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Violence, Security and Public Perceptions in Brazil

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Introduction

After 21 years of authoritarian rule (1964-1985), democracy and the rule of law were restored in Brazil. The new Constitution (1988) instituted a new political system providing for wider participation and representation channels; expanded people's rights (civil, collective, social and political rights). It also assured the elimination of communication barriers between civil society organizations and the Government, supporting the abolition of secret organizations, the enforcement of transparent political decision-making, and also imposed legal restrictions on the discretionary nature of political power. Compared to previous Constitutions, the 1988 Constitution declared the right to life as inalienable. Hate crimes such as racism and torture became unbailable, imprescriptible and excluded from any amnesty procedure.

However, the democratic transition — after twenty-one years of an authoritarian regime (1964-1985) — has not been effective to make the agencies in charge of crime repression submit to the rule of law. Despite the deep changes society had experienced, and specially the emerging transformation of urban crime into organized crime, public policies formulated and implemented during the transition into democracy by both the federal and state governments have not been effective enough to break away from the authoritarian past. Violation of human rights continued to be commonplace, despite of a promising scenario of institutional changes proposed by the National Human Rights Plan.

This paper will address the social and political context which favored the growth of violent crime in large Brazilian cities. Next, the role and practices of both the civil and the military police shall be analyzed in respect to public order control, and more specifically, as they relate to the effects of violent police actions not only during the authoritarian regime but also in the course of the country's democratic reconstruction. Finally, we will examine how crime rates growth and police behavior impacted the public opinion, with a focus on the conflicting positions of pro and against human rights.

The 1964 coup and public security

The new political and institutional environment in the wake of the 1964 coup imposed new patterns of relationship between the central federal government and the state or city governments which adversely affected the already

fragile fabric of the Brazilian federation; the system's fragility being further aggravated by the increasing governmental interventionism in all sectors of civilian life, and the centralizing nature of decision-making. In order to reinforce interventionism and centralization, the imposed military regime repressed any and all organized political opposition in the country. From 1968 to 1974, the successive bureaucratic-authoritarian administrations helped to build a system of political repression combining military police forces and paramilitary forces. This system was behind activities and actions such as censorship, arbitrary arrests, disfranchisement of political rights of elected individuals; torture and killings; psychological warfare against grass-roots and left-wing organizations; restrictions on prerogatives of both legislative and judiciary powers, the breaking apart of opposition parties; curtailment of civil and political liberties; the collapse of intellectual activities at major universities, scientific and cultural organizations, exile and clandestine life for many political leaders (*Apud* Pinheiro, Adorno e Cardia, 1992).

In the realm of ordinary crime, the effects of this vast process of reordering of social and political relations around the authoritarian regime were soon perceived. From the mid 60s on, the involvement of federal agencies in security and law policy-making in the states of the federation got increasingly higher. Police patrolling for crime prevention and visibility purposes became militarized (Pinheiro, 1982); arbitrary frisking on the streets became more frequent, as well as invading poor homes to make "people spring off bed", an illegal operation devoid of a knock and announce rule or any previous judicial authorization (Adorno & Fischer, 1987).

At police stations, torture and maltreatment of suspects of crimes became routine in police investigations. In addition to this, the period is characterized by fiercer "warfare" between policemen and outlaws. At the root of this war, the rise of death squads — paramilitary organizations formed by policemen and civilians to kill drug pushers, smugglers and bank robbers, as well as witnesses who might turn them in to the law. Criminal courts on their turn seemed unaware of this process. They offered no resistance to the arbitrary rules imposed for repressive public order control.

It is suspected that, during that period, courts had a special rigor in issuing penalties on larceny, a criminal offense at the top of police statistics and generally committed by lower-class citizens. As to the jail system, the rule was

increasing intervention of federal normative bodies, such as the National Council on Imprisonment Policy and the Federal Prison Department to cope with the management of huge numbers of prisoners packed in Brazilian jails, notably in large state capitals. In the late 70s, the democratic transition was just starting out. In the domain of human rights, the list of demands was impressive: it included dwelling defense, prohibition of illegal arrests, the institution of habeas corpus, the right of the accused to defense, the abolition of privileged bars or especial courts to judge abuse of power by policemen or public authorities, among others. The enactment of the 1988 Constitution restored democracy to the country and created legal instruments for the defense of civilians against despotism of authorities.

The target was, among others, to keep the activities of repression agencies — including those responsible for implementation of security and law policies — within legal limits. However, the challenges were just too big in this sector because the authoritarian legacy was strong and very thriving. Paradoxically, in the course of democratic transition, violent or arbitrary practices started to develop in response to two different trends: the growth of heinous crimes in large cities and the advancement of movements for the protection of human rights.

The growth of urban violence

Violent criminal offences have been increasing in São Paulo since the beginning of the 80's[1] (Adorno, 1994a; Caldeira, 1992; Feiguin & Lima, 1995). In the city of São Paulo alone violent crime has grown by 10% within the overall crime rate. According to Feiguin & Lima (1995) this growth accelerated after 1988. At that moment violent crime came to represent 28.8% of all reported crime. During the 80's, there had been erratic growth in the numbers of violent crimes. Caldeira (1992) identified two peaks of growth between 1982-83 and between 1983-1984. There then was a decline until 1987 when the numbers started to rise again. Despite this decline figures were still very high with a rate of 747 violent crimes per 100 thousand inhabitants, while in 1981 the rate was 686 per 100 thousand inhabitants. After 1988, Feiguin & Lima (1995) observe that the growth is faster and that there was a jump: in 1988 the rate was already 945.1 violent crimes per

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[1] The analysis of the growth of violent urban criminality was extracted from the theses: Adorno, S. *A gestão urbana do medo e da insegurança (Violência, crime e justiça penal na sociedade brasileira contemporânea).* Tese de Livre-Docência. São Paulo: FFLCH/USP, 1996. (The urban management of fear and insecurity: violence, crime and penal justice in Brazilian society).

100.000 people whilst in 1993 this rate was in 1119.2. In six years violent crime had grown by 18.4%. This kind of growth more than justifies the public's fears and feelings of insecurity. This growth was not limited to the municipality of São Paulo but was replicated in the Metropolitan area as well.

Armed robbery and assault are the most common forms of violent crime. Since 1983 armed robberies represent 50% of violent crime (Caldeira, 1992). Feiguin & Lima (1994) identified the same trend for the years between 1988 and 1993. In 1988 the rate of armed robberies or attempted robberies was 544.5 per 100.000 inhabitants. By 1993 this rate was 715.1 per 100.000 inhabitants, which signifies a growth of 31.3%. This kind of growth also took place in the metropolitan area where the most common form of violent crime used to be physical assault. The numbers of assaults remained stable while robberies grew (Caldeira, 1992; Feiguin & Lima, 1995).

Rape and attempted rape oscillate slightly but overall the rates of reported rape have declined slightly between 1981 and 1987. They remained stable between 1988 and 1993[2]. Similarly, the figures for robbery followed by murder remained stable. Offences such as drug use and trafficking show an irregular pattern: they grew between 1981 and 1985, whereas they declined between 1986 and 1987 (Caldeira, 1992). Such variations may be more the result of changes in police policies than to changes in the pattern of drug use and/or dealing. Since 1988 there has been a growth in drug related offences especially in the municipality of São Paulo (Feiguin & Lima 1995).

This scenario becomes bleaker when we examine what has happened to the numbers of homicides. Death caused by homicide has been rising for the past two decades as revealed by a number of studies (Adorno, 1994a; Caldeira, 1992; Mello Jorge, 1981, 1982 & 1986; Soares & all, 1996; Yazabi & Ortiz Flores, 1988; Zaluar, 1993)[3]. Camargo & all (1995) noted that throughout the 80's deaths caused

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[2] It must be kept in mind that the rates do not reflect the reality but the victim's willingness to report to the police. Despite campaigns started by the feminist movement and despite the rapid increase in the number of Women's police stations especially in São Paulo, unreported offences must be high due to prejudice and the reticence of women to publicize the cases.

[3]The sources to measure deaths by external causes present an array of problems. It is estimated that only 75% of such deaths are registered as such. Figures for the country are more precarious still since it is suspected that people do not inform the registrar office all deaths and or the registrar does not inform the Ministry of Health. To further complicate matters there are a very high number of deaths by undefined causes within "external causes" Cf. Camargo e outros (1995). There are also difficulties in integrating data from different sources. Cf. Feiguin & Lima (1995).

by violence grew by 60% while the overall mortality rate grew by 20%. Homicide has been growing in the Municipality of São Paulo. By 1995, the rate in São Paulo was estimated to be 49.8 per 100.000 inhabitants, again much superior to that of the country estimated, by Ratinoff (1996), to be 24 per 100.000 inhabitants. It is likely that in São Paulo as well as in other major cities of Brazil, such as Rio de Janeiro a part of these deaths may be related to conflicts between gangs, whether or not, connected the drug trade[4].

This growth in violent urban crime has had an impact on the agencies in charge of public security. It has put pressure on the judiciary police and on the police in charge of preventing crime. It has forced them to alter routines and to improvise at a time when the public was more demanding for their services. On the one hand, they faced pressure from organized sectors or powerful sectors of society for more and better policing, and on the other hand the demands for cuts in governmental expenditure further reduced depleted resources. Rationalization and re-equipment were key demands of the police authorities and these demands were partially satisfied in1984 when São Paulo was being governed by the first elected governor for nearly 20 years. Despite this investment the per capita expenditure on public security and the state judiciary declined throughout the 80's (Caldeira, 1992).

Repressive crime control

In order to face violent crime, equally violent forms of control have been employed, very often with disastrous results. Many times, under pressure of the "public opinion", the public security forces set up procedures for police agencies to repress crime at any cost, even to the extent of disregarding the right to life of suspects of crime. Over the end of the past decade and early years to this decade, police violence has escalated. Paradoxically, the chances of involvement of policemen (both civil and military policemen) in violent crime have also increased due to the financial rewards offered by drug trafficking, kidnappings and other criminal acts. Recent developments in Rio de Janeiro and São Paulo, in which a considerable number of both civil and military police officers are accused of corruption seem to illustrate this paradox.

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[4] The lack of studies similar to those produced by Zaluar for Rio de Janeiro prevents reliable conclusions.

In addition to this, the involvement of civil and military police with killer groups has also been detected. Although they are not new in the country [5], the number of such groups seem to have more than doubled and become increasingly active in the years following the democratic transition. This has evolved not necessarily as a consequence of the political developments underway, but as the result of population growth and changes in the demographic and social composition of low-income classes living in poor neighborhoods of large Brazilian cities. Killings by the Military Police still occur and are officially excused as "a strict duty of obedience to job rules" or "resistance to arrest announcement". Unfortunately, there is no reliable data in Brazil. In the city of São Paulo, the number of civilians killed in confrontation with the police significantly increased in the period 89-92, while the number of policemen killed has remained unchanged (except for the period 1990-91 when there were sharp variations). In the last 15 years, 15 times more civilians have died in confrontations with the police. In 1992, 23 times more civilians than policemen. (NEV-USP, 1993). These tragic events seem to have had their climax with the massacre at the São Paulo Jailhouse (October 1992). The description of the events suggests — as two important reports indicate (Marques & Machado, 1993; Pietá & Pereira, 1993)[6] — that the police employed force which far exceeded the size of the rebellion they wanted to repress. It seems that the police force involved in the killing had no tactics, neither were they guided according to strategic intelligence recommendations. They did not seem to follow orders from a single, unified command, and therefore they did not try to save lives.

Since the 70s, the police forces have undergone administrative reforms to become equipped to fight "public disorder" in the cities. However, the "modernizing" measures have but little contributed to a level of operation compatible with the requirements of a democratic State subject to the rule of law. Neither have any such measures contributed to the effectiveness of preventive/repressive patrolling or judiciary police functions. Patrolling for visibility with a theatrical showing off of force (Fernandes 1989) has not completely disappeared. During electoral

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[5] The absence of data and historical research do not allow us to know the social origin of such killer groups in Brazil nor assess their coverage , specially in situations such as political transitions.

[6] For further analysis of police violence, see Pinheiro and others (1991). Data from the São Paulo State Public Security Secretariat suggests a decline in this type of violence specially after the Carandiru Massacre (October 1992), as a result of pressure from domestic and international public opinion. Recent information in the press suggests that violence figures seem to have soared in the first quarter of 1998.

campaigns it is common to see candidates from various parties threatening to enhance this theater if they are elected. In addition to this, corruption in the police forces seems to have intensified in the last few years (Mingardi, 1992). The "cooperation" among small company owners, drug pushers and policemen (civil and military policemen) seems to form the basis of some parallel power competing with the public sector for the monopoly on legitimate physical violence, as recent warfare among gangs for drug traffic control suggests. This warfare exists at varying levels of intensity all over the country, although it is more visible in the city of Rio de Janeiro.

Criminal law and democracy

As far as we know, the coming of crime to public debate followed the social and political struggle to ban the authoritarian regime and build a democratic society in Brazil. According to Paulo Sérgio Pinheiro (1991, more specifically part II, chapters 5 and 6, pp. 87-116), maltreatment of ordinary prisoners in Brazil has been a routine at police stations and other police bodies since the early days of the republic, perhaps since the days of the Portuguese rule. However, the theme came to light in the course of the last authoritarian regime (1964-1985). The struggle to establish the rule of law targeted — among other goals — to ban political violence promoted and institutionalized by the State. In the course of this process, while grass-root movements, civil society organizations and significant sectors of political parties committed to restoration of democracy denounced political violence and the inhumane conditions in the Brazilian jails during the dictatorship years, they also started to express their sympathy to the terrible situation ordinary prisoners had been subject to for decades (Caldeira, 1991).

Confrontations between conservative and "progressive" forces soon took the streets. And in an intense progression. On one hand, we see the rise of movements for the protection of human rights in several spots in the country, more specifically in the cities of São Paulo, Rio de Janeiro and Recife. Their main concerns were to conquer/restore human rights to population sectors, such as impoverished working classes, and protect them from violence and injustice either from the authoritarian State or civil society groups. As we all know, the birth of such movements was followed by an endless torrent of denunciations of all kinds, specially police violence and violence in the jails, as well as other actions, such as periodical visits to entities in charge of crime repression and control, appearances in the press and electronic media, organization of debate forums of various kinds

— technical, professional, academic forums — involving experts, researchers, professionals, leaders of public opinion and the general public. These movements were responsible for terrific findings, among them the close relationship between tactics and strategies to repress both ordinary crime and political dissent.

The reaction of sectors under criticism was immediate. Suspicious about the paths of democratization and fearing retaliation or scrutiny of abuse committed during the authoritarian regime, as well as insecure about possible losses of power positions they clang to with fervor, such groups prepared defense and attack strategies. Due to their privileged position within the State bodies and prestige in some sectors of the press — specially among reporters covering the police for the newspapers — and even the electronic media, representatives of conservative forces soon managed to revive authoritarianism, which is present in some traits of the Brazilian political culture. Such conservative groups not only mobilized collective insecurity feelings — already present in the early 80s — but attracted favorable views towards an authoritarian form of control of the public order. This meant reinforcing collective popular perceptions, according to which the only legitimate and imperative form of controlling outlaw violence is resorting to police violence without any legal or moral mediation. What is more, they managed to weaken arguments which were dear to human rights movements. They initiated a successful campaign against "prisoner's human rights" which they regarded as privileges granted to outlaws in a society where the average person, the honest worker has no protection granted by the law, social policies or governments.

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In Brazil the reconstruction of a democractic society and State, after twenty years of authoritarian regime (1964-1984), has not been vigorous enough to contain the arbitrariness of agencies charged for public order. Despite the changes in the public penal polices implemented by the new democratic governments including the discuss about the reform of the police agencies, all these facts are not able to empower de institutions in order to guarantee the rule of law. The citizens are still unbelieving that these institutions were changed and it is not probable that scenario can change in a near future.

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