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## **Public Security Reforms in Urban Brazil The Cases of São Paulo and Rio de Janeiro**

Brazil, like many other countries in Latin America, has embarked in an on-going process of reform of the police in the last decades. Yet, despite efforts from democratic elected governments, civil society and the international organizations, police work in Brazil is characterized by the extended use of violence and corruption.<sup>1</sup> The specific purpose of this paper is to undertake a comparative study of two processes of police reform in urban Brazil that of São Paulo and Rio de Janeiro.

Public insecurity and urban violence constitutes one of the most important problems that national and state governments have to face in Brazil since the transition to democracy. In the 1980s, the urban violence started to be considering a serious problem when the number of crimes rose dramatically. Due to the inefficiency and corruption of the police forces, the governments of São Paulo and Rio de Janeiro have answered the public insecurity problem mainly by using repression and extremely violent policing. Consequently, in the last two decades urban policing has become a major problem in itself. Police brutality has not reduced crime, but it has increased urban violence, impunity and corruption.

The police brutality has become so serious that just in 1992, for instance, on-duty Military Police officers killed in São Paulo 1,450 civilians, one third of the total homicides in the city. Comparing with New York City, we find that the total number of people killed by the police in São Paulo is sixty-one times larger than the number of civilians killed by police in for the same year (24 people) in

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<sup>1</sup>Juan E. Mendez, Guillermo O'Donnell, and Paulo Pinheiro (1999) argue that illegal and arbitrary use of power, particularly against the poor and marginal sectors of society, continues to be the norm in the Latin America. Mendez points out that state sponsored violence in the new democracies is not directed against political dissidents as in the past, but against the poor and marginal sectors of society. The underlying argument is that deep institutional reform and societal accountability is necessary to break patterns of violence.

New York City. Since then, the number have decreased a little bit, but still is among the highest worldwide. In addition to this, the Civil Police not only is deeply involved in corruption, but uses torture as the normal method to investigate and resolve crimes. Chevigny (1999) mentions that almost all police station houses in Brazil have and use instruments of torture.

Many scholars have focused on human rights abuses committed by the armed forces and the police during the military dictatorship, but not so much attention have been paid to police violence during the democratic elected government. To some extent, this is the result of some neglect to study "low" or "ordinary" policing, in contrast with the "high" or "political" policing<sup>2</sup>. Nonetheless, it can be argued that "low" or "ordinary" policing is a political instrument against the most marginal sectors of the Brazilian society. Indeed, the number of killings by São Paulo police just in 1991 "represents more deaths and disappearances for partisan political reasons documented during the more than fifteen years of a dictatorship" in Brazil. (Chevigny, 1995: 147)

In studying the process of reform of the police, I pretend to study why some policies are chosen and not others—which intervening factors or actors make policy makers to choose from one or other type of reform? How is this reform implemented—if it is finally implemented--once laws and reforms are approved? And finally the question of how does the reform that is implemented affect the role of the police in society and the relation between state and society?

This paper then focuses on the institutional and political arrangements that have allowed police brutality and extended impunity and corruption in Brazilian urban centers. In doing so, I analyze the influence of past authoritarian customs and procedures in current policing of two of the largest Brazilian cities,

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<sup>2</sup> For political policing in Brazil see: Martha K. Huggins. Political Policing: The United States and Latin America. London: Duke University Press, 1998.

São Paulo and Rio de Janeiro<sup>3</sup>. I argue that police reforms have had limited impact on the issues of police accountability. This is so in part because past methods, structures, and personnel are part of current urban policing. Moreover, the lack of real control of the police forces from the local government and the communities where crimes take place, contribute to the continuation of violence and impunity.

### **The Police Structure in Brazil**

Policing in Brazil is carried out mainly by three major police structures: the Federal Police Force at the national level and Military Police and Civil Police at the state level. Although larger cities have municipal guards, their functions are minimal<sup>4</sup>. Indeed, there the two state-level police institutions mentioned above are the ones in charge of controlling crime in the urban areas.

The Federal Police Force has almost no role in urban policing and is formed by 5,000 agents and 7,000 employees, a very insignificant number if we consider the size and the total population of Brazil. Its main function is the "prevention of interstate and international drug trafficking and smuggling, protecting Brazil's borders, and exercising the functions of a federal judicial police (executing arrest warrants for those indicted on federal offense for example)." (Human Rights Watch, 1997: 18)

The Military and Civil Police forces, that are the ones that have the larger role in fighting criminality, respond to the States' Governors through the Secretary of Public Security, and in certain cases to the armed forces<sup>5</sup>. This contrasts greatly

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<sup>3</sup> Although São Paulo and Rio de Janeiro are among the most violent cities in Brazil, it does not mean that in other urban center policing is carried out in a different manner or that crime in general is less problematic than in these two cities.

<sup>4</sup> The Constitution limits these municipal guards to the protection of public buildings, property, and installations. At the federal level, Brazil also possesses specialized federal police authorities for highways, railways, and ports of entry. However, their functions are quite limited.

<sup>5</sup> The Military Police started being a civilian institution in the mid 1980s in Sao Paulo and in 1990 in Rio de Janeiro. Before that time they were under the supervision of the armed forces.

with other countries were local (municipal) governments have major roles in urban policing. In the Brazilian case, this means that local governments from large cities like São Paulo or Rio de Janeiro, where most of the crimes take place, do not have direct control of the police. This is a two-sided-coin for local governments. On one hand, since the city governments do not control the police, they can not be blamed for what they do and to some extent it is a very convenient way of avoiding this huge problem. On the other hand, public insecurity and police brutality are issues so central in urban Brazil that in election times they could influence urban politics. This was the case, for instance, in the 1994 election in Rio de Janeiro, when during the campaign almost all the different candidates presented proposals for combating urban crime and modifying the structure of the police.<sup>6</sup>

The Military Police "is a uniformed force that patrol the streets, maintains public order, and may arrest suspects caught in the act of committing crimes (although in practice they arrest suspects beyond this legitimate legal basis)". (Human Rights Watch, 1997: 19) The 1988 Brazilian Constitution gives the Military Police the right to detain criminal suspects if they caught them committing a crime (*in flagrante delicto*) or when a judge has issued a detention order. In practice, this means that the Military Police is the one whose work is to prevent crime in the streets.

Although since the transition to democracy the Military Police is a civilian institution, it is organized in a military way. This can be seen, for instance, in the division between officers and ranks who are separately trained. Nevertheless, during the twenty years of military dictatorship, the Military Police were part of

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Moreover, the Military Police still are in some sense part of the military, since they are part of the reserve group of the armed forces.

<sup>6</sup> Gaspar Pereira (1996) mentions that all candidates in that elections discussed with civil society organizations plans for combating urban violence in Rio de Janeiro. She points out that combating crime in the city became one of the main political issues during the campaign. Within this context, extreme measures such as federal intervention and decree of martial law entered in the public debate of people and politicians as the solution to violence in Rio de Janeiro.

the armed forces, a situation that has highly influenced the police structure and personnel. In the case of São Paulo, the Military Police was formed during the dictatorship out of two protomilitary forces, the *Forca Publica* and the *Guarda Civil*. In contrast, the Military Police in Rio de Janeiro was created in the middle of nineteenth century and it was used later as model for the rest of Brazil<sup>7</sup>.

On the other hand, the Civil Police or the judiciary police, is the one who investigates the crimes once these have already taken place. The Civil Police are in charge of the station houses. "Each station is run by a chief (*delegado*) who is expected to be a lawyer and has agents working under him. Much of the work of investigation, including interrogation, is nominally carried on as a function of the courts but actually by the civil police." (Chevigny, 1995: 145) Besides, the only case when the Civil Police anticipates crime is when they carry out a specialized preventive policing (*policamento preventivo especializado*); some activities involved in the fight against drug trafficking are some cases of these<sup>8</sup>.

Mingardi (1992) notes that the formal structure of how the Civil Police should work differs greatly from how the activities of judiciary police are organized in reality. The formal structure is based on the *Código de Processo Penal*, in the *Lei Organica da Polícia*, and in the decree of March 1983. In reality, the Civil Police act based on custom and practices derived from the starting of the Republic, the *Estado Novo*, and the most recent military government. Mingardi argues that problems with the Civil Police go much beyond the formal structure of this institution. They are the result of a weak concept of citizenship and the common practices of violence and corruption.

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<sup>7</sup> The history of the Military Police in Rio de Janeiro differs from the rest of Brazil, since it was created in the last century when Rio de Janeiro was the capital of the country. The Military Police in Rio de Janeiro historically had more autonomy for the special status of being the police of the capital. Nonetheless, the military regime centralized all the police functions, and the level of autonomy of Rio de Janeiro's Military Police decreased. See: Thomas Holloway. *Policing Rio de Janeiro: Repression and Resistance in a 19<sup>th</sup> Century City*. Stanford: Stanford University Press, 1993.

<sup>8</sup> Knowing that some narcotic transactions are going to take place, the Civil Police deploy a preventive action in order to detain drug dealers and confiscate the narcotics.

Although the general structure of the Military and Civil Police is defined by the Brazilian Constitution, their administrative structure may present some variations from one state to the other of the federation. Moreover, it is noteworthy that both police forces compete between them, and they often "intrude" each other's functions and "territory", a situation that sometimes creates violent confrontations between them. The Military Police are mainly responsible for summary executions and violence that take place in the streets, and the Civil Police are responsible for torture. Besides, in both police forces corruption is highly extended.

The total number of the police is relatively small in comparison with other countries and most of them are located in the urban areas. In 1992, there were in the state of São Paulo 70,000 Military Policemen, of which 28,000 were located in the city of São Paulo. On the other hand, half of the 30,000 Civil Police of the state of São Paulo were located in the metropolitan area. (Chevigny, 1995)

In the last few years, some groups of civil society, like the movement VIVA RIO<sup>9</sup>, have pressured for changes in the police structure, especially insisting on community policing. There is for instance a project of community policing in Copacabana, a famous tourist area formed by different social classes, including many *favelas*. This program has used volunteers from civil society organizations and members of the Military Police. (Gaspar Pereira, 1996) Nonetheless, there is not information available on the impact that this project has had in Copacabana, neither has it been implemented in other areas of Rio de Janeiro nor in other states.

### **The Baggage of the Past and the Police Reforms in Democratic Times**

The causes of current violence and corruption of the police can be traced in Brazilian history. Some scholars mention that the predisposition to torture

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<sup>9</sup> VIVA RIO is a social movement that emerged in Rio de Janeiro after the transition to democracy. They work main on issues of "street violence".

and execute comes from old Brazilian institutions of slavery and of the inquisition. However, most recent influences can be found in the twenty-year military regime installed in 1964. During those years, police institutions were taken over by the armed forces and were used as instruments to fight guerrillas and in general everybody that was seen as being opposed to the military government. In order to do that, specialized shock units (death squads) were created inside the Military Police to stop terrorism and conduct urban war against dissidents.

Moreover, new and effective methods of repression were developed during the military regime. "Police learned to administer torture to members of the political opposition on a systematic basis; and as an essential component of the semiautonomous repressive system, torture eventually grew out of proportion even to the authoritarian state itself. The civil police, who are largely responsible for investigations, had acted as an arm of the military police, in turn controlled by the army." (American Watch Report, 1987: 6-7)

The best example of these shock units is the *Ronda Ostensiva Tobias Aguilar*, best known by its acronym ROTA, which was created in the city of São Paulo during the military regime. ROTA, an elite extermination patrol inside the Military police, has executed and tortured hundreds of people. Just in nine months of 1981, ROTA was responsible for the killing 129 people. (Pineiro, 1992) Beside, not only have these units persisted during the democratic governments, but also the army and Military Police personnel involved in human rights abuses, for instance the members of ROTA, have continued working in these institutions<sup>10</sup>.

Nonetheless, since the transition to democracy in the early 1980s, some police reforms have been implemented in the state of São Paulo and Rio de Janeiro. In both cases, the governments elected in the early years of the

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<sup>10</sup> The Amnesty Law of 1979 meant that no single military or police member was tried for human rights abuses committed during the military government.

transition to democracy were more committed to a policing style that respected human rights. Nevertheless, the effects of these reforms have not been very successful; extended public insecurity and police brutality are still main features of these two cities.

### *The Montoro Reform in São Paulo*

In 1983, Franco Montoro became the Governor of São Paulo. In 1982 before taking office, Montoro and his team presented the *Proposta PMDB*<sup>11</sup>, a proposal that included some reforms to the justice and public security apparatus; special emphasis was put on the Civil Police. Montoro's reform was the answer to social movements against the military regime during the late 1970s and the beginning of the 1980s<sup>12</sup>. Human Rights groups emerged and were more active in denouncing authoritarian practices. The homicides of ROTA and tortures in the police station houses started being denounced in major newspapers in São Paulo. Besides, Montoro's party, PMDB, was seen at that moment as the party which concentrated the majority of the opposition to the military regime in São Paulo. Consequently, the moralization of the public employees and respect to human rights were main points of Montoro's political platform.

Based on a diagnosis of the Civil Police made by *the Associação dos Delegados de Polícia do estado de São Paulo*<sup>13</sup> in June 1980, Montoro's reforms

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<sup>11</sup> PMDB means *Partido Movimento Democrático Brasileiro* (Brazilian Democratic Movement Party).

<sup>12</sup> Some scholars have mentioned that the reason of the effervescence of human rights movements in the beginning of 1980s is related to the fact that the victims of the military regime were mainly middle and upper classes. In contrast, current victims of police violence, drawn overwhelmingly from the lower classes, a state of affairs that have created much less concern from influential sectors of society. (Mingardi, 1992; Pinheiro, 1992; Chevigny, 1995)

<sup>13</sup> This document mentioned as the "main problems of public security: the increase in corruption, the arbitrary violence, and the inefficiency of the police. The diagnosis indicated that this situation was created by: 1) The imprisonment as a process to investigate crimes since it gave plenty of space for corruption and violence (*prisoes para averiguacao*); 2) The excessive bureaucracy, that obstruct police investigations and prevent police authorities from better supervision of their subordinates; 3) The lack of training of police personnel that created violence as the main resource to investigate a crime; 4) The existence of two different polices, with different orientations, since the Military Police were trained more as occupation troops than as police." (Mingardi, 1992: 75. My translation)



involved some changes in the legislation and in the structure of both police forces. He tried to create a *nova polícia* (new police), dismissing almost fifteen hundred police officers and trying to disintegrate ROTA. However, "so great was the support for ROTA, both within and outside the police, that the reformers succeeded only in having it absorbed into the military police generally, together with special training for ROTA officers in the proper use of force. Police and prosecutors, together with human rights activists, begin to investigate police killings and the connection between the police and death squads." (American Watch Report, 1987: 13)

Despite the great efforts of Montoro and his team, the reform had little success. At the end of his term of office in 1986, his reform not only enjoyed with very little support from the police forces, but also among the common Paulistas. At the end, Montoro was not able to clean the police institutions nor to decrease the number of violent crimes in the city of São Paulo.

After Montoro's administration, a conservative wave returned to São Paulo. Reactionary representatives -some of them were ex Military Police officers removed during Montoro's reforms for human rights abuses- were elected in the 1986 election. The reforms installed by the left some years before were almost all reversed. Some of the new representatives even proposed during the electoral campaign the creation of concentration camps for criminals while one of them publicly expressed having killed more than a hundred criminals, calling himself "the Brazilian Rambo". The election of such representatives showed growing public support for police and vigilante violence and at the same time legitimized the uses of extreme violence.<sup>14</sup>

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<sup>14</sup> Some scholars (Pinheiro 1992; Chevigny, 1995; Zaluar, 1994; Mingardi, 1992) mention that there is a generalized public perception that identifies "poverty" and "criminals", and that sees violence against these groups as the only way to combat criminality. Chevigny (1995) also mentions that there is a common perception among the police in Brazil that respecting human rights is protecting criminals, and that there is no possible way to "resolve" a crime without using torture.

### ***Brizola's Reforms in Rio de Janeiro***

In 1990, the new Governor of Rio de Janeiro, Leonel Brizola, initiated controversial changes in urban policies, including reforms to the police forces. Brizola reversed the repressive policy against *favela* dwellers. Instead of repressing the creation of new shantytowns, his administration allowed the poor to take over unused land and prohibited the police to use violence against the dwellers of the *favelas*.

During his administration, Brizola followed a policy of defense of human rights. His administration removed from the armed forces the direct control of the Military Police after 20 years. Besides, Brizola also established a commission to investigate the presence of death squads and created a Council of Justice, Human Rights, and Security with large community representation. In contrast with Montoro, Brizola did not try to dismiss police officers involved in human rights abuses, but instead he focused on rehabilitation programs for these policemen. The Secretary of Security of both police forces in Rio de Janeiro under Brizola's administration, Nilo Batista, launched a campaign against torture and killing, to which the police reacted with a "white strike" and slowdown in combat against criminality.

As a result of the intense opposition inside the police forces that Brizola had to face, at the end of his government, he opted for more moderated policies and decided to abolish the Council that he had just created a few years before. With the next government, under the administration of Governor Moreira Franco, police obtained extra autonomy and a free hand in the use of violence. Indeed, human rights activists reported that a few months after the new government took office the police brutality had started again.

### ***The 1992 Reforms in São Paulo***

In 1992, the assassination of civilians by the police arrived to its highest point. In just that year, São Paulo's police killed 1,450 citizens, out of which the

Military Police alone assassinated 1,190, most of them in the *favelas* of São Paulo. In an incident in the *Carandiru* Penitentiary, almost two hundred prisoners were executed during protest for mistreatment inside the house of detention. This event created such a big national and international scandal, that São Paulo's government started to implement new reforms for combating police brutality. Since then, the number of civilians killed by the São Paulo Military Police has fallen in a consistent way.

Governor Covas and Secretary of Public Security José Afonso da Silva created the *Programa de Recligagem de Policiais Envolvidos em Situacao de Alto Risco* (Program to Retrain Police Involved in High Risk Situations-PROAR). The main goal of this program is to temporarily remove policemen implicated in fatal shootings, and relocate them in different areas of the police department. During this time, these police officers are assigned different duties and should take psychological counseling. After three months, a PROAR team evaluated if a police officer can return to his former activities.

In addition to this, an ombudsman for the police in São Paulo has been created. This policy is widely believed to have played an essential role in the reduction of civilians killed after 1993. This is especially so because of the fact that the Secretary of Public Security appointed a well respected human rights activist, Benedito Domingos Mariono, to undertake this responsibility.

Despite the positive side of these reforms, there are still serious human rights abuses in São Paulo. The Secretary of Public Security officially reported that in the state of São Paulo, the Military Police killed 249 civilians and the Civil Police 47 civilians just in 1996<sup>15</sup>. Besides, " the drop in the violence relieved the pressure from the federal government and the international community on the Military Police and the state administration, but it proved little, finally, except that the police commanders can reduce the killing if they choose. There is still no

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<sup>15</sup> Some scholars mention that the official numbers are not that accurate since many incidents are never reported because people are afraid, or because they do not believe in justice system.

institutional control to prevent the violence from rising again." (Chevigny, 1995: 178)

### *The Operation Rio and the Bravery Pay Bonus and Promotion Policies*

Although the problem of public insecurity in Rio de Janeiro is not something new, in the past two decades criminality and violence, especially in relation with drug trafficking, has seriously expanded. The crime gangs have made the *favelas* the center for traffic of narcotics and clashes among gangs and the police. This situation has just exacerbated the violence and confrontation among police and drug dealers, at the expense of the residents of Rio de Janeiro, especially those who live in the poor shantytowns.

In 1994, the Governor of Rio de Janeiro and the federal government decided to bring in the military to help the police force. "The agreement was the product of mounting public furor over violence by drug gangs and the police, jockeying by gubernatorial candidates and steady pressure by the press. The agreement launched an unprecedented joint-military police effort, dubbed Operation Rio, to sweep away Rio de Janeiro's criminal gangs. Operation Rio forces engaged in dozens of occupations of the *favelas* in the city of Rio as well as outlying areas." (Human Rights Watch, 1997: 33) *Operation Rio* was the response of the state government to the extended corruption and inefficiency of the Rio de Janeiro police institutions. Nonetheless, despite the participation of federal military troops, police brutality and corruption continue being the rule of the place.

Additionally, the Secretary of Public Security of Rio de Janeiro, Gen. Nilton Cerqueira, implemented two policies -bravery promotion and a bravery pay raise- that have increased dramatically the number of citizens killed by the police. According to human rights groups in Rio de Janeiro, the total number of people assassinated by the police increased six times from November 1995 to December 1996. Part of the problem is that the Military Police, responsible for

most of the deaths, consider that violence is the most effective way to fight crime, since they do not believe in the judicial system and the Civil Police. In any case, the outcome of the Bravery Pay Bonus and Promotion Policies has been the continuation of impunity and corruption in every-day policing of Rio de Janeiro.

### **Police Impunity in Urban Brazil**

Police in Brazil's major urban areas often kill without justification, arguing in most of the cases, that the executions are the result of shootouts with criminals. In these cases, the police file false reports, remove bodies from the scene of crime, and in some cases continue the old practice of forced disappearances. Besides, torture is a common practice in most police station houses. Despite the reforms implemented by the democratically elected governments in Rio de Janeiro and São Paulo, violence, corruption, and impunity are main features of policing in these two urban centers.

Meanwhile, police involvement in death squads and in drug trafficking has contributed to continue the chain of violence in urban Brazil. Since the police is involved also in criminal groups and citizens are diffident of the police and much more than half of the victims of criminal acts do not complain to the police.<sup>16</sup> "Under these conditions, gunmen undertake to protect storekeepers and even poor residents of the slums for a price; in São Paulo, they call themselves by the name *justiceiros*. The *justiceiros* sometimes have a relation to the police as *gansos*, or informers, who have also been criminals. And not infrequently, the police themselves have undertaken contracts to execute suspects<sup>17</sup>." (American Watch Report, 1987: 12)

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<sup>16</sup> According to a survey carried out by *Datafolha*, a research division of the *Folha de São Paulo* newspaper, 88% of the people poll in Rio de Janeiro and São Paulo believed that the police are involved in organized crimes, 76% think policemen are active in death squads, and 65% believe police torture suspects when investigating a crime. (Human Rights Watch, 1997)

<sup>17</sup> One of the best known cases is the one of the Cabo Bruno, a Military Policeman who said he had killed more than 50 people working as *justiceiro* for some low-class people in the peripheries of the city of São Paulo.

Part of this problem is the result of a very weak notion of citizenship, where hierarchies matter and the life of some people seems to have different worth, depending on the social strata and race. The level of impunity is not the same for all Brazilians. The youth is the most endangered group, especially young black poor males who live in the *favelas*. The massive killing of children in urban Brazil, in particular in Rio de Janeiro, is carried out mainly by private death squads or vigilantes (*justiceiros*), on-duty Military Police; and organized criminal gangs. In general, most police feel that they can kill, mistreat, or torture if they know that the person comes from a low-income background.<sup>18</sup>

Some experts mention that an important cause for this violence and impunity is the justice system. Since 1969, specialized military tribunals prosecute all common crimes committed by the Military Police. "As a result, incidents of police violence ranging from beating to torture and manslaughter fall within the exclusive jurisdiction of the military courts." (Human Rights Watch, 1997: 22) The military justice system is structured in such a way that it is almost impossible to convict a policeman for any case of human rights abuses, including homicides. Since the same institution has to judge its members, it is almost obvious to say that these crimes are almost never punished<sup>19</sup>.

Another serious problem that allows the impunity of the police is the conflict between the Military and Civil Police. The Military Police "claim that the civil police are corrupt, a charge that, as we have seen, has considerable substance; the civil police claim in response, that the Military police make poor

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<sup>18</sup> The Human Right Watch presented a special report in 1994 on assassination of children in Brazil, which notes that 38 percent of the victims had a fixed address and many of them lived with their families. The report notes that out of 457 victims whose cases were reported in the press, only thirteen were identified as drug dealers and nine as drug couriers. All of them share the commonality of being simply poor and young. (Human Rights Watch, 1994: 4)

<sup>19</sup> Almost all the summary executions by the police remain impune, because the "military justice" that is responsible of persecuting the police crimes. A study of the *Centro Santo Dias de Defesa dos Dereitos Humanos*, an organization of the Archdiocese of Sao Paulo, states that 95% of cases followed by the Military Justice for crimes perpetrated by the Military Police have been absolved. (Bicudo, 1994: 15)

quality arrests and fail to collect evidence. [...] Although it is not clear how well the system as a whole performs, because the courts and prosecutors do not keep a record of the conviction rate, the sketchy evidence suggest that the rate is low." (Chevigny, 1995: 161)

Although there have been social movements and some proposals inside the government in favor of community policing or policing styles that bring the police forces closer to the localities, little has been implemented. Some experiments of "citizen police" have been used in some areas of Rio de Janeiro without a real change in the way the urban centers are policed. Besides, the absence of participation of the municipal governments in the policing of the cities, have separated even more the police from the local authorities contributing to the continuation of violence and impunity.

The tendency to insulate the police from urban politics means some times great relief for city governments that avoid the responsibility and the blame for extended crime and police brutality. Moreover, part of the functional division between the different states and the municipalities, in which the state is responsible for public security, is the result of a centralized effort during the military regime to control the population. The surprising issue is that controlling crime was maintained as a function of the states in the Constitution of 1988, and almost no discussions in favor of municipal policing have taken place.

### Conclusions

The democratization process in Brazil has come hand in hand with high crime rates and public dissatisfaction with the inefficiency of the criminal justice system. Consequently, Brazilian state governments have answered the problem of criminality with policies that tolerate or promote serious violations of human rights.

Although Brazil has a long history of using violence for controlling the population, the current problem of police brutality and impunity is closely related to the fact that during the military dictatorship the police was incorporated to the armed forces. By doing so, the military used the police as a mechanism of control of political dissidents and incorporated violence as a legitimate form of policing. Later, with the increase in the public insecurity in the cities, these methods became popular also for combating urban crime. Many of the personnel involved in executions and other violations of citizens' rights still formed part of the police forces.

The two cases presented show us that different policies can influence how cities are being policed. In both Rio de Janeiro and São Paulo, efforts to reform the police and in general de criminality have been implemented since the transition to democracy in the 1980s. During the 1980s police brutality increased dramatically in São Paulo. After the 1992 massacre in the penitentiary *Carandiru*, the state government decided to create an ombudsman for the police and temporarily removed police officers involved in human rights abuses. Latest reforms in São Paulo have reduced significantly the number of civilians killed by the police. On the other hand, the Bravery Pay Bonus and Promotion Policies implemented in Rio de Janeiro have stimulated the use of extreme violence in combating crime. The result has been that the number of people killed increased dramatically.

Finally, it is possible to say that considering the way these two cities are policed, the road to democracy in Brazil still has a long way to go. Serious steps for improving the justice system are needed. If the police know that they are not going to be punished if they kill or torture someone, they are going to continue doing so. Perhaps the best mechanism is to put the police institution closer to the communities and give at least part of the police activities to the municipal governments.



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