

Country Overview: Brazil

Focus on São Paulo and Rio de Janeiro

Among Latin American countries, Brazil is known for violent civilian crime and equally violent police response. The problem has escalated since 1985, when the country began making the transition from 20 years of military dictatorship to a more democratic form of government. Before then, the army controlled Brazil's Military Police, whose role—in addition to preventing crime and maintaining order—was to contain communism. After the election of José Sarney and the adoption of the 1988 Constitution, the police came under civilian control and turned from waging a political war to waging a war on crime. By 1992, police accounted for nearly one third of all homicides.¹

More recently, three brutal incidents, captured on video and shown on national television, have opened a window of opportunity for reform. São Paulo Military Police were taped beating 15 people in full view of passersby. Then, on March 6, a bystander filmed São Paulo police as they ordered three men out of a car, hit one of them 39 times with a nightstick, allowed the men to leave, and then fired through the car's rear window, killing one. On March 12, another bystander filmed six Rio de Janeiro Military Police soldiers beating 12 residents of the Cidade de Deus favela, a low-income neighborhood.

Many other incidents of police killing, torture, extortion, kidnapping, and false arrests—in which rural peasants, homeless people, and residents of favelas were the principle victims—have been widely publicized in newspapers and in human rights reports.² In reaction to all these events, the president, members of Congress, government Ministers, state legislators, lawyers, advocates, and even police have presented their agendas for reform.

Today, the Brazilian Congress is considering a range of proposals, most of them related to the structure, responsibilities, and oversight of police agencies. However, observers say that changing police culture, and shaking a reputation for violence, will take more than new legislation.

Organizational Structure and Strategies

Military Police

Police in Brazil are organized in three ways. In addition to a national police force—the Federal Police—with about 4,000 officers, each state has its own Military Police and

¹ Paul Chevigny, *Edge of the Knife*. (New York: The New Press, 1995), 148.

² U.S. Department of State, *Brazil Country Report on Human Rights Practices for 1997*, January 30, 1998.

Civil Police. The Military Police are responsible for patrolling, responding to calls, and making arrests when suspects are caught in the act. The Civil Police investigate crimes once they occur. In the state of São Paulo, the ratio of Military to Civil Police officers is two to one. Because the Military Police are responsible for patrol, first incident reports, and preventive policing work, and because they have the most contact with civilians, they will be the focus of this overview.

Although the Military Police now report to a civilian governor, they are still linked to the military in several ways. No officers or soldiers were purged after the transition, even though they were known to have participated in antiterrorist death squads. As a result, many of them remain on the force today.³ In the event that national security is threatened, Military Police personnel act as a reserve unit of the army.⁴

Military Police enter the force either as soldiers (*soldados*) or as officers. Soldiers receive six months of training; officers study for two years. Life at the training academies is highly regimented, and recruits must live at the academy for the first year. Perhaps the most significant connection to the military, however, concerns the structure of accountability for this force. Military Police accused of criminal offenses are tried in special military courts for all charges except “intentional homicide.”

Salaries

Police, politicians, and scholars agree that pay increases should be included in the broad structural reforms now under consideration by Congress. Salaries are very low, and paychecks are distributed chronically late. After the three police brutality incidents were exposed by the media in 1997, Military Police in every state came under heated public criticism. Feeling berated and undervalued, they organized strikes in 17 out of 26 states. In July 1997, about 30,000 of the country’s 360,000 Military Police personnel were on strike.⁵

Their protest is not unwarranted. Military Police officials in São Paulo explained that they were one of the few states that did not strike because, although their pay is low—about \$500 a month—they were paid every month. Police in poorer states like Pará, where the salary is around \$180 a month, had waited up to eight months for a paycheck.

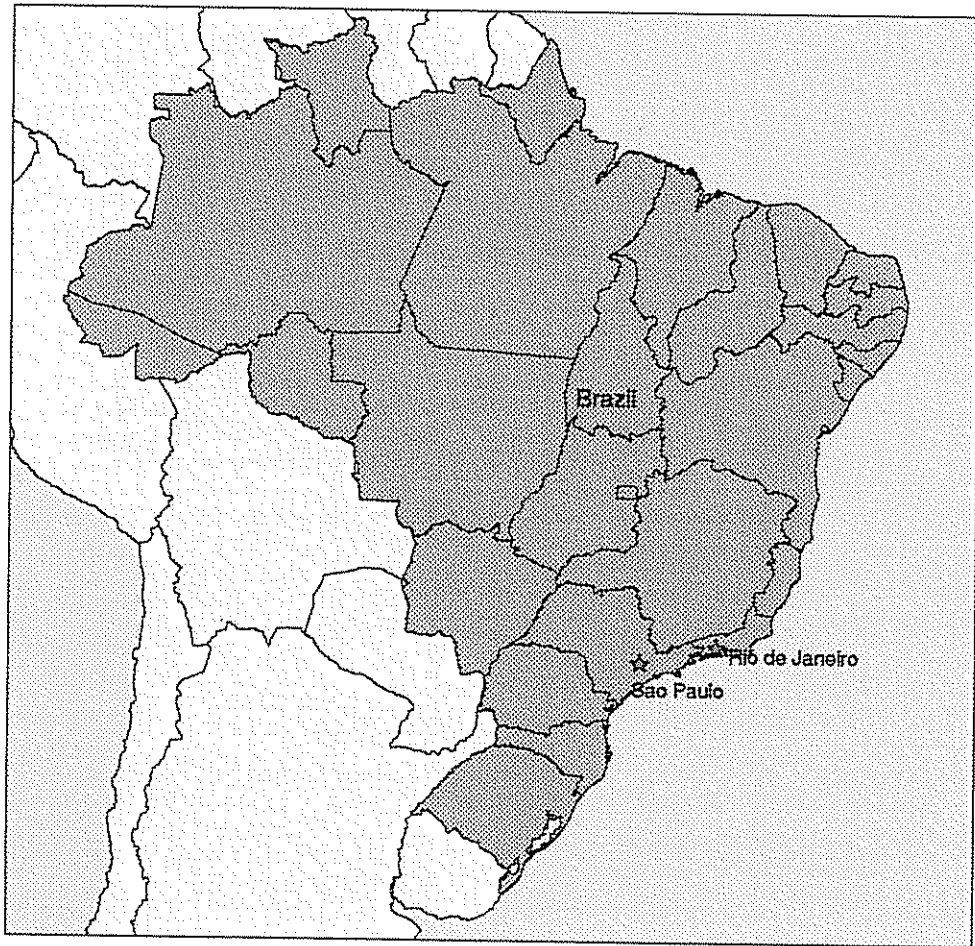
With higher salaries, it is argued, morale will improve, police will become more professional, they will recruit better candidates, and corruption will decline. But, while more pay may help alleviate certain problems, it is no panacea. Sustainable improvements require strong leadership, high expectations, clear objectives, and an accountability system that guarantees consistent incentives and sanctions.

³ Human Rights Watch/Americas, *Police Brutality in Urban Brazil*. (New York: Human Rights Watch, 1997), 21.

⁴ Human Rights Watch/Americas, 19.

⁵ Angélica Santa Cruz and Sandra Brazil, “A Rebelião Armada,” *Veja*, July 31, 1997.

Map M: Country Overview: Brazil (Focus on Rio de Janeiro and Sao Paulo)



Crime Reporting and Research

Decisions about tactics, strategies, and allocation of resources are made by the highest ranking official of the Military and Civil Police in each state. The basis of their decisions is unclear. Each district reports monthly crime statistics to the state police headquarters, but aggregate figures are only available annually. Some researchers say the basis for deployment patterns is not scientific, but political.⁶

When crime is reported to the Military Police, either in person or by telephone, soldiers are responsible for completing a first incident report (*boletim de ocorrência*). The reports are sent to state Military Police headquarters each month. It then takes at least one more month for headquarters to aggregate the statistics and send them back to the districts with deployment directives. Once a year, these figures are made available to the public.

Getting an accurate picture of crime is complicated by the fact that the Civil Police and the Military Police maintain separate crime statistics, from incomparable districts, that each has drawn on its own. Some private researchers have begun creating their own crime maps. Sociologists from the Center for Contemporary Cultural Studies, for example, have mapped the risk of violence for all of São Paulo, piecing together data from the Military and Civil Police districts and census districts. One goal of the report is to stimulate public debate around safety issues, based on a more complete overview of crime by district.

Community Policing

The São Paulo Military Police have developed a highly organized and active community policing program, with nearly 650 public safety councils (*conselhos públicos*) throughout the state. The goals of the program, which is coordinated centrally by a Military Police captain working at the state Ministry for Public Safety, are to establish safety priorities in the community, help resolve problems not related directly to crime, and educate the community about crime prevention.⁷

Nearly every neighborhood in the city of São Paulo has a CONSEG, as the councils are known, that meets monthly with one Military Police officer and one Civil Police officer at a school, library, or restaurant. The CONSEGS are initiated by the police, but the members are responsible for keeping them going. Participation is voluntary, although the Secretary for Public Safety, which oversees the state program, has recommended that certain community members—at least one from every major profession, neighborhood, and interest group—should be present at the meetings.⁸

⁶ Interview with research staff, United Nations Institute for Crime Prevention and Treatment of Offenders, August 7, 1997.

⁷ Interview with Luiz Eduardo Pesce de Arruda, captain, Military Police, August 6, 1997.

⁸ Secretaria da Segurança Pública, "Relação de Públicos Básicos dos CONSEG," internal document.

The concerns, needs, and purpose of the CONSEGs—and the level of police response they marshal—vary with each district. In the opinion of many senior officers, the most exemplary CONSEG is the one in downtown São Paulo, whose members are banking executives interested in attracting commerce to the area. The district Military Police captain, in response to their concerns, is occupied with removing homeless squatters from empty lots and abandoned buildings.⁹

In the fall of 1997, the CONSEG coordinator, under the direction of the Secretary for Public Safety, administered a survey to police officials and residents of the state of São Paulo asking them to evaluate the CONSEG in their districts. The coordinator intends to improve the program based on the survey results.

In the early 1990s, Viva Rio, a project of the Institute for Social and Religious Studies in Rio de Janeiro, implemented a community policing project with assistance from the U.S.-based Police Foundation and in collaboration with the state of Rio de Janeiro's Military Police. The first neighborhood to pilot the project was Copacabana, an upper-class beach community, and representatives of Viva Rio say residents and police were pleased with the results.¹⁰ Shortly after the project was launched, however, the general in command of Rio's Military Police was replaced with an army general, who considered community policing to be "soft." He dissolved the program and launched a highly aggressive new war on crime.

Responsiveness to Women

Since 1982, the female division of the Military Police has operated special police stations (delegacias) where women can report domestic violence, rape, and child abuse. After the stations opened, reporting of these crimes increased dramatically. However, there is growing concern among human rights organizations and women's groups that assigning these crimes to a special group of officers, rather than requiring the entire department to deal with the problems, only marginalizes and invalidates crimes against women.

Internal Control

Military Courts

It is difficult to perceive a clear pattern of accountability inside the Military Police. The disciplinary system is strict and severe for some infractions, but the military courts that try police for criminal offenses almost never convict. According to the São Paulo state Ombudsman (Ouvidor) for police, "It is more likely that, in the Military Police, someone is punished for having a dirty boot and not for killing a person without a good reason.

⁹ Interview with members of Viva o Centro, August 5, 1997.

¹⁰ Interview with Elizabeth Sussekind, Viva Rio, August 21, 1997.

Today most penalties in the Military Police are for violations like getting married without asking permission and smoking in front of an officer.”¹¹

Once a violation is brought to the attention of the Military Police, investigations are carried out by the *corregedor*, a special internal oversight unit. There is wide perception that, because the Military Police are involved in investigating fellow officers, the investigations are not independent or objective. For example, it is not uncommon that other police officers are the only witnesses interviewed by the investigators, or that investigators look into the victim’s criminal background.¹²

Upon completion of the investigation, the case is adjudicated by a separate military justice system for the prosecution of Military Police officers. A 1969 decree requires that all crimes committed by Military Police while on duty, and while off duty but with weapons registered to the Military Police, be tried in special military courts.¹³ But deaths caused by police are almost never classified as crimes. Police typically set up the shootings to look like self-defense, according to a lawyer from the Centro Santo Dias, a human rights organization affiliated with the Catholic Archdiocese, who represents the victims and their families in civil suits.¹⁴ The Center finds that police do many things to cover up the killings: They place unmarked guns in the hands of victims (sometimes in both hands to avoid mistaking right and left-handed persons; they fire the guns from the dead persons’ hands to leave traces of gunpowder; and they remove the shirts from dead victims to leave no clue that the victims’ hands were in the air when they were shot.¹⁵

Even in the rare instance when the military courts pursue a criminal prosecution, conviction is virtually impossible. The courts are so backlogged, reports Human Rights Watch/Americas, that a homicide prosecution can take as long as 10 years.¹⁶ Less serious crimes, such as abuse of authority or assault, are often not prosecuted at all because the statute of limitations runs out before the case comes to trial.

After police were suspected of carrying out the massacre of eight street children—who are a common nuisance for police and shopkeepers—at the Candelária Church in Rio de Janeiro, President Fernando Henrique Cardoso, in August 1996, signed a bill shifting jurisdiction for “intentional homicide” by police to ordinary courts. However, the provision is undermined by the fact that a police judge (*promotor de justiça*) determines whether or not an act is intentional. When making this determination, the judge may exclude any testimony, including that which contradicts the testimony of the police involved.

¹¹ “O fardo da farda,” *Veja*, July 30, 1997. Translated from Portuguese.

¹² Human Rights Watch/Americas, 24.

¹³ Human Rights Watch/Americas, 21.

¹⁴ Beatriz Sinisgalli, “Police Violence in Brazil,” oral presentation, Columbia University School of International and Public Affairs, spring 1996.

¹⁵ Sinisgalli, oral presentation.

¹⁶ Human Rights Watch/Americas, 22.

Firearms Review

The firearms review system of the São Paulo Military Police illustrates how scrutiny can occasionally subvert problems instead of eliminating them. The system uses the ammunition storeroom to keep track of bullets fired. Officers and soldiers receive 17 bullets each month and must complete a report describing the situations in which they were used. According to researchers at the United Nations Institute for the Prevention of Crime and Treatment of Offenders (Instituto Latino-Americano das Nações Unidas para Prevenção do Crime e Tratamento do Delinqüente, ILANUD), nothing prevents the police from buying their own ammunition and using their own guns.

State/Governmental Control

Executive

National Ministerial Working Group. Public outrage surrounding the 1997 video scandals provoked the political will to do something about abusive and negligent police. The Justice Ministry formed a ministerial working group, chaired by José Gregori, the National Secretary for Human Rights, to review public safety problems nationwide and to devise a plan to fundamentally reform policing. The working group asked for suggestions from all sides, including human rights organizations, bar associations, the São Paulo Ombudsman for Police, and the police. The recommendations proposed by Gregori's group are sweeping: coordination of crime data between the Military and Civil Police, modernization of equipment, greater community participation in public safety, human rights training, disarmament of weapons not issued by the police, salary increases, civil court jurisdiction for crimes committed by police, establishment of ombudservices in every state, and creation of CONSEGs in every municipality. Together, these changes suggest "a new concept of public safety that should relate public safety, under no uncertainty, with the well-being of society in the defense of democratic rule of law."¹⁷

It is important to note, however, that the federal government has far less control over police than the state governments. Although there is apparent will to reform police at the federal level among the president, his Ministers, and some members of Congress, the record shows that their power to carry through reforms in this area is limited.¹⁸

State Politics. Each state governor is responsible for the state Military and Civil Police. Some governors exercise more control over the police than others. During the military dictatorship, police followed orders from the political leadership and, during the transition, were blamed (though not punished) for the abuse they inflicted. Today, senior

¹⁷ "Medidas Mínimas de Reforma da Segurança Pública," proposal issued by ministerial working group (unpublished), 1997, 1. Translated from Portuguese.

¹⁸ Telephone interview with Jim Cavallaro, director, Human Rights Watch/Americas Brazil office, February 1997.

officers say they are tired of doing the dirty work of politicians and that they are ready to be free of political influence.¹⁹ Jairo Fonseca, Director for Human Rights of the Brazilian Bar Association/São Paulo Section, says that this moment, when the police have “woken up,” is a critical opportunity for realizing change.²⁰

State Ombudsman (Ouvidor). On November 20, 1995, the office of the Ombudsman of Police for the State of São Paulo opened its doors with a mission to “put the police at the service of the public,”²¹ making it the first civilian review organization in all of Latin America. The post is currently filled by Benedito Domingos Mariano, a well-regarded human rights lawyer. His role is to receive complaints directly from the public against both Civil and Military Police, by phone, letter, or in person; investigate them; and refer them to the corregedor.

The office of the ombudsman is fully independent of the police, although the staff includes one advisor from the Civil Police and one from the Military Police. This arrangement, Benedito claims, gives the office credibility in the eyes of police. The ombudsman reports directly to the Secretary for Public Security of the State of São Paulo, to whom the head of the state Military and Civil Police also report. A staff of 15 receives and documents complaints and analyzes the resulting data.

In the first 18 months of operation, Benedito and his staff received 8,000 complaints and disposed of 4,500. Only 800 of the complaints related to abuse of authority, torture, or homicide, but they received the most prompt attention. At first, nearly all the complaints were about discourtesy; over time, people became more willing to report more serious violations.

Benedito takes partial credit for what appears to be a drastic reduction in homicides committed by police since his office opened. In 1992, police killed approximately 1,470 people; in 1996, the tally was 180. Although this number is still high relative to comparable cities in other countries, it is a sizeable drop. Not everyone thinks this is a good sign. Some sociologists suggest that the ombudsman’s presence has only led the police to stop reporting the deaths they cause or to cover them up more artfully.²²

Nevertheless, the ombudsman’s office is hailed as a success by other states and by the federal government. The state of Pará recently created an ombudsman’s office, and three other states are setting them up. The National Secretary for Human Rights’s working group has recommended that Congress require every state to establish an ombudsman office.

¹⁹ Human rights training session for senior officers of the São Paulo Military Police, Columbia University, June 18, 1997.

²⁰ Interview with Jairo Fonseca, chair, Human Rights Committee, Brazilian Bar Association, São Paulo Section, August 6, 1997.

²¹ Ouvidoria da Polícia do Estado de São Paulo, *Relatório Anual de Prestação de Contas 1996*, introduction.

²² Interview with research staff, United Nations Institute for Crime Prevention and Treatment of Offenders, August 7, 1997.

Legislative

Congress. The 1988 Constitution gives states authority over all public safety matters. In order to carry out the reforms proposed by the ministerial working group on public safety, Congress would have to pass a constitutional amendment giving more control over policing to the federal government. One is now pending. Jim Cavallaro, director of the Brazil office of Human Rights Watch/Americas finds that, historically, Congress has moved slowly on human rights and police reform bills. He notes that, if the president and his ministerial working group are truly committed to carrying out the reforms they propose, they will have to draw on a lot of political capital.²³ Despite Congress's traditional reticence, however, public outrage over the videotaped incidents of police brutality in the spring of 1997 prompted quick passage of a law criminalizing torture, which had been pending for years.

State Legislatures. Although policing is a state function, state legislatures play only a small role. It is mainly the governor and state Minister for Public Safety who oversee police. Moreover, the state legislatures are even less committed to reform than the national Congress. Police in Brazil are prohibited from forming unions, but the majority belong to "clubs," which are organized by rank. Although the clubs are only supposed to sponsor social events, they constitute a strong lobby in the state legislatures. Their influence has helped block police reform at the state level.²⁴

Judicial

Nearly all adjudication of criminal cases against police takes place in special military courts, but civilian prosecutors in each state can initiate their own investigations of police and indict them without having to wait for police to open an inquiry.²⁵ Some state prosecutors have been aggressive in taking on these cases. The prosecutor's offices in the states of Rio Grande do Norte and Belo Horizonte even have special units for prosecuting police. The majority of state prosecutors, however, do not get involved.

Brazilian law permits independent lawyers, appointed by the victim or victim's family, to assist military or civilian prosecutors. The assistants are usually provided by human rights organizations or human rights sections of the state bar associations. Their participation in the case is somewhat restricted, but they can prepare testimony and help the victims and family members navigate the process. Lawyers who act as assistant prosecutors say their extra attention to the case pressures prosecutors to be more vigilant.

²³ Cavallaro, telephone interview.

²⁴ Interview with Eloi Pieta, deputy, State Legislature of São Paulo, August 6, 1997.

²⁵ Human Rights Watch/Americas, 24-25.

Intimidation of victims and witnesses by police is a serious threat to the success of these prosecutions. A nongovernmental organization in Recife has designed a low-cost witness protection program that involves relocating the witness, sometimes to another state, either temporarily or permanently. The program is now being piloted in at least five other states, and the ministerial working group for public safety has considered mandating its replication in every state.

Social Control

Human Rights Organizations

Human rights organizations in Brazil are highly critical of police ineffectiveness and misconduct, and many are working directly with reform-minded police officials—particularly in São Paulo—to solve both problems.

The Center for the Study of Violence (Núcleo de Estudos da Violência) at the University of São Paulo Nucleo has assembled a database on violence. Staff obtained court proceedings for about 35 out of 70 high-profile crime cases and are analyzing the performance of police, prosecutors, and judges in each case. The Center has held a symposium with police on the importance of the police image in the media and its impact on public opinion. It is currently working with the University of Ottawa to create a forum where progressive young officers from Brazil can meet their counterparts from other countries. The Center also designed a course in “humanitarian rights” for the São Paulo officers academy; Center staff consider the term “human rights” too provocative.

In Rio de Janeiro, the Institute for Research on Religion (Instituto de Estudos da Religião, ISER) runs a project on civil rights and public safety and collaborates occasionally with local, state, and national government partners. In 1990, ISER and its sister organization, Viva Rio, designed and implemented a community policing project in the neighborhood of Copacabana. Spurred by a series of violent crimes in Rio in the early 1990s, Viva Rio mobilized a public campaign to demand better police protection. And in August 1996, ISER and the Getúlio Vargas Institute collaborated on a victimization survey.²⁶ More recently, ISER released a study which found that 10 percent of all homicides in Rio de Janeiro are caused by police.²⁷

Media

After the videotaped incidents of police brutality were aired on national television in 1997, there was speculation that video might be the perfect deterrent for police misconduct. But the reality is that people with cameras are not always on the scene when police abuse civilians.

²⁶ Human Rights Watch/Americas, 47.

²⁷ U.S. Department of State, *Brazil Country Report on Human Rights Practices for 1997*.

The Brazilian media continues to expose police brutality in other ways. In January 1996, São Paulo's largest newspaper, *Folha de São Paulo*, conducted a public opinion survey in which 88 percent of those polled in Rio de Janeiro and São Paulo believed police to be involved in organized crime; 76 percent believed police to be active in death squads; and 65 percent believed that police use torture to obtain confessions.²⁸

Potential for Reform

At the federal level, there is strong commitment to make Brazil's police forces more accountable and effective. Proposals are on the table for such changes as demilitarization of the Military Police, unification of the Civil and Military Police, creation of municipal police forces, new external oversight authority, and dozens of other ideas.

At the state level, however, much of that commitment seems to be nonexistent. Rio de Janeiro, for example, might be moving in the opposite direction. In November 1995, the state government introduced a decree providing that police involved in "exceptional acts of bravery" should be rewarded with a pay increase of 50 to 150 percent. Since then, Civil and Military Police commanders have decorated hundreds of officers for their bravery, commending each for the number of civilians killed in the line of duty.²⁹

José Gregori, chair of the ministerial working group on public safety, is hopeful that the federal government can overcome resistance from states like Rio: "What's different now is that there is a political will to change the situation, no matter who may be offended in the process."³⁰

²⁸ Human Rights Watch/Americas, 47.

²⁹ Amnesty International, "Brazil: The Candelária trial: a small wedge in the fortress of impunity," July 1996, 6.

³⁰ Michael Christie, "Brazil creates human rights body, new beatings shown," *Reuters North American Wire*, April 7, 1997.