o impacto do treinamento no desempenho policial, utilizando uma nova metodologia de mensuração. Os resultados demonstram uma medida real dos fundamentos da ação policial operacionalizados nas atividades rotineiras. Os dados foram coletados em experimento controlado, que selecionou 24 policiais militares, da cidade de São Paulo. Os policiais foram observados realizando abordagem, por meio da observação social sistemática, uma técnica de observação direta, não participante. A amostra reuniu 199 abordagens policiais, coletadas em duas etapas: julho e agosto de 2006 e fevereiro e março de 2007. Antes da segunda etapa, 50% dos policiais receberam 60 horas de treinamento.*

**Palavras-Chave:** Polícia. Treinamento policial. Desempenho policial. Abordagem policial. Observação social sistemática.

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# Youths in Portugal and Public Security Policing (PSP) – Citizen-oriented policing: the Integrated Program of Community Policing (Pipp)

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### Abstract

*The present article reports the results of research carried out in Portugal involving the Public Security Police (PSP) on the relationship between police and youths under the Integrated Program of Community Policing (Pipp) implemented in 2006, which encompassed actions of the Safe Schools Program Teams (Epes) and Victims Support Teams (Epav). The approach embodies the conceptions of the community policing model which in Portugal is known as 'policiamento de proximidade'. The employment of this model, beyond adopting a philosophy of police work, indicates policing which has taken the first step towards addressing security concerns of the community, while seeking to relate better with youths in a bid to promote citizen education based on dialogue, information and the involvement of other social actors.*

### Key-words

*Community policing. Integrated Program of Community Policing (Pipp). Youths in Portugal..*

The present article reports an approach used by the study entitled “Public Security Police Practices (PSP) Aimed at the Youth in Portugal and its Contribution to the Police Institutions in Brazil. The study in question was conducted in Portugal and funded by the Paulo Mesquita Grants Program of the Brazilian Forum on Public Security in collaboration with the Military Police of the Federal District (Brasília) of Brazil.

In 2007, the findings of an academic study carried out in a public school in the Federal District of Brazil<sup>1</sup> on the relationship between Police and youths, based on reports by youths, demonstrated that despite being familiar with Police work performed in schools as well as some special programs such as the Education Program Against Drugs and Violence (Proerd), their relationship with Police had deteriorated as a result of numerous controversial situations involving the Police including violent encounters, reports of improper conduct by Police in public, corruption and ill-treatment.

In light of these findings and in a bid to experience this relationship in a different setting, the study sought to identify the forms of relationship between police and youths in Portugal. The practices of a community-oriented police force that fosters relationships grounded in democratic values were also examined, investigating attitudes held by community police officers and how they were dealing with con-

flicting views. These indicators may assist in the building of a pro-active and effective policing culture, contributing not only to youths but to Brazilian society in general.

This research elected the Portuguese police as the subject of study, specifically the Public Security Police (PSP), a national-wide public police force which exercises powers of public security, public order, and criminal investigation. The PSP are deployed in urban centers<sup>2</sup> thereby facilitating observations regarding community policing.

In this context, the focus of investigations was the study on the Integrated Program of Community Policing (Pipp), which encompassed actions of community-based policing (*policimento de proximidade*) involving the teams from the Safe Schools Program (Epes) and the Victims Support Teams (Epav).

The first section of this article provides a backdrop for the reader, outlining community policing and *policimento de proximidade*. Subsequently, the methodological aspects of the investigative study are covered, together with the outcomes, based on the reports of the actors involved, concluding with some final considerations.

### **Community policing and *policimento de proximidade***

It is acknowledged that security problems faced by countries worldwide are rooted in a

combination of factors that go beyond security forces. Therefore, it is inevitable that the scope of the present study transgresses police-only issues. The police, in their capacity as the armed units of the State, have sought novel alternatives in dealing with society in general, based on forging closer ties with the community. In Portugal this approach resembling community policing is known as *policamento de proximidade*.

The community policing framework goes under different names in different countries. The English, Americans and Canadians call it *community policing*, whereas the French and Belgians know it as *police de proximité* which is more commonly adopted in the countries of Europe (according to OLIVEIRA, 2006, pg. 115).<sup>3</sup>

Bayley and Skolnick define community policing not only as a policing philosophy, but more as an efficient manner of managing prevention with organizational efficiency, in which the police take the initiative and first steps to reach out to the community. These authors highlighted four key aspects that characterize community policing: organizing and prevention of crime based on the community; rescaling of patrol activities to focus on non-emergency services; increased responsibility of local communities; and decentralizing of command (BAYLEY; SKOLNICK, 2006, pg. 19).

Canada implements community policing under the name of “neighborhood police”, based on five central principles: resolution of problems; geographic responsibility; community service, from an image standpoint; and professional valuing (IGAI, 1998, pg. 113).

Police adherence to these items has transformed the reality of many Canadian communities where this scheme has been implemented, reaping benefits both for police, who achieved a higher capacity of pro-active intervention, and for the community, which was more satisfied and thus made greater efforts to cooperate in local security matters.

Along generic lines, the police under the community policing umbrella, given their unrivalled knowledge of the local reality, tend to live and breathe the problems of the community. They are thus well placed to form a cooperative network of partners comprising the police, population and social institutions (OLIVEIRA, 2006, pg. 116).

According to José Manuel Silva Viegas,<sup>4</sup> the consensus on the security system in Portugal points to a new mentality that breaks with the traditional notion of defending the State and in which citizens play an enhanced role. However, to achieve these reforms, the police need to take the first steps in the process of changing police-citizen relationships. This process is a permanent endeavor entailing technical and human evolution within a framework of a democratic state grounded in human rights and the fostering of citizenship (IGAI, 1998, pg.191, 194).

### **Methodological approach**

The study was conducted using a qualitative approach based on two fronts: interviews with police chiefs, who provided reports on the principles of the community policing under the integrated framework (Pipp), the different development phases and its applica-

tion in national territory, as well as the benefits and challenges for the future; and applying of questionnaires and observations made *in loco* on police activities, in a bid to analyze the discourse of community police (members of the Safe School Program–Epes and Victim Support–Epav teams) who spoke on their experiences in encounters with youths.

In order to gather information on the Pipp structure, semi-structured interviews were carried out with police chiefs, with questions being adapted to the experience of each interviewee. In terms of the group profile of the police chiefs interviewed, time in the profession ranged from 11 to 21 years of police work, performing functions of coordination and supervision, and teaching and advising on Pipp-related content. Of the five police chiefs interviewed, three were members of the original work group which set up the pilot project for Pipp.<sup>5</sup> In terms of level of schooling, all participants stated they had university education.

Questionnaires containing two parts and open questions first characterizing the profile of respondents, followed by their conceptions on the theme of police and youths, were applied to community police at the sites visited. Regions visited included Porto, São João da Madeira (Aveiro), Lisboa (Metropolitan area), Vila Franca de Xira (Lisbon region), Baixa da Banheira (Barreiro/Setubal)<sup>6</sup>, Beja and Faro which all represented well-structured areas in terms of community policing. The total sample comprised 107 respondents out of a total of 185 community police contacted,<sup>7</sup> representing a considerable number for the analysis

of opinions. A low level of female participation in the Pipp was noted, where women accounted for only 12.4% of total participants (23 out of 185 community police officers). Regarding profile, the community police personnel reported a mean time on the job of 12 years and average age of 36 years, while more than half (57) were married and typically had 1 or 2 children. These data indicate a mature group in terms of personal and professional experience.

Responses to the questionnaires were then submitted to analysis. For the purposes of analyses, the significant elements were grouped into categories to reveal the perceptions and values attributed to Portuguese youths, as well as the forms of relationship prevailing between these youths and society, and also with the police force. The following points were analyzed: conceptions held by the police on youths in Portugal and on youths in trouble with the law; conduct before the authorities and the police-youth relationship; the conceptions on the youths in relation to rights and duties; and perceptions of the professional training provided to *community police*.

### **The Integrated Program of Community Policing (Pipp)**

Based on the reports, the Integrated Program of Community Policing is a police scheme which chiefly addresses the community and is specifically aimed at youths, involving the teams from the Safe Schools Programs (Epes) through a specific program of in-school visits, in addition to the Victims Support Team (Epav) involving policing within the community.

The Pipp was implemented in national Portuguese territory in 2006, and as such there is no body of literature yet available on which to draw as a source for study. Thus, the only source available at present is the reports by police involved in the Pipp, which also provide the background of officers participating in the program.

Each interviewee reported their level of participation in the development of the Pipp Project, emphasizing key aspects, such as devising a police philosophy based on theoretical and practical knowledge on community policing, setting up a specific training program for community police, presenting a framework for coordinating and supervising staff activities, and external mechanisms for measuring performance using an outside, and therefore impartial, institution to assess outcomes.<sup>8</sup>

From the 1990s, influenced by the first ideas emerging in Europe and America on more proactive policing, and again in 2001, following guidelines from the European Union Commission<sup>9</sup> on the “need to tackle crime prevention through a multi-disciplinary approach in partnership”, the Ministry for Internal Administration (MAI), the entity responsible for managing Public Security in Portugal, created and enhanced many programs aimed at serving the population, such as the Safe Schools Program, Support Program 65—the Aged in Safety, the Innovate Program, and the Safe Commerce Program. However, no uniform framework was devised to coordinate these programs and so the success of these schemes largely hinged on their handling by each individual police command center throughout the country.

Following assessments by the work group created at the time, the Safe School Program was retained, continuing to work within the schools network, whereby the work by the Safe Schools Program Teams (Epes) were simply adapted and refined in terms of procedures.

The policing work in schools was implemented on operational and pedagogic fronts. The objective of the program was to promote a culture of security in schools, as well as foster civilized values and citizenship by means of the so-called *sensitizing actions*. These actions were aimed at pupils and educators in general and involved talks, visits to police units, police demonstrations and sporting events, such as football matches, as a means of reaching out to youths not only by the police but also the institution itself. In addition to preventive policing, the teams also continued to act in crisis situations or the perpetration of crimes or violence by youths. On a daily basis, cases classed as problematic were followed up by gathering information and making the necessary referrals to the institutional partners, mainly the Courts and the Commission for the Protection of Children and Juveniles (CPCJ).

The other programs outlined were grouped under a single category called Victim Support Teams (Epav), in which *community police* patrol the district, serving a broader public including youths, the elderly, traders, etc. Routine foot patrols were carried out in commercial and residential areas, paying special attention to cases of domestic violence, provision of support to crime victims and following up of post-victimization, identification of security problems at

precinct level and collecting information which may help toward lowering crime rates and the sense of insecurity.

According to the general coordinator of the Pipp (Department of Operations–Depop), sub-intendent Luís Elias (cf. interview, 24/10/08) community policing took shape in Portugal following a pilot project<sup>10</sup>, and built a network of partnerships among police and local institutions, as well as forging closer ties with the community. Luís Elias noted the Pipp has facilitated police in administering its members since the special programs of the Public Security Police (PSP) had led to “officers developing only one function which ended up being counterproductive because it signified a poor allocation of human resources”. A new strategy of placing special programs into a separate group from the Safe Schools Program, made the “personnel we had more useful (...). Sometimes with the same number of staff we can do better work”. This idea was corroborated by Police Commissioner Pedro Sousa: “sometimes with few police we are able to remedy problems which would not be possible by simply increasing the numbers of police”(cf. interview).

The coordinator of the metropolitan area of Lisbon, Police sub-commissioner Dantier, highlighted motivation as an important factor for the success of the Pipp, since it results in better work by the Public Security Police, “it mobilizes everyone; (...) it motivates all parties involved” (cf. interview, 1<sup>st</sup> Lisbon Division, 05/08/2008). In the assessment of Pipp, the community police involved showed higher levels of satisfaction and deeper relationships than regular police, viewed as a significant factor toward achieving efficiency in the organi-

zation (Socia Nova Report, 2008, pgs. 10-14). Consequently, in the investigators’ view the results indicate greater “contact, openness and integration with the population”, although further investment is still required on the part of the Public Security Police (PSP). Similarly, the interviews point to the same conclusion in that “the population pursues more dialogue with our police”(cf. interview with Police Commissioner Pedro Sousa), although ongoing assessment is needed to furnish a “clearer picture of the real changes effected” (cf interview with Police sub-intendent Luis Elias).

Despite the great potential of the program, interviews on the Pipp also evidenced the fragility of the Police institution at internal and external levels.

In the views of the Police sub-intendent Luís Elias and officials of the Police training academies (officials and agents), Police Commissioners Hugo Guinote (cf. interview, the Higher Institute of Police Sciences and Internal Security–ISCPSI, 24/04/2008) and Pedro Sousa (cf. interview, 22/07/08, the Practical Police Academy–EPP), the Police need to improve their external image by dedicating more attention to marketing the Pipp program to those entities which are key to the program, such as the media and organs for social communication, since “police affairs are often handled so badly that they end up having a huge negative impact on public opinion of the police, because they sometimes convey distorted and misleading information” (cf. Luís Elias interview).

In an interview, the Police sub-intendent Luís Elias also noted internal obstacles, partic-

ularly resistance among members of the police authorities to the more prevention-oriented philosophy of policing, whereby some command centers still relied on traditional and rapid-response policing, “they seize a kilo or two of drugs and everyone is pleased and clapping hands”. In his opinion, in order to attain more consistent results, investment in “convincing the middle to high ranks of the police hierarchy” is required.

On an operational level, i.e. front-line policing, there are still issues over underfunding and low police numbers. The Police sub-commissioner Dantier (cf. interview) explains that, although one of the objectives of the program is to better deploy the human resources available, there is a struggle maintaining a skeleton police team in operation, involving “a lot of pressures... There are very few officers for the squads<sup>11</sup>. They need personnel for other situations”; and sums up saying: “It is work which doesn’t show tangible results, it’s not visible”. The local supervisor of Lisbon’s 4th Squad, Police sub-chief João Dias (cf. interview, 29/07/08) states the material resources are lacking which leads to difficulties developing local projects and hampers the progress of the Pipp on many fronts.

Concerning the professional training required to work closer with public citizens, according to the information collected by the questionnaire, 83 community police had taken part in seminars/lectures and refresher courses on the service they provide, indicating some concerns over the acquisition of new knowledge. Nonetheless, when questioned on whether they had received any training from the institution to work with

youths, the majority stated that no specific and continuous training scheme is available, despite the need to accompany the dynamism of youths. The interviewees stressed the training/specialization of the Pipp as one of the aims of the National Direction for 2008, this path being the way to involve all members of the Public Security Police in the scheme, it being unfeasible to “have Pipp in one squad working solely with Pipp elements, without others being aware of what Pipp is” (cf. Police Commissioner Pedro Sousa interview), and also “to be sensitized to the services of colleagues and not to be... kind of... if it is service ... they put it to one side” (cf. interview, Police subchief João Dias).

The Police Commissioner Dantier (cf. interview) reiterated that it is vital that all police working under Pipp should have volunteered to do so and meet minimum requirements of professional experience to undertake the work. Besides having good professional qualifications, the *community police* need to have a good knowledge of the capacity of the police institution and of the community. In an interview, the Commissioner Hugo Guinote added that at the Institute, the official students learn that *PIPP* “adheres to certain tactical tools. They have to learn how to use all the tactical tools of an integral policing framework”<sup>12</sup>, which range from prevention at the basic level to restoring public order at the top level. Thus, having an in-depth knowledge of the police institution, along with the procedures and tools available, the police practitioner is able to step back from an emotional attitude when faced with problems presented by the community.

In the opinion of Police subchief João Dias (cf. interview), the police service involves a se-

ries of actions which are not always recognized as policing tasks, that is, connected to the use of force, such as “when there are no signs of life, opening up a door because an old lady forgot her key”. In this array of services they provide, according to the Police sub-intendent Luis Elias, police officers may fall into the trap of taking on the role of other institutions, exhibiting the so-called *Stockholm syndrome*.<sup>13</sup> However, according to the Police subchief João Dias, the way to avoid *assistentialism*<sup>14</sup> is by adopting the right attitude within the remit of our mission and to stick to its objectives..., doing things by the book” and recommending the legal and professional route.

### **Youths in Portugal and Community policing**

The youth in Portugal, akin to Brazil (CAMARANO, 2006), are facing a kind of lengthening of the transition process to adult life. There are a number of underlying causes for this phenomenon, principally the longer passage of education and the difficulties entering the job market (PAIS, 1996). On the other hand, this same generation yearns for the adult phase, and seeks free space, challenges and greater independence.

In Portugal, many academic studies have been conducted involving youths,<sup>15</sup> but few have investigated the theme of police and youths. That is not to say the debate does not exist, rather that it goes under another name, as part of the debate on ethnic issues and multiculturalism dealing with issues of freedom of movement in Portugal.<sup>16</sup>

According to some specialists (PIRES; PINHO, 2007), Portugal is suffering from a lack

of immigration planning. The country has gone through three major phases. The first was characterized by a wave of immigrants from the African continent, followed by an influx from Eastern Europe and last of all by Brazilians. Over the years, the lack of demographic monitoring coupled with a shortage of social policies (VALA, LIMA and LOPES, 2003) led to the emergence of rundown districts and social districts<sup>17</sup> accommodating a marginalized population.

According to Pais (2005), the structures of the cities to a great extent, contribute to the social problems. The order of the city (*polis*), does not follow that of the *urbs*, which is the “pulse of the city” or the “city in practice”. Thus, we see a government on the one side, attempting to bring order to the *polis*, and on the other, a country which seeks a social, political and economic identity.

One of the results is the manifestation of juvenile delinquency, which has been a source of unrest for Portuguese society and a cause of insecurity of the population at large.

Manual Dias believes (2001, pg. 25-26) the committing of crimes by youths is a social phenomenon rooted in “factors of an organic and social nature, particularly lack of family and social adaptation from the outset, because individuals have been unable to integrate into society”.

Drawing on the results of the questionnaires, the community police, when portraying youths in a positive light, describe them as “respectful and educated, active and

participative, dynamic and expressive, with goals and an unproblematic youth”. However, the police generally consider the young as “irresponsible, useless, conceited and overprotected, showing little or no interest in studying, and squandering their free time, being devoid of core moral values, experiencing difficulties integrating into society, lacking optimism regarding the future, being rebellious, undisciplined and without any sense of civility”.

Regarding youth in trouble with the law, the responses were very similar, whereby this group was described as “unruly, aggressive, lacking behavioral rules, without a decent education or notion of civility, needy, truants (school truancy), rebellious, challenging, anti-social, unadapted, egocentric, and averse to dialogue, etc.”.

In this vicious circle, problematic youths were linked to families of “immigrants, from the suburbs of the big cities, without family structure”, producing frustrated youths, without moral and social principles, lacking affection and family care, with no professional or occupational prospects, “with no life plans”, leading to involvement with drugs and consequently with crime.

In the context of these conceptions of youths from the *social districts*, Pedro Bacelar de Vasconcelos<sup>18</sup> (1998) highlights the condition of “social vulnerability” of these populations, with difficulties in entering the job market and having low levels of schooling. These conditions explain the withdrawal of their rights and the public authorities, as well as the security forces.

A lack of support for the youth has been identified as an underlying cause of social alienation of youths, perhaps owing to the family or society’s inability to deal with their peculiarities. Answers on the questionnaires have pointed to the family and school as the social institutions which have failed in their social and political mission. The lack of support, interlinked with the issue of unemployment and the lack of opportunities in Portuguese society<sup>19</sup>, was cited frequently in the reports contained in questionnaire as the reason behind the deviant behavior of some youths.

In the eyes of the respondents to the questionnaires, the young are just as much victims as aggressors.<sup>20</sup> According to the latest Report on the Safe Schools Program for 2007/2008<sup>21</sup>, out of the incidents registered in teaching establishments 74.37% of the victims were students and yet 66.20% of suspects in cases of violence were also students.

The information from the questionnaires indicated that the aggressors commit a broad range of crimes: “incivilities”(vandalism) –such as damage to public and private property–, thefts, robberies, drug taking and aggressive acts, often involving each another. The young victims are more vulnerable to domestic violence and the phenomenon of bullying<sup>22</sup> which is highly prevalent in the school environment. Evidence of this appears again in the statistics: in the academic year 2007/2008, there was an 18.4% increase in criminal incidents compared to 2006/2007. Bodily harm accounted for 29% of the total misdemeanors registered

in school areas (especially bullying) followed by theft (28.0 %), threats/injuries (11.0%) and robbery (10.0%), with a fall of 15.95% compared to the previous year. Concerning possession and use of drugs, an increase of 109.5% was found, verifying that in recent years larger drugs seizures have taken place which “certainly resulted from greater proactiveness on the part of the PSP”. The types of drugs most commonly encountered are hashish, followed by heroine and cocaine. Highest crime rates were recorded in Lisbon and Porto, which have a greater number of school establishments and a dense student population (Safe Schools Program Report, 2008).

Police sub-intendent Luís Elias commented on data from the Department of Operations (Depop) on juvenile, describing a “trend toward falling levels of violence, although the number of complaints and incidents are greater”, indicating two possibilities: either violence is indeed increasing, or “the public are more aware of their rights and the police are more open and available to receive crime complaints on these issues, while citizens seek police assistance more readily”. These findings are open to interpretation and warrant a more thorough analysis.

As a response to these figures, the police realize that using repression alone is insufficient. According to the interviewees, the police seek to follow up the youths using a more pedagogic and multi-disciplinary approach: “then they are followed up by specific staff dedicated to the Safe Schools Program...when the youths leave school they remain a target for special at-

tention” exemplifying the involvement of the Victims Support teams (cf. interview, commissioner Hugo Guinote, ISCP/PSI, 24/04/08).

In this sense, the respondents of the questionnaires reveal a profile of the professionals currently working with youths, who invest a personal effort, drawing on their life experience and professional work more for their own interests than those of the institution. Some responses indicated the professional profile for working with youths, portraying this rather like a talent or gift: “The training given is never the key factor, but the basics are there. Each case is different, and many rely on personal experience and skills to liaise with youths” (cf. questionnaire, *community policing*, Vila Franca de Xira).

In the view of Police sub-intendent Luís Elias, the police have built a good relationship with the youths, where the Safe Schools Program (Epes) has played a pivotal role toward this. Actions of sensitization are run within the communities (Epav) through a variety of activities such as social and sporting events, especially football matches. According to the Police sub-commissioner Dantier, the police seek to integrate with and follow up youths by promoting actions aimed at guiding them and instilling values. In their view, youths over 12 years of age are already formed, “they challenge the police more than they listen to us” and so a fresh approach is needed: “We have to act as they wish. It is again the Victims Support teams which deal with older youths, and are active in the youth centers, playing football with them and organizing excursions”(cf. interview).

According to the questionnaires, the *community police* also state they have a good relationship with the youths, amid signs of a steadily growing trust in terms of the community police programs (Safe Schools and Victim Support). In this light, the youths respect public authority and police work, and enjoy an open and integrated relationship particularly at the prevention level, where the youths have more insight about the police (fruit of the Safe Schools Program), since “only now are we witnessing an opening up of the institution to the population” (cf. questionnaire, *community policing*, Vila Franca de Xira).

The police try not to marginalize but to appreciate the difficulties, analyzing and referring cases. Meanwhile the police are viewed as a *friend*, and some believe the challenge is “to show that society has rules, everyone wants to be free, to live in a secure place but to achieve this we all have to do our bit, we have to be civilized and humane” (cf. questionnaire, *community police*, Beja).

However, they state that analyses of the behavior of youths outside the context of the community police show that the regular police officers perceive youths as having serious issues with the authorities. They see a tendency toward rebellious behavior against parents and the system, affecting the police and schools. The youths do not understand the nature of police work, perceiving the police as those who “don’t let people step out of line”, they think the police just “want to preach”. The police cite professional obstacles in relation to the “selected age groups” involving those youths

influenced by “hostile environments, impoverished and dilapidated districts”.

The difficulties faced by police with youths also revolve around the forming of youth gangs in which the desire to clash with authorities is strengthened as is their self-image among the gang. On the other hand, they also demonstrate a certain degree of alienation of the young as a result of technology use (Internet), which causes isolation from the real world and presents other opportunities to infringe the law. Involvement with drugs appears to be a prevalent upshot of these situations.

In terms of the conceptions of youths in relation to rights and duties, the police feel the rights governing youths in Portugal are both proper and sufficient, whereas the duties are not upheld, “they do not adhere to rules, they do not do their duty (poorly internalized) and there are no penalties applicable to these”. In the opinion of the *community police* of Beja, the “problem arises when the rights tend to erode or overrule the duties, leading to a conflict of values which impoverish the meaning of citizenship in society” (cf. questionnaire), pointing to the need for an effective scheme promoting citizen education with an emphasis on social and human values.

### **Final considerations**

The study conducted by the Public Security Police should not be reduced to data analysis, number of infraction notices or arrests/seizures. The outcomes of the Integrated Program of Community Policing (Pipp) convey greater meaning deduced from detailed analysis of the

core of the routine problems which the police handle, remedy or help to resolve.

In the process of forming a new police philosophy or culture, it is wise to build a program by consolidating the successful experiences of its officers in a joint, cooperative effort which embraces several segments of the police. Based on observations made through contact with police officers the length and breadth of the country, an overriding consensus emerges: clear evidence for the existence of a well-defined framework of preventive policing. The program is not regarded merely in a philosophical light, but addresses the long-standing concerns of citizens within their community: a voice which represents them and seeks to resolve their problems.

Despite the successes of the Pipp to date, as an ongoing project there are many challenges ahead and many obstacles to overcome both internally and externally. Currently, not all PSP squads include community police officers. This is due to several factors, such as a shortage of human resources and lack of training of Pipp officers, as well as resistance inherent to a police culture deeply entrenched in the use of force. In spite of running the risk of being accused of succumbing to *assistentialism*, the community police face a daily battle in dispelling contradictions and tackling issues of power and domain, while rising to the challenge of doing their duty with regard to the service they provide.

According to the results of the survey, Portugal appears no different to other countries in presenting a police-youth relationship which is

characterized by many lacunes. Although satisfactory results are evident, being the fruit of intense efforts throughout the schools and communities, the relationship sometimes appears fraught as a result of ethnic, social and economic issues. However, police appear to be doing everything in their power to bring about changes in the scenario, marked by lack of values, exclusion and crime among youth gangs, by investing in dialog, information and attitudes to build stronger ties.

The Pipp, as an integrated program, brings together both the Safe Schools Program (Epes) and the Victims Support (Epava) Teams, demonstrating coordinated and complementary efforts by means of information and police actions which are not always recognized as police functions.

The work carried out under the Safe Schools Project has brought to the fore a host of possibilities for school policing, in which the police can act ostensibly, while getting involved with youths and educators in cultural and educational activities that promote both rights and duties. The dynamism allowed by the framework places the police as the main actors of the actions, or as catalysts involving other social actors. Under the victim support program (Epav), the police in their capacity as agents of the local district, understand the behavior of the population which increase the likelihood of intervention with the youths as either victims and/or aggressors. Thus, the discretion to carry out their work and the creative license granted to police are channeled toward promoting social well-being by cutting crime and insecurity.

There are other prominent agendas to be tackled connected with youth policies such

as the issues of education and employment. Nonetheless, the remit of police is not to build barriers but instead to create mechanisms which foster dialogue and mutual trust.

This calls for a shift in the police-citizen relationship which transgresses issues of law and justice, or whether the youth is a victim or aggressor,

and influence social responsibilities which must be promoted in a joint effort in society.

In fact, this vision calls for a change in the mentality of the authorities that pervades Brazilian police on all fronts of actions and across all levels of the hierarchy, thus paving the way toward devising a new prevention framework.

1. Study entitled "Police and Youth: breaking down walls - Visions of the police in the eyes of youths, written by Kelly de Freitas Souza Cezário and Rodrigo Camargo Campos, experts in Public Security and Community (UnB/Senasp).
2. Law on the Organization and Operation of PSP, approved under Law No./99, of 21st January. According to Oliveira (2006), the Portuguese policing system is characterized by centralized, plural and specialized system. For further reading, see Monet (2006). Thus, there are two public security forces: Public Security Police (civil, urban areas) and the Republican National Guard, GNR (military, rural areas), besides two specialized security services, the Judiciary Police (PJ), in charge of serious crimes, and the Borders and Foreigners Service (SEF), responsible for the movements and control of foreigners. According to the cited author, in the case of PSP and GNR, territorial criteria do not necessarily define the areas of jurisdiction, often based on political reasons rather than due to social mobility (OLIVEIRA, 2006, pg.269).
3. José Ferreira de Oliveira is the administrative official of the PSP. With regard to this study, it is important to note that the author makes no distinction between the policiamento de proximidade framework and the community framework. Although some differences exist, this study did not seek to describe the theory on the two models, but merely to succinctly present the similar aspects through running of the PSP. Also with regard to the cited study, the author mentions the emergence of a framework of community policing which was only implemented after it had been published, with the Integrated Program of Community Policing (Pipp).
4. General Commander of the National Republican Guard (GNR), in an International Seminar on Human Rights and Police Effectiveness. Lisbon, Portugal, 1998.
5. The work group was set up after the Euro 2004 - European Football Championship held by Portugal under the auspices of the Department of Operations of PSP - Public Security Police (Depop), also involving other segments of the PSP: Training Department (DEPFORM), Department of Police Information (Depipol), Practical Police Academy (EPP), dedicated to training agents, and the Higher Institute of Police Sciences and Internal Security (ISCPSP), of the officers and regional and metropolitan command centers, and police and similar.
6. In 2006, as a pilot-project, the Pipp involved only one police subunit (squad) in each venue (Lisbon, Porto, Aveiro, Beja, Braga, Bragança, Castelo Branco, Coimbra, Évora, Faro, Guarda, Leiria, Portalegre, Santarém, Setúbal, Viana do Castelo, Vila Real and Viseu, in addition to the islands of Madeira and the Azores). The regions of Vila Franca de Xira (Lisbon) and Baixa da Banheira (Barreiro/Setúbal) implemented the Pipp in early 2008, during the expansion phase.
7. The form characterizing the area was applied at the sites visited and sought to record the overall profile of the police unit as a whole in which, out of a staff of 1,877 police, 185 were involved in the Pipp.
8. The assessment of the Pipp was carried out by the research department of the Social Sciences Faculty of the New University of Lisbon (SocioNova), considered a respected academic institution in Portugal (experienced in running national surveys, such as investigations into women victims of domestic violence) and spanned a two-year period, considered a short time in which to assess the Pipp. The assessment took a quantitative approach, employing questionnaires which contained closed questions, distributed to a sample of the population called external clients, and another applied among Public Security Police (PSP), referred to as internal clients. The population was presented questions to gauge the perception of the community concerning crime, feelings of insecurity and views on police presence, involvement in community policing programs, etc. The motivational levels of PSP agents was assessed regarding their routine work along with their opinions on the police structure, such as human resources, supplies, etc. The sample of external clients amounted to 1,800 persons selected from 18 sites included in the pilot-project, while internal clients encompassed 100% of the police assigned to each squad, attaining 83.3% (1,210 police) in 2006 and 82.7% (1,196 police officers) in 2007.
9. Acts adopted in the application of the VI Title of the Treaty of the European Union, Commission Decision, 28th May 2001, which created a European Network of crime prevention.
10. Strategic Directive No. 10/2006, 15th May, document furnished by the Department of Operations of the PSP (Depop).
11. Squads are area-based police subunits which together make up a Division, and then a Command Center.

12. *Strategic Directive No. 16/2006 on the Integrated Framework for Police Prevention and Intervention in hotspots and in areas with high crime rates or hostilities with security forces (DEPOP).*
13. *The Stockholm Syndrome, also called the Stockholm Complex, is a specific psychological state developed by kidnap victims who unconsciously empathize with their kidnapper.*
14. *Assistentialism in the policing field is characterized by the police no longer working within their remit as public police officers but instead taking on the role of social institutions.*
15. *Studies conducted by the Permanent Observatory of Youth (OPJ), in collaboration with the Institute for Social Sciences of the University of Lisbon and the Portuguese Institute of Youth (IPJ), overseen by José Machado Pais, Portuguese sociologist and scholar on youth. Visit, <http://www.opj.ics.ul.pt/index.html>.*
16. *According to data from the National Institute of Statistics (INE), the largest groups of immigrant populations are those of Cape Verde (15.2%), followed by Brazil (13.9%), the Ukraine (8.5%) and Angola (7.6%), comprising 45.2% of all foreigners with resident permits. The age pyramid for the foreign population in 2007 (INE:126) portrays an active young population, essentially concentrated in the 20 to 49 year age bracket.*
17. *Rundown districts are those which take the form of an urban sprawl of individuals in a given area, devoid of any basic infrastructure. Social districts comprise government projects to rehouse needy populations with housing problems. Generally, they constitute buildings with low or zero cost for dwellers.*
18. *Member of the European Committee against Racism and Xenophobia, Governor of Braga and Professor at the University of Minho, at the International Seminar: Human Rights and Police Efficacy. Lisbon, Portugal, 1998.*
19. *Study carried out by the Portuguese Institute of Youth, entitled The Portuguese juvenile condition at the turn the millennium – A longitudinal review of official statistics: 1990-2005, highlights the vulnerability of youths aged between 15 to 19 years to unemployment.*
20. *Under the legal system in Portugal, youths are subject to two laws which describe the action of the State with regard to youths at risk and/or in breach of the law. The Law for the Protection of Children and Youths at Risk (Law nº 147/99, of 1st September) provides for care of youths at risk until the age of 16 years, when they cannot yet be charged. While in the case of crimes, individuals over the age of 16 years become subject to the Educational Custody Law (Law 166/99, of 14th September). The cited law also provides for a transition period from 16 to 21 years, applicable to those who were placed in care under the law, prior to penal age, with the aim of social insertion.*
21. *Activities Report of the Safe Schools Program – academic year 2007/2008, supplied by the Department of Operations of the National Management Body/PSP.*
22. *A form of long-term violence of a physical or psychological nature, perpetrated by an individual or group aimed at a victim who is incapable of defending themselves, with the willful intention of threatening, scaring or pressuring the victim.*

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# Youths in Portugal and Public Security Policing (PSP)

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## Resumen

**Los jóvenes en Portugal y la Policía de Seguridad Pública (PSP) – Una vigilancia orientada a la ciudadanía: el Programa Integrado de Vigilancia de Proximidad (Pipp)**

*El presente artículo es resultado de una investigación realizada en Portugal, en la Policía de Seguridad Pública (PSP), sobre la relación entre policías y jóvenes en el contexto del Programa Integrado de Vigilancia de Proximidad (Pipp), puesto en marcha en 2006, del que formaron parte los Equipos del Programa Escuela Segura (Epes) y los Equipos de Apoyo a la Víctima (Epav). El planteamiento recoge las concepciones del modelo de policía de barrio o comunitaria, que en Portugal se llamó vigilancia de proximidad. El empleo de ese modelo, más que una filosofía de trabajo policial, indica la acción de una policía que dio el primer paso para satisfacer las ansias de seguridad de la comunidad, en busca de mejores formas de relación con los jóvenes, en pro de una educación ciudadana pautada por el diálogo, la información y la participación de otros actores sociales.*

**Palabras Llave:** Policía de proximidad. Programa Integrado de Vigilancia de Proximidad (Pipp). Jóvenes en Portugal.

## Resumo

**Os jovens em Portugal e a Polícia de Segurança Pública (PSP) – Um policiamento orientado para a cidadania: o Programa Integrado de Policiamento de Proximidade (Pipp)**

*O presente artigo é resultado de pesquisa realizada em Portugal, na Polícia de Segurança Pública (PSP), sobre a relação entre policiais e jovens na perspectiva do Programa Integrado de Policiamento de Proximidade (Pipp), implantado em 2006, envolvendo as ações das Equipes do Programa Escola Segura (Epes) e as Equipes de Apoio à Víctima (Epav). A abordagem engloba as concepções do modelo de polícia comunitária, que em Portugal foi chamado de policiamento de proximidade. O emprego desse modelo, mais do que uma filosofia de trabalho policial, indica a atuação de uma polícia que deu o primeiro passo em direção aos anseios de segurança da comunidade, na busca de melhores formas de relacionamento com os jovens, em prol de uma educação cidadã pautada no diálogo, na informação e no envolvimento de outros atores sociais.*

**Palavras-Chave:** Polícia de proximidade. Programa Integrado de Policiamento de Proximidade (Pipp). Jovens em Portugal.

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# Lynching: lack of security and popular revolt

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### Abstract

*The study of four cases of lynching which took place in poor urban districts of major Brazilian cities (within São Paulo State) has brought to the fore connections between these violent popular acts and the context of the increasing lack of urban security during the era of intense urban development that marked the 1980s in Brazil. Lynching has been presented as forms of conflict resolution through collective violence, as an alternative form of justice legitimized by members of the neighborhood community networks amid a lack of confidence in the public system of security and justice (which implements policies underpinned by discrimination and inequality) and the demise of traditional forms of vengeance-based private justice. Collective violence is a means of bridging the gap regarding the tension between the lawfulness and lawlessness of private vengeance, by collectively diluting the criminal and moral liability which would prove too great a burden for any individual to bear. This represents a conservative approach to remedying the social conflict for security, in which citizens privately assume tasks in which the Public Authorities are absent, yet without this leading to any improvement in their condition of being excluded from public security policy.*

### Key-words

*Lynching. Violence. Popular justice. Conflict management. Security Policies.*

**T**ransgressing the Manichaeian attitudes of repulsion or support, a sociological study of lynching must observe this phenomena as a critical event that poses questions over the meaning of justice, the means to achieve it, forms of social control and the limits of group actions against an individual, namely - a debate on the content, meaning and limits of both human dignity and collective life.<sup>1</sup>

Brazilian studies on this topic to date have mostly focused on an era in national history when these actions were in the news and a focus of public debate. In fact, similar actions had occurred both before and after this period, but a string of violent collective actions became a focus of debate during the political transition from the military dictatorship (1964-1984) to a democracy. These events were viewed as a manifestation of a broader conflict extending beyond the perpetration of a crime and the violent reaction to it. In the mid 1980s, spates of lynching were reported. These collective protests were linked to broader shifts in social life, an observation which did not go unnoticed by the media channels and intellectuals involved in the debate. The significance and direction of these underlying shifts had yet to be elucidated.<sup>2</sup>

The present study also investigated several lynching incidents which took place in the 1980s in the São Paulo capital, within districts

of the Metropolitan Region of São Paulo and in the city of Campinas (large district within the hinterland of the State). The investigations drew on evidence gathered by the Center for Studies on Violence of the University of São Paulo (USP) based on news items published by the press, police inquiries and criminal proceedings launched to investigate and apportion blame for the violent incidents. This material was supplemented by visits to the places where the events took place, as well as semi-structured interviews with residents and workers from these regions conducted in 1996 (thus sometime after the lynching events). Of the ten cases involved in this collective study,<sup>3</sup> four were of special interest and therefore became the focus of the current investigation.

The characteristics of these four cases which made them of special interest to the investigation<sup>4</sup> was the crucial role played by the neighborhood networks in the events that led up to and defined the lynching event itself. These cases presented an intriguing profile which differed from the typical pattern in which lynching events are commonly associated with an irrational movement by a faceless, unorganized mob. By contrast, the lynching events studied occurred in poor working-class districts whose social life dynamic encompassed many features of a tight-knit community in which residents were well acquainted with one another having multiple ties among neighbors and relatives. In addition, the violent collective

actions had occurred amid high local tensions over security issues and, in at least two cases, residents had previously convened to seek solutions from the authorities for the problems concerning lack of security.

These cases all reflect the scenario of a major demographic transformation among Brazilian society between 1960 and 1980. This era saw a country with a predominantly rural population dedicated to agricultural activities transform into a largely urban, industrialized country. This resulted in a huge wave of migration to the major cities, principally those in the Southeast, which lacked the structure to accommodate this influx of population. The living conditions found in the big urban centers were a breeding ground for numerous social and interpersonal conflicts. This transformation to modernity took place during a military dictatorship in which all popular entities were repressed and no freedom of expression existed through the typical political channels such as unions, political parties and associations.

The dizzying growth in the cities radically changed the urban landscape, giving rise to numerous new popular districts located ever further from the network of urban services, leading to the expansion of the outlying sub-urban belt. Living conditions were abject and fraught with difficulties, ranging from legal problems over land plots and self-built residential buildings, to the absence of public services of asphalted roads, lighting, transport, schools and the public health care network.<sup>5</sup>

From the late 1970s, security was also viewed by residents of São Paulo's outlying

districts as a major concern<sup>6</sup> fuelled by the absence or shortcomings in policing. The conflict arising from the precarious living conditions coupled with the severe limitations of public authorities in regulating urban life galvanized the residents of the outlying districts to organize and mobilize. Neighborhood Residents' associations were set up in many districts, lobbying for urban improvement. A new union movement took shape on the fringes of the metropolis, calling for an end to military dictatorship. Many districts were subject to frequent rioting and looting of stores, around the same time that the Catholic communities were mobilizing in the movement against "carestia", namely, the fight to raise the subsistence wages of urban workers. Many intellectuals began to link the revival of the organized movements into associations and unions, to the apparently unorganized crowd protests.<sup>7</sup> The lynching events were included under this same interpretation of the social and political times, when the number of incident seemed to be increasing daily in the poor districts.<sup>8</sup>

### Methodological Considerations

In order to lend credence to the sociological intuition that the frequent lynching in São Paulo during the 1980s was in some way correlated to extensive social changes, that is, to some extent were a manifestation of deep social conflicts, the issue had to be approached from a specific perspective and necessarily diverge from the commonly held view of lynching.

The general notion regards lynching as an irrational action, the emotional outburst of an incensed mob, where violence is always taken as an act of irrationality and instinctive furor.

The collective act is viewed as something inhumane which cannot be explained by the rational discourse of sociology. The perpetrators of these acts are deemed beyond the bounds of culture, where possible rationalizations are achieved through description and punishment, since there is no other alternative way of considering an unthinkable act other than to condemn it, but in doing so returning to the fold of public opinion.

Another commonly held concept - with a certain degree of scientific backing—is that which views lynching as a manifestation of barbarianism, a kind of proto-justice, in which the mob—always irrational—commits acts that are morally inferior to those an individual is capable of. This “psychology of crowds”, analyzed by Gustave Le Bon (1908), embraced the evolutionist idea that the development of civilization evolves in stages, but some human groups are unable to stay the course, becoming stagnated in lowly stages of development. Even amongst the civilized, these collective mob acts make individuals regress to a state of barbarianism. This explanation, which has pervaded studies on lynching particularly in the USA, have come under strong criticism from authors such as Singer (2003) and Senechal de La Roche (1996), due to their connections with a prejudiced view of collective popular actions, and underlying distrust over the popular movements as well as fear of mobs.

One should look beyond commonly held beliefs which attempt to explain the social by the social DURKHEIM (1987), and instead seek correlations between movements and dynamics of social life, while rejecting the theo-

ries based on the inhumane and exclusion from the culture. The challenge posed to sociological work is to view lynching as a result of collective actions which make up a cultural universe, as the product of meaningful processes which reflect a rationality, intention and message concerning values, representing a Weberian inspiration.

This approach involves an exercise in understanding the motivations, justifications and values at hand in the decision to lynch someone, without condoning violent action. How can a network of meanings be reconstructed which make the elimination of another human being possible, without believing it is necessary or acceptable? A critical study in this case walks a fine line, since the possibility of knowing is the opposite of the urge to condemn; but knowledge is only meaningful and useful as a means toward the non-violent resolution of social conflicts.

Therefore, in order to study “the taking of justice into one’s own hands” the question over what is just and fair about lynching must be addressed. How is it that this practice seems acceptable to a group of people at a given time? Why is it that this action, rather than others measures, are seen to symbolize justice? What alternative forms of justice exist in this context? Why are these paths avoided or overlooked? What outcomes were expected and which were deemed impossible in the reality of the circumstances under study?

It is clear that the researcher’ reference in the case, typically a young, white woman, from a middle-class background and well-structured district, raised in a university en-

vironment—is the public justice and the law of illuminist tradition and liberal matrix. In the context of this justice and law, lynching is an unacceptable act and implies a State response, albeit to reprimand or prevent further such incidents. However, in the eyes of a large swathe of the Brazilian population, this public justice and the laws at play do not seem congruent. How can this difference be viewed? How can this conflict be recognized and unraveled?

Many researchers and interlocutors consider lynching a practice symptomatic of discontent with the State justice system, calling into question the outcomes and bias of the State justice administration. This partially answers the questions: people carry out lynching because they are at odds with the values and/or practices of the State justice system. Yet great criticism has been railed against the flawed illuminist promises and the denouncements of class and race bias in applying state justice. This said, not all critics are defending lynching as a solution. Therefore, a satisfactory understanding of the support for lynching should better elucidate the relationships between distrust over the results of the State justice system and the legitimizing of collective violent actions.

What are the links between the delegitimizing of the state justice system and the action of private justice present in a give social context? What place do violent collective acts have among extra-judiciary solutions to conflict including range traditional justice entities, alternative and peaceful methods of conflict resolution, modes of social control akin to vig-

ilante behavior, extermination groups or illegal excessive use of force by police ?

The definition of the phenomenon must lie in specific sociologic contexts. In the North American case, the research into lynching focuses on post-slavery incidents in a context of inter-racial interaction and competition in the job market. However, studies in Brazil have tended to concentrate on the period of economic, demographic and political transition from the late 1970s to the early 1990s and address a specific context of spatial distribution of urban poverty, rising violence and questions over the ability of the State to curb crime through legitimate means. Thus, one cannot assume that there is sociological similarity among the cases of lynching across diverse national settings.

In fact, evidence shows a disparity in types of lynching found in the national milieu. José de Souza Martins (1989 and 1996) outlined two different profiles: lynching incidents in outlying urban districts which are typically perpetrated by poor workers who seek justice for a serious crime, while the most frequent lynching in small towns involve the middle classes and open disputes with the police and legal authorities, who adhere to a conservative and repressive philosophy with a clearly anti-liberal and anti-illuminist view of criminal conflict.

A dual typology was also adopted by Maria Vitória Benevides (1982) to differentiate anonymous lynching from community incidents. Anonymous type actions envisage the execution of a supposed delinquent by

individuals who have not necessarily been directly harmed by the suspect, and join the fray without knowing the root causes, driven by calls to “catch the guy”. The participants tend to be passers-by in main thoroughfares and middle-class neighborhoods, whereas community lynching are more characteristic of small towns and poor outlying districts of metropolis, where communities are mobilized to lynch in response to feeling directly affected by the acts of a known criminal.

The cases elected for the present study all took place in the 1980s and fall under this latter type, having occurred in poor suburban districts. A collective act is evident in all four lynching of our cases, where this was based on the territorial and sociological limits of the districts. Examination of case studies of lynching exposes the informal expedients for resolving conflicts within poor districts and allows investigation into how these extra-official expedients are conducive to lynching or otherwise.

Cases pooled by the Center for Studies on Violence (NEV) were selected based on information published in the media, in addition to data on criminal proceedings (permitting analysis of intervention by the State justice department) and on the living conditions associated with these districts. The researchers visited the sites of the crimes to interview the individuals who lived and worked in the vicinity. Of the 35 cases initially selected, ten were lynching incidents. The interview script, besides jogging the memory of the local dwellers about the events, recorded their opinions on human rights, police involvement, police

violence, lynching, vigilantes, crime in general, workings of the justice system, causes of violence, the main social problems and inter-subjectives faced in daily life. The interview also collected information on the knowledge, use and assessment of laws and judicial institutions. The analysis allowed the mapping of the conceptions concerning conflicts and justice present among the groups studied and provided insights into the interrelationships among legitimacy of rights, the functioning of institutions, conflict resolution and the violent practice of executions.

A tighter-knit community and a history of thwarted bids to resolve conflicts were features common to all four cases observed. Although these lynching events took place in different districts, the themes identified in the interviews were related to a common core of experiences, histories and ways of life. Lynching events in these settings were thus clearly shown to be the manifestation of broader, more marked and significant popular revolts rather than mere executions of suspected criminals. The executions seem to have been the culmination of a collective thrust to restore order in recently occupied districts, being linked to an array of other collective attitudes connected to the upholding of security and to political recognition.

In this sense, consultation of the literature on popular revolts was relevant in these cases. The association of lynching with rioting and looting was previously proposed by Martins (1995), where these collective actions differ to the popular movements with well-defined political goals, coherent

ideals of social struggle and organization, often together with a radical political and social project.

Lynching in Brazil rarely occurs for revolutionary political reasons but rather deep indignation at a situation of oppression. In this respect they are comparable to the European hunger uprisings during the industrial revolution, which had very different characteristics and effects than those of organized movements of workers such as strikes, unions and associations (RUDÉ, 1991). They constituted the type of protest typical of groups excluded from modern industrial relations, the unemployed, rural workers, housewives, those who feel insecure and downtrodden by a form of oppression which withdrew “modest customary rights guaranteeing their human condition (albeit subordinated) which they believed they held and could claim” (HOBSBAWN, 1982, pg. 17).

The lynching events studied represent a type of popular revolt against a situation of injustice which is not felt as a class injustice, and is completely unrelated to work relationships, but where issues of political and economic inequality are key factors underlying the sentiment of social indignation. What differentiates them from European revolts is that in the Europe case there was an absence—or a very limited use—of physical violence against individuals, since the targets of destruction were plantations, agricultural machinery, warehouses, food stores, businesses. By contrast, in lynching the pursuit of excessive violence to cause bodily harm to another takes center stage.

E. P. Thompson (1979), also with regard to the method of analysis of uprisings, took a cultural relativism view, attributing a degree of rationality to past perpetrators through the concept of legitimization. According to the author, the men and women who revolted in the era of the European Industrial revolution, believed they were defending traditional rights and customs largely consensual in the community, and on occasions even among local authorities. In a bid to study the basis of the legitimacy of what he called “moral economy of the poor”, Thompson (1998) sought to observe the traditional norms upheld in context; the predominant images of traders, bakers and millers; the rights laid claim to by those revolting and the moral limits not overstepped. The concept of conflict of legitimacies refers to the tension between the traditional and modern norms, which tend to lean toward a radical solution in times of crisis.

A search of the literature on popular revolts revealed the treatment of lynching as being a manifestation of conflict of norms, a conflict of rationality, which perhaps cannot be expressed in other forms of struggle and has no place within the institutions which govern in the outlying areas of Brazilian society. Which values then are being traded in the practice of lynching? What are those, who rise up and decide to take justice into their own hands, protesting against ?

### **Characterizing lynching in Brazil**

Lynching is a collective practice of summary execution of individuals branded as criminals.<sup>9</sup> It is characterized by a sole action:

the lynching group surrounds the victim and following the act disperses. Given these traits, the practice is commonly considered spontaneous and without prior organization. However, the participants may plan, organize and decide the outcome.

Notwithstanding the irrational dimensions involved in administering punishment, in the present study we sought to elucidate the cultural reasoning (SAHLINS, 1979) which drives those involved and legitimizes the lynching in the minds of the perpetrators and before the broader group against which they gauge their acts. The work by Norbert Elias (1990) holds that manifestation of emotions and irrationality is modeled by the cultural process. Tolerance to certain acts and situations is a historic process in which social structures combine resulting in lesser or greater control of emotions. That said, tolerance to the emergence of the irrational is an attitude guided by cultural reasoning.

The majority of lynching actions take place in highly dense urban areas but a significant number also occur in small towns and sometimes occur in rural areas. For the period spanning from 1980 to 2006, news material on 1,179 lynching events in Brazil was gathered (Center for Studies on Violence - NEV/USP), generally motivated by the committing of a blood crime—homicide, armed assault, rape followed by death—(25%), rape (22%) or for other crimes against somebody's person. Lynching does occur however in response to robbery (26%), domestic break-ins and even corruption in the local councils.

A particular type of action practiced by a group of individuals who know each other's faces predominates in outlying suburban areas of major cities and within smaller municipal districts. This action involves residents of the locale who get together with their neighbors to commit violent acts in a bid to restore order in the region. This type of practice is more frequently sparked by a blood crime, in contrast to lynching within large city centers that more often stem from crimes involving property among unacquainted participants.

Around one third of lynching cases in the press took place at police stations and at the doors of the Court houses, when the lynched victim is already in custody of the law institutions responsible for social control and punishment. These cases show that, besides being an immediate instinctive vindictive response to a crime, lynching is a form of punishment which works against the State institutions, either owing to a lack of confidence in the efficacy of the police and the justice system to combat crime, or because it upholds other forms of doing justice. In some of these cases, the population had the support of the public authorities.

In almost half of these actions, the victim was saved by the intervention of the police who rescued the suspect and broke up the crowd. However, few lynching cases reach the courts to hold perpetrators accountable for homicide or bodily harm and sentencing or incarceration for lynching is extremely rare. There are two possible explanations for not prosecuting those who lynch. The first

reason is of a more practical nature. The fact that lynching is a collective action makes it more difficult to identify those responsible and bring the case to court. Another possible explanation is that both public authorities and community do not wish to see lynchings imprisoned as they view the practice as legitimate.

### The cases studied

#### *The Ribeirão Pires Case (1982)*

This lynching took place in the context of strong mobilizing of dwellers over security concerns in a recently populated neighborhood far from the center of the municipal area. Part of the Metropolitan Region of São Paulo, Ribeirão Pires was a small town which became a conurbation of the metropolis as a result of growth in the industrial zone known as ABC<sup>10</sup>. Although the town has some local industry, its population was characterized for being part of a satellite commuter belt, namely, a residential area for workers who are unskilled or have low qualifications, but who are employed by industries in other cities. Almost 30% of the population was composed of migrants who had lived there for less than ten years and 65% of the inhabitants were aged less than 29 years. The urban infrastructure was very poor throughout the municipal region but particularly within the districts created at this time. The district in which the lynching occurred was an area of dense Atlantic forest, part of the “Serra do Mara” mountain ridge until the late 1970s, when deforestation took place followed by land plot demarcation and building of the first residences. In 1982 however, there were areas of forest and waste land, with sparse

housing and asphalt, street lighting and basic sanitation, contributing to the sensation that the place was a kind of lawless region. At the time, the crime rate was high in the district and the policing woefully inadequate. Between 1981 and 1998 there was a 257% rise in pre-meditated murder and in 1982 only 21% of all incidents reported to police led to a police inquiry.

In spite of the regional political upheaval at the time, the key concern of residents of the new district was crime. Homes were being burgled, and residents mugged on their way to or from work, school or shopping and according to reports, even food items purchased for meals were being stolen. As a result of the high level of insecurity, an informal curfew was adopted at nightfall and dwellers locked themselves in their homes.

An organized group called for steps to be taken by the authorities, and at the same time formed a group to patrol the streets with residents taking turns on the patrols. On the night of the lynching, several groups of four to five men were patrolling the streets. A newspaper report described these patrol groups as a 100-strong “extermination group” called the “Vigilantes of Parque Aliança”. In statements made to police and in interviews, the existence of an extermination group was never substantiated, and the case was considered a lynching. Some days before the lynching, the Civilian Police had carried out a patrol of the district, seizing arms and making several arrests of known robbers. The police presence was not constant and the lynching occurred one week

later. One of the patrol groups had detained two men suspected of an assault and notified the other groups. In the ensuing turmoil on the streets, other residents took up arms and left their houses to assist in killing the wrongdoers. The men killed were aged 21 and 16 years, one black and another white, and lived in the vicinity. At the time of the incident and upon arrival of the police, two or three residents stated they were sure they had been victims of the killed men. However, during police investigations this affirmation was not confirmed and by the closure of investigations no evidence was gathered proving involvement of the dead youths in criminal activities. A total of 22 residents of Parque Aliança were indicted in the police inquire and others were heard as witnesses. The criminal case dragged on in the courts for many years and the accused were never brought to trial due to lack of evidence.

Some interviewed in our study voiced their support for the lynching given the seriousness of the situation the residents were going through at the time. Indeed, the security situation was largely resolved following the incident and the district was considered safe in the 1990s. However, other forms of private summary execution were disapproved of, demonstrating that collective action is viewed differently to other forms of violence in the mindset of the population concerned. There is some consensus over the legitimacy of the use of force for personal defense and in protecting the family. The credibility of the police however was extremely low, with officers accused of abuse of power, acts of violence, corruption, involvement in illegal

protection rackets with traders, as well as racial and class discrimination.

#### *The Campinas Case (1985)*

This case took place on the outskirts of Campinas, the largest city of São Paulo's hinterland. The district was formed after the eviction of dwellers from a shantytown made way for land plots on the outlying regions of the urban area, with mains water, sewage and electricity but no paved roads. From the outset, the district faced clashes between "dwellers" and "outlaws". Although all dwellers of the neighborhood, the reports made during our study showed that individuals identified as being involved in criminal activities were not considered "dwellers" but branded "outlaws". The category of dwellers comprised the "family heads", the "good guys", "honest individuals" and the "workers". On the other side were the "marginal elements" and those "good-for-nothings"<sup>11</sup>, who charge a "toll" from dwellers, in other words they extorted money through the use of physical threats. Assaults, burglaries, raids on vans transporting gas bottles, threats to life, rapes, murders were all commonplace. The police presence was intermittent and led to man hunts and shoot outs. The lack of security was reported as serious and critical. The consensus among the interviewees although violence had not been stamped out, the lynching event significantly reduced subsequent crime. For some, lynching represented the extreme end of violence while for others was the reason for the improvements, achieved as a result of the clean up implemented by residents fed up with oppression. The occurrence of lynching however, contributed toward increasing the stigma of violence of the district throughout the city, to the extent that residents were unwilling to admit they lived there.

The lynching took place in a bar and three men were killed (aged between 17 and 20 years) while another was seriously wounded. The reason for the lynching was the threat of rape made by the group of “outlaws” to a young girl who was the bar owner’s niece. The threat led to a group of women lobbying for better policing of the district. They visited the security police and the radio broadcaster, and were told it was impossible to step up policing activities. In view of this, the parents of the girl took up arms and rounded up the men. Some of the victims’ friends had tried to free them but the crowd was huge and began stoning them.

The girl’s father and uncle were singled out as the ringleaders of the incident and also had criminal records (although were not considered outlaws). The police indicted eight suspects for the lynching but no known charges were brought. The lynching led to reprisals and several houses were broken into and burned down, leading to the fleeing of a number of families, never to return. Following the departure of these families and imprisonment of the wrongdoers, a new balance was struck in relations in the district. This was based on a pact under which the outlaws do not commit crimes against known residents in exchange for not being handed over to the police.

The police institution has a very poor image in the area, such that it is considered a bad idea to call them because the police officers are unable to distinguish between “dwellers” and “outlaws”, treating both with violence and disrespect. The interviewees reported lives studded by episodes of violence

and great distrust in the public institutions of security and justice.

#### *The Mauá Case (1989)*

This case occurred in an outlying district of Mauá, in the Metropolitan Region of São Paulo, with a highly dense population. In the 1980s, the population growth rate was 26% and around 14% of inhabitants were migrants who had lived in the region for less than 10 years. Individuals under 29 years represented 65% of the population. The urban infrastructure was poor and commensurately few schools. Between 1981 and 1998, the murder rate increased by 564%. In 1989, only 14% of incidents reported to police were subsequently formally investigated.

The conflict took place on the outskirts of the urban zone of Mauá, in an outlying district with population having low economic level, living in self-built modest dwellings. Streets were unpaved and there was no mains sewerage or public lighting. The lynching took place in the back yard of a timber house built on squatted land; the entire neighborhood was on shaky legal ground because of the location within a protected area of natural springs. Many of those present at the scene were related and were migrants from the same place. Thus, they all knew each other.

This community atmosphere is important in rating the neighborhood as safe, where the children can play in the street. The greatest problems concerned difficulties in gaining access to public services. The policing was deemed inefficient and their presence unwelcome while there was an overwhelming opin-

ion among interviewees that police should be called out only as a last resort. The official court was considered good and desirable but was far removed from the local reality and was little known. Residents described the present peace as a stark contrast to a past marked by violence when outlaws lived in the neighborhood, leading to fights and undesirable elements that struck fear into local inhabitants. The lynching was the turning point in reducing criminal violence in the district.

One of the outlaws who lived on the streets was lynched by a group of people who had come over from a neighboring district in pursuit of the man accused of the rape and death of a young woman. Unanimously, rape was cited by interviewees as the worst crime possible; thus, the violence against the young victim caused local uproar. The police were called but no suspect was identified or arrested as hoped by the residents and parents of the victim. After the funeral, a group, possibly led by the woman's fiancé, decided to execute two individuals suspected of the crime. The suspects were killed at their homes in front of their families. A police inquiry was launched to investigate the deaths but none of the witnesses summoned confirmed knowing the lynchers. Only five years after the crime did the relatives of one of the dead tell police they had seen the girl's fiancé leading the group, and information surfaced that the fiancé was also involved in criminal activities. The evidence from the investigations was not sufficiently conclusive to allow conviction of the lynchers. The two victims of the lynching events were known criminals and one had previously served a prison sentence. They lived with their spouses,

children, parents and siblings; one was a migrant aged 38 years while the other was 23 years old and both were black. According to neighbors, they did not commit crimes in the neighborhood and others did not believe they were guilty of the rape. Hence, the lynching was disapproved by some, although the revolt of the family of the girl and their violent reaction had some legitimacy, not least because the police showed no interest in the case.

The charitable relationships between neighbors allowed the widow of one lynch victim to rely on the aid of neighbors to feed her family using donations she received.

#### *São Paulo - Jardim Miriam Case (1982)*

On 18<sup>th</sup> May 1982, within the Jardim Miriam district in the Southern region of São Paulo, a man killed and dismembered his niece of nine years and was subsequently lynched. He was a white, single, 33-year-old, unemployed builder's assistant who lived with his parents and siblings. He was an alcoholic and had known violent tendencies. A series of misunderstandings within the family were witnessed by close friends and incidents of aggression had been reported to police. The man had threatened his sister and when she notice one of the children was missing he was immediately suspected. The neighbors and relatives formed a search party to look for the missing child and detained the accused until the police arrived. The body was found by a group of neighbors and acquaintances in the undergrowth along the bank of a drainage dyke and rape was suspected. More people gathered at the spot creating a scene of revolt. While residents were discovering the corpse, the police were getting a

confession from the perpetrator who described where the body had been dumped. The police took him to the scene of the crime, where a huge crowd awaited them. The small group of police was unable to prevent the prisoner from being wrested from the patrol car and badly beaten. The group was dispersed and the injured man taken to the emergency room where he died shortly afterwards.

At the time of the incident, Jardim Miriam was the most structured of the districts included in the study, although accommodated a low-income population with much poorer living conditions than those of central regions of the city and had very uneven urban services. The area at the time was in mid-way transition between a past of great community cooperation among neighbors and peace, despite the hardships of a life in a then-disorganized city, and a present marked by fear of crime, rising homicide rates and increased property-related crime mainly suffered by traders. This transformation, with the swelling of the poor outlying districts amid the arrival of thousands of new dwellers, seemed to have forced long-time residents to live together with strangers under the shadow of crime. Yet on that night in 1982 it was the network of family, neighbors and religious devotion that was first mobilized in the hour of need. In the serious situation of a missing child, many who had no direct contact with the family affected were disposed to join the search called by their neighbors and relatives. This instance was deemed a legitimate doer of justice, despite the presence of the police on the scene. In this case, in contrast to the others, it was not the absence of the police which made the lynching acceptable, but

rather the belief that a violent death was the only befitting punishment for those who commit the most heinous of crimes. However, in this case as for others, the assessment of police performance, especially amid increasing crime, had been extremely negative. Finally, the account describing the participation of the family of the accused in the lynching—a version disputed by the police investigation, but generally accepted by those interviewed—lends further legitimacy to the violent action, since all began and ended within the family, representing a group of belongingness and protection, a forum for conflicts, and the manifestation of resolution and justice.

### **The field of conflict resolution amid a metropolis undergoing radical transformation**

The backdrop common to all four cases presented is the radical transformation in a society which has experienced intense and swift economic modernization within a timeframe of no longer than three decades. This was a change undergone during a period of a military dictatorship in which channels of democratic participation in public decision-making were practically non-existent and intense and serious conflicts among individuals and social groups had no forum where they could be channeled or negotiated among official entities of the justice system.<sup>12</sup>

The four districts were in their infancy or had undergone recent repopulation when the events reported took place. The living conditions described in districts during the 1980s expose the unpreparedness of the metropolis to receive such a large influx of population in such a short timeframe. Removed from their

lands of origin, often from rural settings among small communities with a conservative moral profile, where they performed economic activities still very much governed by the rhythm of nature, the individuals whose stories are portrayed by these case studies were relocated to the big city (affecting the incumbent population) in districts on the industrial outskirts, thrust into the logic of factory life –and into its counterpart, unemployment– and into the universal logic of consumerism stratifying individuals into a hierarchy.

During the 1980s, conflicts worsened as a consequence and resettling of the population in new territories, economic modernization and definitive change in economic and social profiles of Brazil. The embrace of the big city for the newcomers was somewhat prickly. Although in the early days, economic growth went hand in hand with job offers, at this juncture stagnation had set in, spelling unemployment, hyper-inflation, “*arrocho salarial*” or squeeze on salaries, and “*carestia*” or subsistence wages (to use the language from the era). At the end of the decade, known as the “lost decade”, the first signs of global economic transformation were evident, which would “deindustrialize” the São Paulo metropolis, again restructuring the profile of the work force in the space of a few years, casting 1990s into continued economic uncertainty.

Living conditions in the towns and cities reached their nadir, as the entire urban network had to fight for public resources which tended to be invested in the central areas<sup>13</sup> housing the better politically and economically organized classes of society. Excluded

from all social and urban policies such as education, health, transport, street lighting and sanitation—factors classically considered the most important in preventing violence—the dwellers of the new districts were devoid of traditional policies of formal social control such as policing and access to the justice system. Unsurprisingly, in this scenario these areas were the first to succumb to rising urban violence in the Brazilian metropolis during the 1980s and 1990s, most notably the soaring rates of homicide (affecting mainly the poor young in outlying districts) and robberies. In a sense, these residents were the first to raise the alarm over the emergence of a new wave of urban violence and yet the last to be included in the policies of crime prevention and reduction.

Thus, it is important to place this experience in the correct context of a hierarchical social structure, both unequal and authoritarian, in which dwellers of these districts are ranked at the bottom of the social strata. All this in a setting in which inequality is exacerbated, on the one hand due to the economic inequality brought about by modernization, and on the other by the uneven distribution of the effects of the growing violence and allocation of resources to tackle the problem.

Analysis of the interviews conducted in the 1990s reveals that, according to local interpretations, the occurrence of lynching is not unrelated to the broader process of rising violence over the period, or to the acknowledgement that both the repercussions of the phenomenon and the obstacles in tackling it are most felt by those populations that wielded less po-

litical clout to negotiate the conflicts with the public authorities. The legitimizing of violent collective action gained ground not so much due to greater support for practices such as the death penalty and private vengeance (not that this does not also exist) but in recognition that a response to violence is necessary and that the legal channels were not available.

This is not to suggest that lynching can be explained by the simple effect of structural factors, but it cannot be denied that the existence of an underlying situation structured in such a way as to limit some and strengthen other responses to the conflicts. Conversely, we would be presumptuous to view lynching solely as the result of local dynamics typical of a population with a low degree of civilized culture. We instead draw attention to the perception of the influence of the modernization processes amid interpersonal conflicts as conducive to the use of violence. It is clear that the lynchers, their advocates and their critics are not mere automatons of social structures, but recognize and interpret the reality in which they live and assess the options available for action. Thus, the upshot of the analysis of information gathered through the interviews was the lack of consensus regarding support for private vengeance and use of violence. However, this sentiment goes hand in hand with episodic support for the lynchers, albeit explicit support, or empathic support amid an intractable situation<sup>14</sup>. Also noteworthy was the correlation between support shown for the lynchers, and the harsh living conditions described of the neighborhood, most of all with respect to lack of security.

In the four cases analyzed, the lynching seems to have been a response to a heinous crime or a string of crimes which sparked a revolt by the local population. In the Ribeirão Pires and Campinas cases, a clash between “dwellers” and “outlaws” took place: reports portray lawlessness and a deep sense of insecurity, fuelled by daily information and rumors, along with frustrated attempts to alert public security institutions of the seriousness and complexity of the situation. The dynamic of this confrontation developed over months or even years, serving as a reference to define local identities and value-sharing; however, this reality went unnoticed by the actors of public security. Indeed, when the security forces were present, they proved ineffective or were accused of being unable to distinguish between dwellers and outlaws, meting out the same brutal treatment abhorred by the locals (“the police don’t stop the real outlaws to frisk them [humiliating stop and search], just us who have nothing to do with it”, stated a youth from Campinas when explaining why he distrusted the police).

A former dweller of Ribeirão Pires recalled: “Jesus, we were always at the police station. There was a house here where they even took the dog”. However, resorting to police assistance was considered ineffective “the police said they didn’t have the means to protect everyone. [...] they were unable to stay in the neighborhood for 24h and we know they were right”.

In Campinas, complaints were frequent over the social discrimination in police treat-

ment of poor dwellers from the poor outlying suburbs, as were personal experiences of violence without intervention from the public authorities. With regard to the conflict which triggered the lynchings, the generally held belief is that “If the authorities had done their job, things would not have come to this”. All those interviewed gave ample reason why the population from poor neighborhoods distrusted the police.

The Mauá and Jardim Miriam cases did not demonstrate such an acute security crisis but were sparked by the occurrence of the most deplored of crimes—rape followed by death, aggravated in the second case for having been a child victim of nine years old who had been dismembered. The police were called in both cases, but in Mauá did not respond with the expected arrests, and instead left an impression of neglectfulness—a common sentiment among those interviewed in assessments of police performance. In Jardim Miriam, the police were called as a second contingency (the first was the group of neighbors) but were unable to control the situation. In both locales, the dwellers interviewed heavily criticized the work of the police and reported a feeling of lack of protection following the crime as well as a lack of faith public authorities.

Despite the unanimous criticisms railed against the police service provided, all interviewees believed the police have an important role to play in the provision of security and should be the first port of call in resolving serious conflicts. According to those interviewed, the best way of resolving conflicts would be primarily through efforts by the police and the

courts in dealing with crimes. At this level of discourse, there is no apparent clash of values or question over the state institutions being the main mediators of conflict. In fact, there were calls for improvements and expansion of these very services. The criticisms and indignation surfaced when addressing the concrete instances of criminal conflict experienced by the interviewees and their loved ones. Thus, the field of conflict resolution presents some ambiguity between the ideals stated for state justice—a powerful institution, neutral in legal matters with universal access for all, that is swift, secure, trustworthy and thorough—and the concrete experience of individuals—inefficiency of the institutions, frustrations over failed expectations, and the consequent presence of private actions.

In the ideal scenario depicted in discourse with the interviewees, resorting to violence appears to garner little support as an approach for tackling crime. However, as concrete experiences were evoked, violence was often viewed as an effective solution in times of acute crisis. In the first three cases presented, although use of violence was not deemed legitimate, it was considered effective in remedying the security issues of the neighborhood. This marked experience of efficacy contrasts with the inefficiency of the police and the absence of judges, prosecutors and attorneys. Nonetheless, even when touching on concrete cases, the majority of those interviewed disapproved of actions of private vengeance, the executing of criminals, adopting of the death penalty and even police violence—although there were advocates of violent and radical solutions this did not reflect the consensus regarding anti-illuminist values.

Pivotal to drawing this conclusion were the investigations into the extent to which traditional mechanisms of private vengeance based on the family were present in the mindset as a means of conflict resolution, and examination of how its efficacy was assessed. There proved to be a consensus over the legitimacy of the role of the family as the executor of vengeance. The victims in the cases of violence reported were rarely individuals, in as far as relatives of the victim also became direct victims, especially in blood and sexual crimes or property crimes which impact family sustenance, such as theft of workers wages and home break ins. The four cases reported fall under the category of conflict resolution in which the State is absent and the family are actively present. These families—the very attribute which differentiated these specific cases—forge multiple ties of mutual cooperation with their neighbors, such that the concept of neighbor and relative are virtually synonymous and interchangeable where these bonds represent the hallmarks of a strong community in the neighborhood. This community had often been formed since the first arrivals to the district, when a family settled and allows the arrival of further members to reside in the vicinity, and the building of ties with neighboring newcomers, with similar backgrounds and facing similar problems. The community tends to look after its own like family, and differentiates itself from others in the district, chiefly the outlaws.

Hence, the populating of the outlying districts, despite their extremely abject conditions, did not take place within an arid vacuum in the absence of the State but also as a product of the protection afforded by the networks of community relationships.

The recent exodus from the shrinking rural world, in which the codes of private vengeance based on family honor persisted, was also enveloped by the safety net offered by family protection. However, the demise of the rural world—the hypothesis of José de Souza Martins (1996)—has eroded the basis of sociability, such as large families, neighborly solidarity and cooperation, which formed the traditional foundation of private vengeance. Fortunately, the individual action of private vengeance was considered by interviewees as extremely risky and undesirable, because it exposes the individual and their families to the risk of retaliation and a high likelihood of being caught in the net of the criminal system and worse still, to be seen to err in the eyes of the divine justice. The moral burden felt by perpetrators of private vengeance in society—which the presence of the State, albeit weak, may induce them to feel—is too great to legitimize this path of conflict resolution (in the words of the interviewees, “how could I sleep at night” or “look into the eyes of my kids”, knowing that they have “stooped to the level of a criminal”). At these times, in concert with Martins thinking, the neighbors and friends of the neighborhood contribute towards offsetting the social transformation of those families who reject the traditional system of vengeance.

Community-based popular justice, evidenced by the cases outlined in this study, is a form of conflict resolution which is based on rules of custom that differ to the traditional rules of private vengeance, which are only effective in a form of social organization which no longer exists. Customs (THOMPSON, 1998) constitute a sphere of experimentation which updates and reworks fragments of Tradi-

tional Law and Modern Law (because the Rule of Law is thin in these areas). Customs do not adhere to a past social order, and can be a field of struggle toward building a new framework of forces within the neighborhood and a new type of interaction with the rest of the city and society. In this sense, it is obliged to accommodate the crisis in efficacy of the two separate juridical systems—the traditional and that of the modern State. The traditional option is considered illegal while the contemporary alternative is reached via a logical hierarchy which renders it inefficient, leading to marginalizing and exclusion of vast swathes of the underclass.

This peculiar situation of exclusion from the established official institutions of the justice system provides grounds for, according to the social agents studied, the revival of certain customary uses. These customs are not however, owing to their experimental and unstable nature, embodied as standard practice, and this hampers reaching a consensus on what measures to take in the event of blood crimes. Lynchings are not fixed forms of castigation which repeat whenever a crime takes place since there are no rules governing these acts. They represent justifiable episodes of revolt by local groups as a result of their extreme socio-economic circumstances.

Violent collective action is a way of striking a balance between the legitimacy and illegality of private vengeance, where the group dilutes individual responsibility for acts which would prove too great a burden for any one person to bear. This manifests in a context in which public justice is conceived as the best, but an unlikely solution, for protecting life and defending the interests of dwellers from poor outlying regions.

The description of the field of conflict resolution has become complex, since it entails not merely accepting violence when the State fails, or accepting it as a trait of human nature or a traditional custom. The perspective furnished by the subjects involved in this study is that of individuals who live on the fringes of the Rule of law, for whom inclusion remains an aspiration, but who painfully portray their marginal situation and report the effects of exclusion.

The awareness of inequality shifts to an awareness of social injustice. The targets of protest however are seen as the State agents which fail to perform the role originally intended of the institutions—not the public policy-makers and executors—as well as the individual criminals representing the immediate and tangible agents behind the breach in security of local families. Due to this self-image, the outlying urban districts view themselves as a geographically separate entity lacking the urban network enjoyed by central districts, but also as a political outback which has not had, and will not have, the power to change the processes which sustain a prevailing Rule of law that offers them scant support. Thus, revolt eliminates the tangible enemy but does bring about the conditions to enable future input in the devising and implementation of policy aimed at addressing the lack of security.

The lynching events studied, although interpreted locally as manifestations of protest against the lack of security and ineffectiveness of the public police, constitute a futile expression, since these acts do not pave the way for future social alternatives—the collective action in this case executes the role neglected by the State institutions through introduction of their own form of justice, but will

not induce any positive change in the State institutions themselves. Undisputedly, they cannot expand the Rule of law since they are their own anti-thesis, curiously a product of their parts.

Overcoming the impasse of calls for order through disorder, the realm of law through the use of violence, legality through illegal acts, seems to represent a major challenge in building any democracy. Given the consensus that the mechanism of family vengeance is no longer applicable to resolve the issues of a more complex society, with its more diverse forms of crime, and that no consensus concerning exclusion from the

official justice system has yet been reached, then one can quickly draw the conclusion that now is the time to collectively rediscuss the consensus on the exercising of social control and broadening of the scope of the Rule of law. This review should incorporate popular demands for security, reduce political inequality, and reform security and justice policy based on more egalitarian principles. And although it may now seem easy to wrap up the sociological text, this difficulty gives way to a greater question over the best paths toward democratic and transforming endeavors that can guide us, with the minimum loss of life and freedoms, to a more just society.

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1. A first version of this text was presented at the seminar "Lynching in Maputo", at the Eduardo Mondlane, University in Mozambique, in 2007. A slightly modified version was presented at the Brazilian Portuguese-African Congress of Social Sciences in Braga, Portugal in February 2009.
  2. Consult the intriguing study by Helena Singer (2003) on discourses related to lynching aired by defenders and critics of human rights in newspaper articles, scientific texts and by juridical operators in criminal proceedings brought to investigate these actions.
  3. See the reference to the report by the Center for Studies on Violence at the end.
  4. This research resulted in the Master's dissertation presented at the Department of Sociology of the Faculty of Philosophy, Letters and Social Sciences of the University of São Paulo in 2001. The text was published in the book (SINHORETTO, 2002).
  5. Consult Bonduki and Rolnik (1979) and Maricato (1996).
  7. An example is Moisés (1982). Singer (2003), in her reconstruction of discourses, emphasizes the contrast of the interpretations in which lynching is seen as a mode of unchanneled violent protest to the political entities of citizenship, and those in which collective violence is a means of building political organization, a form of exercising citizenship.
  8. See the first article by Martins (1989) on the theme, symptomatically published in a journal of migration studies.
  9. The characterization of lynching is based on information contained in the Press Data Base of the Center for Studies on Violence of USP ([www.nev.prp.usp.br](http://www.nev.prp.usp.br)).
  10. The ABC region was named after first letters of the municipal districts of Santo André, São Bernardo do Campo and São Caetano do Sul. The largest industrial automobile base in Brazil was set up there in the 1950s. The growth of the plants in the 1970s attracted millions of workers from all over the nation. A strong union movement began there, featuring strikes aimed at improving work relations, but which also fought against the dictatorship and the growth in inequality caused by an income-concentrated economics policy. In 1978, the assemblies of strikers and rallies brought together hundreds and thousands of people and the movement became a symbol of the fight for democracy. This movement gave rise to a renewal of unionism and the foundation of the Workers Party, headed by Luís Ignácio Lula da Silva among others (incumbent President of the Republic). As a result of popular pressure to open up the regime, in 1982 they were elected by the direct vote of governors and deputies, with a convincing victory over the opposition, marking the beginning of political democracy in the country.
  11. Alba Zaluar (1984) observed the same identity policy dividing workers from outlaws in a lower-class district in Rio de Janeiro. The stigma of crime in these areas and the process of criminalizing the poor made these measures necessary as a form of protection of poor workers against social prejudice and police liberties. But these are identities which can be telling under some circumstances, when you recognize the identity in poverty and in personal trajectories of transition between the two groups.
  12. With regard to the impact of the absence of democracy and of the forming of a citizen with a historic background differing to Marshall's model of the weakening of the law as a common language, and the delegitimizing of appeal to official justice, consult the interpretation by Wanderley Guilherme dos Santos (1994).
  13. For more on history and rationale behind concentrating public and private investment in the urban network in São Paulo, see the work by urbanist Flávio Villaça (2003).
  14. For a more in-depth analysis of interviews and opinions contained in them, see Sinhoretto

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# Lynching: lack of security and popular revolt

Jacqueline Sinhoretto

## Resumen

### Linchamientos: inseguridad y revuelta policial

*El estudio de cuatro casos de linchamiento ocurridos en barrios humildes de grandes ciudades brasileñas (en el Estado de São Paulo) permitió establecer conexiones entre esas acciones populares violentas y el contexto de crecimiento de la inseguridad urbana, en el período de urbanización acelerada que marcó los años 80 en Brasil. Se intentó interpretar los linchamientos como formas de resolución de conflictos por medio de la violencia colectiva, una alternativa de justicia legitimada por integrantes de redes de comunidades de vecinos ante la falta de confianza en el sistema estatal de seguridad y justicia (que aplica políticas discriminatorias y desiguales) y también como la destrucción de las formas tradicionales de justicia por cuenta propia basadas en la venganza. La acción colectiva violenta es una forma de circunvalar la tensión entre la legitimidad y la ilegalidad de la venganza personal al diluir en lo colectivo la responsabilidad penal y la moral, demasiado pesadas de sobrellevar para un individuo. Es una manera conservadora de solucionar el conflicto social por la seguridad, en la que los ciudadanos asumen personalmente tareas en que el Estado es omiso, sin que consigan, con eso, modificar su posición de exclusión en la elaboración de políticas públicas de seguridad.*

**Palabras Llave:** Linchamientos. Violencia. Justicia popular. Gestión de conflictos. Políticas de seguridad.

## Resumo

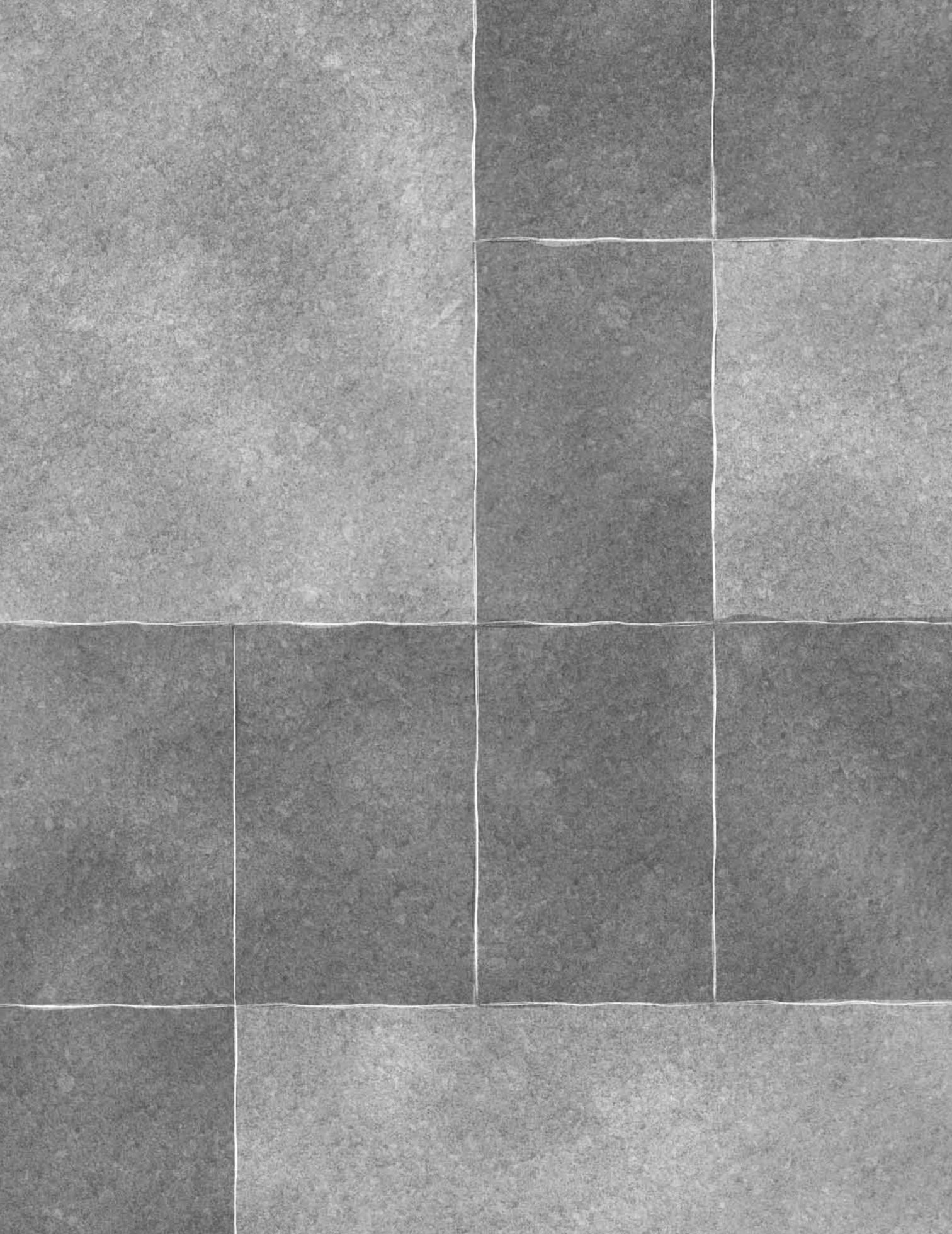
### Linchamentos: insegurança e revolta popular

*O estudo de quatro casos de linchamento ocorridos em bairros populares de grandes cidades brasileiras (no Estado de São Paulo) permitiu observar conexões entre essas ações populares violentas e o contexto de crescimento da insegurança urbana, no período de intensa urbanização que marcou os anos 1980 no país. Procurou-se situar os linchamentos como formas de resolução de conflitos por meio da violência coletiva, uma alternativa de justiça legitimada por integrantes de redes comunitárias de vizinhança diante da falta de confiança no sistema estatal de segurança e justiça (que implementa políticas discriminatórias e desiguais) e também do esfacelamento das formas tradicionais de justiça privada baseadas na vingança. A ação coletiva violenta é uma forma de contornar a tensão entre a legitimidade e a ilegalidade da vingança privada, ao diluir no coletivo as responsabilidades penal e moral, pesadas demais para serem suportadas por indivíduos. É uma maneira conservadora de equacionar o conflito social por segurança, na qual os cidadãos assumem privadamente tarefas em que o Estado é omissivo, sem que consigam, com isso, modificar sua posição de exclusão na elaboração de políticas públicas de segurança.*

**Palavras-Chave:** Linchamentos. Violência. Justiça popular. Administração de conflitos. Políticas de segurança.

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# Criminal Justice and Public Security in Brazil: causes and consequences of the public's demand for punishment<sup>1</sup>

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## **Abstract**

*This paper begins with an overview of the formal structure of the criminal justice system in Brazil. Subsequently, the Brazilian judicial and public security institutions and their respective scope of activities spanning from the 1980s, a period known as the return to democracy, up to the present, are addressed against a backdrop of rising homicide rates and difficulties encountered by the police in restructuring to meet new democratic criteria. This paper seeks to identify the impact of the public's demand for punishment on the legal system, including the Public Prosecutor and the Judiciary, as well as the effects of the rise in imprisonment rates on the prison system. In conclusion, the role of Brazil's Ministry of Justice and Federal Supreme Court in curbing the demand for punishment and restructuring judicial and security institutions is highlighted.*

## **Key-words**

*Criminal Justice. Public Security. Prison System. Public Demand for Punishment.*

## The formal structure of Brazil's criminal justice system

Criminal law, criminal procedural law and the criminal justice system are normative and institutional mechanisms in a Democratic State, established under the Rule of Law, aimed at minimizing and controlling the state's punitive power. As a result, the role of protecting citizens against crime is offset by that of protecting the fundamental rights of the accused. Therefore, criminal law and criminal procedural law aim to establish checks that mitigate the risks of power imbalances between the citizen and state, the accuser and the accused.

Brazil's judicial system's basic structure is laid down by the Brazilian Federal Constitution, Chapter III, Title IV. At the top is the Federal Supreme Court (STF, from the Portuguese *Supremo Tribunal Federal*), consisting of eleven Justices appointed by Brazil's President, and confirmed by absolute majority vote of the Senate. This court exercises multiple roles which are commonly found in at least three different bodies in other countries: the role of a court of last resort, to hear appeals against the decisions of lower judges and courts; the role of a constitutional court, to decide on the constitutionality of rules; and also holds original trials of common criminal offenses for which the President, Vice-President, members of the

Brazilian Federal Congress, Federal Ministers and the Attorney-General may be accused. In addition, the STF also holds original trials of common criminal offenses and cases of misconduct in office for which Ministers, Navy, Army and Air Force Commanders may be accused, in addition to writs of *habeas corpus*, of which any of the persons above can be the beneficiary, or when the coercing officer is a higher court, or when the beneficiary or coercing officer is an official or other public servant whose acts are directly subject to the STF's competence, in addition to extradition demanded by a foreign government, criminal reviews and motions for a new trial of judgments entered by the STF. In ordinary appeals, the STF adjudicates writs of *habeas corpus* denied by Higher Courts, as a sole and final jurisdiction.

Under the Constitution, other tribunals below the STF also have jurisdiction to try criminal cases: the Superior Court of Justice (STJ, in Portuguese *Supremo Tribunal de Justiça*), the Superior Electoral Court (TSE, in Portuguese *Tribunal Superior Eleitoral*), and the Superior Military Court (STM, in Portuguese *Superior Tribunal Militar*). Furthermore, Brazilian courts are grouped in two major trunks, Federal and Regular courts. The former group comprises three levels: trial courts, federal appeals courts, and the Superior Court of Justice. Likewise, the latter also has three levels: trial courts, state appeals courts and the Superior Court

of Justice. The jurisdiction of Federal Courts is provided for by the Brazilian Constitution, articles 108 and 109, whereas Regular Courts have jurisdiction over remaining matters. At state level, Regular Courts are organized under the State Laws for Judicial Organization.

The standard procedure provided by the Code of Criminal Procedure is called the ordinary proceeding, and is adopted to try crimes which are punishable with imprisonment. First, the Public Prosecutor submits the criminal information, based on the police investigation; then, a date is set for interrogating the accused; subsequently, the prior defense is submitted, including a list with the defense witnesses. Subsequently, Prosecutor's and Defense Attorney's witnesses are heard, and the last claims and the closing statements by both Public Prosecutor and Defense Attorney are made. In conclusion, the court rules, and the court's decision is appealable.

There is also a summary proceeding, applicable to crimes punishable with detention and simple imprisonment. This procedure has fewer procedural phases and is mostly oral. After the criminal information has been submitted and the defendant is questioned, the hearing for the production of proof, debating and judgment is held.

Special Criminal Courts were established, under the Brazilian Federal Constitution and Law no. 9,099/95, to try minor crimes, punishable with up to two years' imprisonment. In these cases, police investigation is

not mandatory, reconciliation between the victim and the offender is encouraged with a view to redressing damages as well as settlement proposed by the Public Prosecutor, with alternative remedies without acknowledgement of guilt, in addition to conditional suspension of the proceeding. These measures are applicable not only for offenses falling under the jurisdiction of the courts mentioned above, but also for those offenses whose minimal applicable punishment is one year detention or less. In the latter case, the Public Prosecutor will propose a two to four-year suspension, as long as the defendant is not being prosecuted or has not been convicted for another crime. If these hypotheses are ruled out, the procedure moves on: the criminal information is submitted, and a summary proceeding is carried out, characterized by spoken interactions, fewer procedural phases, and the entering of judgment at the hearing.

There is a further series of special procedures—in addition to the proceedings described above—under Brazilian procedural law. These proceedings include those under the illicit drugs act, press act, bankruptcy law, abuse of power, private criminal actions against honor crimes, among others. The most complex special proceeding refers to Jury Trials, as provided for by Brazil's Federal Constitution, article 5, applicable in cases of felonious crime against human life.

During a criminal procedure, the accused may be sent to prison if such detention is temporary, preventive and provided by the indictment. Preventive detention is author-

ized by Brazil's Code of Criminal Procedure in order to maintain public order and to ensure an appropriate evidentiary proceeding and posterior application of criminal law. Some jurists consider the first type unconstitutional in that it breaches the principle of presumed innocence.

This is the structure of the judicial system in Brazil. It is also important to add that Brazilian criminal law and criminal procedural law fall exclusively under the jurisdiction of Brazil's National Congress, and that these laws are in force throughout Brazilian territory. However, the major conclusion from analyzing the Brazilian criminal justice is that there is an ongoing gap between the *de jure* and the *de facto* systems, especially with regard to individual rights and civil liberties, between 'is' and 'ought' (AZEVEDO; DIAS NETO, 2007). Brazil's criminal system, as shown below, is fraught with impartiality, social inequality, torture, abuse of power, corruption and suppression of civil liberties, across all levels.

### **The return to democracy, violence and police discrimination**

Since Brazil's return to democracy, marked by the adoption of the Federal Constitution in 1988, the criminal justice and public security system has been increasingly incapable of coping, within the boundaries of the law, with the growth in crime rates. As a result, the state has been perceived as less legitimate, and judicial and security institutions as less reliable.

Between 1980 and 2003, homicide rates rose from 11.4 murders per 100,000 inhab-

itants to 29.1, registering over one million felonious murders in the last three decades.<sup>2</sup> The majority of the victims are economically underprivileged, with low educational levels, young, male, Afro-Brazilian, and live on the poor outskirts of major urban centers. In absolute numbers, there was a peak in homicide rates in 2003 of 51,043 deaths that year, but has followed a declining trend since 2004.<sup>3</sup>

This problem is not exclusive to Brazil. A study carried out by sociologist Julio Waiselfisz (2008), who used the World Health Organization Statistical Information System (WHOSIS) as the main source for indicators, and analyzed 83 countries, 16 in Latin America, revealed that Latin America has the highest murder rates worldwide, and the young are the main victims.

According to Waiselfisz's report, launched in collaboration with the Sangari Institute, Brazil's Ministry of Justice and the Latin-American Network for Technology Information (Ritla), the homicide rate in Latin America among youths between 15 and 24 years old<sup>4</sup> was 36.6 per 100,000 inhabitants. In North America, this rate reached 12, and in Europe, was 1.2. Of the 83 countries in this study, the top five in terms of youth murders are located in Latin America. El Salvador ranks first, with 92.3 homicides for every 100,000 inhabitants, whereas Brazil is the fifth, with 51.6 per 100,000 inhabitants. For homicide rates among the population as a whole, Brazil also ranks the fifth among the countries, having the highest murder rates in this region: 25.2 deaths per 100,000 inhabitants in 2005. The first four are El Salvador

(48.8), Colombia (43.8), Venezuela (30.1) and Guatemala (28.5).

Nowadays people are increasingly aware that the law and individual rights exert a lesser influence on the conduct of individuals and organizations both in Brazil and Latin America. The Latin Barometer report of 2005 revealed widespread mistrust in the government's ability to impartially enforce the law. Furthermore, only 21% of Brazilians admit to complying with the law (VILHENA, 2007, p. 42).

According to O'Donnell, most Latin American countries have failed to establish systems based on the Rule of Law after the demise of their military regimes. He adds that extremely high social inequality levels are one of the major hurdles to more impartial implementation of the Rule of Law. In fact, with one of the most unequal societies in Latin America, Brazil can be considered to have been established under a *non-Rule of Law* system.

In Latin America, the law has been traditionally ignored or, when complied with, is distorted in order to favor the powerful and to repress or curb the weak. When an Argentinean executive with a dubious reputation said that, "being powerful means being [legally] immune", he was voicing a supposedly widespread notion that only fools willingly comply with the law, and that being subject to the law is not synonymous with enjoying one's legal rights, but rather, is a clear sign of social weakness. This is particularly true—and dangerous—when conflicts lead the wrath of government or powerful private groups. This notion may also underlie the obstinate refusal of the privile-

ged classes to regularly obey administrative procedures, not to mention the criminal impunity they usually enjoy (O'DONNELL, 2000, p. 346).

In this respect, the system reinforces social inequality by being discriminatory. First, a seemingly endless stream of offenses remains hidden. In addition, only a small proportion of the cases that reach the judiciary police end in criminal prosecutions. This situation lays bare the institutions' inability to address the majority of criminal offenses. According to Zalar (2007, p. 43-44):

An extremely high percentage of homicides go uninvestigated by the police, and the murderers are never identified. A study on the criminal justice system in the state of São Paulo has revealed that the highest rates of convictions are for drug-trafficking and robbery, rather than for criminals charged with murder and armed robbery, which are the most feared types of crime. Another study has shown that only in 4.6% out of a total of 4,277 police reports of homicides were the perpetrator and the motive identified and recorded. In Rio de Janeiro, another study has shown that 92% of murder cases were returned to the police because there was insufficient evidence to put the accused on trial.

The state of Rio Grande do Sul has one of the highest success rates regarding solving police investigation of criminal offenses. According to data published the Secretariat for Public Security, 55% of the total cases under investigation in 2007 was successfully closed and sent to Public Prosecutors,

and only 15% of the latter evolved to give rise to criminal information that was filed with the Judiciary (ETCHITCHURY, 2008, p.38). As a consequence, prosecution procedures, which are initiated in a relatively small number of cases, become a tool for anticipated punishment. Immediate imprisonment and the carrying out of the remaining phases of the criminal proceedings may give a false impression of effective punitive power on the part of the Government (VASCONCELLOS; AZEVEDO, 2008).

Crime rates have been on the rise since Brazil's return to democracy in the mid-1980s, a period marked by increased poverty and hyperinflation. In fact, this period saw unprecedented levels of criminality. According to Kant de Lima, Misse and Miranda (2000, p. 49):

Most studies identify a shift in urban crime patterns between the mid- and late 1970s, especially in large cities such as Rio de Janeiro, São Paulo and Belo Horizonte, including higher overall theft, burglary, car robbery, and mugging rates; an increase in organized crime; more violent crimes; a dramatic rise in homicide rates and other violent crimes; and the emergence of gangs focused on robbing banks and other financial institutions. This shift consolidated and expanded in the 1980s, as drug trafficking, especially cocaine, became widespread, and as conventional weapons were replaced by other, more technologically sophisticated and potentially more lethal, arms.

Although many agree that crime must be fought, very few trust the criminal justice

system. The system is perceived as slow, ineffective and biased in favor of the rich and powerful. Brazilians rarely seek the formal justice system for dispute resolution. Rather, they tend to rely on interpersonal networks to resolve their conflicts. As a result, the upper and middle classes have insulated themselves in gated communities surrounded by high walls, with electronic gates and private security guards. In fact, Brazil's private security sector employs more people than the country's public security system. In many areas, it is not uncommon to resort to professional killers to dispatch presumed thieves, or even political rivals. Recently, urban militias have arisen in Rio de Janeiro slums, run by police officers who charge slum dwellers a fee for protecting the community from drug traffickers and petty criminals.

Both in São Paulo and Rio de Janeiro, Franco Montoro and Leonel Brizola, the first elected governors after the fall of the military regime in the mid 1980s, were intent on reducing human rights violations and reforming the police with a view to minimizing torture and summary executions. However, as a result of increasing crime rates, coupled with the economic crisis, the police were largely resistant to reform, and the opposition (the previous incumbent party) and the majority of the public opinion accused human rights advocates of helping to boost crime.<sup>5</sup>

Initiatives to devise public security policies committed to the defense of human rights have been hamstrung by punitive populism, successive economic crises, government in-

debtedness, and institutional resistance on the part of corrupt and violent police officers. Under the military rule, political killings were kept secret, something the government could not acknowledge openly. With the return to democracy, homicides perpetrated by police officers were legitimized by public support. In the eyes of the public, the police could be seen as having a clear purpose: to control crime in a society where the courts are not taken seriously.

In the late 1980s, 41% of Brazil's population was poor, according to international standards, and 19% were in abject poverty, living on less than a dollar a day. Brazil's income disparity was (and still is) among the widest in Latin America. After Fernando Henrique Cardoso was elected, in 1994, a period when the government successfully stabilized the currency and controlled inflation rates, a reduction in poverty was expected to ensue. In 1998, however, as the currency was devalued, the income levels of the poorest returned to 1980s levels. Government spending in Brazil is relatively high compared to other Latin American countries, amounting to US\$ 1,000 per capita between 1996 and 1997 (CHEVIGNY, 2003, p. 86). Nevertheless, a large percentage of this money consists of civic servant pensions. After the currency was devalued, the restrictions imposed by the IMF led the government to further reduce the benefits that were offered to the poor.

During the Lula administration, the country has resumed growth, particularly from 2004 onwards. The job market benefitted, with a rise in employment rates, including

the industrial sector, and a real rise in salaries. As joblessness decreased and the GDP expanded, there was a growing demand for unskilled labor, and the income of poorer households increased compared to upper income brackets. This situation led to a 5.7% fall in the Gini Index from 2002 to 2004, and a subsequent rise in this index since then (IPEA, 2008). However, this tendency has not significantly changed the scenario of inequality, which remains the major challenge for current and future governments. For this trend to continue, constant growth rates are needed, now highly unlikely given the global economic downturn.

### **The demand for punishment and the criminal system**

In Brazil's hierarchical and unequal society, where social relations are driven by political clientelism and cronyism, rather than the principle of equality, criminals are seen as the "other", someone who is not under the protection of the law, and is subject to the will and violence expected of the system's agents. According to Vilhena (2007, p.44):

*Demonizing* is a process whereby society deconstructs the human element in their enemies, who are then removed from the realm of the law. To use a Graham Greene phrase, enemies become a "torturable class". Any effort to harm or even eliminate the demonized becomes socially legitimate and legally immune. (...) Demonizing, in addition to being against the law, gives rise to an autonomous spiral of violence and brutal behavior between different social groups. It is the reason behind alarming homicide rates as well as the extreme cruelty of some criminals.

If, on the one hand, police action against presumed criminals becomes acceptable, on the other, police violence is feared and the fact that the police discriminate against the poor and minority groups is widely acknowledged.

According to the Human Rights Watch Annual Report, published on the 14<sup>th</sup> of January 2009 (VARELA, 2009), police violence is a chronic malaise in Brazil. It ranges from excessive use of force, extrajudicial executions, torture and other varieties of ill-treatment. In the first half of 2008, the Rio de Janeiro police committed one in every six homicides in this state. Over this period, police officers killed 757 people. The police claim these deaths occurred in clashes with criminals, and the cases were recorded as “acts of resistance”.

The number of murders committed by police officers who are off duty is also worrying. In the state of Pernambuco, where the rate of unresolved investigations is high, estimates indicate that 70% of homicides are committed by the so-called “death squads”, with police officers numbering among the gang members (ALSTON, 2008).

In Brazil, over the last two decades, the mass imprisonment policies implemented after Law 8,072/90 (Law of Heinous Crimes) was enacted, which prevented sentence reduction and, as a result, increased prison populations substantially,<sup>6</sup> have had little influence on the overall crime rates or on violent crime in particular. As Adorno and Salla (2007, p.10) explain:

(...) the emergence of organized crime in Brazil is closely linked to the conditions and trends in contemporary society, especially after the 1970s, in the wake of the neoliberal changes that brought about an era of economic globalization and a weakening of Nation-States. These changes have led, in the short run, to widespread market deregulation, especially the financial markets, and a whole sequence of events: traditional national borders were redesigned; an increasingly free flow of capital was encouraged; there was more leeway for illicit activities as the ownership of capital became anonymous; money circulated in tax havens without institutional constraints, ready to fund drug, person and human organ trafficking, arms smuggling, tax and financial fraud, pirate goods and services, counterfeit pharmaceuticals, gambling, among many others. In short, the emergence and expansion of organized crime were also driven by global urban development patterns. The swift rise of megacities, with over eight million inhabitants and multicenter systems encouraging social and spatial segregation, has led to the development of new patterns of poverty and social inequality (Davis, 2006), especially inequality of rights, forcing significant segments of the urban population to live in a world where crime is rife.

When a heinous crime is committed, especially when a member of the middle or upper classes falls victim, the media takes action, and, regardless of the complexity of this phenomenon, capitalizes on the general feelings of commiseration that are normally roused in these situations, and brings to the fore the issue of reducing the legal age for criminal responsibility.

ity, and the extension of punishment. Rather than a means of retribution or reintegration of the offender into society, punishment is perceived as a tool to prevent further acts of violence, and the suppression of civil liberties a consequence of enhancing efficacy in the fight against crime. The defense of human rights, which in this case means merely respecting the law during the prosecution and the infliction of punishment, is criticized as being synonymous with “the defense of outlaws”.

Although the law is ineffective in many different areas, this fact does not prevent an excess or “inflation” of criminal rules from invading social areas that hitherto existed without penal sanctions. Public authorities resort to penal remedies to solve almost all types of social conflict and problems. The penal solution becomes a symbolic response provided by the government to meet a social demand for security and punishment. However, the efficacy of this solution as an instrument to prevent crime is largely overlooked.

As a result, the so-called “abstract hazard offenses” have been created. In these, the performance of actions that are legally described as hazardous, rather than the infliction of effective harm, is sufficient evidence for a trial. Examples include carrying firearms without a license, and driving under the influence of alcohol, which are now considered crimes. This is a regression of the legal figure of permitted risk, and a gradual restriction on the domain of high risk behavior. In practice, there is a restrictive interpretation of criminal law with regard to exculpatory and mitigating circumstances. At the same time, penal types become

more flexible, with a wider reach. The urge to meet the social need for justice leads to a surge in lawmaking activity. In this context, when conflicts are manifold, the criminal justice system is the primary source for conflict resolution. Criminal justice, therefore, takes a clearly symbolic role of appeasing public opinion (AZEVEDO, 2005a).

In recent years there has been a rise in the number of prosecutions in cases of white collar crimes. However, the expansion of the penal system has not significantly changed the profile of prison populations. Most detainees still come from the lowest income brackets, have low educational levels, were arrested for committing crimes against property (robbery) or for dealing drugs, and once in prison, will become permanent members of the gangs who operate within the prison system.

### **The actors in the penal system: Public Prosecutors and Judges**

Public Prosecutors are responsible for submitting the criminal information in criminal actions, in addition to overseeing police activities. Brazilian Public Prosecutors have clearly been undergoing a process of change since the 1980s. In this process, their responsibilities and prerogatives as an institution have been extended. Several studies assessing the impact of legal and institutional changes occurring since the 1980s, carried out by Idesp researchers (Idesp being the São Paulo Institute for Economic, Social and Political Studies) have underscored the importance of this new institutional organization and the new roles assigned to the Public Prosecutor, in particular that of defending diffuse and collective rights,

as well as playing an active role in a country whose society and political activity have been increasingly “judicialized”.

Arantes suggests that both the acknowledgement of new rights in the 1980s and the creation of new legal tools for the defense of these rights entailed restructuring institutions, Public Prosecutors among them, who became the major legal defender of collective rights, promoting extended access to justice in Brazil. With the new institutional background, political conflicts can now be resolved in the judicial arena, which has politicized the role of Public Prosecutors, now a key element in the political process. According to Arantes, “the main reason behind Prosecutors’ role as legal political agents stems undoubtedly from the fact that Prosecutors are functionally independent, which resulted from a succession of isolated, albeit accumulative, changes both in statutory and constitutional law” (ARANTES, 2002, p. 304-305).

Arantes also emphasizes the fact that most interviewees (84% of respondents) have a conservative view of Brazilian politics and society. For these Public Prosecutors, the existence of a government body in charge of defending citizens’ rights is crucial in such a poorly organized civil society as the Brazilian case, which they considered “hyposufficient”. They also believe that someone has to protect the fundamental rights of citizens before the latter are able to defend their own interests, and this “person” is the Public Prosecutor. To this end, the judicial system is favored over the political arena, which in the respondents’ view has been undermined by a weakened civil society and an

overgrown government structure which have made political institutions corrupt.

Silva (2002) reached the same conclusion with regard to the prevalence of conservatism amongst Public Prosecutors. However, this researcher identifies ambivalence in the discourse of the Prosecutors in her study. For these Prosecutors, society is seen either as hyposufficient and in need of protection, or as an organized body willing to engage Prosecutors in their social struggles.

There are fewer studies on the role of Prosecutors as the party that initiates criminal proceedings. A study on the ideas of Prosecutors and State Attorneys for the state of Rio Grande do Sul (AZEVEDO, 2005b) reveals that, when asked about which school of criminal policy they identified with the most, 54% of respondents chose “Zero Tolerance” as their preferred means for overcoming high crime rates. At the other end of the spectrum, those in favor of civil liberties, believing that prosecutions must not violate the constitutional rights of the defendant, amounted to only 8% of the total.

Sinhoreto (2007) carried out a survey of Brazilian social science literature on Public Prosecutors, and concluded that the main focus of these studies has been on both the changes in the professional profile of Prosecutors and the ideological tenets of the institution. These changes are a consequence of their new role as advocates of collective rights, no matter how conservative their views on the role of civil society. By contrast, other studies have highlighted the increasing value attached to exclusively

retributive practices in the domain of criminal law, and a lack of institutional investment in controlling and punishing police violence.

Judges are key actors in the criminal justice system, with their role of presiding over criminal trials. Recent studies have focused on the content and reasoning behind judges' decisions. By looking into judges' professional behavior, mindset and social background, these studies have debunked the myth of judge neutrality, opening up an avenue for investigating the real motives underlying their decisions.

Empirical research on the profile of judges and their professional behavior has suggested that court decisions are influenced by a series of variables. Chief among these are judges' political position and ideology, their educational background and place in the social and professional hierarchy (VIANNA, 1997). Overall, the conclusions indicate that discrimination arises in two major fields: in the application of the law, when members of the upper classes are favored over the economically and culturally disadvantaged, who are more likely to be punished; and in the interpretation of the law, when judges use their discretionary power according to their political and ideological stances.

In a study on the incidence of temporary detention in cases of theft in five Brazilian state capitals (Recife, Belém, São Paulo, the Federal District and Porto Alegre), Barreto (2007) provides significant data on how the courts of these cities address this matter. When offenders are caught *in flagrante delicto* and arrested, most Brazilian judges, according to the findings of

this researcher, tend to keep them imprisoned: [This fact] leads to the conclusion that the controls the Judiciary exercises on arrests in flagrante delicto in most of the locations under study is merely a formality. In other words, there is no court-issued arrest warrant, and the report of detention in flagrante delicto is enough to keep the offender behind bars (BARRETO, 2007, p.53).

The imprisonment term has also been an issue in cases of preventive detention. The maximum term is 81 days, but it was found that in all locations in Barreto's study the term expired before people were released (2007, p.57):

In Recife, Belém and São Paulo, over 35% of temporary imprisonment cases were found to have exceeded 100 days [...]. In the Federal District and in Porto Alegre, this was observed less frequently (7.72% and 8.47%, respectively).

The use of preventive detention prior to conviction, an increasingly common practice in ordinary criminal proceedings, is one of the major reasons behind prison overcrowding. Unable to promptly respond to the offenses committed, and at the same time to ensure that all the phases of a criminal procedure are adequately followed, and that the rights of the defendant are respected, law enforcement authorities have chosen to temporarily detain suspects, so that the latter can be immediately held responsible and punished, even before they are found guilty or a final and unappealable court decision has been reached. In the last five years, there has been an 88.84% growth in preventive detention rates. In December 2007, preventive detainees amounted to 30.19% of Brazil's prison population, or 127,562 people (Depen).

## The prison system

As for prison sentences, which are overseen by criminal judges but enforced by state governments, data published by Brazil's National Prison Department (Depen) reveal a real increase of 37% in prison population rates over the last five years, which represents an average growth rate of 8.19% annually. In January 2008, Brazilian prisons held 427,134 detainees, although the system's capacity was only 275,194 inmates. This figure corresponds to 229.57 prisoners per 100,000 inhabitants.

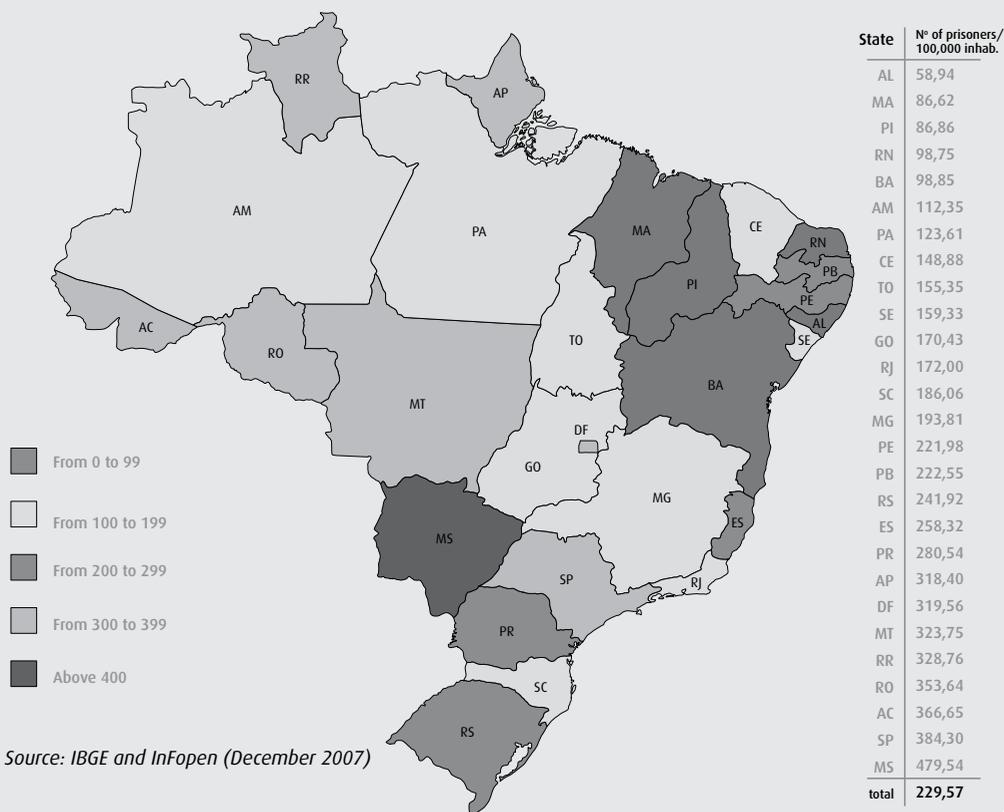
Male prisoners accounted for 93.88% of all detainees in Brazilian territory in December

2007, having grown 7.68% per year for the last five years. By contrast, the real annual growth rate of the female prison population has been on average 11.19%, with female inmates accounting for 6.12% of the entire prison population in December 2007 corresponding to 25,830 women.

There has been a real reduction in the population held under police custody recently, which numbers 56,014 people in police station jails in December 2007. The reason for this decrease is that in a few states (São Paulo, Rio de Janeiro and Minas Gerais) the government bodies in charge of prisons have taken over the responsibility of detaining these subjects.

Map 1  
Prisoners under custody of the prison system and the police

December 2007



An analysis of detention rates across different states in 2007 reveals telling differences. Some states have high imprisonment rates, amounting to over 300 detainees every 100 thousand inhabitants, the case in São Paulo, which is the most densely populated state, with 384.30 detainees per 100 thousand inhabitants, and Mato Grosso do Sul, with 479.54. In this group there are also Mato Grosso, Rondônia, Acre, Roraima and Amapá, in addition to the Federal District of Brasília. Except for São Paulo and the Federal District, all the remaining states are situated on Brazil's western border, where drugs are trafficked and other illicit products are smuggled.

The states of Rio Grande do Sul, Paraná, Espírito Santo, Pernambuco and Paraíba also present high rates, ranging between 200 and 300 prisoners per 100 thousand inhabitants. The average rates in the states of Santa Catarina, Rio de Janeiro, Minas Gerais, Goiás, Tocantins, Sergipe, Ceará, Pará and Amazonas range from 100 to 200 prisoners per 100 thousand inhabitants, and in Bahia, Alagoas, Rio Grande do Norte, Piauí and Maranhão, all Northeastern states, the rates are below 100 prisoners out of every 100 thousand inhabitants.

In spite of the services to which prisoners are entitled, under the Constitution and the Criminal Enforcement Act, the Parliamentary Investigation Committee on the Prison System (CPI, originally *Comissão Parlamentar de Inquérito*), which published its final report in July 2008,<sup>7</sup> found that most prisons do not provide detainees even with minimal living conditions. The CPI concluded that life in many different Brazilian prisons is harsh, inhumane, illegal and unconstitutional.

The findings of the CPI indicate that conditions in many different Brazilian criminal institutions are not compliant with both national and international law, violate human rights and are truly barbaric. According to the CPI, most institutions researched need extensive renovation in order to properly accommodate their detainees. Many of these places do not have adequate facilities for solitary confinement, and accommodation in group cells is not even minimally adequate.

Moreover, in many of these prisons, access to water is restricted, or lacking. When water is provided, it is unsuitable for consumption. Very often prisoners drink from makeshift, dirty pipes. In other cases, they store water in PET soft drink bottles, as running water is so scarce. In many prisons, people in overcrowded cells cannot bathe for several days due to water shortages. In others, access to water is only allowed twice or three times a day.

Few prisons have toilets and sinks within, or close to, the cells and dormitories. When they do, personal privacy is rarely preserved. More often than not, toilets are located in other areas, to which prisoners rarely have access or permission to use. The same applies to bathing facilities. Furthermore, the State does not provide personal hygiene products such as soap, toothpaste and toothbrushes, or towels. Prisoners are left with the option of purchasing these items from prison shops, or on the black markets, which thrive in these prisons.

Most prison units are also characterized by unhealthy conditions. There is human

sewage in the yards, heaps of leftover food, scattered waste, a bad smell, while rodents and insects proliferate. The quality of food is mostly unacceptable: the presence of hairs, cockroaches and other objects in the food has been continuously reported. Sour, spoiled or rotten food is an integral part of prison life. In some prisons, the CPI exposed a food black market run by jailers exploiting prison labor. In the Urso Branco Penitentiary, in the state of Acre, prisoners reported the addition of saltpeter to the food, which was confirmed by the prison warden, with a view to reducing both food consumption and the sexual appetite of inmates.

Another finding of the CPI is that prisons provide virtually no medication to detainees. In fact, the same medicines are used for all treatments, irrespective of the disease. In many prisons, creolin is used to treat skin disease. In the state of Minas Gerais, city of Ponte Nova, many prisoners had been prescribed this substance. The same was observed in the District of Contagem, as well as in other Brazilian states.

As for the female detainee population, as shown previously, rates have grown more intensely than their male counterparts. Women shall account for an estimated 7.65% of detainees in Brazilian prisons by 2012. In October 2007, the shortage of prison places was 47.67% for female prisoners, whereas the figure for males was 36.94%.

Health issues are also largely overlooked in Brazilian female prisons, where the provision of health services is often neglected, not

unlike male prisons. In addition, there are physical and emotional diseases that afflict women prisoners more intensely, and this picture is further worsened by a lack of access to prevention practices, medical treatment and follow-up. It should be pointed out that the pathologies specific to the female physiology are ignored.<sup>8</sup>

In Brazil, pregnant detainees suffer even more. Their constitutional rights are violated because they are denied access to specialized medical care during pregnancy. Most of these women do not undergo a single laboratory or imaging exam, and mother and fetal health are exposed to many risks, including sexually transmitted diseases, AIDS, and tuberculosis.

Women's physical and mental health is also affected by the conditions in prison facilities. Poor accommodation, overcrowding and unhealthy conditions foster infectious and communicable diseases, such as tuberculosis, mycosis, leptospirosis, pediculosis and scabies. In addition, degrading conditions also promote emotional diseases, such as depression and panic disorder.

The conclusion is that, in spite of legal and constitutional provisions, a dweller of Brazil's prison system faces a physical and mental ordeal. From a psychological perspective, it suffices to say that overcrowded cells, insufficient physical space, lack of water, electricity, hygiene items, sunbathing, the presence of waste, sewage, rodents, cockroaches and pigs amidst detainees, not to mention the presence of sick inmates with-

out access to medical care, all crammed into filthy cells, among other situations described verbally and documented visually by means of photography and film in the CPI's study.

In all detention units covered in the cited study, CPI representatives listened to prisoners and their families reporting the practice of torture and ill-treatment. In some prisons, signs of torture were found on the bodies of detainees. Prisoners are constantly bullied. Most prison units are run by former Federal Police chiefs, active or retired military, or members of the Military Police, who lend a military character to prison life and run most Brazilian prisons as if they were concentration camps.

### Conclusion

There has been a dramatic decrease in homicide rates in the State of São Paulo since 2000, amounting to a 67% drop and 10.3 murders per 100,000 inhabitants in 2008. The reasons for this reduction have given rise to heated debate among specialists. So far no consensus has been reached on the causes of this phenomenon.<sup>9</sup> Some argue that the decrease is due to a greater number of prisoners in the State of São Paulo; others attribute it to enhanced technical and ethical standards on the part of police officers; others see it as a consequence of a reduction in youth population levels, a group that is more prone to violent crime; while others believe it is a result of better education, municipal security policies, economic growth, the enactment of Brazil's Disarmament Statute, and even the emergence of the so-called First Command of the Capital (a crime fac-

tion controlled from within the state prisons, known by the acronym PCC), which stabilized the organization of crime. In any event, the debate rages on, hardliners on the one side, enjoying the support of society at large, and the advocates of prevention policies and the respect of individual rights and civil liberties on the other.

It is indisputable that a large number of politicians choose the easiest solution, namely that of segregation and punishment based on harsher criminal law, and that many Judges and Public Prosecutors consider prosecution and punishment an effective means of fighting violence, rather than mechanisms aimed at regulating the State's punitive power and ensuring that individual rights are respected. However, the precarious, crime-breeding environment in overcrowded prisons seems to indicate that other solutions are needed to address the issue of crime. These solutions depend to a large extent on the ability of many different social actors to find, on a daily basis, alternatives focusing on social change, empowerment and inclusion, and democratic reform in judicial and legal institutions.

In recent years, the Ministry of Justice, through the Secretariat for Legislative Affairs, the National Secretariat for Public Security, the Secretariat for the Reform of the Judiciary, and the National Prison Department, has become a key actor attempting to restrain increasingly harsher criminal policies stemming from the Brazilian Parliament, some sectors of the Executive, and civil society.

Likewise, the Supreme Federal Court has insisted that judges and courts should take constitutional provisions aimed at promoting individual rights into account when making their penal decisions. It is remarkable that in 2008, the Supreme Court granted *habeas corpus* in cases of temporary detention of famous personalities, whose prosecutions became highly visible.<sup>10</sup> By deliberating that confinement was an abuse of power, the STF sparked a debate which divided the nation. The same had occurred two years earlier, when another STF decision rendered unconstitutional a legal provision banning sentence reduction for criminals convicted of heinous crimes, which had been in force for 15 years.

Recent Supreme Court decisions have, on the one hand, highlighted the need to respect the right to defense and the presumption of innocence. On the other, however, these decisions have clearly shown that inequality is ubiquitous in the Brazilian justice system. If the defendant is a member of the upper classes, the system is swift and individual rights are respected. On the other hand, around 126,000 people who have already served their sentences, according to data disclosed by the National Council of Justice (*Revista Âmbito Jurídico*) have been unlawfully kept in prison.

Vilhena (2007, p.48-49) explains that:

Even a fragile judicial system can provide mechanisms which, if timely, can increase impartiality and the equality of rights. Public interest laws, human rights advocacy, strategic litigation, pro bono law firms

and public defenders may channel legal resources to favor the underprivileged, or to counter the interests of the over-privileged. However, this endeavor arising from within the judicial system to strengthen the weak, protect the demonized and undermine old privileges should not be seen as the new panacea. It is only one attempt to build more reciprocal societies, in which the Rule of Law is better able to develop. This type of social activism by some actors of the judicial system should be seen as one component of a wider range of initiatives aimed at creating a society where everyone can be equally treated and respected. Social actors and institutions who worry about inequality under the Rule of Law may resort to the “inherent morality of Law” as a means to reduce invisibility, demonization and immunity, in other words, resort to the judicial system to improve the conditions of those who are below the law, withdraw the privilege of those who are above the law, and regain the faith of those who no longer believe in the legal system.

The year 2009 may be a turning point in the fight against crime, as well as in terms of public security and fundamental rights in Brazil. An initiative of the Federal government, the 1<sup>st</sup> National Conference on Public Security is to be held in Brasília in August 2009, designed to engage citizens in a debate and to elect representatives who will draft the guidelines for a national framework for public security and criminal policy. It is true that the temptation to yield to the pressure of punitive populism, in addition to the conservatism of the police, Public Prosecutors and Judges, may jeopard-

ize the outcome of this process. However, a broader debate on more effective crime prevention mechanisms, the real consequences of retribution policies, and what measures are needed to make judicial and security in-

stitutions more democratic, may be instrumental in bringing about reforms that have been blocked since the 1980s, and without which Brazilian democracy shall continue to pay a high price.

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1. This paper was originally devised for the students of the discipline "Sanciones Penales y Sistemas de Alternativas a la Pena" (Criminal Sanctions and Alternative Penalty Systems) in the Master's degree programme of the Pompeu Fabra University in Barcelona, as a post-doctorate assignment coordinated by Prof. Elena Larrauri, PhD, and funded by Brazil's Organization for Professional Improvement at Post-Graduate Level (CAPES).
  2. Available at: <<http://www2.camara.gov.br/comissoes/cdhm/redeparlamentarndh/homicidioloso>>. Accessed on: 10.01.2009.
  3. For an analysis of homicide rates in Brazil, see Waiselfisz (2007, pages 119-138).
  4. Waiselfisz employs the concept of youth adopted by the PAHO/WHO, whereby youth is an essentially sociological category comprising the process through which individuals come of age both as family members and as professionals, at the age of 15 to 24 years old.
  5. For an analysis of public security policies in the period following the military dictatorship, see Mingardi (1992), Soares (2000), Adorno (1999 and 2003)....
  6. For more information about the impact of the Law of Heinous crimes on crime rates and prison management, see Ilanud (United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders) (2005).
  7. Brazilian House of Representatives. Final Report of the Parliamentary Investigation Committee on the Prison System – July 2008. Available at <<http://www2.camara.gov.br/comissoes/temporarias53/cpi/cpis-encerradas/cpicarce/Relatorio%20Final%20-%20150908.pdf>>. Accessed on 22.12.2008.
  8. Cejil et al. (2007) and Santa Rita (2007) have performed an in-depth analysis of women detainees in Brazil.
  9. According to a report published on the website of the O Globo newspaper on the 31st of October, 2008, "A decrease in the number of felonious murders brings São Paulo closer to developed countries. From June to September last year, 1,017 felonious murders were recorded, which corresponds to 10.3 murders for every 100,000 inhabitants. The World Health Organization (WHO) considers the rate of 10 felonious murders per 100,000 inhabitants acceptable. The rate of 10.3 homicides per 100,000 inhabitants is 67% lower than the 2000 rate of 34 homicides per 100,000 inhabitants. The number of felonious murder was below the number of car accident deaths across the state, which totaled 1,161 people. In the capital city of São Paulo, however, there were more murders than car accidents. 296 people were victims of felonious murder, 78% higher than the 166 traffic-related deaths. This year, the number of homicides in the state of São Paulo fell 12% compared to the same period last year: 3,654 in 2007 against 3,199 in 2008. The Secretariat for Public Security started publishing their statistics in 1995. So far, 1999 has been the most violent year, with 12,818 intentional murders, or 35.71 per 100,000 inhabitants. Since then, the rate has been steadily decreasing. The greatest drop was between 2003 and 2004, from 28 to 22 felonious murders for every 100,000 inhabitants. In 2005, the index was 18%, in 2006, 15% and in 2007, 11%. Available at: <[http://oglobo.globo.com/sp/mat/2008/10/31/taxa\\_de\\_homicidio\\_cai\\_para\\_10\\_3\\_no\\_estado\\_de\\_sp\\_indice\\_67\\_menor\\_do\\_que\\_em\\_2000-586201005.asp](http://oglobo.globo.com/sp/mat/2008/10/31/taxa_de_homicidio_cai_para_10_3_no_estado_de_sp_indice_67_menor_do_que_em_2000-586201005.asp)>. Accessed on 10.01.2008.
  10. For an analysis of the STF's decisions in 2008, see Barroso (date unavailable)

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# Criminal Justice and Public Security in Brazil: causes and consequences of the public's demand for punishment

Rodrigo Ghiringhelli de Azevedo

## Resumen

### Justicia Penal y Seguridad Pública en Brasil: causas y consecuencias de la demanda punitiva

*Este artículo se inicia con una síntesis descriptiva de la estructura formal del sistema de justicia penal en Brasil, para, a continuación, abordar las diversas dimensiones de acción de las instituciones de justicia y seguridad desde el período de la redemocratización, en la década de los 80, hasta el momento actual. Tomando como escenario el aumento de los índices de homicidio y las dificultades encontradas en la reestructuración de las fuerzas policiales para actuar en democracia, se busca identificar el impacto de la demanda punitiva sobre el funcionamiento del sistema de justicia, teniendo en cuenta la actuación del Ministerio Público y del Poder Judicial, así como el resultado del crecimiento de los índices de encarcelamientos sobre el sistema penitenciario. Como conclusión, se apunta la importancia de la actuación del Ministerio de Justicia y del Supremo Tribunal Federal para la contención de la demanda punitiva y la reestructuración de las instituciones de justicia y seguridad.*

**Palabras Llave:** Justicia Penal. Seguridad Pública. Sistema Penitenciario. Demanda punitiva.

## Resumo

### Justiça Penal e Segurança Pública no Brasil: causas e consequências da demanda punitiva

*Este artigo inicia-se com uma descrição sintética da estrutura formal do sistema de justiça penal no Brasil, para, em seguida, realizar uma abordagem das diversas dimensões de atuação das instituições de justiça e segurança desde o período de redemocratização, na década de 80, até o momento atual. Tendo como pano de fundo o aumento das taxas de homicídio e as dificuldades encontradas para a reestruturação das forças policiais para atuar em democracia, busca-se identificar o impacto da demanda punitiva sobre o funcionamento do sistema de justiça, levando em conta a atuação do Ministério Público e do Poder Judiciário, bem como o resultado do crescimento das taxas de encarceramento sobre o sistema penitenciário. Como conclusão, aponta-se para a importância da atuação do Ministério da Justiça e do Supremo Tribunal Federal para a contenção da demanda punitiva e a reestruturação das instituições de justiça e segurança.*

**Palavras-Chave:** Justiça Penal. Segurança Pública. Sistema Penitenciário. Demanda punitiva.

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# Managing public safety projects: a case-study-based pragmatic approach to the application of the integrated actions management method

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### Abstract

*Fighting violence and crime effectively will only be possible through the integrated action of several actors with an influence upon, or a direct or indirect link to the issue. The distance between ignorance of this premise and acknowledgement of it has actually proved to be smaller than the distance from its practical application which turns strategies into results. Within this context, the present study demonstrates the application of project management within the sphere of public safety. It suggests applying the Best Practices recommended by the Project Management Institute<sup>1</sup> along with trans-sectoral actions by the Cabinets for Integrated Public Safety Management of Brazil (Gabinetes de Gestão Integrada da Segurança Pública do Brasil) so as to turn strategies into actual results.*

### Key-words

*Public Safety. Project management. Trans-sectoral actions. Integrated management.*

The state of Ceará has consolidated a new integrated approach to the enforcement of its public safety policies since 1997, when the Secretariat for Public Safety and Citizens' Defense was set up. Since this historic date, the associated institutions—the Military Police, Civil Police and Military Fire Brigade—have worked together in integrated fashion to unify its public safety processes and adopt a single operations management and calls management center. At the time so-called Model Districts were created, which are now called Integrated Operational Areas, whose main purpose is to integrate the three forces' operations in the areas of activity covered by the several Military Police Companies, Civil Police Precincts and Sections of the Military Fire Brigade.

Within this timeframe several alternative public safety policies arose at a federal level, promoting integrated operations among institutions responsible for public safety in the several states of Brazil (these States are often known alternatively as “Federative Units”). As a result of the signing of the protocol of intentions with the Ministry of Justice (MJ nº 022/2003, signed 24 July 2003) to set up the Unified Public Safety System—SUSP (*Sistema Único de Segurança Pública*<sup>2</sup>), as was already happening in the other States of Brazil, the Cabinet for Integrated Management (GGI—*Gabinete de Gestão Integrada*) of Ceará was set up, with a focus on the application of a systematic approach to problems concerning human safety,

emphasizing the diagnosis and strategic planning of actions. This national initiative was implemented in Ceará by Decree nº 27,796 enacted 20 May 2005, promoting liaison among a range of institutions dealing with the several problems put forward and debated by its members.

In August 2007, the federal government launched the National Program for Public Safety with Citizenship (PRONASCI—*Programa Nacional de Segurança Pública com Cidadania*<sup>3</sup>), which presented a new operational scope for the Cabinets for Integrated Management as management links for integrated public safety actions not only in the State but also in municipalities (*GGI Municipal*). This provided the necessary legitimacy to the Cabinet in enabling the rupture of old paradigms which were to be replaced by new ones conceived under a holistic view of valuing different bodies of knowledge and in constructing knowledge by means of a transdisciplinary perception.

The present study aims to enable understanding of the complex transdisciplinary thought involved in tackling the problems faced by the integrated management of the Ceará GGI, based on reflections upon Edgar Morin's Theory of Complexity,<sup>4</sup> since the social actors involved are as varied in themselves as the number of factors that lead to violence and crime. It also aims to disseminate the results of a survey which, by conducting a case study underpinned by partic-

ipatory observation and quantitative-qualitative research of a descriptive and exploratory nature, assessed the legitimacy of the Cabinet in liaising with the public safety institutions, as well as the efficiency, efficacy and effectiveness of its activities. The study finally presents the project management methodology recommended by the Project Management Institute and the possibility of applying it in trans-sectoral activities within the Criminal Justice and Public Safety system.

### PRONASCI

Launched by the Federal Government in August 2007, the National Program for Public Safety with Citizenship (PRONASCI), is, in the words of Justice Minister Tarso Genro:

[...] an unprecedented program in that it links public safety policies to social actions. It will combat not only the consequences of crime and violence, but also their causes and origins.<sup>5</sup>

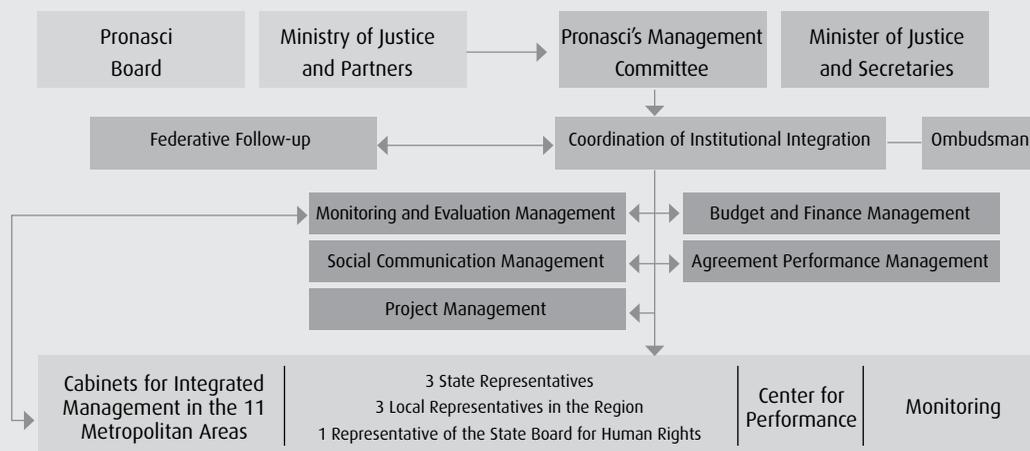
In its organization chart, GGI, set up af-

ter implementation of SUSP in 2003, acts in states and municipalities to promote coordinated management with the Ministry of Justice's SENASP to implement actions contained in the program.

The Ministry of Justice web page also contains the following definition of the program:

The National Program for Public Safety with Citizenship is a ground-breaking initiative linking actions to prevent, control and suppress violence with a focus on the socio-cultural roots of crime. It links public safety programs to social policies already being promoted by the Federal Government, without relinquishing strategies for the control and suitable suppression of crime. Activities carried out by PRONASCI shall follow guidelines laid down by the Unified Public Safety System (Sistema Único de Segurança Pública), whose main thrust is liaison between the Federal Government, States and municipalities to combat crime.<sup>6</sup>

Figure 1  
Management of PRONASCI



Fonte: Ministry of Justice. Available at: <<http://www.mj.gov.br/>>. Accessed on: 6 April 2008.

Brought in by Law number 11,530, enacted 24 October 2007, PRONASCI presents its guidelines pursuant to changes made by Provisional Measure no. 416, enacted 23 January 2008, establishing the participation of the Cabinets for Integrated Management running the program:

[...]

Art. 6º To accede to PRONASCI, the state must accept the following conditions, without prejudice to what is laid down in the applicable legislation and agreed to in the respective cooperation document:

- I - to set up an Integrated Management Cabinet - GGI;
- II - to assure the participation of civil society and tutelary councils in the public safety forums that shall follow up and inspect PRONASCI projects;
- III - to take part in management and commit to the PRONASCI guidelines;
- IV - to share safety actions and policies, social actions and policies, and town-planning actions and policies;
- V - to commit police personnel to territorial pacification activities, in the case of States and the Federal District;
- VI - to make communications and information mechanisms available for social mobilization and the dissemination of PRONASCI activities and projects;
- VII - to present a master plan for the prison system, in the case of States and the Federal District;
- VIII - to commit to implementing ongoing human rights training programs for civil police officers, military police officers, the military Fire Brigade, and workers in the prison system; and
- IX - to commit to setting up reference cen-

ters for psychological, legal and social support for the victims of crime.

In order to understand institutional links developed by the GGIs, a survey entitled *As Ações Trans-setoriais do Gabinete de Gestão Integrada do Estado do Ceará* (“The Trans-sectoral Actions of the Cabinet for Integrated Management of the State of Ceará”—BRAGA JUNIOR, 2008) was carried out, and aims to understand how far the Cabinet for Integrated Management of the State of Ceará consolidates its legitimacy in linking institutions involved in promoting a culture of peace and social defense; provokes new forms of action in the institutions that are part of it; and effectively helps to solve problems in public security in the state of Ceará.

While the study was carried out, the researcher took part in the First International Forum for Cabinets for Integrated Management (*I Fórum Internacional dos Gabinetes de Gestão Integrada*), held from 21 to 23 November 2007, in the city of São Luís in the state of Maranhão, at which event was also held a Meeting of the Executive Secretaries of the GGI (*Encontro dos Secretários Executivos do GGI*), which led to the strategic directions for GGIs 2007-2011 (*Direcionamento Estratégico dos GGIs*), displayed on the last day, in which one of the proposals was a liaison strategy with PRONASCI. Quoted below is the proposal put forward by the SENASP consultant to the meeting, Dr. Vicente Trevas:

The PRONASCI project favors the GGIs and enables understanding of their importance as a legitimate forum for producing broad based strategies through a public safety with citizenship approach. The institutional mobilization promoted by the GGIs should therefore be

taken advantage of so as to enable engagement by other areas and spheres of the Government and the State, and the engagement of the municipalities. Developing a shared agenda between municipal and state GGIs.

The fundamental role thus became clear of a Cabinet for Integrated Management in establishing goals put forward by the Unified Public Safety System, as well as in implementing, and monitoring and assessing PRONASCI projects and actions in states and municipalities that benefit from the Program.

### The methodology of developing the case study

The goals of the GGI Ceará were laid down in the body of Decree no. 27,796, enacted 20 May 2005, based on the action and guidelines of the GGIs, recommended by the National Secretariat for Public Safety (*Secretaria Nacional da Segurança Pública*), as follows:

The GGI shall act in accordance with three guidelines for action:

- To enhance integration among institutions of the criminal justice system;
- To implement strategic planning as a management tool for actions carried out by the criminal justice system;
- To make information the main policing tool.<sup>7</sup>

The above-mentioned case study defined measures taken by GGI Ceará from 2005 to 2007 as its focus of analysis, and in order to assure a deeper and more thorough approach to the issue, opted to use four types of methodological approach simultaneously: *participatory observation; statistical data gathering; the study of documentation; and opinion polling.*

### Methodological approaches

Participatory observation consists basically of collecting data by direct participation in the daily life of the organization or group that is to be studied. The observer thus becomes part of the context that is being observed. In the organizational context of the study in question, the researcher enjoyed the privilege of acting as an observer from the very moment of setting up GGI Ceará, which enabled data collection and the study of documentation, since the researcher had access to the entire GGI database and all its information, including over 15 hours of video, which was material used in diagnosing and planning the several operations that were put into practice, above all those on Iracema Beach, Fortaleza. Data were collected for all operations carried out, the results of the operations were recorded, as were their media repercussions. Photographs of the setting were taken so as to identify any changes in the environment under study. The difficulty lay in consolidating information without changing or omitting any of the results of the activities of the Cabinet, remaining unbiased as to the object of study.

Since the Cabinet acts to liaise among a diverse range of institutions involved in public safety, criminal justice and social defense, an opinion poll was also carried out concerning the activities coordinated by GGI. The survey questionnaire was thus answered by 30 professionals working in a wide range of partner institutions of the GGI, at all three levels of action, which means in the fields of strategy, tactics, and/or operations. Broadly speaking, the aim was, while assuring respondent anonymity, to capture impartially and qualitatively the impressions of respondents as to the inter-sectoral process conducted by the GGI, their knowledge of and expectations concerning

the current public safety policy being developed at state and federal levels, and their opinions on the efficiency, efficacy and effectiveness of the action taken.

Much attention was paid to data collection by the Public Safety and Social Defense Secretariat's Incident Mapping and Analysis System (*Sistema de Análise e Mapeamento de Ocorrências/Secretaria da Segurança Pública e Defesa Social*), where the area comprising Fortaleza's Iracema Beach neighborhood was considered a venue for research, and where successive operations coordinated by GGI were carried out in the specified period. Care was taken in constructing spreadsheets and graphs illustrating the major crimes that occurred, the days of the week when there was greatest incidence of crime, also analyzing each day of the week separately, so as to assess the effectiveness of actions taken within that setting and within the delimited period.

### **Integrated management and trans-sectorality**

The battle against urban violence and the pursuit of peace cannot be tasks only falling to the federal government, or even state governments. To reflect upon the chances of intervention and participation by every stakeholder, the complexity of integrated management is raised, taking into account the new challenges posed by PRONASCI and the resulting rupture of old management paradigms in implementing public safety policies.

#### *Complexity and the "trans-" prefix*

To reflect upon the path to follow so as to overcome challenges and be successful in implementing public safety projects, the con-

cept of *trans-sectorality* is introduced, based on Edgard Morin's Theory of Complexity.

As a counterpoint to the simplification and overspecialization put forward by modern science, Edgard Morin proposed joining together the several threads of knowledge so as to make a fabric. Instead of separating the different bodies of knowledge, joining them together again. For Morin, a single individual or organization cannot do this. Several individuals or organizations must be brought together from several areas of knowledge to produce this knowledge in cooperation.

In Morin, complexity is based upon at least three fundamental ideas, although there are others in his vast work. To understand his use of the prefix *trans*, we restrict ourselves to the three basic ideas: multidisciplinary, interdisciplinarity and transdisciplinarity.

Morin states that multidisciplinary is a basic, albeit insufficient principle, since it merely refers to the existence of multiple disciplines and the need to bring them closer. In public safety, it is as if we merely brought together in a single room a range of social actors from different areas, who would give their opinions on the problems afflicting them, each one on the defensive, in order to preserve their own institutional and social space. Interdisciplinarity suggests that these disciplines make contact and dialog among themselves. Here we have a true discussion on a given issue in public safety, insofar as all the actors present their point of view and actively listen to the range of points of view put forward in the meeting. Beyond interdisciplinarity, which is when these areas

touch, transdisciplinarity occurs when the areas interpenetrate each other, thus promoting the appearance of new processes. Through full understanding of the Other, new ways to act are discovered, minimizing the superimposition of actions upon a given problem, and valuing the sharing of efforts to improve a given community environment.

Transdisciplinarity and trans-sectorality mean being open to the diversity of knowledge and the systemic working of different organizations, and to the idea that knowledge is a producer of hypotheses rather than definitive truths, since with each new discussion or each new process implemented will swiftly come a cycle of continuous improvement, which will naturally feed back continuously so as to form new knowledge.

Our aim here is neither to expound upon nor exhaust the range of the theory of complexity, but rather to reflect, as shown, on the necessary rupture of Cartesian, linear, positivistic thinking so that, through this reflection, new pathways can be mapped out toward possible changes in the context of local public safety, since the linking together of a range of thinkings from a spectrum of organizations is a premise for the implementation of the public safety actions put forward by PRONASCI.

It is within this theoretical framework about complexity and the use of the prefix *trans* that resides our reflection on the working and *trans-sectoral* linkages of the Cabinet for Integrated Management within strategic actions in public safety in the State of Ceará.

### *Breaking paradigms and legitimating actions*

An excerpt from an article by Rose Marie Inojosa (2001, p. 105) shows the concept when applied to the field of public organizations and the execution of their policies:

[...] we are defining intersectorality or trans-sectorality as the linkage of a range of different bodies of knowledge and experience for planning purposes, in order to carry out and assess policies, programs and projects, so as to attain synergistic results in complex situations. One should therefore seek to achieve integrated results to attain a synergistic effect. Transposing the idea of transdisciplinarity to the field of organizations, what is intended is, beyond bringing sectors together, to create a new dynamic for the government apparatus, with a territorial and populational basis.

Many of the conclusions arising out of the effort to create the institutional architecture of SUSP gave rise to the Guide for Preventing Crime and Violence in Municipalities (*Guia para prevenção do crime e da violência nos municípios*) which was developed in 2005 by the Department of Policies, Programs and Projects of SENASP, aided by technical consultancy by the United Nations Development Program–UNDP/Brazil, within which certain principles stand out:

[...]

- 5) **The need to overcome the isolation of public safety initiatives so that one can work within a network of social actors, ranging from public policing agencies and the range of services provided by the State, to private agencies and citizens themselves.**

- 6) **The need to break away from a reactive security model centered upon repression and the multiplication of prisons, toward a new way of conceiving of the role of the law enforcement agencies and municipal guards, in the meaning of affirming community security strategies that make use of the approach known internationally as “Problem-oriented policing”.**<sup>8</sup>

For a full understanding of these principles, some concepts require clarification. Firstly, when we speak of “prevention” in Brazil, this is often taken to mean a synonym for “social programs” or “public policies that increase the availability of education, health, housing, leisure” etc. By this token, governments would already be engaged in prevention whenever they invested in social programs. This is not, however, strictly true. It is clear that improvements achieved in the economic and social situation of the population at large tend to produce positive results in reducing crime and violence. However, crime and violence cannot be understood as the direct and exclusive result of social deficits. Reducing these deficits can help a great deal but this is not, at least not yet, the prevention we are speaking of. Actually, whenever we imagine that crime and violence can be tackled merely through social reforms, we begin to play down the need for a public safety policy and make it unlikely that we will ever have one. (my emphasis)

In Brazil what was emphasized was both to break with reactive public safety initiatives so as to work in a network comprising a wide range of social and sectoral actors

involved in the issue of violence and crime, and to use a “problem-oriented policing” methodology in the sense of exploring the capacity of the law enforcement agent (the officer on the front line) to identify, analyze, and propose solutions in tandem with the community and other actors involved, and assess the effectiveness of the execution of such actions.

Thus, the main paradigm to be faced is one built upon a set of concepts (or prejudices) that state that public safety agencies are unable to accomplish their mission to prevent, reduce and control violence and crime in a given community.

This leads to reflection for pursuing the logical inversion of the current paradigm in which, owing either to the absence or the insufficiency of other public social policies, the stifling and paralyzing impression is built whereby public safety agencies have to cope with all social evils, making their contribution to the problem insignificant, in a direct cause-and-effect relationship between factors that cause violence and public insecurity.

Professor Marcos Costa Holanda holds the following opinion on the cause-and-effect relations in the field of Outcome-Driven Public Management (*Gestão Pública por Resultados—GPR*).<sup>9</sup>

Two useful tools to visualize cause-and-effect relations in the problem and which help formulate and goals and aims, both means and ends, are: 1) the problem tree; and 2) the objectives tree. The problem tree gives

good guidance for knowing which areas to work in, and which are the target audiences that will change the situation of insufficient provision of public services (causes) and the expected results and impacts (effects). One can then use the second instrument, the objectives tree, where goals and aims for means and ends are established, in other words, the size of the programs, projects and actions to be executed, and the expected results and impacts (HOLANDA, et al., 2004, p. 12, my emphasis).

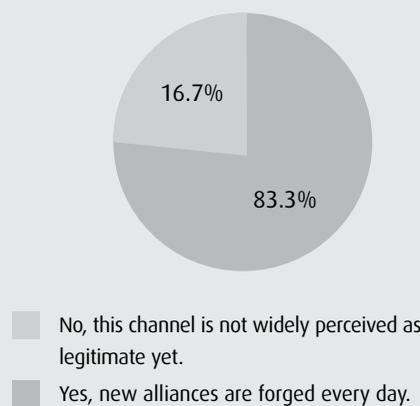
Analyzing cause-and-effect relations, the obvious finding is that one needs to tackle the fundamental causes in order to eliminate the effect; if the effect is growing violence and crime, then in a pragmatic analysis, the public security agencies, owing to their “privileged” position at the top of the problem tree, enjoy the legitimacy to link together inter-sectoral knowledge, tasks and programs to tackle public safety issues. What is at stake here is, by raising concepts advocated by Outcome-Driven Public Management, to understand the State not as an end in itself, but as merely a means to enhance the quality of life of its citizens, and one which is concerned with the efficiency, efficacy, effectiveness and impact of its public policies.

In order to verify the legitimacy of activities undertaken by the Cabinet for Integrated Management of Public Safety of the State of Ceará in bringing together interested organizations for social defense, the promotion of peace, and the enhancement of public safety, the results of an opinion poll (BRAGA JUNIOR, 2008) carried out among representatives of the three levels of operations of the GGI—the strategic level

(30.0%), the tactical level (36.7%) and the operational level (33.3%)—are presented.

Graph 1

**Do you think Ceará’s Cabinet for Integrated Management is a legitimate channel for integrating preventive and repressive action by government bodies focusing on solving public security problems?**



Source: Braga Junior (2008, p. 77).

The legitimacy of GGI’s operations was attested to by 83.3% of respondents. We highlight one of several contributions collected by the questionnaire in a field for open ended answers:

With the setting up of GGI we now have a new view of the goals to be achieved in preventive and enforcement activities to reduce and control violence, crime and other relevant problem in public safety and social defense. Today, we can see the participation and engagement of other agencies committed to public safety, and this shows the real interest of the GGI, which is to join forces to tackle the issues involved in the security of a society, and to combat criminal actions of all kinds (BRAGA JUNIOR, 2008, p. 78).

To fully understand the extent of the effort promoting linkage and communication, here is a partial list of institutions that have collaborated and played a direct role in actions planned by the GGI: the Secretariat of Public Safety and Social Defense (*Secretaria da Segurança Pública e Defesa Social*); the Secretariat for Justice and Citizenship (*Secretaria da Justiça e Cidadania*); the Secretariat for Labor and Social Development (*Secretaria do Trabalho e Desenvolvimento Social*); the State Internal Revenue Secretariat (*Secretaria da Fazenda do Estado*); the Civil Police of Ceará (*Polícia Civil do Estado do Ceará*); the Military Police (*Polícia Militar*); the Military Fire Brigade (*Corpo de Bombeiros Militar*); the Ceará Forensic Police (*Perícia Forense do Ceará*); the Federal Police (*Polícia Federal*); the Federal Highway Police (*Polícia Rodoviária Federal*); the Brazilian Intelligence Agency (*Agência Brasileira de Inteligência*); the Office to Combat Trafficking in Human Beings (*Escritório de Combate ao Tráfico de Seres Humanos*); the General Attorney's Office (*Procuradoria Geral da Justiça*); the Public Prosecutor's Office (*Defensoria Pública*); the Inland Revenue Service (*Receita Federal*); the Regional Labor and Employment Superintendency (*Superintendência Regional do Trabalho e Emprego*); the Ceará State Traffic Department (*Departamento Estadual de Trânsito/Ceará*); the Courts for Minors (*Juizado da Infância e da Juventude*); Fortaleza Municipal Guard (*Guarda Municipal de Fortaleza*); the Municipal Institution for Traffic and Citizenship (*Autorquia Municipal de Trânsito e Cidadania*); Health Surveillance and Urban Control (*Vigilância Sanitária e Controle Urbano*); and the Municipal Secretariat for the Environment (*Secretaria Municipal do Meio Ambiente*).

Abiding by the premise of respect for the autonomy of institutions involved, and given the

complexity of managing such actions and monitoring the execution of activities carried out by each partner, GGI has begun to apply the Best Project Management Practices advocated by them *Project Management Institute* (PMI®) in its PMBOK®.<sup>10</sup> The main management processes incorporated in its organization chart are shown below, as well as a summary of the results of the case study of the Cabinet's trans-sectoral actions from 2005 to 2007.

## The management of public safety projects

### *The need to apply the method*

On the stage of discussions concerning the planning, implementation and assessment of public safety policies, there is consensus as to the importance of many actors' roles. Problem-oriented policing, advocated by Goldstein (2003), defines the macro-processes of *identification of the problem, analysis, response and assessment*, which had been validated by several law enforcement agencies that adopted POP, and highlights the importance of diagnosis in planning response actions, categorizing and taking into consideration three of the variables related to criminal practices: the victim, the environment, and the criminal agent. Morin (1999) in his Theory of Complexity, describes the necessary trans-sectoral operation of government and social actors involved in the problems of the community environment. Outcome-driven management, presented to the State of Ceará by Holanda (2003), challenges public organizations to put the citizen's perspective in the foreground, remodeling the entire management macro-process, giving priority to establishing indicators for measuring results that actually meet social needs. Within this context the goal of this section is to present the project

management methodology advocated by the Project Management Institute, as a practical and methodological alternative for project management in public safety and promote justice, through its application in nine areas of knowledge, to wit: risk management; scope; quality; deadlines; costs; procurement; communications; personnel; and integration.

On the current stage of public safety and criminal justice management in Brazil, the project management methodology enables local, regional and federal actions to overcome hurdles to the effectiveness of results of their projects, such as: unrealistic objectives; lack of control of changes; the complexity of the project; unmet or unrealistic deadlines; partners who fail to do their part; unforeseen circumstances; delays in procurement; lack of citizen participation, among other pitfalls that prevent long-lasting and sustainable results.

#### *Best project management practices*

PMBOK®, or the Project Management Body of Knowledge Guidebook, now in its 3rd edition, defines project management as the application of knowledge, skills, tools and techniques to the activities of a project, in order to meet its needs, and that there are five phases or groups of processes (initiation, planning, execution, control and closure), with activities scattered among 44 processes in the nine areas of knowledge, virtually all of which are executed simultaneously during the project management life cycle.

The areas of knowledge and project management organize the 44 project management processes of the process groups or phases into nine areas of knowledge:

1. managing integration: this encompasses processes needed to assure that the several elements of the project are properly coordinated. It aims to negotiate conflict between the project's objectives and alternatives, with the purpose of attaining or exceeding the needs and expectations of all stakeholders. It involves developing and executing the project plan, as well as general control of changes;
2. managing the scope: managing the project's scope includes processes needed to make sure that the project includes all the work necessary, and only the work necessary, to successfully conclude the project. Its main concern is defining and controlling what is and what is not included in the project;
3. time management: this aims to assure completion of the project on schedule. It consists of defining, ordering and estimating the duration of activities, and in drafting and supervising schedules;
4. cost management: this aims to assure that the project is executed within the approved budget. It consists of planning resources, estimates, budgets and cost control;
5. quality management: this aims to assure that the project will meet the demands for which it was required. It consists of quality planning, assurance and control;
6. Personnel management: managing human resources aims to make best use of those people involved in the project. It consists of organization and planning, personnel deployment, and team definition;
7. communications management: this aims above all to assure the suitable and appropriate creation, gathering, dissemination, storage and distribution of information;

8. risk management: this aims to maximize the outcomes of positive events and minimize the consequences of negative events. It consists of identifying, quantifying, treating and controlling the risks in the project;
9. project procurement management: this aims above all to obtain goods and services from outside the executing organization. It consists of the selection of suppliers, procurement planning, planning of requests, invitations to bid and the administration and closing of contracts.

During the initiation phase, processes are found from the knowledge area of integration. The aim of this phase is to define or authorize the project or one phase of the project.

Then the planning phase begins, containing processes from the following areas of knowledge: integration, scope, time, cost, quality, human resources, communications, risks and procurement. The goal of this phase is to define and refine the objectives, and to plan nec-

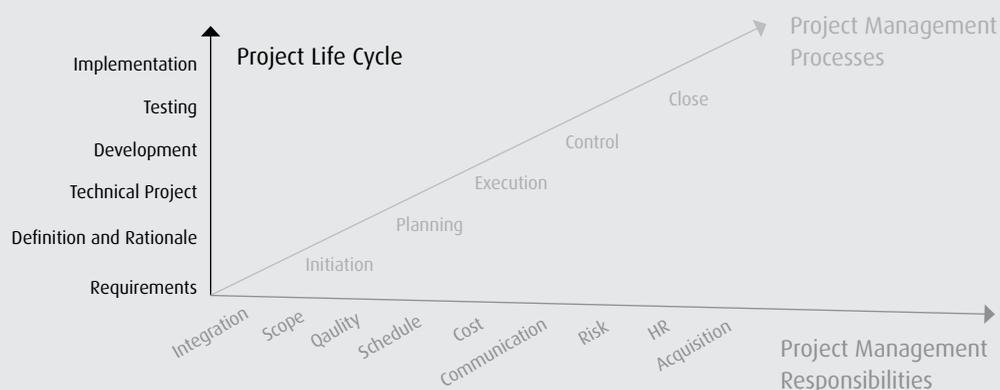
essary steps to achieve the objectives and scope for which the project was carried out.

Immediately after this comes the execution stage, with processes from the following areas of knowledge: integration, quality, human resources and communication. This phase integrates people and other resources in order to achieve the project management plan.

At the same time, the monitoring and control phase occurs, involving processes from the following areas of knowledge: integration, scope, time, costs, quality, human resources, communications, risks and procurement. The purpose of this phase is to measure and regularly monitor progress in order to identify deviations from the project management plan, so that corrective actions can be taken when necessary to meet the goals of the project.

Finally there is the closing phase, with processes from the integration and acquisition areas of knowledge. This phase aims to close the project formally and document the

**Figure 2**  
**Project management: the three dimensions**



records of the projects for the future use of other projects.

#### *Project management in the Ceará GGI*

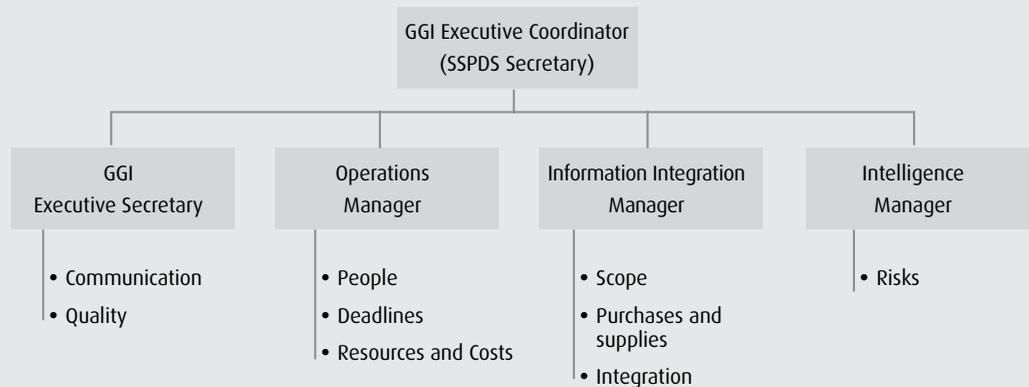
Decree no 27,119, enacted 27 June 2003, disciplined program management in the State of Ceará, and in the body of this decree, article 3 recommends the application of the nine areas of knowledge in project management advocated by PMBOK®. Underpinning legal guidance, in order to carry out its actions, the Cabinet for Integrated Management currently has an Executive Secretariat that plays the role of a Corporate Project Office,<sup>11</sup> (MANSUR 2007), although it is not formally established as such, since it operates by providing direct consultancy to the Secretary for Public Safety and Social Defense.

The structure of the Executive Secretariat of the GGI, designated by means of Ordinance no 663/2005, published in the official

Gazette of the state of Ceará (*Diário Oficial do Estado*) no 038, dated 22 February 2006, complies with the following organization chart. It should be pointed out that although they are not specified in the respective Ordinance, the project management knowledge areas are also represented in accordance with management processes that occur on a daily basis.

To reflect upon the possibilities for every stakeholder to intervene and participate, we point out the complexity involved in integrated management, given the new challenges posed by PRONASCI, the National Program for Public Safety with Citizenship, and the resulting disruption of old management paradigms in implementing the management of public safety policies through the application of a project management methodology, as advocated by the Project Management Institute, so as to turn strategies into results.

**Figure 3**  
**Structure of the Cabinet for Integrated Management of Public Safety of the State of Ceará with management processes**



Source: Executive Secretariat of the Ceará GGI.

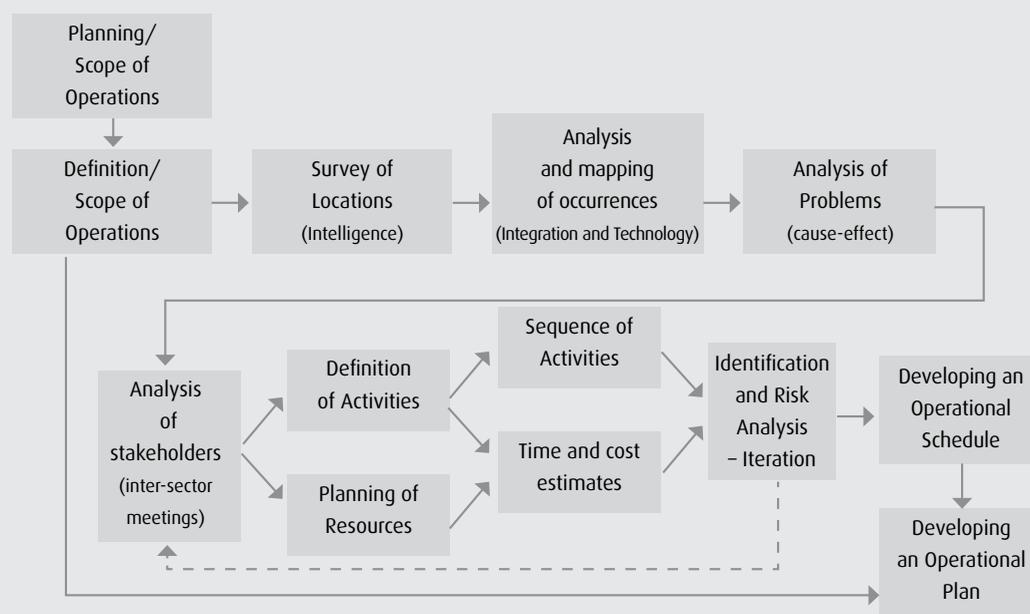
### *Problem-solving in public safety*

The Cabinet for Integrated Management operates through so-called Thematic Commissions in order to propose alternatives for the solution of public safety problems. These solutions are created on the basis of a diagnosis carried out by the State Intelligence System (*Sistema Estadual de Inteligência*), coordinated by the SSPDS Intelligence Coordination, as well as resulting from problems identified by the Cabinet members themselves, submitted for appreciation by the entire Collegiate. The commissions are made up of institutional representatives of a strategic level in the Cabinet, who select their tactical representatives for the beginning of planning of action to be carried out. A commission is set up, an analysis of the problem situation is always deliberated by all participants

in ordinary meetings held every two months. After the problem tree has been drawn up to allow cause and effect analysis, activities and packages of tasks that are necessary for the solution conceived. This gives rise to the structure for breaking down and sharing out the tasks. Activities are then sequenced and time and cost estimates are made. Qualitative analysis is carried out to identify risks according to likelihood *versus* impact, drawing up respective plans for containment and contingency. The project is sent to participants with recommendations and the necessary steps for confidentiality in the case of actions involving qualified enforcement.

Diagnosis and analysis of the problem situation leads to identification of partners and stakeholders who are directly and/or indirectly

**Figure 4**  
**Planning Process Flow—Ceará GGI**



Source: Executive Secretariat of the Ceará GGI.

involved with the problem or with its solution. To demonstrate the applicability of best practices in public safety project management, a description of the GGI management macro-processes follows.

#### *Management macro-processes*

In the specific case of the public safety actions executed by GGI, projects arise according to identified needs and diagnoses carried out by intelligence bodies or by Cabinet members, always taking into consideration society's demands.

The operational plan will be generated as output from the Planning process-group, and will be validated by stakeholders, in order to advance to the third phase, which is the implementation of the proposed and approved solution.

Once execution begins, the management process involves monitoring progress, so as to ensure that everything is going ahead according to the plan. The risks identified at the planning stage are constantly monitored, and containment and contingency plans are drawn up and carried out as and when necessary. The activities foreseen in the schedule are carried out, objectives are achieved within the estimated deadline, without overshooting costs, and the desired quality is attained (reduction of rates of violence and crime); this takes the project successfully to the final stage, which is its formal closure.

#### *Important results*

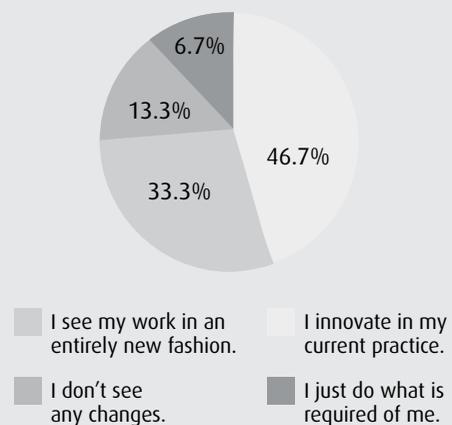
From 2005 to 2008, 36 integrated operations were carried out in Fortaleza, and 51

were carried out in the hinterland of the State of Ceará, in 31 municipalities and a number of regions. With an accurate process for participatory planning, working in tandem with intelligence findings in the community environments benefited, the number of personnel taking part in actions in the State Capital and the hinterland of the State ranged from 34 to 187 employees from 22 institutions. Nineteen institutions are actually taking part in the Strategic Forum, including founder members and invitees. Actions are divided between qualified enforcement and prevention.

The survey also shows that, on an individual basis, 46.7% of participants acted in innovative ways within their institution, from the standpoint of an intersectoral approach to the range of problems in public safety; at least 33.3% changed their attitudes; 13.3% reported no change, and 6.7% merely do their jobs.

**Graph 2**

**Do you think that your work in your organization/sector is improving as a result of Ceará's GGI's integrating efforts to help sectors to face a wide range of public security issues?**

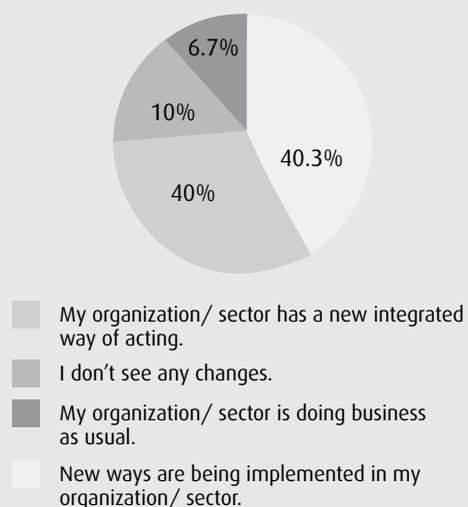


Source: Braga Junior (2008, p. 77).

At the organisation level, 43.3% believe that their own work within their institution is improving through the operations co-ordinated by GGI, 40% believe that their institutions are adopting a new and integrated gaze, 10% see no change, while for 6.7%, the institution is doing the work it always has done (BRAGA JUNIOR, 2008, p. 78).

Graph 3

**Do you think that the day-to-day business of your organization/ sector is improving as a result of Ceará's GGI's integrating efforts to help sectors to face a wide range of public security issues?**



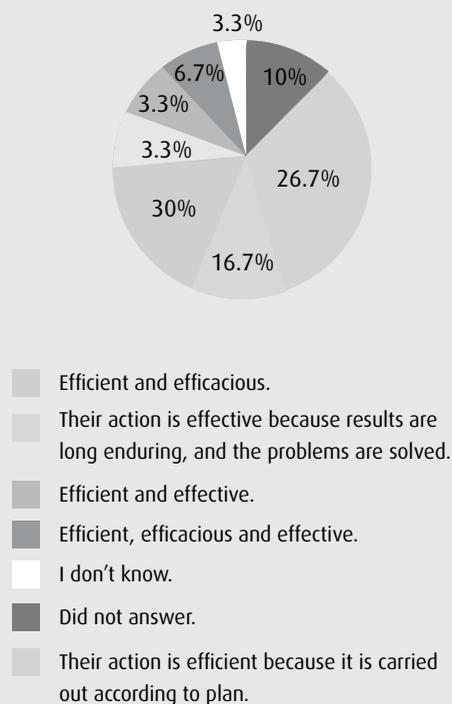
Source: Braga Junior (2008, p. 78).

Answers about the efficiency, efficacy and effectiveness of actions coordinated by the Cabinet (BRAGA JUNIOR, 2008, p. 61), showed that 16.7% of respondents believe that these actions are effective, since their results prove that the right actions were carried out; 30.0% believed that actions are efficient and effective; 6.7% mentioned that they are efficient, efficacious and effective, and 26.7%

mentioned the efficiency of actions in that they took place as planned, which comes to 80.1%, a significant proportion of the 30 officers who answered the question that they believed in the efficiency and effectiveness of actions co-ordinated by GGI.

Graph 4

**Please tick one or more items below that express your opinion on GGI's action and operations.**



Source: Braga Junior (2008, p. 77).

With regard to the effectiveness of actions and operations carried out, only a small number of respondents (13.3%) described actions triggered by GGI as being effective, another 13.3% were unable to answer or left the question blank, while the majority were split between the efficiency and efficacy of actions, and did not refer to the long-term duration of their results or to a change in the real situation

of populations in the places that were benefited by such actions.

### Final comments and future studies

With regard to the skills contained in the body of project management knowledge, particularly the intense participation of all stakeholders during the life cycle of the project, and commitment to constraints of scope, time, cost and citizen satisfaction, the present study advocates that by applying best project management practices in their actions, the Cabinets for Integrated Management throughout Brazil will manage to break with old paradigms, transforming them so as to deal with a very wide range of public safety problems that directly affect the quality of life of the people of Brazil, since the standardisation of the public safety project management method will add value to knowledge management, through records of lessons learned, that can be replicated in any State of Brazil.

According to PRONASCI data, R\$ 483 million from the budget of the Ministry of Jus-

tice for 2007 were made available, and there was a predicted budget of R\$ 1.406 billion per year for the period from 2008 to 2011. Of this total, R\$ 600 million/year were allocated to the Training Scholarship Program (*Programa Bolsa Formação*), from 2008 to 2012, totalling R\$ 6.707 billion (PRONASCI, 2007). Since they are the decentralised implementation institutions for the actions of PRONASCI, the Cabinets for Integrated Management throughout Brazil must show excellence in action management by adopting global best project management practices.

For future investigation, we suggest studies leading to the formal implementation of Project Offices within the Executive Secretariats of Cabinets throughout Brazil, complemented by portfolio management, which is the management of a portfolio of projects carried out by public safety institutions, directly aligned with strategic planning, in order to prioritise projects so as to enhance the effectiveness of results, minimising the risks involved.

1. The Project Management Institute (PMI®), based in Pennsylvania, USA, is a global not-for-profit organisation to disseminate project management methodology. PMI is a global community, with over 200,000 associated professionals representing 150 countries.
2. The Unified Public Safety System (Sistema Único de Segurança Pública—SUSP) was set up by the Ministry of Justice to coordinate federal, state and municipal actions in the field of public safety and criminal justice, so as to integrate them in practice without encroaching upon the autonomy of the security institutions. In order to determine actual allocation of resources from the National Fund for Public Safety (Fundo Nacional de Segurança Pública), the setting up of Cabinets for Integrated Management through the signing of protocols of intentions was recommended, and these have been implemented in all of Brazil's states (Federative Units).
3. "Brought in by the Ministry of Justice, the National Programme for Public Safety with citizenship (Programa Nacional de Segurança Pública com Cidadania—PRONASCI) is an unprecedented initiative in fighting crime in Brazil. The project links security policies to social actions; it prioritises prevention and seeks to tackle the causes of violence, without relinquishing public safety and social order strategies." Available at: <<http://www.mj.gov.br/pronasci/data/Pages/MJE24D0EE7ITEMIDAF1131EAD238415B96108A0B8A0E7398PTBRNN.htm>>. Accessed on: 30 January 2009.
4. Edgar Morin is a French sociologist and philosopher of Spanish-Jewish origin (Sephardi). He is Emeritus Researcher at the CNRS (Centre National de la Recherche Scientifique).
5. Available at: <[http://www.recid.org.br/index.php?option=com\\_content&task=view&id=682&Itemid=2](http://www.recid.org.br/index.php?option=com_content&task=view&id=682&Itemid=2)>. Accessed on: 30 November 2007.

6. Available at: <<http://www.mj.gov.br/pronasci/data/Pages/MJ344D074ITEMID2C7FC5BAF0D5431AA66A136E434AF6BCPTBRNN.htm>>. Accessed on: 6 April 2008.
7. Available at: <<http://www.mj.gov.br/data/Pages/MJ3F6F0588ITEMID431E6CD55A794327BCAA9E ECF55F2604PTBRIE.htm>>. Accessed: 6 April 2008.
8. "Problem oriented policing" was originally proposed by American professor Herman Goldstein. In summary the idea is to have law enforcement officers who are capable of identifying, within their field of action, the immediate causes of crime and violence, and to work with the communities and local agencies in order to overcome them. In this model, police officers work more independently and build close ties with the communities they patrol. Guide for the prevention of crime and violence in municipalities (Guia para prevenção do crime e da violência nos municípios). United Nations development program – UNDP/Brazil. Department for Policies, Programs and Projects, SENASP/MJ, 2005.
9. "Outcome-Driven Public Management (GPR) is a model in which the public sector adopts an entrepreneurial stance, seeing the citizen as a client, and seeking optimal standards of efficiency, efficacy and effectiveness with ethics and accountability. It is a type of management that seeks to reduce costs for society and commits the State to citizens' satisfaction. It is a model in which the government is a means and not an end in itself." Technical Note no 11. Available at: <[www.ipece.ce.gov.br](http://www.ipece.ce.gov.br)>. Accessed on: 6 April 2008.
10. The Project Management Body of Knowledge, also known as PMBOK®, is a set of project management practices gathered by the Project Management Institute (PMI) and is the underpinning of the project management methodology of the PMI. These practices have been compiled in the form of a guidebook, known as the Project Management Body of Knowledge, or PMBOK Guidebook.
11. A Corporate Project Office is a model of a Project Office located within the top management of an organisation, and the projects are the developments of the objectives, goals and critical success factors of the business's strategic plan. (Mansur, 2007).

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# The management of public security projects: a pragmatic approach to the application of this method to the Management of Integrated Actions based on a case study

Weibson Braga Junior e Neuma Cipriano

## Resumen

La gestión de proyectos en seguridad pública: un abordaje pragmático de la aplicación del método en la Gestión de las Acciones Integradas a partir de un estudio de caso

*El combate efectivo a la violencia y a la criminalidad sólo puede darse por medio de la acción integrada de los diferentes actores que influyen o se relacionan directa o indirectamente con la problemática. En realidad, la distancia entre la ignorancia y el conocimiento de esa premisa se muestra bastante menor que la de su aplicación práctica y que la transformación de estrategias en resultados. En ese contexto, este trabajo presenta la aplicación de la gestión de proyectos en el ámbito de la seguridad pública y sugiere la aplicación de las buenas prácticas preconizadas por el Project Management Institute, junto a las acciones transitorias de los Gabinetes de Gestión Integrada de la Seguridad Pública de Brasil, para transformar estrategias en resultados efectivos.*

**Palabras Llave:** Seguridad pública. Gestión de proyectos. Acciones transitorias. Gestión integrada.

## Resumo

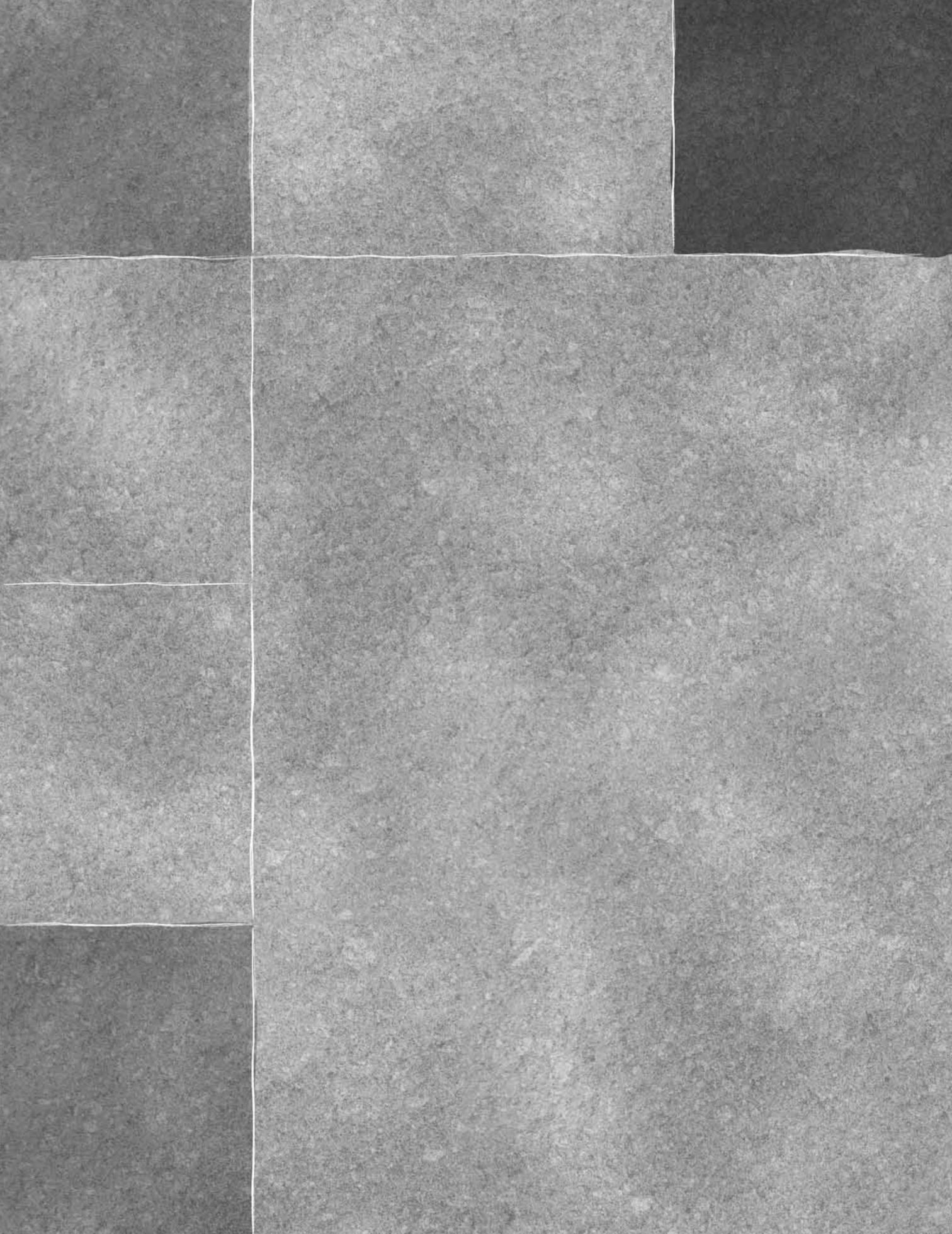
O gerenciamento de projetos na segurança pública: uma abordagem pragmática da aplicação do método na gestão das ações integradas a partir de um estudo de caso

*O combate efetivo da violência e da criminalidade somente se dará através da ação integrada dos vários atores que têm influência ou se relacionam direta ou indiretamente com a problemática. Na verdade, a distância entre a ignorância e o conhecimento dessa premissa se mostra bem menor do que a de sua aplicação prática e da transformação de estratégias em resultados. Nesse contexto, este trabalho apresenta a aplicação do Gerenciamento de Projetos no âmbito da segurança pública. Sugere a aplicação das boas práticas preconizadas pelo Project Management Institute<sup>1</sup> junto às ações trans-setoriais dos Gabinetes de Gestão Integrada da Segurança Pública do Brasil, de modo a transformar estratégias em resultados efetivos.*

**Palavras-Chave:** Segurança pública. Gerenciamento de projetos. Ações trans-setoriais. Gestão integrada.

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# Private security: Characteristics of the sector and impact on policing

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### Abstract

*The extensive growth in private security services evident in many countries, particularly since the mid XX century, has brought key issues to the fore over the responsibility of the Public Authorities regarding security and regulation of the sector. Taking a critical comparative approach to the regulatory aspects and the practice of private security services within its respective framework, especially with regard to the interface between public and private policing, this article sought to discuss and elucidate the issues at hand in understanding the specific impact on the exercising of policing posed by the ever increasing presence of private forces in the provision of security in the Brazilian milieu.*

### Key-words

*Public security. Private security. Crime. Violence. Regulation.*

The growth in private security services represents an important trend among the many changes taking place in modern policing. Most notably, private security now pervades a wide range of sectors and the industry has become immense, with private security guards outnumbering public police in some countries.

Although these shifts are highly visible given the influx of numerous actors carrying out policing tasks, police scholars remain divided over what these changes hold for the future. For some these changes signify a true break with the past<sup>1</sup> that heralds the end of the public monopoly over policing, the ushering in of a new phase of pluralization with a proliferation of sectors and agents authorizing and providing security services, while public policing searches for an identity,<sup>2</sup> yet for others they signify the continuity of significant changes in society and the forms of social control it exerts. This latter group rejects the notion of a watershed, deeming this an “overreaction to the new” amid the transformations that policing is undergoing (JONES; NEWBURN, 2002).

The concept of policing should be understood here in its broader sense, thereby distinguishing it from the police per se (body of uniformed individuals employed by the State to maintain order through the use of

force) but should not be confounded with the vast and nebulous umbrella of social control under which policing belongs.<sup>3</sup> Whereas social control refers to virtually all activities that, in some way or other, contribute to social order of a given community (including relatives, schools, youth groups, media channels, churches and countless other entities), policing boils down to a particular form of control aimed at maintaining order, grounded in specific attributes of security systems and threats of sanctions, and performed by a wide array of different bodies and agents. Although narrower than the generic concept of social control, policing is a broader category than the activities carried out by the state security forces because it encompasses both private and public policing.<sup>4</sup>

It is noteworthy that a clear distinction exists between public and private police forces in terms of the authority exercised by the public police (such as the power to detain) as well as the different “vocations” of the two forces. Indeed, private security police play a more preventive role focused on controlling and regulating access, whose scope is largely defined by the contracting party and its private interests. In contrast, public police are characterized by a more repressive and punitive profile, aimed at upholding public order through applying the law. Their actions are guided by the criminal justice system in

pursuit of the public good. There are concerns over the repercussions of broadening the scope of action of private agents in the sphere of police work, because this inevitably creates grey areas where private and public sectors overlap. The current frameworks are vaguely defined with no consensus having been reached by the experts.

Majority of the manifold issues raised by the introduction of this “new” agent represented by the private security sector have yet to be resolved: how will public policing be affected by private security management in venues where private policing is in place (particularly regarding patrols, encounters and access control)? How can venues and the public-private security inter-relationship be managed within areas policed by private forces? How can information exchange between sectors be achieved? Can police reports be filed by private security police? How can these reports be lodged? Does cooperation exist between public police officers and private security guards (for example in mobilizing to alarms) ? Does antagonism exist between the two sectors, for instance, in the policing of particular precincts or beats?

Taking a critical comparative approach to the regulatory aspects and the practice of private security services in their respective setting, with special focus on the interface between public and private policing, this article sought to discuss and elucidate the issues at hand in understanding the specific impact on the exercising of policing posed by the ever increasing presence of private forces in the provision of security.

Notwithstanding the importance non-formalized policing practices bear on the discussion of private security (including policemen taking up a second job as security agents –“on the side”), the present article specifically investigated activities of officially registered companies and employees that render security services (third-party or in-house), a seldom discussed topic which warrants more in-depth study. The third-party or in-house security organizations and agents comprise the two main segments of the private security industry in Brazil. Beyond providing solutions, this article seeks to elucidate the pitfalls of several of a host of issues inherent to the growth of the private security sector, unraveling some of the mechanisms which interact in the transformations which policing is currently undergoing.

### **Growth and Distribution of the sector.**

Although a lack of empirical studies prevent an accurate picture being drawn of the characteristics and differences among countries with regard to private security, it is clear that the recent phenomenon of growth in these services since the 1950s is closely linked to the same set of circumstances which have led to significant reforms in public policing around the world. The expansion in private security within both national and international arenas appears to have taken place in the same context as the rise in crime, violence and feeling of insecurity. However, this trend is also marked by other important processes which have created the economic incentive and legal basis for this type of corporate policing, against a backdrop of transformations in the urban landscape. The main aspects of this process include the growth

in “mass private properties”<sup>5</sup> and of corporate buildings and buildings of public institutions, besides other factors connected with these, such as pressure from insurance companies on clients to hire specialized protection services (BAYLEY; SHEARING, 2001; OCQUETEAU, 1997).

The scenario in Brazil proves no different. Since its official emergence in 1969,<sup>6</sup> private security has seen significant growth in Brazil, rapidly reaching and exceeding the complement of State and Federal police combined. The main surge in expansion took place from the 1990s onwards, an era marked by growth in private security firms, neighborhood security guards and the spread of technology employed by the electronic security industry. Parallel growth occurred in the number of training courses and companies offering transport of valuables, and there was a proliferation of private security guards who worked within the limits of the law.

The information available on the industry, albeit scant, demonstrates this wave of growth. Data from the National Federation of Security and Valuables Transport Companies – Fenavist, which reveal more modest figures for the sector, reported 557,500 active security guards in 2005 (FENAVIST/MEZZO PLANEJAMENTO, 2005).<sup>7</sup> However, these totals did not include those working informally, or guards who were duly registered with the Federal Police Department – DPF but unemployed at the time.<sup>8</sup>

In addition to the Federal Police Department and Fenavist which portray the formal

universe of private security, data drawn from the National Household Survey - PNAD, conducted by the Brazilian Institute of Geography and Statistics - IBGE, constitutes another important source on the industry, yielding information on the profile of workers across all economic sectors of the country. Based on the information used by PNAD (occupational groups of “watchmen and security guards” and “guards and watchmen”) for the expanded 2005 sample, the total figure reaches an impressive 1,648,570 individuals.<sup>9</sup> The drawback concerning the data from the PNAD is that, despite being the most comprehensive source of data on the sector, containing data on both the formal and informal market, the occupational groups for the sector included a series of other functions which cannot be classified as private security. These other positions included doormen of buildings and residences, thereby “inflating” the figures and further highlighting the current difficulties in defining the job profile for this type of service in Brazil. Nevertheless, the description of the occupational groups of the 2005 PNAD encompass a range of categories which are part of the obscure and unregulated activities comprising the vast repertoire of informal private security services such as “caretaker”, “sentry”, “minder”, “night patrol”, “neighborhood watch”, “watchman” and so forth.<sup>10</sup>

Notwithstanding the pressing need for the organs responsible to better organize the information and provide a clearer overall picture of the private security industry, the rapid growth of the sector has obviously

been aggressive. For the purposes of comparison, in 2003 according to the Ministry of Justice, the combined complement of public security forces corresponded to 506,411 individuals, including only the civilian police (115,960) and military police (390,451).

The figures also show that in the industry, in contrast to the national literature which suggests that demand for private security stems mostly from condominiums and large residences (CALDEIRA, 2000; KOWARICK, 2001), the demand for these services comes from a wide variety of sectors of society. In fact, the main contractor of private security is the public sector, banks, industries and service sectors, which together account for 86.1% of guards hired in 2005 (the public sector is the largest single contractor, hiring 38.3% of all private guards) (FENAVIST/MEZZO PLANEJAMENTO, 2005). Despite this diverse demand profile, certain common characteristics can be identified in the operational setting of security agents in terms of general features of the industry and interaction between public and private security forces, which shall be addressed later in this article.

### **General aspects of regulation and characteristics of the sector**

The specific regulatory framework for security services in the majority of countries is devised directly by government, under the auspices of a particular organ or executive administrative department (with some exceptions such as the United Kingdom, which operates a system of self-regulation through corporate agreements forged among compa-

nies of the industry). This organ typically is a specific department of the area of Justice or Security of the country, or sometimes the Ministry of the Interior. Among the different settings described in the literature, besides the registration of security companies (permits for security firms and their employees) and the control and inspections of security providers and their staff, the regulatory organ is normally responsible for regulating and controlling a range of aspects representing the spectrum of the activity, such as establishing norms governing aspects of education and training, uniforms, visual image and use of firearms.

In Brazil, the regulatory aspects of private security are currently governed by legislation under Law no. 7.102, of 20th of June 1983, and by Decree nos. 89.056/83 and 1.592/95, supplemented by specific decrees and rulings which introduce new requirements to the regulations. According to the wording of this legislation, private security is presented as auxiliary to public security, and since 1996 its activities have been regulated, controlled and inspected by the Federal Police Department,<sup>11</sup> by means of rulings and other legal instruments released by the organ. This legislation defines the segments authorized to perform private security activities (Table 1).

### **Property Security and internal security**

The services of guarding of property and internal security (more specifically internal *guarding*, since companies who have in-house security may also have valuable transport services) are the most prevalent segments in major-

ity of privately policed spaces, such as banks, a range of commercial and industrial organizations, including business centers, public buildings and spaces, residential condominiums, shopping centers, stadia for sporting events, exhibition centers, etc.

Officially, according to the latest norms for the sector, the services of guarding of property must be performed “within the

bounds of the establishments, urban or rural, public or private, with the objective of guaranteeing the physical safety of persons and the integrity of property at the venue, or during social events”.<sup>12</sup> Specifically pertaining to the activity undertaken by this segment, this “may be carried out within the bounds of the premises guarded [sic] and, in the case of operations during social events, such as shows, carnival, football matches

**Table 1**  
**Description and Areas of application of private security by segment**

<b>Segment</b>	<b>Description</b>	<b>Area of Application</b>
Guarding of Property	<ul style="list-style-type: none"> <li>• Protection of assets and property, prevention against risks arising from criminal actions.</li> </ul>	<ul style="list-style-type: none"> <li>• Banks.</li> <li>• Commercial organizations and a range of industries.</li> <li>• Public organs.</li> <li>• Gated condominiums, buildings or residences, shopping centers, football stadia, exhibition centers, event and show venues, cinemas, bars, restaurants, etc.</li> </ul>
Internal security	<ul style="list-style-type: none"> <li>• Companies electing to operate in-house security services as opposed to hiring specialized services from security service providers.</li> </ul>	<ul style="list-style-type: none"> <li>• Banks.</li> <li>• Commercial organizations and a range of industries.</li> <li>• Residential and corporate condominiums, shopping centers.</li> </ul>
Personal Security	<ul style="list-style-type: none"> <li>• Escort and protection (generally entrepreneurs, executives, politicians, etc.).</li> </ul>	<ul style="list-style-type: none"> <li>• Entrepreneurs, executives, politicians, celebrities, etc.</li> </ul>
Training course	<ul style="list-style-type: none"> <li>• Training and qualifying of security guards.</li> </ul>	<ul style="list-style-type: none"> <li>• Caters for security firms and private and public security professionals.</li> </ul>
Armed escort	<ul style="list-style-type: none"> <li>• Armed vehicular escort (generally protecting entrepreneurs, executives, politicians, etc.).</li> </ul>	<ul style="list-style-type: none"> <li>• Freight transporters, entrepreneurs, executives, politicians, etc.</li> </ul>
Transport of valuables	<ul style="list-style-type: none"> <li>• Transport of valuables.</li> </ul>	<ul style="list-style-type: none"> <li>• Banks and financial institutions.</li> </ul>

should be limited to the private venue protected under the contract at hand”.<sup>13</sup> With regard to those companies with in-house security services “these are companies under private law authorized to form their own property guarding or valuables transport sectors”.<sup>14</sup> Besides private-capital companies, several public state organs also operate their own security services, where these account for 49% of all in-house hires of security guards (FENAVIST/MEZZO PLANEJAMENTO, 2005).

In terms of the territorial scope of private security services, a fundamental limit regarding the sector’s work is that they may not perform policing in public spaces. Under the Constitution, only military police are authorized to carry out ostensive policing in these areas (article 144, Paragraph 5 of the Federal Constitution). Bar the cases of valuables transportation, armed escort of freight vehicles and protection of individuals (personal security), security guards are legally restricted to policing only within areas of private premises. Even within these private premises, only the private security service contractually authorized by the owner by means of signed agreement between the parties may perform policing duties.

### Security Guards

In Brazil, security practitioners authorized to act officially in the private security sector are known as “security guards”, who are “professionals qualified through training courses, hired by specialized companies or those operating internal security services, registered with the Federal Police Department,

and responsible for performing private security activities”.<sup>15</sup>

According to article 109 of Ruling 387/2006-DG/DPF, in order to practice in the profession, the security guard must satisfy the following requirements by providing documentary evidence:

- I – be of Brazilian nationality, native-born or naturalized;
- II – be at least twenty one years of age;
- III – have an educational level of fourth grade at primary school;
- IV – have passed a security guard training course, run by an authorized training course provider;
- V – have been approved on medical check up and psychological assessment;
- VI – be of good standing, proven by presenting criminal record, with no indictment in police investigation, involvement in a criminal prosecution or have been sentenced in a criminal law suit;
- VII – have regular status regarding electoral and military obligations;
- VIII – be registered for Individual Tax on the Ministry of Finance Registry (holds CPF).

Although the profile of security guards tended to be associated with a low level of professionalism in the industry, and a much lower level of qualifications, schooling and salary than public police, this picture has been changing significantly. According to data from the National Household Survey–PNAD/IBGE, important shifts have taken place in the socioeconomic and professional

profile of the population employed both in public security and security and protection activities throughout Brazil. The level of schooling of private security guards remains well below that of public police officers but has been rising rapidly, as is the case among professionals in the public forces. In 1985, 10.3% of private security workers had a high school education (complete or incomplete), rising to 18.8% in 1995 and to 31.3% in 2001. In the public security sector, these figures were 31%, 48,7% and 59% for 1985, 1995 and 2001, respectively. Moreover, improvements have occurred in terms of the proportion of professionals from the industry embarking on University degree courses: between 1985 and 2005, the percentage rose from 0.9% to 2.7% (in public security this number is far higher, at 14.3% in 1985 and 30% in 2001).

Interestingly, the improvement in schooling among professionals of the private security sector is significantly greater than that observed in the general population: while in 1985 the proportion of individuals educated to high school level in the general population was 16.2% and in public security professionals was 10.3%, in 2001 the latter group demonstrated a much higher proportion of high school education (31.3%) than that found in the population at large (21%). This increase in schooling may be the result of a growing demand for more highly qualified professionals in the area of security, not least due to the need for refreshers and training on the use of the ever more sophisticated equipment employed in the sector.

While the level of education has risen in both sectors, salary levels have increased only in the private security sector. Again based on PNAD information, whereas salaries remained stable in public police between 1985 and 1995, the mean income of private security guards increased substantially. In 1985, the majority of professionals in the industry belonged to the income bracket of 1 to 2 minimum wages (42%), shrinking to 24% in 1995, whereas among public security professionals this percentage remained practically unchanged (MUSUMECI, 1998). Nevertheless, almost 80% of private security guards received up to four minimum wages in 1995 (equivalent to R\$ 400,00 at the time), while only 44.8% of public security forces received this level of income. In 2001, the mean salary of a private security guard was R\$ 726,94, being higher than that of a public police officer (R\$ 658,48), but still lower than a military police officer (R\$ 996,00).<sup>16</sup>

When on duty, private guards are not obliged to wear a specific uniform, although the uniform must have ostensive characteristics according to article 103 of Ruling 387/2006-DG/DPF. Therefore, the uniform must include, besides the logo of the company, a whistle on a cord and a name badge authenticated by the company bearing the name, National Security Guard Card number and a 3x4 color photograph.

Security guards that work for property security companies may carry a 32 or 38 caliber revolver when on duty, as well as a wooden or rubber truncheon and a set of

handcuffs. Except for this equipment, the use of any other instrument not authorized by the General Coordination of Private Security Control is prohibited. Security guards who work in the sector of property security may also use non-lethal weapons and munitions, in addition to other controlled products classified as restricted use, in carrying out their duties, provided that these are congruent with the private security activities being rendered. The non-lethal weapons and munitions allowed for use in property security (likewise for personal security activities), in terms of “short-range” arms (namely, with a maximum range of ten meters), include pepper spray and electric air taser gun.<sup>17</sup> In order to use these non-lethal weapons and munitions, the security guard must have undergone specific training on the proper use of these instruments. Property security provided by companies which have an in-house security service, in accordance with the legislation governing the sector, must adhere to the same norms that apply to third-party providers of property security services.

Ruling 387/2006-DG/DPF also contains a detailed description of the topics which must be studied by security guards on the Training Course for Security Guards, helping define the profile and characteristics of activities performed by these professionals. The 11 courses which make up the curriculum framework<sup>18</sup> focus on topics ranging from understanding basic principles of security, the legislation and employment rights and relations, to technical aspects of arms, shooting and guarding, personal defense and

use of preventive electronic equipment. The technical knowledge, techniques, attitudes and skills expected of these professionals upon course completion represent a broad variety of functions, which they should be apt to perform. These functions range from guarding duties and preventing events within their remit, to protecting the environment and adoption of initial preventive measures against fires as well as fire-fighting.

Of the different characteristics present in the set of knowledge and practices which must be mastered by security guards, some stand out due to two particular aspects: the specificity of the security guard in the capacity of security agent, and the relationship of these private professionals with the police. Without exhausting the full body of information on security guard training contained in the document regulating the sector, out of the types of learning which differentiate and set the security guard apart from the police, several features can be highlighted with regard to the profile of security work. One such feature is the development of skills aimed at carrying out general guarding activities and specialized areas of security guarding, such as security at banks, shopping centers, hospitals, schools, industry, etc., in conjunction with learning on specific measures taken as part of security duties, such as “prevention of unauthorized entrants”, “control of authorized entrants”, and “control of entry and exit of materials and persons”. Security guards also become skilled on telecommunication and I.T. systems employed by security companies, covering alarm systems and other warning

mechanisms (learned on the Radiocommunication and Alarms course).

The training of these security guards, principally through the course on the System of Public Security and Organized Crime, seeks to qualify these professionals to mobilize the Military Police and Municipal Guard in the event of a criminal event occurring at the premises under their private guard. The module on Crime and Interview Technique also focuses on cooperating with police work, seeking to familiarize the security guard with the rudiments of contextual recognition of situations observed (such as proof, evidence and crime scene). This course aims to equip security guards with a series of specific techniques applicable in the event of a criminal event such as: sealing off the crime scene; preserving evidence until police investigators arrive on the scene; gathering of valuable initial evidence which may be lost before police arrive; search for proof and perpetrator of crime; observation and description of persons, objects and places; besides other initiatives within their power for prevention and repression of criminal acts.

Another objective of the course includes the learning of specific interview techniques which may aid the security guard in collecting data pertinent to police investigations, as well as guidance on drafting reports to be lodged with the police. Thus, at least in theory, collaboration with public police forces is a serious concern addressed by the legislation regulating conduct in the sector. However, although owners often wish to get

police involved to resolve a conflict at their premises, a police presence is not always desirable, even when officially they should be involved. A number of complications regarding the inter-relationship between public and private security police shall now be presented in detail below.

### **Interrelationship between public and private security**

Although the Federal Police are charged with regulation, the main concerns regarding the inter-relationship between private and public security in routine activities of these forces in crime prevention and control, are in relation to the interaction with forces at State level. This is the case because, pursuant to paragraph 144 of the Federal Constitution, the tasks of ostensive policing, judiciary, investigation of criminal infractions and maintaining public order in the hinterland of the different states come under the jurisdiction of the Military and Civil police of each respective State. However, while the definitions of the segments and the activities and equipment which private security may deploy, along with the settings within which they can operate, plus a series of norms and guidelines governing the sector are all upheld in the form of legislation, the same cannot be said for the interface between the public and private sectors when interaction becomes necessary. No clear norms are in place to determine information exchange, police response to calls for service made by security guards, the procedure related to imprisonment, servicing of alarms or additional forms of cooperation.

As a rule, both private business concerns and premises of state-run organs should receive the same treatment from the police as given to any other call for service or mobilization. Therefore, a specific call from an establishment reporting a crime, should in theory be serviced (or otherwise) according to the order of priority allocated to them by dispatch personnel. It is possible to envisage that factors such as the degree of closeness with private security agents and the police may expedite or delay this response. One can also imagine that the police tend to give less priority to servicing premises which has private security than one that does not, should a choice have to be made. This is one of the fundamental issues affecting the interface between sectors and may have a direct impact on the distribution of public policing with regard to the spaces and situations to which it must respond. Given the magnitude of the space in question, the impact of discretion in prioritizing calls for service on the distribution of policing is extremely significant. However, there is currently no hard information available substantiating whether this practice indeed takes place.

Another key issue is the influence that private security practices can exert on compiling of the official statistics, since the private security staff are the first to be privy to the information on any incidents occurring within the local territory they protect and guard. The legislation does not define or provide any specific guidance on the submission of records of crimes perpetrated within privately policed venues. As such, the decision by private police to report a crime to

a police station or otherwise is the same as that of any public citizen. The sole norm on private security that directly addresses this reporting obligation states that the Federal Police Department must be notified in the event of theft, robbery, loss, waylaying or recovery of firearms, munitions or bullet proof vests belonging to the specialized company or enterprises which operate in-house security services (the notification must be sent to the Police Center for Private Security Control (Delesp) or the Inspection Commission, together with a copy of the original police report and firearms certificate).<sup>19</sup>

With the exception of the equipment used by security guards, the decision to report incidents to the police stations is made by the owner. Normally, in large enterprises this kind of decision is in the hands of the head of security of the establishment. Reports are often not made unless they are beneficial for the company to help police resolve problems which arose. In contrast, where repercussions of an event which took place within the premises are deemed negative for the owner, details on the case possibly go unreported. Thus, security guards are often instructed to settle incidents out-of-court to avoid the exposure of going through the criminal justice system.

The security guards may also produce their own incident reports in-line with the procedures stipulated by the management of the security company. This reporting would typically take place in cases such as events reported by members of the public including petty theft and acts of aggression

among youths, with access to these records being restricted to persons authorized by the owner. In this context, a large number of incidents may never be officially recorded thereby limiting knowledge not only on the total number crimes but also the type of problems which tend to arise in this kind of venue. In addition, there may be increased bias in distribution because the establishments which use private policing are not distributed randomly.

By the same token, there is scant information on the forms of cooperation in place between public and private police forces or how effective this cooperation may be. Currently, not only the presence of security guards and their personal equipment used on the job, but also the rapidly advancing technology comprising the universe of private policing can serve as a source of shareable information between public and private police, thereby facilitating tasks of crime prevention, control and investigation. The key issue is to ascertain whether forms of mutual assistance among sectors indeed exist and if so, how these come about. When joint action is called for, how is this handled? Who is charged with overseeing the operation? Are any procedures in place standardizing these conducts?

Finally, another controversial point concerns the level of control the public has over the services provided by these security firms (or by the companies in the case of in-house security), as well as in the event of breaches of conduct and abuse committed by security personnel at the premises in which they

work. In this sense, it is important to compare the forms of public control on private policing activities in these spaces versus those of public policing, in order to verify what changes are taking place as a result of the emergence of private security organizations performing policing.

With regard to monitoring police activities, the State and society play a role in controlling abuses committed by the police. These may manifest in the shape of internal investigators (police organs for controlling and investigating such events), police ombudsmen under the auspices of the Public Security Secretariat tasked with “external” control of police activities, direct control by the public through civil and criminal lawsuits under the judiciary system, in addition to the communication channels, able to denounce acts and violations of rights, and the main non-governmental organizations that uphold human rights.

Private security can also be controlled directly by the public through civil and criminal lawsuits, the media channels and pro human rights Non-Governmental Organizations, but there is no framework in place for control of private police through investigators or ombudsmen. However, other specific forms of internal and external control exist. The most common of these is the internal control carried out by the security company itself during recruitment, selection, discipline, etc. and the control established by companies hiring the services, i.e. the clients, as well as by the market forces of competition which act as a democratic

mechanism of accountability in punishing security companies which offer poor quality services. External control include state control by regulation, as well as control and inspection of the processes of setting up private security entities along with features of different segments of the sector including the training process.

Although we may glean a picture of the possible forms of control exercised by the public on private security (which are even less clear than those prevailing for public security), little is known about how these instruments are used in practice or the effectiveness they may have on control and accountability of practices in the industry. Such information would provide an overview of the transformations taking place in the activity of private security forces, which employ different control mechanisms to the public police.

### Final considerations

Private security in Brazil represents a fast evolving sector undergoing a professionalization process, with an ever greater presence in a broad range of settings within Brazil's towns and cities. Given the large scale of the sector, the impact that this type of service has on modern policing is marked. Despite its significance, the security industry has been largely overlooked in studies investigating policing practices. This is partially due to the scant specialized literature available on the topic, which has tended to focus on regulatory aspects surrounding the legitimacy/illegitimacy of the industry (albeit due to the threat it may represent to state re-

sponsibility for security, or the propensity of the sector to exacerbate social segregation). Consequently, debates have been based on very little empirical information that lacks the sensitivity and effectiveness needed to enable a serious analysis of private security as a "real" phenomenon with an increasingly diverse client base.

Therefore, diverging slightly from the normative view, the main aim of this article was to draw attention to the problems posed by private security and their specific impact on the policies implemented in the area of public security, while suggesting mechanisms which warrant further study. Thus, the present work contributes by bringing the discussion on private policing closer to the debate on public policies, narrowing the focus to a very specific field: the impact which the growth in private security has on public policing activities, evidenced in interactions between private and public security forces.

Study of these interactions highlighted several avenues for investigation: the propensity to officially report incidents in privately policed venues, which has a direct impact on the knowledge of crime in a given community and the specific criminal dynamics of the precinct in question; the priority given by public police chiefs to areas with private policing which directly influence the availability of policing in different regions; and the specific practices of private policing, which tend to differ significantly to those performed in public policing, as well as actions executed in a collaborative fashion between public and private security

forces, better knowledge on which can enable diagnosis of conflicts with public citizens and public police, and serve as a rich source of examples for subsequent use by the police. In-depth analysis of different mechanisms of control over private security is needed since scant evidence is available on how these mechanisms operate in practice.

These investigations are needed both to provide a better understanding of the sector, allowing more positive and responsible interaction between public and private security police, as well as to pursue answers to the multitude of questions on the current transformations taking place in modern policing systems.

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1. *This view is corroborated in studies by David Bayley and Clifford Shearing (1996 and 2001), but is also found in the work of several authors, not least in the emphasis given by Bayley and Shearing, highlighting the far-reaching reforms which are leading to a new structure of policing. These studies have been drawn mainly from the North-American and British literature: Kakalik and Wildhorn (1972), Shearing and Stenning (1981), Cunningham and Taylor (1985), South (1994), Davis (2000), Sarre (2002), etc.*
  2. *This search by public policing for an entity is evidenced by the emergence of so-called community policing, which involves a strong interface between police and the public, and seeks greater community engagement in crime prevention activities.*
  3. *The notion of policing presented is based on articles by Button (2002), Jones and Newburn (1998) and Reiner (1994), and constitutes only one practical presentation for the purposes of the discussion addressed in the present work. A more in-depth debate of this topic is beyond the scope of this article.*
  4. *On this note, it is important to emphasize the difference between public and private described by David Bayley to distinguish between the two types of policing for the purposes of this article: the public and the private can be differentiated specifically according to the provision of funding by the community or otherwise for the service authorized by the community group. Thus, the police are public when paid for and governed by the community (who authorizes them), and "are private if the community who authorizes them do not pay for nor govern them" (BAYLEY, 2001, pg39). According to Button (2002, pg. 8) who holds a similar view on this point, what defines public and private in terms of policing is the sector to which the organizations belong: if they are part of the government and funded through taxes then they are public, whereas if these services are rendered by companies in return for direct payment they are deemed private.*
  5. *Term used to designate large private spaces open to the public, such as commercial centers, shopping centers, cinemas and sports complexes, besides large residential condominiums in the suburbs of urban centers (SHEARING; STENNING, 1981). This group also encompasses Universities, schools, hospitals, museums, parks, venues for shows and cultural events. In addition to these spaces, a high demand for private security is also seen in private spaces open to the public, but which cater for a smaller target public such as restaurants, bars, stores, etc.*
  6. *The official emergence of private security services occurred by legal order of the public authorities through enactment of Federal Decree No. 1.034, of 21st October 1969, providing for the activity of private security companies in financial institutions. However, some companies were already active in Brazil before this time, such as the Santos Night Guard, which in 1940 was founded as a private entity, and the São Paulo-based Columbia Guarding and Security which was set up in 1955 and provided security services for companies, condominiums, industries and banks (CUBAS, 2002). Shortly after the Law-Decree of 1969, companies went beyond serving financial institutions to also cater for demand from private institutions, individual requests and also from public institutions, where soon the legislation was unable to keep abreast of the rapid changes in the industry, leading to introduction of regulation under a new law in 1983, which legislates the industry to this day.*
  7. *These figures correspond to an estimated 382,000 third-party security guards for 2005, and 175,500 in-house security guards identified, according to the study, by the 2003 Annual Report of Social Information.*

8. According to the Federal Police Department, at the end of 2005, there were approximately 1.28 million security guards officially registered with the organ.
9. Owing to the characteristics of the survey (based on responses given by the interviewees on the professional function performed on the week in question, and without the need to present any specific documentation), these figures possibly represent both professionals practicing as officially registered employees, and individuals who answered the questionnaire under one of the two categories of the PNAD for security agents, but that were working informally without proper registration.
10. For a broader description of these categories, see information from the National Household Survey (PNAD), 2005- Annex IV.
11. The specific Federal Police Department organ responsible for legislation, coordination and control of private security in Brazil is the General-Coordination for Private Security Control (CGCSP). Besides this central organ, each Brazilian State has a Police Center for Private Security Control (DELESP), comprising the regional units responsible for inspecting and controlling the sector.
12. Ruling 387/2006-DG/DPF (with wording amended by Ruling 515/2007-DG/DPF), Chapter I – Of the Preliminary Provisions, 3rd Paragraph.
13. Ruling 387/2006-DG/DPF (with wording amended by Ruling 515/2007-DG/DPF), Chapter III – On the Specialized Companies, Section I – On Property Guarding, Article. 13.
14. Ruling 387/2006-DG/DPF (with wording amended by Ruling 515/2007-DG/DPF), Chapter I – On the Preliminary Provisions, 3rd Paragraph.
15. Ruling 387/2006-DG/DPF, Chapter I – On the Preliminary Provisions, 3rd Paragraph.
16. Information from PNAD 2001.
17. The property security companies and those with in-house security may also use dogs in their services (article. 94 of Ruling 387/2006-DG/DPF, where characteristics of training, ownership, identification and sites for security activities using dogs are specified by articles 95, 96, 97 and 98).
18. Notion of Private Security; Applied Security; Human Rights and Human Relations in the Workplace; System of Public Security and Organized Crime; Fire Prevention and Fire Fighting and First Aid; Physical Education; Personal Defense: Armaments and Shooting; Security Guarding; Radiocommunication and Alarms; and Crime and Interview Technique.
19. Ruling 387/2006-DG/DPF, Article. 93.

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# Private security: Characteristics of the sector and impact on policing

André Zanetic

## Resumen

### Seguridad privada: características del sector e impacto sobre la vigilancia

*La gran expansión de los servicios particulares de protección, constatada en diversos países, sobre todo a partir de mediados del siglo XX, trajo a colación importantes cuestiones relativas a la responsabilidad del Estado sobre la seguridad y la regulación de este sector. A partir de una contraposición crítica entre los aspectos regulatorios y la práctica de los servicios de seguridad privada en su campo de acción, en especial en la interfaz vigilancia pública y vigilancia privada, este artículo procura discutir y poner de manifiesto las cuestiones que están en juego para la comprensión del impacto específico, en el ejercicio de la vigilancia, dado por la presencia cada vez mayor de las fuerzas privadas en la provisión de la seguridad en el escenario brasileño.*

**Palabras Llave:** Seguridad pública. Seguridad privada. Criminalidad. Violencia. Regulación.

## Resumo

### Segurança privada: características do setor e impacto sobre o policiamento

*A grande expansão dos serviços particulares de proteção, verificada em diversos países, sobretudo a partir de meados do século XX, trouxe à tona importantes questões relativas à responsabilidade do Estado sobre a segurança e à regulação do setor. A partir de uma contraposição crítica entre os aspectos regulatórios e a prática dos serviços de segurança privada em seu contexto de atuação, em especial na interface policiamento público e policiamento privado, este artigo procura discutir e explicitar as questões que estão em jogo para a compreensão do impacto específico, no exercício do policiamento, dado pela presença cada vez maior das forças privadas na provisão da segurança, no cenário brasileiro.*

**Palavras-Chave:** Segurança pública. Segurança privada. Criminalidade. Violência. Regulação.

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# Integrated action: public safety in a frontier region

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### Abstract

*This study aims to identify institutional relations between public safety agencies of Brazil and Argentina, specifically on the border between Rio Grande do Sul and Misiones Province, providing references that prove the need for public policies in frontier regions.*

### Key-words

*Frontier. Integration. Police. Public safety.*

## Network of law-enforcement officers and civil society

In 2005 a team of public safety experts was brought together to reflect upon the fact that some public policies, policing experiments and actions led by representatives of organized civil society, had not, despite their potentially promising nature, achieved the political and structural conditions to enable them to take root as institutional practices of law-enforcement organizations, above all those agencies operating in Latin America. One and a half years later the Latin American Network of Law-Enforcement Officers and Civil Society (*Rede Latino-Americana de Policiais e Sociedade Civil*) was set up in order to make all these innovative initiatives more visible. Many of them—whether institutional initiatives or otherwise—had succeeded, and some had failed, but owing to their originality and intrinsic worth they were socially important. The Network also aims to enable bridges and communications channels to be built between law-enforcement officers, public authorities, researchers and leaders of organized civil society.

Researchers and law-enforcement officers from ten countries in South and Central America currently take part in the Latin American Network. The countries are Argentina, Brazil, Chile, Colombia, El Salvador, Guatemala, Mexico, Nicaragua, Peru and Venezuela. Thirty-one law-enforcement agencies and twelve civil society organizations are represented.

The Network promotes on-line and presentational activities for the exchange of know-how and experiences, such as courses, forums, on-line *chat rooms*, technical study visits, regional congresses and publications. It has thus helped organize and systematize these not-normally-visible practices and bodies of knowledge, and boosted thinking about policies and strategies in public safety, so as to spread and apply these new models, techniques and ways of thinking.

The Network has a permanent blog on its *Comunidade Segura* (“Safe Community”) portal ([www.comunidadesegura.org.br](http://www.comunidadesegura.org.br)), where several documents of common interest can be consulted in order to further the debate on public safety in Latin America.

Given that every country contains multiple situations and challenges, the Brazilian members of the Network of Law-Enforcement Officers and Civil Society identified a need to broaden the debate on policing reforms within Brazil, and encourage reflection and comparisons, and help bring local players into contact with innovative experiences.

In an unprecedented partnership between the Brazilian Public Safety Forum, NGOs Guay and Viva Rio, and NEPS (the Federal University of Pernambuco’s Research Nucleus) RPS-Brasil was set up in mid-2008. RPS-Brasil is based on the same guiding principles, conceptual platform and interactive environment that underpin the Latin American Network. Its major goal is to organize and systematize knowledge and experience in public safety.

This initiative aims to develop nationwide a greater degree of inter-connection and dissemination of know-how and innovative practices in the field of public safety, above all knowledge and practices that suffer from a lack of support or from a lack of institutional outreach.

A workshop was held in Rio de Janeiro in September 2008 on the occasion of the setting-up of RPS-Brasil, and brought together 14 different professional experiences from all round Brazil, selected from over 470 entrants. Each study presented there showed the record of professional experience of the law-enforcement officers taking part in the event. The articles described innovative actions from different contexts that were put into place by public safety officers willing to share, assess and perfect their professional practices through dialog with other law-enforcement officers and the interlocutors of civil society in a dynamic that brought together a range of social actors from the most diverse regions and situational contexts of the country. We hereby present an article by Sérgio Flores de Campos, written based on his professional experience and presented at the RPS Brasil Workshop on Policing Know-How and Practices.

**B**razil's frontier with Argentina stretches for 745 miles (1,200 km<sup>1</sup>). This space creates flows of social, cultural and economic relations that affect the safety of citizens that travel between the two countries and embodies concerns with the cross-border nature of crime, since crimes can be planned in one country in order to be carried out in another.

This study aims to analyze joint operations coordinated by law-enforcement agencies of the State of Rio Grande do Sul and Misiones Province on the border of Brazil and Argentina—to be more specific, in the north-west of Rio Grande do Sul, delimited by the jurisdiction of the Regional Command for the Ostensive Policing of the North-West Frontier (*Comando Regional de Polícia Ostensiva Fronteira Noroeste*), along a border of over 120 miles (200 kilometers).

The source used was the records found in relevant documents made available by the *Comando Regional de Polícia Ostensiva Fronteira Noroeste* of the Rio Grande do Sul *Brigada Militar*.

The agencies involved in policing this frontier are: the Regional Command for the Ostensive Policing of the North-West Frontier (*Comando Regional de Polícia Ostensiva Fronteira Noroeste da Brigada Militar do Rio Grande do Sul*); the Misiones Regional Command for Ostensive Policing (*Comando Regional de Polícia Ostensiva Misiones*); the Regional Civilian Police Precinct of the town of Santa Rosa, Rio Grande do Sul (*Delegacia Regional da Polícia Civil da cidade de Santa Rosa*); the National Gendarmerie of Argentina (*Gendarmeria Nacional de Argentina*) Group IV, of the city of Posadas; Misiones Province Police

(*Polícia da Província de Misiones*); Policing Region of the Military Police of the State of Santa Catarina (*Região Policial da Polícia Militar de Santa Catarina*), stationed in São Miguel do Oeste; and the Third Battalion of the State of Paraná Military Police (*3º Batalhão da Polícia Militar do Paraná*), stationed in Pato Branco. It should be pointed out that representatives of the Brazilian Army, the Federal Police, the Inland Revenue Service (*Receita Federal*), the Federal Highway Police and the Santa Catarina Civil Police were also present at meetings, albeit not constantly.

For the purposes of this study, the description of these agencies has been limited to two Argentinian public safety agencies and a brief description of the Brazilian public safety system, so as to clarify the legal mandates in the border area. Emphasis has been given to the *Brigada Militar*, the *Gendarmeria Nacional* and the *Polícia de la Província de Misiones* because they were the forerunners of the joint activities carried out on the north-west frontier of Rio Grande do Sul and north-east frontier of the Misiones Province.

## Context

It is the duty of the State to assure its citizens' well-being, not only within its own jurisdiction but also whenever they travel beyond its territorial boundaries. In other words the State must take an interest in how its own citizens are treated when they travel abroad. It must also guarantee foreign citizens similar rights when the latter are traveling within the State's territory.

Within this set of social, economic and political relations, therefore, the problems of public safety deserve proper attention. The

cross-border nature of crime has kept pace with the permeability of frontiers and drives a crime system that affects not only the border regions themselves, but also any urban center, however distant it may be from the border, as is the case with the influence of drug trafficking on other crimes.

The development of strategies to prevent and punish cross-border crime is thus a democratic issue, as Castells (1999, p. 306) shows when writing about the globalization of crime, stating that the influence of international crime plays a decisive role in the “autonomy and decision-making capacity of the Nation-State”. Like other faces of globalization, crime now possesses a global aspect that has power over international relations:

The novelty is not the greater degree of penetration enjoyed by crime and its impact on politics. What is new is the global connection of organized crime, making international relations, be they economic or political, dependent on the scale and dynamism of the economy of crime. What is new is the deep involvement and the destabilization of the Nation-State in a range of contexts that are influenced by transnational crime. (CASTELLS, 1999, p. 304)

In other words, to further follow Castells’ thinking (1999), those contexts that are driven by organized international crime, where the core action is trafficking in its multiple forms (weapons, people, drugs, goods, human organs, etc.), all hinge on “money laundering”, and for this reason can influence financial markets and consequently the very stability of the State.

In the local sphere, reflecting this concern, one can provide examples of efforts to promote

safety in the frontier region. Firstly, Mercosur addresses the issue of regional security in Agreement 16,<sup>2</sup> in which it stipulates:

That the increasingly cross-border nature of crime represents a grave threat to regional security, hindering the consolidation of an integrated space in which order and respect for democratic values prevail. (Decision nº 16, July 2006).

Likewise in Central America, cooperation is driven by the cross-border nature of crime:

The countries of Central America have put in place a mechanism for cooperation and coordination between their law-enforcement agencies in order to fight organized crime. The Commission of Chiefs of Police for Central America and the Caribbean has therefore been set up; its main role is to promote the exchange of information and to draw up and execute strategic plans against organized crime. (MALARINO, 2004, p. 127)

As another example of the concern for public safety, when crimes are common to the communities in the frontier region, Agreement 001/2007<sup>3</sup> aims at police cooperation and was signed by the Brazilian State of Acre, the Department of Pando (Bolivia) and the Regional Government of the Department of Madre de Diós (Peru).

Perception of the reality of the world is built upon the characterization of networks stemming from globalization, and as Arnaud (2007, p. 192) puts it, transnational crime also adopts this organization:

The existence of organized crime is no novelty. What characterizes the current problem is the transnationalization of crime and its transformation into systemic criminality. Here we find

ourselves in the presence of a phenomenon that is arising all around the world.

This phenomenon must be addressed by strategies directed toward this interaction, giving rise to actions taken by a network of public safety institutions. This network of public safety organizations depends initially on acknowledgement of the fact that the legal competencies of the players involved are complementary, and require the organization and the joint coordinated execution of actions, and the ongoing analysis of scenarios in order to prevent and punish crime. In the global context it is essential to build this public safety network, but federal governments need to be motivated to integrate the public safety agencies, internally and externally, by developing public policies for integration that address frontier regions.

Public safety in frontier regions must be a strategy of integration otherwise those actions carried out by the several players within this scenario will only be compartmentalized and piecemeal, and doomed to inefficiency. Perpetuating the current separation between law enforcement agencies embodies what Morin (2006, p. 11) calls “blind intelligence”, in other words, when knowledge produced in one area of responsibility fails to communicate with the rest of the system (in the case of public safety one can identify institutional, national and international systems).

This sharing of knowledge can, in fact, be likened to the form of management presented by Oliveira (2001, p. 295), which is applied by multinational service corporations as a strategy to obtain competitive advantage. This

type of sharing is defined as the spreading of know-how within a company or between companies belonging to the same group. There is thus a strategic concern to assure flow, protection and sharing of data in order to enhance activities and thereby improve results. Local characteristics should also be made use of in order to develop centers of excellence and then disseminate knowledge from these centers to the corporate network, achieving economies within the management process.

#### *Law-enforcement agencies involved and legal aspects*

To better understand the outlook for integration between countries, it should be mentioned that the need to go beyond police cooperation and focus on national legislation has been acknowledged for some time. The renowned French Penal Law lecturer, Vabres (in BONFIM, 1998, p. 37), has stated that:

[...] For this reason international crime should be met by international crime-fighting; states should agree not only coordinate their policing actions, but also to delineate their jurisdictions, and their respective legislations.

The Constitution of Brazil (BRASIL, 2007), in subsection I of article 21, in addressing the issue of the border region, lays upon the Federal government the responsibility for establishing relations with foreign States and taking part in international organizations. This means that the Federal government should initiate action towards integration, while it, the Federal government, holds the power to enhance the competencies of public safety agencies in such regions, be these agencies federal, state or municipal.

For the purposes of this paper, our analysis is limited to three public safety institutions: the *Brigada Militar* of Rio Grande do Sul (Brazil), the Misiones Province Police (Argentina) and the Gendarmeria Nacional de Argentina. These agencies began to move towards institutional integration in the region comprising the north-west frontier of Rio Grande do Sul and the north-east frontier of the Misiones Province, through ongoing operational activities and assessment meetings. However, one must recognize the valuable participation of Civil Police of Rio Grande do Sul, through its Regional headquarters stationed in the town of Santa Rosa, and that of the Military Police of Santa Catarina, through the Area Command for the town of São Miguel do Oeste. The Civil Police of Santa Catarina and the Military Police of Paraná, through the Pato Branco Battalion, are also participating in the group.

To enable identification of the convergence of competencies and the importance of complementary activities performed by each public safety agency, we hereby briefly refer to the legal framework governing the actions of the Brazilian Army and Federal police in the frontier region.

#### *Brigada Militar*

The *Brigada Militar* is the name given to the military police of the State of Rio Grande do Sul (Brazil). It is an agency within the public safety system, whose duties are defined in the Federal Constitution (BRASIL, 2007), Article 144, wherein it is its duty to carry out “[...] ostensive policing and the preservation of public order; [...]”.

#### *Gendarmeria Nacional de Argentina*<sup>4</sup>

The Gendarmeria is a security force of a

military nature exercising the duties of a police force. It is subordinate to the Ministry of the Interior and carries out activities to foster internal security, national defence, and support for Argentina’s foreign policy. It is active in the control and surveillance of the frontier and also carries out action concerning clandestine movements of people, the environment, drug trafficking, the inspection of vehicles on federal highways, smuggling and tax evasion.

#### *The Police of the Misiones Province*<sup>5</sup>

The Police of the Misiones Province, Argentina, is an armed civilian institution charged with keeping public order, and is subordinated to the Provincial Executive branch. In accordance with article 5 of the National Constitution of Argentina, combined with article 3, the provinces are entitled to administer justice and maintain a policing power. This is also provided for in the Provincial Constitution, articles 134 and 135. This fundamental legislation gave rise to the so-called Organic Law of the Police (Law n. 3389/86), which in article 4 lays down the mission of the institution: to preserve the lives and the rights of the population; to keep public order; to be an auxiliary justice force; to intervene so as to prevent crime; to investigate crimes.

#### *The Brazilian public safety system*

The institutions set up by the Federal Constitution (BRASIL, 2007), in article 144, in order to carry out frontier-related actions are: the Federal Police; the Federal Highway Police; the Military Police; the Civil Police; and cities’ Municipal Guards. Within this group, in order to demonstrate the convergence of legal competencies in the frontier area, the Federal Police and the Brazilian Army stand out.

In Paragraph § 1 of article 144, lays down that the Federal Police is responsible for:

- I - investigating misdemeanors punishable by law against the political and social order, or against the goods, services and interests of the Federal government or its independent agencies and public corporations, as well as other infractions that may have an inter-state or international repercussion and require uniform suppression, as the law may set forth;
- II - preventing and punishing the unlawful trafficking of narcotics and similar drugs, smuggling and irregular customs clearance, without hindering the action of the Treasury and other public agencies in their respective fields of competence;
- III - operating as a maritime, port, airport, and frontier police;
- IV - bearing sole responsibility for carrying out the duties of the Federal Government's judicial police force.

It is in Supplementary Law n° 97,<sup>6</sup> enacted 9 June 1999, subsection IV of article 17, that the Brazilian Army's competency is described:

- IV - by means of preventive and enforcement actions to act along the land border against cross-border and environmental crimes, either alone or in coordination with other agencies of the Executive Branch, taking such measures as:
  - a) patrolling;
  - b) searching people, land vehicles, water-going vessels and aircraft; and
  - c) making *flagrante delicto* arrests.

Given the legal provisions for this range of players, both Brazilian and Argentinian, and

the clear concern with the cross-border nature of crime, the need becomes clear for strategies to be created in order to carry out supplementary, interdependent and interlinked activities to meet the needs of public safety. Any plan to integrate security agencies must therefore begin with the several domestic players of each country at Federal, State and Municipal levels, within the framework of public policy. Maia Neto (2006, p. 159), analysing actions carried out by the Federal, Military and Civilian police forces in border areas, deems joint efforts to be a guarantee of efficiency. Neto writes that, in the face of the complex situations found on the borders between countries,

[...] there can be, either through an overt Agreement or a tacit one, solidarity among public safety agencies (as established by the Constitution of the Federative Republic of Brazil, Art. 144), so as to assure efficient crime-fighting operations without at the same time leading to any kind of arbitrary actions or deviation from duties.

Of course such agreements should not limit police action to mere enforcement, since prevention of crime is equally important and occurs one stage earlier.

### Data analysis

For the purposes of this study, in order to understand how the public safety agencies involved work, and how links between them have evolved, evidence from the minutes of meetings and from the planning of joint activities has been gathered.

Initially it was seen that the objectives of the first of three meetings, held in 2003, aimed

to identify the structures of the respective institutions, and produce information on drug trafficking, vehicle theft, fugitives from justice, smuggling and irregular customs clearance, cattle rustling and other crimes. In addition, efforts were made to strengthen relations and identify problems that the institutions in the border area all shared. The first simultaneous operations between public safety agencies from Brazil and Argentina were held in 2003: four motorcycles stolen in Brazil were seized in Argentina while a further two were recovered on the banks of the Uruguai River (which divides Brazil from Argentina) when they were about to be transported from Brazil to Argentina.

#### *Records from the minutes<sup>7</sup>*

Some records and proposals from the minutes of the 13 meetings between the security agencies held from 2005 to 2008 are reproduced below, in annotated form.

#### *2005*

- It was proposed that the security forces should work more closely with the judiciary branches of the two countries when dealing with border issues.
- A joint operation should be conducted simultaneously on land and on the Uruguai River within the limits of the frontiers. It was also proposed that clandestine ports on the Uruguai River (which divides Brazil from Argentina) be identified.

#### *2006*

- Intensify the efforts of the security forces regarding the transportation of animals susceptible to foot and mouth disease between Brazil and Argentina.

- It was proposed that police activities should aim to support tourists travelling between Brazil and Argentina.
- Surprise operations should be carried out, in other words, joint and co-ordinated activities without prior warning.
- The Argentinian Army and the Naval Prefecture should be invited to join the activities.
- The Police Force of the State of Santa Catarina should be included in meetings and operations, given the shared frontier between Misiones Province and Santa Catarina.
- A shared database should be set up for stolen vehicles and motorcycles.

#### *2007*

- A course in the Philosophy of Community Policing should be offered to all institutions belonging to the working group.
- The Prison Services of the State of Rio Grande do Sul and the Misiones Province should be brought into the working group.
- There should be greater exchange of information on Argentinian and Brazilian legislation.
- E-mail services to enhance exchange of information have been made official; they are confidential and deal with policing incidents that are of interest to both parties.
- Abiding by the legal limits of each country, stolen vehicles should be restored to their owners as quickly as possible.

#### *2008*

- The importance of developing police intelligence for frontier activities.

- The Military Police Battalion of the state of Paraná, stationed in the city of Pato Branco, should be included in the next simultaneous operation.
- The importance of learning Spanish and Portuguese to enable fluent communication among law-enforcement officers.
- The First Meeting addressing issues involving people smuggling was held in Posadas (Argentina), on 17 and 18 October 2008.

*Analysis of operational documentation—service orders<sup>8</sup>*

Service orders are documents issued by the law-enforcement agencies in order to direct operations. The orders record the date that an activity will be conducted, the parties involved, how the activity will be conducted, its goals and the means to be employed in order to achieve such goals.

Thirteen service orders were analysed; they were issued by the regional command for ostensive policing of the north-west Frontier, from 2005 onwards, and relate to activities connecting Brazil and Argentina. The documents clearly show a concern with a wide range of crimes deemed a priority for focusing joint action between the agencies:

- the theft of vehicles and cargoes;
- drug trafficking;
- illegal arms dealing;
- rustling;
- kidnapping;
- trafficking in women and children;
- the theft of agricultural machinery and equipment, agrochemicals, and implements;
- unlawful transportation of hazardous cargoes;

- harm to the environment;
- bank robbery.

With regard to frequency and constancy of participation, the following agencies were present in all activities: the Brigada Militar, the Gendarmeria Nacional de Argentina, the Misiones Province Police and the Polícia Civil (of the Santa Rosa, RS, Regional Station). Furthermore, since 2005, four simultaneous operations were conducted in the frontier region and an assessment meeting was held after each operation. It should be pointed out that the operations serve as a symbol of joint activities and assure the visibility of institutional relations with the community. It is, in fact, routine communication through a range of channels that builds a true relationship between the agencies involved.

It should also be pointed out that assessment of data on seizures of marijuana in the region under study showed a marked growth from 2006 to 2007. According to data provided by the Regional Command for Ostensive Policing of the North-West Frontier of the Brigada Militar of the State of Rio Grande do Sul, they made seizures within their jurisdiction in 2006 of 180kg of marijuana and 600g of cocaine. In 2007 1,200kg of marijuana and 14kg of cocaine were recorded. This rise therefore shows that there really is a drug trafficking route in the region, requiring focused enforcement activities. Further interpreting the data, it may be said that the public safety agencies have paid great attention to this particular crime, as well as there having been an increase in the use of the region as a route for drug trafficking.

The documentation we have analyzed shows that steps are followed in bringing together the institutions under study. The starting point is the agreement to hold simultaneous policing operations on given dates in Brazil and Argentina, respecting the jurisdiction of each country. Then there is a broadening of understanding of the characteristics of the work carried out by the players involved as well as enhancements to the communications channel, which is seen as fundamental in ensuring more dynamic policing activities, which in turn has led to the setting up of official e-mail addresses in order to exchange secure information on incidents in which the agencies involved share an interest. Likewise, communication has been established by walkie-talkies between the Misiones Police force and the Brigada Militar near Porto Mauá (Brazil) and Alba Pose (Argentina). Within this sphere it should be pointed out that the steps taken to set up the communication channel, while apparently very simple, are entirely appropriate to the existing conditions. The setting up of the Mercosur Security Information Exchange System (*Sistema de Intercâmbio de Informações de Segurança do Mercosur*—SISME), provided for in Agreement 01/2007,<sup>9</sup> and allowing access to state police forces, will undoubtedly prove to be a significant advance.

In minutes drafted on 24 July 2005, as contained in the records of the Regional Command of the North-West Frontier of the Brigada Militar of Santa Rosa, an important issue was put forward by Commander Mayor Julio Oegg, of the Gendarmeria Nacional de Argentina, referring to the need to develop relations between Brazil and Argentina to en-

hance public safety, when he said that actions taken on an informal basis end up lacking legitimacy, and the strongly centralizing nature of the Federal Governments hinders the flexibility and speed of police activities in the frontier region.

## Conclusion

Relations between security agencies on the border between Brazil and Argentina, in the north-west region of the state of Rio Grande do Sul, are shown by operational and administrative practices. This region, a geographical area where Paraguay, Argentina and Brazil meet, lends itself to the proliferation of crime. Prevention and enforcement strategies should be developed for this region, involving the several competent authorities so that they can act with a focus on public safety.

Meetings and simultaneous actions enabled personal links to be established between leaders, and these were in fact incorporated by the law enforcement professionals who later succeeded them as Chiefs in the Agencies. However, the personal nature of these relations reflects their fragility, since an administrative order could interrupt them.

The actions studied in this present case occurred because of technical initiatives taken directly by Agencies and police chiefs and in a self-organized fashion; no national political intervention occurred to regulate these activities. On the one hand, this assures speed and flexibility in carrying out the actions; on the other hand, this makes the actions fragile since there is no formal commitment by the States to that specific practice. The administrative model for these integrat-

ed actions has taken root owing to decentralization, the equal importance given to the agencies participating, and the open, flexible and shared form of management, without imposition from the top down.

It should be further stressed that it is for the Federal Government, through its public safety agencies, to take steps to promote integration in regional security with neighboring countries. Nonetheless, in the documents we analysed, no records were found of obstacles to the activities of the state police in promoting these relations with Argentinian institutions. The participation of the Brazilian army is recorded in virtually all the meetings, as is that of the Federal Police in some of the meetings. Therefore, in order to make this initiative formal, as Maia Neto (2006) has stated, it is clearly important that agreements between the Federal Government

and the States of Brazil be signed in order to legitimize actions conducted in frontier areas, without this affecting the duties of the agencies involved. The efforts to formalize this integration must be legitimated and seen as a strategy, just as the existence of regional communities in frontier areas between Brazil and neighboring countries is acknowledged.

Finally we point out that the development of an integration policy into a regional public safety system involving two or more countries should be based on the acknowledgement that the institutions involved complement each other, on the commitment of leaders, and on the development of knowledge about the proposed practices, as well as a heightened sense of ethics, thus achieving respect for the fundamental rights of South American citizens as the basic premise of this proposal.

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# Integrated Actions: public security along international borders

Sérgio Flores de Campos

## Resumen

**Acciones integradas: seguridad pública en áreas de frontera?**

*El presente trabajo tuvo como objetivo identificar las relaciones institucionales entre los órganos de seguridad de Brasil y de Argentina, específicamente en la frontera entre el Estado de Río Grande del Sur y la Provincia de Misiones, extrayendo elementos de referencia que demuestren la necesidad de políticas públicas en regiones de frontera.*

**Palabras Llave:** Frontera. Integración. Policía. Seguridad Pública.

## Resumo

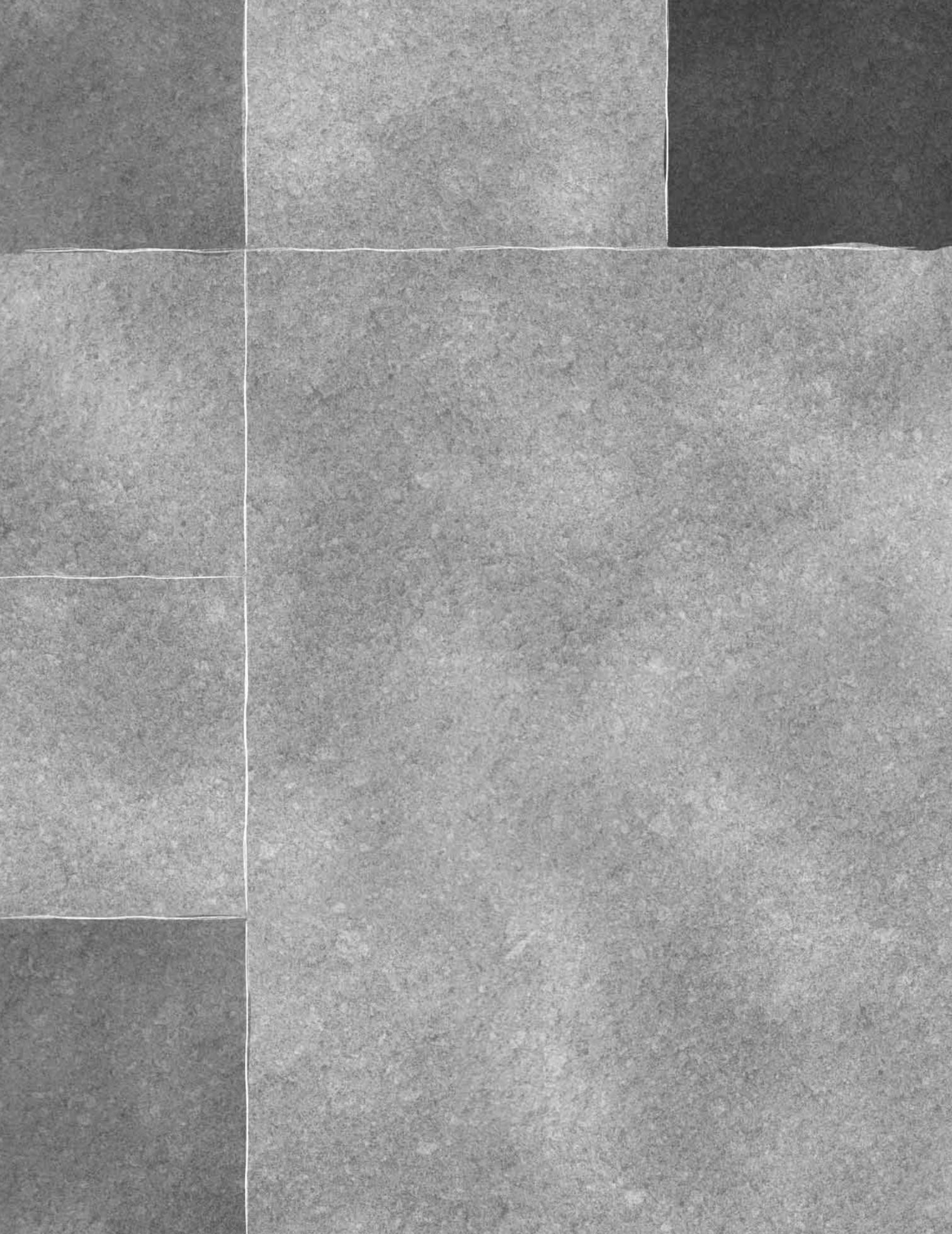
**Ações integradas: segurança pública em área de fronteira**

*O presente trabalho objetivou identificar as relações institucionais entre órgãos de segurança do Brasil e da Argentina, especificamente na fronteira entre o Rio Grande do Sul e a Província de Misiones, extraindo elementos de referência que demonstrem a necessidade de políticas públicas em regiões de fronteira.*

**Palavras-Chave:** Fronteira. Integração. Polícia. Segurança pública.

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