

**The PCC and militias – the quest for profit and order in the criminal underworld**

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Two years after 111 prisoners were massacred in Carandiru in 1992, the government of the state of São Paulo changed its prison policies. In order to fulfill its promise to demolish this prison that had once housed more than 7,000 prisoners within a single facility - the setting for the greatest tragedy in the history of São Paulo – the government started to build dozens of smaller units, each housing about 700 prisoners, which multiplied and spread throughout the entire state. The Primeiro Comando da Capital (“First Command of the Capital”, also known as “PCC”), created a year after the massacre, in 1993, was able to expand in this new world that had grown up behind the walls and bars of prison.

Stuffed into overcrowded cells, with public funds insufficient to ensure order and guarantee rights within prisons, it was left up to the prisoners themselves to come up with and implement a new form of governance in these units, leading to the creation of rules and norms to guide the behavior of members of these groups. As the number of PCC members expanded, based on this new form of control created inside the prison system, and the organization consolidated itself, the group took on the role of a sort of regulatory agency overseeing the São Paulo criminal economy, establishing protocols and rules that turned this underworld into a professional and predictable environment, with fewer risks and dangers for those involved.

With the arrival of cell phones into prisons and the entry of the PCC into the drug trade, these rules and procedures defined by the PCC network served to coordinate the activities of its members in the illegal market in a more professional and profitable way.

The conflicts and disorder that had marked the peripheral districts of São Paulo – the result of disputes between small groups and gangs for market share and power in the city’s criminal network, which in turn kicked off long-lasting cycles of revenge and vendettas – these conflicts decreased. The construction of this new form of governance can be seen in a decrease in homicide rates at the same time that there is a rise in criminal activities, which in turn have become more profitable and less violent and self-destructive.

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This new governance of São Paulo's criminal network established by the PCC and the consequent professionalization of these activities allowed members of the gang to reach out across the continent and access wholesale drug sources in large drug-producing and -distributing markets. The construction of this authority, whose regulation and control of individual behaviors and procedures emanated from within the prisons, helped transform the workings of the criminal business model in São Paulo, which began to concentrate its capital and efforts on wholesale drug operations, with retail sales taking a backseat – as did conflicts over territory.

Rio de Janeiro's recent history, meanwhile, did not see the rise of a hegemonic group dominating the state's criminal scene. Since the beginning of the 1980s, when the Comando Vermelho began to operate in the retail drug trade, rival armed groups (such as Terceiro Comando and Amigos dos Amigos) vied for control of the city's territories and the criminal market, leading to an arms race where territories were soon controlled by heavily armed groups engaged in constant disputes.

These conflicts, which led to killings in poor neighborhoods and terrorized the population of Rio with shootings and stray bullets, are characteristic of the violent dynamics of power and market disputes in the state of Rio de Janeiro. Members of the police forces began to figure out ways of gaining money and power from this chaotic scenario: *arregos* (bribes paid to authorities by traffickers); the sale of arms and ammunition on the black market; warlike tactics by the police that created the distorted impression among the public that police work consisted of daily conflicts with a so-called enemy.

This new business model of paramilitary gangs – which in Brazil came to be called 'militias' - emerged and was strengthened in the 2000s, initially by presenting itself as an antidote to the control exercised by the drug gangs. The model grew and gained strength in police battalions with historical links to the criminal underworld.

Benefitting from the active participation of police, prison guards, and military agents, 'militia' leadership – many of whom were residents of the West Zone of Rio and had connections to these regions and to local residents' associations – took over governance in these territories, making money from a wide variety of criminal enterprises: extorting residents and shopkeepers; selling plots of land in environmentally protected areas or selling other unauthorized building projects; and retailing cooking gas, internet services, water, contraband cigarettes and, in time, drugs as well.

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Despite their differences, both the PCC and the militias were strengthened insofar as they were able to establish an authority capable of defining rules and of drawing up pacts and agreements that defined new relationships between members of the criminal market in these cities. What is common to both groups is their attempt to play this role of regulator governing the criminal market, despite the different ways the groups established their authority and the dynamics and particularities of each group's businesses.

In both cases, armed violence becomes the primary instrument for these groups to exercise this authority and impose certain rules among their peers – and sometimes even among their competitors. These criminal groups, therefore, end up operating in the shadows, where the State is unable to guarantee the rule of law, creating room for the emergence and strengthening of other regulatory powers in these spaces.

It was left to armed groups like the PCC, CV, and militias to fulfill this role, defining rules and guaranteeing order and stability in spaces and networks where State institutions were fragile or absent. However, the authority of these groups, far from representing the collective interest, would benefit mainly the interests of these groups' members and their criminal operations. The more fragile your rivals, the greater your ability to exercise power. The more fragile the institutions, or the lower their interest in disrupting these criminal activities, the stronger the power of these groups.

### **Urbanization, Crime, Violence and Order**

Around the end of the 1950s and the beginning of the 1960s we begin to see reports concerning the formation of the first extermination groups and death squads in Rio de Janeiro and São Paulo. In this botched and criminal response by the representatives of state institutions, violence and extermination were seen as instruments to be used to guarantee security and order. Cities were growing in an haphazard way, leading to a sense of insecurity and fear among a cowed population.

The homicidal paramilitary groups take on different formats, compositions and names, from 'death squads' to 'Scuderie Le Cocq' (a brotherhood of policemen present in several Brazilian capital cities) to the 'vigilantes' in extermination groups in the Baixada Fluminense (as the region just to the north of the city of Rio de Janeiro is known) and in the peripheral neighborhoods of São Paulo. These instances of the police and civil society's fixation on a social and racial cleansing were reported by the local press in ways that generated both support

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and indignation at the same time – although the latter was never enough to fully stop the action of these and other groups.

Brazil's cities were not ready to deal with the rapid transformations that began in the 1940s as a result of intense urbanization. Brazilian society and institutions were totally unprepared for the pockets of poverty that sprouted up on the outskirts of Sao Paulo and in the hills of Rio. They responded by acting without first figuring out a plan for how they would deal with these changes and how to control the accompanying risks.

Social stigma would guide security measures and public policies. During the Military Regime, and later in the democratic period as well, authorities would focus their money and energy on intensely patrolling poor districts, seen as dangerous and lawless places, and promoting a form of policing that was centered around street-level arrests of youths low on the chain of command, and around the killing of suspects – usually poor Black youths living in the hills and the favelas.

The operations of security forces and their strategy of a war on crime – bolstered during the 1960s and 1970s, when there was a willingness to engage in open conflicts with guerrilla groups – would play a decisive role in the paths Brazil's cities-in-formation would follow. Even after the end of the dictatorship, during the re-democratization period, one of the priorities of the security forces was to protect citizens from those newly established residents, who they saw as unpredictable and dangerous, and from their descendants, inheritors of the same social stigmas.

The growth of these neighborhoods generated feelings of fear and of powerlessness in the face of disorder. And that brought up, in an urban context, the atavistic fears that are a part of Brazilian history, that the antiquated – associated with the rural context – could not coexist alongside the modern unless it be overtly and violently controlled.

### **Violence as an Instrument of Order**

Violence against suspects and criminals by paramilitary groups and vigilantes in the poor neighborhoods coexisted with the wave of political mobilization and organized pressure of popular movements that occurred during the first democratic administrations of the 1980s. In São Paulo, this latter dynamic was led by labor unions and the Ecclesial Communities of the Catholic Church, which provided the base for popular parties, such as Partido dos Trabalhadores (Workers' Party) - PT. In Rio de Janeiro, the relationship established by

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residents' associations and democratic governments were more personalist and clientelistic, creating some space for territorial authorities and groups to gain political strength.

Public policies in cities were slowly turning towards these poor neighborhoods, which were marked by segregation and a series of social disadvantages. However, urbanization and the provision of public services always ran up against fiscal limits and the relative disinterest of institutions in prioritizing these regions.

Police violence and the limited outlook for the resident's professional and economic prospects created oppressive spaces, determining factors in the formation of the violent male urban identity, which would be one among many to appear during the democratization process.

In this way, the "system" left few alternatives for those who were not satisfied with the miserable and predictable fate that awaited them. Instead of keeping one's head down and accepting life's injustices, crime emerged as a way to confront the system, even if it ended up costing the life or freedom of those who went down this path. The warrior ethos, in this sense, represents a suicidal and nonconformist reaction produced by a social structure that treated these groups as enemies, and in a way seduced them into this suicidal confrontation. It thus produced a civilizational setback, encouraging individuals to turn to crime if they didn't want to passively accept the injustices reserved for them in the cities by agents of a criminal state that did not represent them.

Like the social bandits of peasant and rural societies described by Hobsbawm, criminal thugs in cities do not seek merely to obtain material benefits from their actions. They are willing to confront the system and society, terrify the rich, shake up the existing structures in a mixture of rage and revenge similar to that of the jihadists in the Middle East and the cangaceiros of rural Brazil in the previous century.

Unlike political movements, revolutionary or reactionaries, however, these groups do not propose an alternative model of society. They want, above all, to undo their situation of misery and subservience, even if momentarily, confronting and challenging the rules of the game. They are conservative, think of the immediate present and not the future, and do not want to change the rules of the game, but rather disobey them. In this sense, they are very reminiscent of the cangaço, a form of social banditry that grew and flourished in the agrarian and decadent society of the northeastern Brazilian hinterland between 1870 and 1940.

In the case of the cangaço, just as interesting as its long existence is its end in the 1940s, with the intensification of migration from the rural areas to the cities. As though the possibility

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of seeking another life in the city provided an escape from the immobility of rural societies and removed the chains and barriers of the local agrarian system. As though the chance to try one's luck in the city opened up previously inexistent possibilities to flee one's fate in the countryside without the need to take on the suicidal risk of fighting back against the colonels and their hired gunmen, the jagunços, with bullets.

In 1940, 69% of the Brazilian population lived in the countryside and 31% in the cities, a proportion that had inverted by 1980. According to the most recent census data, by 2010 no less than 84% of Brazilians were living in urban areas. This transformation had deep social, economic, political and cultural impacts on Brazilian society. But social barriers, injustices and humiliations caused by the "system" would be felt more sharply in the peripheries of large cities.

### **The Drug Market**

The violent action of urban criminal groups, however, will gradually be structured around an inexhaustible source of profits from the drug market, which were widely consumed and valued in the urban social context of the 1960s and beyond. The spread of cocaine consumption in cities after the 1980s increased the volume of sales even more, creating business opportunities for criminal entrepreneurs willing to take chances.

In the São Paulo drug market, retail sales never depended on controlling specific territory. The long distances that separated the wealthier consumers from the slums encouraged the sellers to be more flexible and set up points of sale outside the favelas, creating more flexible structures – very different from the markets in Rio, where the sales strategy relied on maintaining territorial control over drug-retailing locations.

In the São Paulo of the 80s and 90s, when the city was one of the most violent capital cities in Brazil, disputes between groups had been inherited from long-running conflicts that had begun with the vigilantes, who were often linked to groups of merchants, to the police, or to several entrepreneurs who could make money from crime – which included drug trafficking.

These conflicts set off endless disputes that sucked numerous youths into the world of violence as they sought to avenge their dead friends, creating cycles of revenge that expanded into different territories, mainly in the poorest neighborhoods.

The PCC's power derived precisely from its ability to mediate these self-destructive conflicts that had been destabilizing the region and reining in the ambitions of criminals. The

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motto “crime strengthens crime,” which set up the State and the police as the foremost enemies, oriented the proposed changes in behaviors and ways of operating in this market. Control of the penitentiary system – through which everyone involved in the drug trade would likely pass, and where prisoners could more effectively be pressured to fall in line – proved to be efficient.

The conflicts in Rio de Janeiro took on a different dynamic. The Comando Vermelho (“Red Command”) formed in the late 70s, and throughout the 80s and 90s the strategy of retail drug operations based in controlled territories was consolidated. This created significant territorial rivalries, such as with the Terceiro Comando (“Third Command”) in the 80s and the Amigos dos Amigos (“Friends of Friends”) in the 90s, in configurations that underwent successive changes and set off recurring disputes.

Policing, especially in the 1990s and after, would focus its energy on the hills where the favelas had been established, leading to numerous killings and shootouts involving heavy weaponry, including tanks and helicopters. Stray bullets caused the tragic deaths of children and adults caught in the crossfire.

The conflicts between rival gangs and the police happening out in the open and right in the middle of the city helped create a feeling among the population that the police were vital to keeping Rio out of the hands of these criminal organizations, thereby increasing the political capital of the police forces. No matter how flawed they were – due to their use of excessive violence, their connections to criminals and the underworld, etc. – no administration wanted to take on the challenge of profoundly reforming the police, lest they risk losing control of the city and the state of Rio.

One attempt to do just that, initiated in 1999 by Luiz Eduardo Soares, an anthropologist and the head of public safety under governor Antony Garotinho, ended with Soares’s resignation (and that of his staff) about a year after their work began.

In this way, under the weak or almost non-existent control of the authorities, many police officers would continue to earn money from crime. Many of the force’s heavy-caliber weapons and ammunition were sold to traffickers by police and military personnel. The “arregos” were also part of the routine, with the police charging a fee to allow the sale of drugs in these neighborhoods without subsequent crackdowns. And it was the State’s task, above all, to prevent the disorder of the poor neighborhoods from spilling over into the wealthier and more urbanized neighborhoods.

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Informal governance of these territories – imposing local law and order, conflict mediation, and regulation of many informal businesses – was taken over by these armed groups, which supported themselves by selling drugs. As time passed and these networks became better organized and more rationalized, the territorial power of these groups increased.

This permanent tension caused by the armed gangs and the police, which acted more as an element that intensified conflicts rather than pacifying them, would produce a welcoming environment for the emergence of the paramilitary groups and of their business models (which would become more widespread after the 2000s). The militias present themselves as a solution that could prevent the advance of the drug gangs.

The process is similar to what occurred in other countries terrorized by the violence that drug trafficking produces, such as Mexico and Colombia. Paramilitaries take advantage of this fear to expand their criminal enterprises while presenting themselves to the public as representatives of law and order fighting crime. Soon they begin to fight with drug gangs over control of territories, counting on the complacency of state institutions, which continue to prioritize the fight against regions controlled by more traditional drug-trafficking gangs while ignoring areas controlled by militias. The failed war on crime, in the end, allows their soldiers to continue earning money and power, despite the setbacks it produces in guaranteeing the rule of law and weakening democratic institutions.

### **Conclusion**

Despite some important differences in the dynamics in the two largest Brazilian cities, in São Paulo as well as in Rio criminal groups organized themselves to make money from crime and to better regulate these markets. They operated mainly in the power vacuums left by the state, which was unable to exercise a legitimate monopoly of force to enforce the rule of law. The PCC was able to assert itself as a mediator of conflicts in the criminal world with relative success in São Paulo, something that the militias have not yet achieved in Rio, despite the advances they have achieved in recent years.

In São Paulo, the PCC's strength grew as a result of the fragile presence of the State inside the prisons. In just a few decades, São Paulo tripled the number of prison units in the state, expanding to more than 170 facilities in 2020. In the past 30 years, one million people have passed through the São Paulo prison system – a system characterized by inadequate facilities, overcrowding, and a general lack of resources to properly care for prisoners, requiring



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friends and family of prisoners to provide supplementary clothes and food through care packages (referred to as ‘jumbos’ because of the huge packages the items come in).

In order to keep this powder keg under control, given the state of Sao Paulo’s fiscal limits, the prisons in time came to be governed by the prisoners themselves, based on the PCC’s pragmatic and rational ideology. The more people that passed through PCC-controlled jails, the stronger the discourse and influence of gang leaders became inside and outside the prisons.

Governing the daily operations of 90% of the São Paulo penitentiary system, according to data from the São Paulo Public Prosecutor’s Office, the PCC essentially established the protocols that oriented the relationships between members of criminal gangs inside and outside the prison system. The rules were a way of mitigating the suffering of those who entered the criminal world, increasing the possibilities of profit in crime and decreasing the unpredictability created by the lack of rules and the instability that fratricidal conflicts between criminals unleashed.

In Rio de Janeiro, the attempt to govern this lucrative criminal market took place mainly in the territories. In the 1980s and 1990s, criminal groups that made money from selling drugs competed over territory and markets, and the police took advantage of the huge mess that resulted to profit financially and politically.

Starting in the 2000s, the paramilitary ‘militias’ got involved in this territorial dispute, changing the dynamics of the conflicts. The friendly relationships that these militias had with Military Police troops, with detectives, and with other security authorities allowed them to expand their territorial reach.

Alliances between militias and gangs like the Terceiro Comando Puro (“Third Pure Command”) made militias even stronger, with the Comando Vermelho as their main enemy. The union of paramilitaries, Terceiro Comando Puro and the government – which officially began to concentrate its police operations in areas dominated by the Comando Vermelho – seems to be driving the militias towards a hegemonic position similar to what we see in São Paulo, which means an increase in criminal profits and a reduction in risks.

The weakening process of the democratic controls of crimes committed by members of institutions and the belief in the role of violence as an instrument of power and order showed its most deleterious effects in 2018, with the election of Jair Bolsonaro in 2018, a politician who during his 27-year career as a parliamentarian, preached against human rights and the 1988 Constitution, making an open apology to the violence practiced by the police. The militias, as

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a result of this tolerance of illegal actions by police and paramilitaries, were already the most violent and powerful criminal group in Rio. For this, he had the complacency of the president and his family, who as parliamentarians defended the role of these groups and defended their regulation. One of Rio's biggest criminals, former police officer Adriano Magalhães da Nóbrega, who died in 2019, was Bolsonaro's protégé and had family members hired to work in the family's political office.

In this historical process, the greatest critics of human rights and supporters of the war on crime without legal limitations came to run the country, at the same time that the politicians of the New Republic were living in immense disrepute, after being protagonists in successive crises of democracy. In this shattered environment, the discourse of confrontation and anti-politics, the construction of new enemies and scapegoats, the criticism of the Rule of Law and Democracy, returned to seduce and were swallowed up by nearly 60 million people, who elected a president who also was openly a candidate for tyrant. Faced with this tragedy, some questions remain. After all, how can defenders of the Rule of Law and Human Rights convince Brazilians that the State's tolerance of illegal violence to the laws only helps to elevate criminals to command of the country? How to make the population believe again in politics and understand that tyranny and violence only serve to delegitimize the authorities who use this artifice? Looking at recent Brazilian history is a way of seeking this dialogue and finding some answers.