

Police, politics and democracy in Brazil

Abstract

This essay has as subject the police, even in the plural, once there are different organizations that will fulfill the same role, generically defined as order maintenance. Especially because we get into the complex question of what it means to maintain order, since we are faced with great variations present, for example, in the debate on democracy and authoritarianism, and which are articulated to political traditions as well as to cultures and societies, and the complicated relations between the State, governments and different social classes. Due to the limitations of the text and its authors, we will approach the organization and dynamics of the Brazilian police, although, necessarily, we make references and comparisons with other police models.

Keywords: police, brazil urban violence, hipermilitarization, democracy, political traditions, cultures and society, public policies

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Introduction

This essay has as subject the police, even in the plural, once there are different organizations that will fulfill the same role, generically defined as order maintenance.¹ Otherwise if, on the one hand, we can consider the order maintenance as a common point and, starting from this element, speak of the similarity in the work of different nationalities' police; on the other hand, we cannot ignore also "that different national police present unique characteristics".¹ Especially because we get into the complex question of what it means to maintain order, since we are faced with great variations present, for example, in the debate on democracy and authoritarianism, and which are articulated to political traditions as well as to cultures and societies, and the complicated relations between the State, governments and different social classes. Due to the limitations of the text and its authors, we will approach the organization and dynamics of the Brazilian police, although, necessarily, we make references and comparisons with other police models.

This essay has as subject the police, even in the plural, once there are different organizations that will fulfill the same role, generically defined as order maintenance.² To do so, we will analyze both "police policy", as suggested by Reiner² and on the relations between "police and politics", as suggested by Huggins.³ Thus, we intend to discuss how police organizations behave as social and political actors that, like almost every professional category, do politics in the sense of defending, maintaining and expanding, let's say, their own corporate interests, but also, and at least in the Brazilian case, we believe that we can generalize to Latin America, and how they interfered and still interfere, even though less intensely, in the broader political process. It can be observed, for example, in its leading role during authoritarian and dictatorial processes, as well as, in this aspect, the military police, in the participation and/or the policy planning to the poor and segregated populations, which we understand as a process of exerts control on those public policies.⁴ A phenomenon that has been occurring in an increasingly extensive and intense way in the attempt to manage the territories of poverty.

In other words, when political interests related to the power dispute and to the maintenance of domination forms are articulated to the institutions that participate in the criminal justice system, which

¹This paper was translated by Thaís Soler.

are responsible for the control and repression of (and in) society, we are faced with a scenario in which the practice of democracy is always precarious and threatened to the detriment of the perpetuation of social structures marked by inequality. We will begin the article with a discussion about the problems related to the research about and in the police organizations in a more exact way, that is, the attempts to understand the dynamics and structure of those organizations, because we believe that the theoretical and methodological challenges presented reveal important aspects of these organizations.

We will point out how in the Brazilian case there was and still is an important effort to the police, but that they seem to have only partially overcome the problems that, in dialogue with Bayle,⁵ we will highlight. In chapter 2, even though we do not intend to have an exhaustive history of police and policing, we do not believe that deep analysis are possible without considering the historical development, its continuousness and ruptures, whose explanatory bias, as we have already announced, are the political processes, the democracy or the lack of it. The chapters 3 and 4 present how the police organizations acted and transformed during the last military dictatorship (1964–88) and how the model was continued during the period of democratization. Finally, in the essay's conclusion we will present elements to support the question: After the dictatorship of 64, despite having democratic gains, are we moving towards a hypertrophy of the militarization of public security? Since now, we can say that our answer to the question is affirmative. Throughout the essay another question, in fact a provocation, will arise, namely: will the problems regarding the organization of the police and the model of policing that can be seen as archaic or dysfunctional, and eventually we will speak of this, or when placed in perspectives with the political model and the Brazilian socio-structural inequality, would not put us before an institution that works in solidarity with the political and social reality?

The studies about police organizations and its challenges and problems

We consider it convenient to reflect on the research of police organizations, discussing some of the problems that seem to be recurrent to the researchers of these institutions, even because such reflection would allow us to begin to understand the police organizations from the theoretical and methodological challenges that are set to the researchers. That is, reflect about searching the police,

seems to us a useful way, to the understanding of this organization. In a book from 1985, Bayle⁵ points out that for the American reality “neither historians nor social scientists had recognized the existence of the police, even more, the important role it plays in social life”.⁵ The concern about the subject dates back to the 1950s and 1960s², and the development of research on the subject only started at the end of the 1970s. We can generalize this confirmation to other cases, such as the European Monet,⁶ Latin–American Huggins³ and Sain⁸ and, of course, Brazilian. It is also worth highlighting that to compare police the difficulty does not diminish because of the lack of “comparative international studies”.⁵

Bayle⁵ suggests four hypotheses to explain the picture described above, namely, “the police rarely plays an important historical role in major events”. The fact that “policing is not a glamorous activity, of high prestige”. It may also “have been neglected because it is morally³ repugnant”, explaining that “coercion, control, and oppression are undoubtedly necessary for society, but they are not pleasant”; and 4. “the police face huge practical problems”.⁵ By problematizing Bayle’s propositions, we emphasize that we only partially agree with them and explain why. In Brazil, the police have always had a prominent role in numerous historical moments, especially during dictatorial periods. It is impossible to think of the installation and permanence of military dictatorships⁴ without an intense and active leading role of the police organizations articulated or submitted to the armed forces, a confirmation that applies to all the so-called Southern Cone⁵. As for the third hypothesis, we again agree in part with it, since coercion and [social] control are constitutive elements of any society and are dispersed by the set of institutions and the social body⁶. The same would not apply to the notion of oppression, which even if not defined by the author, we can take it as the idea of the expression of power and use of violence and illegitimate physical force⁷. This last issue has fundamental importance for the Brazilian case, as well as for other realities that have gone through dictatorships since they were a structuring element of the Brazilian police forces. Who, in turn, always had a role in an order established by privileges and brutal social inequality.⁸

It is clear that police violence is not a privilege of the Brazilian police or others in a similar reality. Much of the literature on this subject, which we will present throughout the text, demonstrates how much energy has been used and still is done to control corruption and, more intensely, police violence.⁹ The treatment given by the American police to afro–descendent population Wacquant,¹³ is an example of what we are talking about. However, the data that involve Brazilian violence are, in almost all superlative aspects, the rate of homicides and deaths in traffic,¹⁰ for example, they are among the biggest in the world. The indicators of police violence are no different, the daily institutional violence that we could shape as the abuse of authority is difficult to measure. In fact, the data of greater scope and already consolidated are non-existent. Before we go on discussing the subject of criminal statistics, which justify a separate chapter, let us note that as Bayle⁵ points out, “The continued use of statistics on reported crimes and crime settlement rates as indicators of police utility constitute a blow to public ingenuity. Such statistics are the rotten grapes of the police.”

But the issue is not new, Shuterland (2015 [1940]) in 1940 had already warned of the fragility of criminal statistics, how it exposed poor and Africans–Americans and made white–collar crimes invisible (Shuterland, 1940 [2015]). Coelho²⁷ in a seminal text of the 1980s, when analyzing the criminalization of marginality, also emphasized that these statistics reflect much more the vulnerability and visibility of alleged crimes, some of them “moral crusades” committed by the poor and institutional immunities that protect middle and upper–class people”.²⁷ If using criminal statistics in different national realities is complicated, what about the statistics used in Brazil: without any tradition in the production of these data, with absolutely questionable sources and great political manipulation.

But even with precarious data, let us briefly reflect on the abuse of authority and the other side of the coin, contempt of authority. The first was regulated by Law 4,898/65, that is, legislation elaborated during the military dictatorship and according to the Representative Father Ton (PT/TO) responsible for its modification, it would be a “legal fiction that does not embarrass too much the authorities, which was typical of a time when civil liberties were suppressed.”¹¹ The fact is that Bill 1585/11, which proposes a revision of the previous law, as well as two previous projects, namely bills 6418/09 and 3886/08, which granted an increase in sentence for crimes of abuse of authority, did not go ahead, among other things, by strong resistance from police associations and syndicates. Another interesting indicator of institutional violence, which in some ways is the other face of the crime of abuse of authority, is contempt of authority,¹² widely used by public agents and police officers. According to data survey,¹³ from the Secretariat of Public Security of Paraná, that we have, the crime

²Bayle points out that until the mid-1960s only six articles had been published, six articles that were, however, “very little analytical”.⁵

³The author’s observation deserves to be highlighted on the difficulty to research activities or groups that develop or are part of activities, socially viewed as “morally repugnant”, and we believe it is enriching to take the suggestion of Douglas,⁹ which expresses the hypothesis that this would occur because its members place themselves in frontier spaces of social order, which oppose order/purity to pollution at risk and danger. Moraes¹⁰ can observe how the processes of moral contagion had an intense effect, with negative psychological effects, the penitentiary agents. Pescarolo,¹¹ in turn, in his research on necropsy agents observed the same elements. It seems that we have here a rich but difficult theme and object of research.

⁴There is an important debate about the civil presence in military dictatorship and, therefore, about the civil-military character in authoritarian regimes. A debate that, in fact, goes back to Dreifuss¹² research in the 1980s.¹² A historiographical balance of this thesis, which we believe to be correct, can be found in.¹⁴ On the participation of the police, for example.^{15,16}

⁵Grosso modo, this is called the region that includes Argentina, Chile, Uruguay and Paraguay. These countries and Brazil came to act together since the processes of establishing military dictatorships within their limits were contemporaneous. The most exemplary case was known as Operation Condor.^{17,18,19}

⁶About the subject of social control Acc.^{20,21,2}

⁷About the subject of social control Acc.^{20,21,2}

⁸Using as reference the Human Development Index, Brazil, in 2014, with an HDI 0,542, would take the 95th positioning global ranking which includes 187 countries. Acc. <http://agenciabrasil.ebc.com.br/geral/noticia/2014-07/idh-do-brasil-cairia-16-posicoes-com-calculo-de-desigualdade>. In: November, 09, 2015.

⁹Acc. for example.^{6,24,25}

¹⁰The best and most complete set of data constituting a significant historical series has been carried out by Julio Jacob Waiselfisz,²⁶ which are now available and grouped. In it, we also find data on violence against women, against young people and the Afro-descendant population.

¹¹Acc. <http://www2.camara.leg.br/camara/noticias/noticias/DIREITO-E-JUSTICA/204924-PROPOSTA-AMPLIA-CONCEITO-DE-ABUSO-DE-AUTORIDADE.html>. In: November, 11, 2015.

¹²Regulated by Article 331 of the Criminal Code that punishes those who “Disrespect a civil servant in the exercise of the function or because of it” with penalty of “detention, from 6 (six) months to 2 (two) years, or assessment”.

¹³Acc. Gazeta do Povo, Crescem os casos de desacato e desobediência, available in: <http://www.gazetadopovo.com.br/vida-e-cidadania/crescem-os-casos-de-desacato-e-desobediencia-9h0vbf6eyz02obm9cblgxxjri>. One observation, the data taken from the mainstream media should always be considered carefully, in this case we find that the journalists used the official data available, it is not a poll or similar.

of contempt that is already very high, grows each year as evidenced in the (Figure 1) below.



Figure 1 Secretariat of Public Security of Paraná.

A second survey, updating the data of 2013, reveals that in the first three months of 2015 were registered 394 occurrences in the capital, while throughout the year of 2014 there were 1,642 cases.¹⁴ But the most important fact is related to lethal violence committed by the security forces, which according to the own police data, an excessive violence of police action was revealed, which ends up being greater in the military police that is responsible for ostensive preventive and repressive policing. That is, its members are always in greater contact with the population, and its police are more subject to extreme situations, which result in the use of excessive force that will result in violence, largely unnecessary. The numbers of civilians killed by the police in Brazil are very high. When comparing cases, in 1992 the Military Police of São Paulo killed 1,470 people, against 24 killed by the New York City police.¹⁵ In spite of a small decrease in the last decade, in 2002 the Military Police of São Paulo was responsible for 749 cases of homicides and in 298 cases, it left wounded people against 297 civilians killed by all the police departments of the United States of America,¹⁶ reaching more than thirteen thousand dead in Brazil,¹⁷ a number that may be under-reported, especially since most of the Brazilian police institutions do not have a tradition in the control and disclosure of numbers, generating a certain distrust in relation to this total,¹⁸ this when the manipulation of numbers simply occurs.

¹⁴Acc. Gazeta do Povo, Casos de desacato crescem 31, 7% no Paraná. Available in: <http://www.gazetadopovo.com.br/vida-e-cidadania/casos-de-desacato-crescem-317-no-parana-7q7hf7ugkwqam58onip929e3g>. In: November, 11, 2015.

¹⁵Wacquant Loïc.¹³

¹⁶Oliveira Júnior.²⁸

¹⁷Kalili Sérgio.²⁹

¹⁸Regarding cases of underreporting concerning cases of lethal police violence, an analysis in the Brazilian Yearbook of Public Security, it is possible to verify that several states of the federation do not inform this type of data. Some states simply do not send this information, leaving a huge gap in such information. The Yearbook ends up dividing the states into three groups in terms of information quality: groups with good quality, medium quality and low quality in the transfer of information.

[Http://www.forumseguranca.org.br/storage/download/anuario_2014_20150309.pdf](http://www.forumseguranca.org.br/storage/download/anuario_2014_20150309.pdf). Accessed on: November 16, 2015.

The data updates show that the deaths caused by the police increased, the civil and military police killed in 2014, 3022 people in supposed confrontations, known as autos of resistance, which is the name that the military police use to make legal actions involving the death of civilians in a supposed confrontation with the agents of the state. If it was used lawfully and without the purpose of hiding illegal executions, it could be an acceptable nomenclature and its data taken seriously, however, the term became a kind of license to kill, to Brazilian police with the Judiciary support and also from sectors of society. Depending on the state, the term may be another, but the action and its effect remain. One state or another maintains only administrative documents that, produced after the fact, will create a military police investigation, as in the case of the Military Police of the state of Paraná. Currently, the federal government has proposed a change in the name of a vehicle for resistance to death or homicide as a result of police intervention, according to a resolution of the Council for the Defense of Human Rights.¹⁹

But the deaths committed by the public agents also adds up to most of the extrajudicial or arbitrary executions,²⁰ most of which are committed again by the Military Police, and the deaths caused by federal police, federal highway police, and municipal guards are not counted, which we believe are in much smaller numbers, because, as we have explained, it is the Military Police that owns the largest contingent and is focused on ostensive policing. That is, it has the highest level of interaction with the population. These data also reveal that attempts to control police activity, whether through ombudsmen and Comptroller's office or through the Public Prosecutor's Office have proved ineffective.

It is a violence that does not have the slightest problem in exposing itself in websites, blogs or in the various social networks. A quick search in the world of virtual networks, we find everything, from websites that intend to make an internal reflection, that is, in and within the police organizations and that critically, problematizes the police violence and other important issues to those organizations and they do it consistently and democratically²¹. Many others, perhaps, for the most part, are virtual spaces that, in the limit, advocate crime in the way they defend violence and attack the principles of the Democratic State of Law.²² Observing the connections that these websites have, we can elaborate a map of which it is clear their political connections with the conservative agenda, right, and extreme right, existing in the National Congress²³ but also distributed in other organizations and social movements that share the same ideology and political project.²⁴

In another space in the virtual world, now expanding fast using an instrument known as WhatsApp®, groups of police follow the same discourse. We recently received one of these messages that became viral, with an execution shown live.²⁵ Both in the case of corruption

¹⁹Acc. Resolution No. 08 of December 21, 2012. Available in: <http://www.sdh.gov.br/sobre/participacao-social/cndh/resolucoes/2012/resolucao-08-auto-de-resistencia/view> Accessed on: November, 18, 2015.

²⁰An excellent and current report on the case of Rio de Janeiro.³⁰

²¹Acc., one of the best among them, namely, O policial pensador <http://www.policialpensador.com/>. In: November, 19, 2015.

²²Acc., for example, the websites Faca na caveira (<http://www.facanacaveira.net/>). Accessed on: November, 19, 2015.

²³Berlato et al.³¹

²⁴MBL, Vem pra rua, etc.

²⁵Acc. <http://noticias.r7.com/cidades/video-mostra-homem-implorando-pela-vida-antes-de-ser-executado-a-tiros-06112015>. Accessed on: November, 21, 2015.

and violence²⁶ we are not referring to isolated cases that could be considered as deviations from the conduct of some individuals within corporations, but rather of practices historically consolidated and therefore structured within those organizations with ramifications in various criminal activities that articulate violence and corruption among Which, perhaps the most pernicious are the extermination groups and the militias, the latter very strong, especially in Rio de Janeiro.²⁷ We understand that it is mainly for the reasons listed above that great obstacles are created for the researcher, because “like other bureaucracies, the police forces are suspicious; they have their own interests to protect” Bayle,⁵ those “practical problems” cited by Bayle reinforcing the difficulties in other realities in such a way that those who are willing to study the police organizations must wait for “environments full of distrust, to double bureaucratic intransigence, become politically suspicious and socially mistreated”.⁵ Besides, in the case of the police, in the limit, the researcher may know or even observe attitudes and activities that would be illegal or criminal, with a frequency supposedly greater by the organizations’ configurations and typical end activity. It is well known that any institution or organization has many difficulties in incorporating changes, some more, some less, but all at some level resist changes.³² Those based on traditions, often invented, but none the less real to their members, seem to resist even more the processes of change. The police are no different, but certainly, at least, Brazil is among the organizations most resistant to modernization in the process of democratization in Brazil.

It is also true that in the post-dictatorship period, and especially in the last 10 years, there was a great government investment aimed at modernizing the police, and that they were basically centered on training and financial incentives for the police to join projects that the government, through of the National Secretary of Public Security, understood as possible to modernize by the managers of the area.²⁸ The projects and plans were articulated by Senasp, Public and Private Universities and NGOs, among which stands out the Brazilian Public Security Forum,²⁹ which seems to be the main interlocutor of the federal government in data production, policy making and evaluation of the same. Two important moments in this policy can be observed both in the construction of the National Conference on Public Security³⁰ And in the application of the National Program of Public Security with Citizenship.³¹ It is not our aim to analyze these two moments, but to use them as an example of state investment and the great participation of social scientists, in a certain manner, actors relatively new in this field, in two projects elaborated in the interior of the state with the help of a great number of agents and experts, who sought to reform public security.

However, if investments and attempts of change are undeniable, the fact is that considering what we have said so far and will continue to

²⁶Whenever we use the term violence, it is understood that we are dealing with the non-legitimate use of force and even lethal force. Such prominence is important since in the police activity the use of physical force at different levels is characteristic of the activity.

²⁷About the militias in Rio de Janeiro Acc. http://www.nepp-dh.uff.br/relatorio_milicia.pdf. In: November, 22, 2015 b.

²⁸Acc. Vasconcelos.³⁴

²⁹Acc. idem.

³⁰Acc. Finalreportinginhttp://www.ipea.gov.br/participacao/images/pdfs/conferencias/SegurancaPublica/relatorio_final_1_conferencia_seguranca_publica.pdf. Accessed on: November, 27, 2015.

³¹About resources earmarked Pronasci Acc. Inesc, s / d. On the attempt to modernize and increase public participation in debates on public security, including.^{33,35}

present, effects and results were at least much lower than expected, not to say that there were no effective structural changes. The implications and consequences of direct or indirect government investment through mainly public sector NGOs are still to be studied. No less important than investigating the contribution that universities, research centers, and research institutes have made, will be to understand what changes the interaction and stimulation with the great contribution of resources produced in the academy. One of them was along with the creation of a research center, the emergence of an undergraduate degree and graduate studies that appear to have constituted the field of public safety, with the emergence of experts and public safety experts.³²

A brief history of the police in Brazil: continuities and ruptures

The police in the colony and the empire

In order to better understand the police institutions in Brazil contemporary, is necessary to make a historical approach, even brief one, considering the continuity and rupture process. Everything indicates that the time when the police agencies acquired the contours of control of the so-called dangerous populations comes at least from the Imperial period, not undergoing major modifications in their hierarchical structures and ideology – holding the essence present since its creation. It seems that there are no major differences from other police in the world, but we can't forget that the first major improvement in the British police attempted to reduce police violence and crime since the two occurred together, and it dates from 1829. This meant, among other things, disarming the police and giving a non-military look to the uniform that was used to identify the police officers.³³ But it is also true that in the same period, in Ireland the “local police forces [where] totally to Anglo-protestant domination. It looks more like an occupation army”.⁶ It is the same with the North American case, where after the army pacified the reaction of native people to the colonial occupation, it established a police with civil or near military character that to this day is accused of being violent and infringing the rights of the afro-descendants populations. This is an important issue, because to the Brazilian case the police act until today in some contexts, such as the favelas of Rio de Janeiro and other areas of poverty, as an occupation force. While at the same time, in middle-class neighborhoods it behaves in a way much less threatening.

The Brazilian police agencies, in their origin, served the interests of the metropolis and the owners of slaves. According to Holloway,²² “in colonial Brazil, there was no uniform and professional police structure, separate from the judicial system and military units”, the improvisation was constant, the army units should support in cases of disturbance of the order and capture of fugitive criminals and slaves. Bretas¹ points out that “policing colonies presented very specific problems for colonizers. In most situations, it was almost impossible to agree on the control and role of the police capable of satisfying both local and metropolitan elites, not to mention the lower classes.” Still mentioning the colonial period, Holloway²² notes that policing was carried out by “unarmed civil guards hired by the City Council to make rounds”, and was restricted to surveillance services only. But as Brazil was still only a colony of exploitation and in principle Portugal did not pay much attention to the new territory, there were

³²In this sense, it is already a reference to the debate of the work of.³⁴

³³Bayle⁵ explains that this was due to the fact that “many English citizens remembered and still feared the terrible massacre of Peterloo, when the army and cavalry attacked with rifles and bayonets a peaceful demonstration”.

no special concerns in creating an efficient defense system, much less a permanent police force, for the maintenance of order and public tranquility, understanding these terms as keeping the “dangerous” populations away from the elites of the time and for that the military was enough, so the first military corps were created only in 1549, with soldiers coming from Portugal.³⁶

This beginning, which set the appearance of police organizations, based on military institutions, marked in the Brazilian case, in an indelible way, the later forms of police organizations, the model and the pattern of policing. In our reality, the constitution of the police was impacted by the arrival of the Portuguese Royal Family, who fled from the invasion of Portugal by the troops of Napoleon Bonaparte, creating two, we can say, types of police, the first Police of the Court and the State of Brazil Intendance (1808), which was a copy of the existing model in Lisbon, inspired by the French model.^{1,22} This Intendance was: responsible for public works and for ensuring the supply of the city, as well the personal and general security, which included public order, population surveillance, investigation of crimes and the capture of criminals. [The Intendant] represented, therefore, the authority of the absolute monarch and, consistent with colonial administrative practice, his role included legislative, executive (police) and judicial powers.^{34,22}

It was the Intendant Paulo Fernandes³⁷ who, according to Bretas,¹ created, to support him in his functions, the Division of the Royal Guard of Police, “where the military police was created”, while the date of creation of the Intendant General of Police is now considered by the civil police the date of its birth. The Royal Guard of Police “although in charge of the patrolling of the streets, especially at night, had as the main task to keep a troop stationed to be used when it was necessary to guarantee the public order”.¹ In order to command the Royal Guard, who had “served in the Portuguese congenerous and had come to Brazil with the royal family”, was indicated.^{38,22} Despite a small, numerically³⁵ speaking force, this troop that had supervised his actions the second in command Major Miguel Nunes Vidigal, became famous for the truculence with which he dealt with what he considered a mess or loitering among which he included The drumbeats that repeated frequently on the outskirts of the cities [Frequented by] ordinary people, mostly slaves, who fraternized, drank cachaça and danced to the sound of Afro-Brazilian music until late at night. Without paying any attention to legal procedures, or even pro forma, Vidigal and his soldiers, hand-picked in terms of size and truculence, beat any participant, bum or traitor they could capture. These brutal attacks became known in the folklore of the city as “shrimp suppers”, an allusion to the need to peel the crustacean to reach its pink flesh”.²²

As we can see, it is inevitable not to associate the violence with which cops deal with the ways of entertainment and artistic manifestations of young afro-descendants, notably Brazilian funk, wherever they occur. Note that this is not, as part of the discussion about the police organizations suggests, a lack of professionalism or amateurism, quite the contrary, we are talking about organizations that have emerged and structured themselves to control, repress and

³⁴Holloway²² further informs that the intendant “As well as the judges of the superior court of appeal of Rio, held the position of judge, being also considered minister of State. He had the power to decide on the behaviors to be considered criminals, to establish punishment that he deems appropriate and then to arrest, to prosecute, condemn and supervise the sentence of the offenders.”

³⁵Holloway²² explains that “Originally authorized to maintain a force of 218 men, between officers and soldiers, the Royal Guard never reached even half of this total.”

terrorizing the poor and especially African populations and their descendants, at that time reduced to the condition of slaves. In fact, the practices and forms of action of the police, especially the Royal Guard “reflected the violence and brutality of life on the streets and of the slave society in general.” For that, the Police settle since the beginning as a military institution, so that its coercive force could be controlled by discipline, channeled through the hierarchy and directed to specific targets. The fundamental justification of military organizations is to concentrate, regulate and direct forces against the enemy. The enemy of the Rio de Janeiro police was society itself – not society as a whole, but what violated the rules of behavior established by the political elite that created the police and directed its action.^{36,22}

If, as Holloway²² mentions, we consider that militarization was necessary for the maintenance of the discipline we must question its effectiveness or consider what the police actually work for since that is not the case with the military police. We will explain. If the military chain of command serves to control the troop, either because its members come from the same classes to be controlled, or because it is the ideal way to perform the military functions, the fact is that, at least in our case such form of organization has proved to be ineffective, since violence and corruption are frequent elements, in the end, the question we can ask is: is this what it commands? If not, the militarized chain of command does not work. There is no doubt that inside the police there are members both between recruits and between officials who would like and effectively commit efforts to prevent violence and corruption, but it seems that they end up being inherited by the institution and their capacity for actions are swallowed by authoritarianism and corporatism that historically constitute and vertebrate those institutions.

The finding of Foucault³⁹ on the role of the police seems to be enlightening. The French researcher affirms that from the XVII century, in Europe, the term police undergo a profound modification³⁷ and the police take over all the means by which it is possible to make the forces of the State grow, maintaining meanwhile the good order of this State. In other words, the police will be the calculation and the technique that will make it possible to establish a mobile but nevertheless stable and controllable relationship between the internal order of the state and the growth of its forces (2008:421). Such a formulation, again, places us before the question of order and what governments and states understand as such, which in turn leads us to debate about the type of democracy that existed in Europe, the United States or Brazil had very different outlines that, at least in terms of what should be believed today that it should be a democracy.

The police in the republican time

That conflict clearly demonstrates the function of the police forces in the beginning of the Republic, which was to defend the state and maintain the elites in power, and the police forces were maintained as state armies ready to intervene against those who fought against the new regime of government. Some states even maintained artillery units and a number of airplanes when they began to be used as a weapon. Since the establishment of the first institution responsible for maintaining

³⁶It is important to observe that police contingents were enlisted from the same population they would suppress, as Holloway²² explains. “The recruits came from lower free classes, which were important targets of police repression.” In this respect, little difference existed today; this element seems to us to be an interesting research topic.

³⁷Foucault³⁹ elucidates that in the 15th and 16th centuries it is called “police” the set of acts that will govern these communities under public authority.

order and public tranquility, police practices were dictated by people who had military functions or believed that the police function could only be performed by units with a strong hierarchy and military discipline. Because of the type of social division between officers and soldiers, which reflected the class division in Brazilian society, the former were from the privileged strata of Brazilian society, and the soldiers were men of the lower strata and glimpsed in the military police a job, or they were compulsorily enlisted often away from the private, forsaken family of parents, children, and siblings, creating conditions for the recruits during their shift and in contact with the offenders to solicit bribes, often generated by “poverty despair of the social strata from which these men came”.²²

With the arrival of the 20th century, the military police force tried to adapt to the new European models, especially France, and the São Paulo police (called at the time Public Force) received a mission from the French army, so that the state of São Paulo could “resist the interference of the Federal Government in state power”.³ This military training, the purchase of equipment, arms, and ammunition from France further contributed to maintaining the status quo of state armies, and could at any time be used against those who threatened the governor’s power. With the end of World War II, the United States began to have bigger influence in Latin America in all aspects, including assisting police institutions, through courses given by the FBI (Federal Police of the United States) so that the police agencies could fight communists and create a chain of information provision to the United States, which through its intelligence agencies, used this information in the most appropriate way to maintain the American standard of living.³

The repression after the military coup of 1964

In Brazil, police forces were in the same shape at the beginning of the 20th century, undergoing major transformations after the 1964 military coup. Until that time, the Civil Police was responsible for ostensive policing in many cities, especially in the cities of Rio de Janeiro and São Paulo, including perpetuating ostensive policing practices that are used to date, including the famous “rounds”, an ostensive police practice that uses large four-door vehicles and ample weaponry, where the policeman uses only his “experience” watches and attempts to locate elements “dangerous” to society, through its characteristics such as skin color, clothing or vehicles. According to Huggins:³ According to Law 317, the Secretary of Public Security of each state should clarify and restrict the jurisdictions of the two major state police forces. The Military Police would be responsible for all the street policing, ostensive and officers in uniforms, which constituted its traditional role. The control of the non-standardized Civil Police was reduced on certain aspects of street policing, particularly its patrol radio operation. However, it held sole responsibility for post facto criminal investigations, one of its traditional duties, although sometimes also carried out by the State Military Police. As already mentioned, the police forces did have major transformations, only the structure of policing changed, leaving the Civil Police to make ostensive policing and the Military Police withdrawing from the headquarters and being responsible for this function, being the last responsibility of the Army through the General Inspections of the Military Police (IGPM) that would supervise these institutions so that they would not return to support governors who were disgruntled with the central government. This binding of the military police and the fight against communism would make ostensibly policing in Brazil a

real war against the disadvantaged layers of the population, including the emergence of death squads formed by police officers, a practice that begun in the city of Rio de Janeiro, created by General Amaury Krueel.^{3,16}

This group was initially called Motorized Squad, which later they used their initials to call themselves “E. M.” (in Portuguese) or death squad, on the posters found on corpses of possible criminals, with the policemen being hand-picked by Krueel himself and later by Milton Le Cocq, a famous police officer from Rio de Janeiro who, after being assassinated, would later become the name of a Squad (Scuderie Le Cocq) with the aim of avenging possible police officers death in service and control of criminal activities, with branches all over the country.³ The methods of ostensive policing created by the Rio de Janeiro Civil Police were copied in São Paulo, both in the Civil and in Military Police, with the most famous and currently extinct examples: the Special Night Rounds (RONE) and the Unified Rounds of Investigations Department (RUDI), Rounds of the Robbery Sector (ROSA) and the Military Police of São Paulo, the famous and not less dangerous Tobias de Aguiar Ostensible Rounds (ROTA), which continue to act in the same way as in the early 1960s, and with the re-democratization of the country, continued its “fight” against the most disadvantaged layers of the population of the state of São Paulo.

According to Fernandes,³⁷ the “new process of displacement that at the same time silences the organization of the police apparatus by the ideology of national security that is centered on the thesis of the “internal enemy”, allows the discourse of suspicion”, justifies until today the violent forms of verifying people and vehicles based only on attitudes and personal characteristics. In Paraná, where we developed our empirical research, the police maintained the national standard, and only had significant changes in the period post-64, with the dissolution of the Civil Guards. At the request of state Military Police officers, their officials were absorbed by the state Civil Police and that create a certain conflict with the Civil Police when a role of liaison officer was solicited.³ This confrontational situation continues to the present day, in the same way that the old practices of social control through the police forces remain, maintaining the same archaic format of the police institutions, even surviving a constitution of democratic character.

The post-dictatorial period and the constituent assembly of 1988

The democratic transition after 1984 and the promulgation of the Federal Constitution in 1988, did not alter the police institutions, in contrast, it regulated them through Art. 144 of the Federal Constitution, which interpretation seems to make it clear that the police function is the defense of the State and not of the society.³⁸ The criminal justice model and, consequently, the police model, did not experience necessary changes during the constituent works, culminating with the Federal Constitution of 1988, maintaining the previous model,³⁹ keeping the same problems, as abuse of authority and unnecessary lethal violence, among others, despite the formal planning and the implement in the formal plan of a series of national laws and international treaties on human rights and police control.

³⁸Acc. Moraes.⁴¹

³⁹The criminal justice model and the police model were built throughout the various periods of our history, creating a model that has always worked in defense of private interests, the State and some economically and socially privileged layers of Brazilian society. A series of researches describes this historical process, among which we can mention.^{1,22}

In Brazil, much was expected of the 1988 National Constituent Assembly, which became known as the so-called Citizen Constituent. After all, it was the first proposal to reform the Constitution after the last dictatorial period (1964–84). No doubt there were several important changes, but the long-awaited police reform did not occur. The reformers created or invested in at least two elements, the demilitarization and the unification of the police. The first point, which we will continue to discuss throughout this article, was due to and due to the fact that in the militarized organization there seemed to be one of the elements that favored violence against the population. If in the American and European case militarization meant to control the troops, in the Brazilian case if militarization controlled the troops, it did not solve the problems of violence and corruption. The second item is another significant problem, since military police and civil police operate on the same territorial basis and participate in an incomplete cycle, with one being ostensive policing (PM) and the other (PC) the role of judicial police, responsible for the police investigation and subsequent judicial process, to the detriment of the so-called complete cycle, namely, the performance of a police institution in all phases of police work: patrolling to prevent, intervention in ongoing cases and investigation after the occurred.

The problem increases in the same measure that the public inquiry initiated within this incomplete cycle also has problems that make it authoritarian, archaic and inefficient. Kant de Lima⁴⁰ in his pioneering study of the criminal justice system and police practices, who took the Rio police as a field of investigation, observed that in practice “the police ‘contaminate’ their functions and investigate the surveillance ones. Instead of ascertaining the facts, the police watch over the population, in a preliminary selection process for unequal application of the law”, which is all the more complicated and arbitrary since in Brazil, even if one speaks of legal guarantees.⁴⁰ “Is the defendant who has to prove, in practice, his innocence. Justice admits a priori that the defendant is guilty”.⁴⁰ The public inquiry, an administrative part, is completely inquisitorial because the defense does not participate in it and, therefore, should not have judicial value; it ends up sometimes informing the judicial inquiry and distorting from this moment all due legal process.

Still on the public inquiry, Misse⁴² points out that in the “preliminary or preparatory phase, designed to determine if there was a crime and to identify its perpetrator” we have a hybrid model between Common Law, in which police investigate and tradition of Civil Law, in which the Public Prosecutor investigates, using the services of a judicial police, which can also be carried out by an Investigating Court that also has a police force to carry out the investigations. Misse⁴² further explains that In Brazil, and only in Brazil, we find a solution that is not only mixed but ambivalent in the criminal prosecution: it is up to the Police to conduct preliminary investigations as well as to intensify the investigations and a legally oriented report of the results of these investigations. It is as if, to the Brazilian chief officer, the attributions of the police in the English system were, at the same time, operating autonomously and subordinately to the duties of the investigating judge of the continental system. I said ‘It is as if’, and not ‘that is’ – because the chief officer also does not have the power to decide for the complaint, attribution of the Federal Prosecution Service”.⁴² And Misse⁴² goes on, Ambivalence gains its most evident expression here. It is the so-called ping-pong, the back and forth of the police inquiry between the police station and the Prosecution Service a way

⁴⁰Guarantees, such as those that ensure that no one is guilty before the contrary is proved, which is why there should be ample right of defense and, in legal language, of the contradictory. And with an additional point: it is the accuser who has the onus of proof.

of inquiry to stay nowhere until – in months and, not in a few cases, years – it comes to be archived.⁴²

The author, in the passage above, indicates what may be the most perverse effect of such a process, which, of course, affects mainly those who do not have access to justice, that is, to pay a lawyer, considering that Public Defender Offices are relatively recent, if compared to the Federal Prosecution Service are poor cousins with a much lower resource contribution. With powerful lobbying still active during the National Constituent Assembly, the military police, supported by the armed forces, managed to maintain the current model of their institution, that is, a military organization in the state Pinheiro⁴³ and consequently maintain the model of two Police of the state, creating a situation that was opposed to the regime that was being implemented and was intended to be democratic. This change also did not occur due to the need of the political elites to keep the police forces under their control, this was what the federal legislator Ricardo Fiúza,⁴¹ rapporteur of the Subcommittee on State Defense, Society and Security, the current model of submission of military police to the Brazilian army.⁴² According to Brigagão:⁴⁴ The police functions underwent a deep militarization: The Civil Guard has been extinguished since 1969, and with this the Military Police started to have a monopoly of urban violence, with the view that the issue of public security concerns only crime, But not to social and political values and norms. The PMs began to take on extrapolation activities, without restraining violence. And with the impunity enjoyed by military power, it reached the limits of absurd. The militarism aggravated the situation of this impunity.⁴³

This situation demonstrates that, despite the historical maintenance of military institutions providing the policing, the military police after 1964 assumed a new role that placed it directly in the repression of the population, maintaining the conditions for police violence to continue directed against the same populations that historically have always suffered from state violence. According to Soares:⁴⁵ Here is a relevant point: the dictatorship did not invent torture and extrajudicial executions or the idea that we are fighting a war against internal enemies. Such perverse practices and corresponding conceptions, racist, and authoritarian, have the age of police institutions in Brazil and, even before its creation, were already in progress. The military and the civilian dictatorship of 1964 simply reorganized the police apparatus, intensified its traditional violence, authorized and trained it, and expanded the spectrum of its scope, which included middle-class militants.⁴⁴

One element to be highlighted is the existence of extreme inequality amidst the basic categories⁴⁵ and officials and chief officers with varying levels of institutional privilege, salaries with huge differences

⁴¹The lawyer born in Fortaleza (CE) was a conservative politician with passage through several parties of the governing and right field, namely Arena, PDS, PFL, PPB, and PP. He was the leader of the Liberal Front Party, now the Democrats. He was involved in allegations of corruption and the charge of the annulment of his mandate did not prosper. He died in December 2005. Check <http://www1.folha.uol.com.br/folha/brasil/ult96u74556.shtml>, Accessed on: November, 10, 2015.

⁴²Zaverucha Jorge.⁴⁶

⁴³Brigagão Clóvis.⁴⁴

⁴⁴Soares.⁴⁵

⁴⁵We consider the base categories of police the investigators and civil police Scriveners, and the men of the military police (soldiers, cables, sergeants and subtenants). Professional categories that will almost never reach state police command posts unless, in the case of Civil Police, they take a Law Degree and take a service examination to chief officer, and in the case of Military Police, the soldiers take a service examination for official training courses, with a limited number of vacancies.

between the base and the summit, lack respect for the elementary rights of their employees, abuse of authority inside and outside the police units. The structure of these police organizations keeps its members segregated internally, that is, by the military police the soldiers do not have the same prerogatives, rights, and benefits that the officers, and in the civil police the chief officer live in a world away from scribes and investigators, causing a distance of the actual work of a police in a regime that is intended to be democratic.⁴⁶ Still analyzing the tools that help maintain this institutionalized violence, especially in the military police, which is the military police inquiry (IPM) and military justice. These two processes contribute dialectically to the commission of new abuses against the civilian population since corporatism is still heavily ingrained, creating distortions in judicial decisions.

The military inquiry is the tool that the institution uses to investigate crimes and contraventions of its members and is conducted by its own members, as a rule without external control, occurring only in cases of media repercussions, usually in the same unit as the police officer who has been involved in some type of problem which has caused some inclination in the course of the investigations and in most cases the procedures are closed after appreciation of the military justice, demonstrating that corporatism is still the central element in Brazilian democracy.⁴⁷ The military justice is the competent instance to judge the crimes of state military officers (until 1996, the military courts also judged crimes against life, practiced by military police officers, and after the Law 9.299/96, the jurisdiction for the trials of this type of crime passed to the common justice).

This process of assigning jurisdiction to the common justice has not proved to be an effective way of reducing or at least stanch the abuses committed by military police officers on duty or not, and we are currently increasing allegations of abuses and involvement with death squads throughout the country.⁴⁸ Although cases of lethal violence are now under the protection of common justice, this mechanism has not been sufficient to change the status quo, since the judiciary ends closing lawsuits. All this fear that the police institutions impose in the most diverse layers of society is closely linked with the lack of a discussion about public safety when the work of the constituent assembly. The maintenance of this model of public safety, especially ostensive policing, created numerous distortions, some even going against the basic rights of the Constitution, because in the Military Police their members, under the mantle of rigid military discipline, had their rights disrespected as citizens. A very important issue currently discussed is the RDE (Army Discipline Ordinance) which is used in almost every Military Police in the country. This instrument of disciplinary control has articles that violate the Federal Constitution in its immutable clauses.

⁴⁶For a presentation of the perception about basic categories of police officers, check.^{40,47,48}

⁴⁷Cases of extreme punishments, such as administrative prisons, are still common in Brazilian Military Police. A relevant case of punishment is the case of the president of the Union of Posts of the Fire Brigade, Henry Francis, who, even with a preventive habeas corpus from the Judge of the Audit Court of Military Justice of the State of Paraná, ensuring the right to free demonstration, was punished with 21 days in prison because of his manifesting for delays in the payment. <http://www.gazetadopovo.com.br/vida-e-cidadania/protesto-por-atraso-de-diaras-rende-processo-interno-contra-bombeiros-4batguh6vr4vy879ivqh6idh>. Acesso em 10 de novembro de 2015.

⁴⁸Check, for example, <http://www.etc.com.br/noticias/2015/09/acoes-apontam-existencia-de-grupos-de-extermio-na-pm-paulista-diz-ouvidor>. Accessed on November, 29, 2015.

By way of conclusion – on the way to hyper-militarization?

While it is common ground that most police institutions in Brazil are historically military except in certain periods, where “civil guards” “city guards” or “pedestrian troops” have been active in urban policing, the big issue remaining is the “legacy” of the dictatorship installed after 1964, which would have made the military police role into ostensive policing. In fact, the Military Police conducted the patrolling (and maintenance of public order) before 1964 in several regions of the country, with some cities being the responsibility of the civil guards. The military officers of the states also acted in the rural areas, but they maintained the larger part of their troops quartered.

After 1964, the delimitation of the police functions occurred with the expansion of the action of the PMs and the civil police. The cities that had civil guards transferred their patrimony to the civil police and the personnel had the possibility to choose in which institution to remain. This discussion goes beyond military police and reaches civilian police and the increasing numbers of municipal guards since these institutions are most often run by retired military or civilian police officers, fueled by a lack of national standardization for the public security forces in general. In the case of Civil Police, militarization occurs increasingly by the use of techniques and equipment belonging to the armed forces and to the Military Police, and with the creation of “special operations courses” in the patterns provided by the Special Operations Battalion (BOPE in Portuguese) of Rio de Janeiro Military Police, as well as the Civil Police of Rio de Janeiro has a special operations unit called Special Resources Coordination – C.O.R.E.⁴⁹

Numerous municipal guards are trained by retired military police officers and because of the lack of structure for the training of municipal guards; many courses are conducted at military police academies.⁴⁹ With every known crisis in public security, the media, in general, have raised the need for the intervention of the armed forces in different parts of the country, whether in Military Police strikes across the country or in the occupation of some communities, in the broken geography of the city of Rio de Janeiro controlled by groups of drug dealers with large numbers of guns, either in the frontier areas. The creation of this media expectation and the cry of the society for more security (or the appeal for a feeling of more security), the armed forces have frequently taken part in actions of a police (and civil) nature, through rules that ensure the possibility of intervention for the “guarantee of law and order”.

In this sense, it seems that, increasingly, the militarization of public security will not only be maintained but, we believe, it will tend to intensify, despite the whole discourse involving issues such as “human rights”, “community police” or even recommended constitutional changes in several “Constitutional Amendment Proposals” of demilitarization, allied to what we have called the act of exerts control of the armed forces, and which seems to be irreversible with the creation of the National Security Force. Also in the context of the use of the Armed Forces in public security, in 2010, the president of that time, Machado,⁵⁰ signed a decree that granted to the police power in the border region of the whole country, aiming to restrict the entry of narcotics and weapons, allowing the execution of any type of operation with these objectives. This concession of police power to the Armed Forces in the border regions and the actions of

⁴⁹For an analysis of the Municipal Guards in Brazil, their dilemmas and process of militarization check.⁵¹ To get an idea of the number of officers directing municipal guards, check.⁵²

restoration of territories under control of groups of criminals in the city of Rio de Janeiro increasingly common, with armored transport of troops of the Navy and their personnel in the control of these areas clearly demonstrates the option for the definite militarization of public security, where the State demonstrates total lack of capacity in conducting an efficient and effective public policy, constantly using the federal military. Historically, the different types of regimes and governments have chosen to maintain military (or militarized) police institutions, even though, at the beginning of the nation's formation, the historical moments have shown that this model was necessary, but the perpetuation of this model creates obstacles to a radical change in police institutions. Upon the maintenance of military forces in internal security, Souza¹⁶ declares that: The internal security of the National States in the Western world was built as an extension of militarism. The forces of surveillance and the rural and urban policing were the continuations of the functions of military organizations. Internal security can be understood as an extension of the war by the means of violence, but also by other means, such as justice. The definition of the State's role in internal security certainly proceeded very much in parallel with the notion of internal security as a deficiency of belligerence between countries.

Historical moments, such as the genocidal war against Paraguay, in the multiple attempts of coups against the federal government, and even against populations of some less developed interior regions, marked by messianism and religious fanaticism, as in the case of the region of Canudos (Bahia, 1896/1897) and "Contestado" (Santa Catarina and Paraná, 1912/1916⁵⁰). This historical pattern of internal and external wars, rebellions, coups and counter-coups, and strong political interference by the armed forces will greatly influence and consolidate the model, which is currently the basis of public security in the Brazilian states, is developed after the coup perpetrated by Military officers in April of 1964. The civil guards running in the largest cities are extinguished and their staffs chose to join the Military or Civil police of each state. In this context of the militarization of the formation of Brazilian society, the coup d'état of 1964, which turned into a 21-year military dictatorship, Military Police began to be concerned effectively with ostensive policing and also continued to be titled as "auxiliary forces" of federal forces, maintaining a century-long legacy of subordination to the National Army.

They became fully subordinated to the General Inspectorate of the Military Police (IGPM) of the Brazilian Army, according to Costa Arthur et al.⁵³ To do so, it was necessary to reorganize the existing police devices, expanding its role and subjecting it to the control of the Armed Forces, especially the Army. The Federal Constitution of 1967, following the tradition, maintained the military police as auxiliary forces of the Army. However, it introduced a curiosity: in order to facilitate control of the police apparatus, it extinguished civilian guards and incorporated its troops into the military police, which would become the only police forces for the ostensive patrol of the cities. In 1967, the General Inspectorate of Military Police of the Ministry of the Army (IGPM) was created to supervise and control the Military Police in every state.

With this subordination to the Army, the position that enables them to participate in defense actions and internal security is consolidated and they act intensely in the repression of groups that disputed the central government, be they armed or not, and repression of groups of

students throughout the country. As Zavataro⁵² This continuity can be seen both in the context of the relationship between police institutions and the general population or civil society, as well as in the vertical field of police institutions and the relations between hierarchical superiors and inferiors. With this, it is possible to affirm that the authoritarianism of the police institutions crossed the democratic transition in an unchanged way, even though Brazil was a signatory of important international conventions and instruments for the protection of human rights. At the same time, there endures an undemocratic culture and a highly militarized police structure, anachronistic in the face of the new democratic government established.

In this way, we can observe the historical influence of the federal military forces in the composition of state police, and so we can define the military police institutions as directly "military", that is, they start from a militarized model and preserve close bonds with the armed forces, including with mutual training among its members. The "indirectly militarized" police institutions are those that have a civil tone, only have a military image, but that end up adopting military tactics and techniques in their actions. As an example, the municipal police of the United States of North America, which in increasingly adopted tactics, techniques and a huge amount of war surplus material, including tanks and armored personnel carriers, helmets, firearms, and uniforms, based on a federal law that provides the acquisition of these materials at low prices. The recent events in the town of Ferguson, a suburb of Saint Louis, where a young black man was murdered by a white police officer, followed by protests, made evident the indirect militarization by which numerous police departments in that country are reaching. In the case of Brazil, we can consider the Military police as directly militarized and the Civil police as indirectly militarized.⁵¹

Besides this close link with the federal military, the aspects such as firepower, equipment, tactics and exclusively military techniques influence even more the continuance of this militarized model in ostensive police actions. In 2002, at the end of the second term of the sociologist Fernando Henrique Cardoso as president, the National Public Security Plan was launched after a serious crisis in the city of Rio de Janeiro, with hostages and dead, in the case called "Bus 174."⁵² In that plan, the police reform was considered a "first step", which was necessary for "peace building" also declaring that police maintained (and had) structural problems, according to the Public Security for Brazil Project.⁵⁵ The police coexist with the serious problem reflected by the hypertrophy of their activities— means to the detriment of their activities end: a heavy and slow bureaucratic structure attracts cadres of corporations that should be located at the edge of the security services. The same can be said of the displaced servers for bureaucratic – protocols functions in organs and offices of the three powers, in exchange for the receipt of gratuities that complements the thin salaries.

The problem of police institutions having their work in between activities to the detriment of policing and research is a peculiarity of military (and overly bureaucratic) institutions that needed war logistics. And despite the finding of this problem in 2003, nothing is mentioned to the process of demilitarization or integration or unification of the

⁵¹For the differences between direct and indirect militarization, see.⁵⁶

⁵²The case of the "Bus 174" was featured in the media on July 12, 2000. A survivor of the Candelária massacre (1993) attempted to commit a robbery against a bus but ends up in a hostage situation. One of the kidnapped was killed and the criminal was killed by the police inside the detained patrol car compartment. The final action conducted by a team from the Battalion of Special Operations of the Military Police of the state of Rio de Janeiro. The action was extremely disastrous.

⁵⁰On the Contestado War.⁵⁴ About the War of Canudos, the best description of the scale of the military campaign that massacred the village continues the classic of Euclides da Cunha, *Rebellion in the Black lands*.

police, a point of projection in the ideal of reform post-64, as we have already considered. Quite the contrary, we see a worsening of power and institutional space disputes between PMs and PCs, in such a way that conflicts of the most different levels between the two police are very frequent. One of the cases of public confrontation between Civil and Military Police, more exemplary, was the case where civil police officers were repressed with gas bombs and rubber bullets during the strike of the Civil Police of São Paulo on October 16, 2008. This Date is unofficially celebrated by much civil police officers as “war day with PM”.⁵³

With the election of President Luís Inácio Lula da Silva⁵⁷ of the Workers’ Party, for the mandate in January 2003, some expectations regarding changes in public security were formulated, especially in relation to the possible modification of the ostensive militarized police model, with a possible extinction or change in Military Police (to made them more democratic and less authoritarian) and changes in the police investigation model, with the end of the police inquiry. However, at no time the demilitarization or any other effective structural change were mentioned in the government plan, and after the implementation of the National Program on Public Security with Citizenship Pronasci,³³ on 27 October 2007, it became clear that structural changes would not happen. The aforementioned National Program on Public Security with Citizenship, which we have already mentioned, but it is necessary to take as an example once again, should “articulate actions of public security for the prevention, control and repression of crime, establishing social strategies and actions to protect the victims”.⁵⁸ Although it tried to innovate in the field of public security Pronasci,³³ did not bring any proposal for the matter of police institutions, either in changes or in the reduction of police violence, according to Ciconello:⁵⁸ Pronasci³³ has no specific action to reduce violence by police forces (including summary executions and torture). There are no structural reform actions of the police, such as the demilitarization of the Military Police and the unification of civil and military police. That is, the program does not seek to change the still repressive, non-citizen, militarized and fragmented aspect of the police forces in the country.

The author again refers to demilitarization as an important factor in improving public safety, as follows: The demilitarization of the military police and fire brigade (also responsible for civil defense activities) is a structural change that could get the police closer to the citizen. The police are trained in a military logic of confrontation, hierarchy and order. This paradigm no longer fits the need for a citizen police, community, who should see the citizen as a subject of rights and not as a possible suspect of criminal activity. The current militarized structure favors the logic of repression and control, which reflects in the criminalization of poverty and institutional racism.⁵⁸ The ex-President Lula was in government for eight years and was able to elect his successor, Dilma,⁵⁹ who was reelected in 2016. During this 12-year period of PT’s administration, very little was done for the paradigm change in public security and sustained the same standard of the previous governments, denominated of “right”, on the contrary, they extended the pattern of militarization of the police activity and created new possibilities of intervention of the Armed Forces in social conflict, as we will see next. In Lula’s government, the National Security Force (2004) was created, formed of police officers of the several security forces, but with a majority of military police officers. This force was created to deal with crises in the different units of

⁵³Policiais civis e militares entram em confronto no Morumbi.

In: <http://sao-paulo.estadao.com.br/noticias/geral,policiais-civis-e-militares-entram-em-confronto-no-morumbi,261095>. Accessed on March, 22, 2015.

the federation and has an extremely militarized character since it is generally used in conflagrated areas.⁵⁴ According to information from the website of the Ministry of Justice, this force matches UN forces, that is, military forces to act in war areas and whose purpose is to maintain minimum aspects of tranquility and respect for human rights. Some information indicates that the conception of the National Public Security Force was a response to the failed attempt to create a “uniformed” segment inside the Federal Police Department, which led to a 70-day strike in 2004.⁵⁵ The initial idea of a uniformed segment in the Federal Police Department was developed at the end of the Fernando Henrique Cardoso administration, through a study on the topic in question.

At the end of the FHC government, which maintained continuity in the Lula and Dilma governments, the Law and Order Guarantee doctrine was created (Supplementary Law n°. 97, June 9, 1999), which determines the involvement of the Armed Forces with public security actions in any part of the national territory.⁵⁶ In fact, the participation of the federal officers was already foreseen in an article of the Federal Constitution of 1988 (Article 142), but the creation of the above-mentioned complementary Law, associated to Decree n°. 3.897, of August 24, 2001, which establishes the guidelines for the use of the Armed Forces in ensuring law and order; the criteria have been redefined for, according to our understanding, the intrusion of the Armed Forces in Public Security, and thereby increasing the scope of the militarization of this area.⁵⁷

The possibility of intervention by the Armed Forces, attributing to them the police power, continued with the sanctioning, by President Lula, of Complementary Law n°. 136, dated August 25, 2010, changes Complementary Law n°. 97 of June 9, 1999, at the request of some states, in addition to the Army, Navy, and Aeronautics, to participate in public security actions, which seems to us to have been a decisive step in a hyper-militarization policy of public security in our country. In this sense, there is a high involvement of the Armed Forces in ostensive policing, as well as an excessive connection from the point of view of the development of the state police, especially by virtue of the Soccer World Cup, which happened in several state capitals and which has absorbed a lot of resources from the federal forces, whether in human resources or material resources.⁶⁰⁻⁶³

All in all, we can verify that the configuration of the Brazilian police institutions was based on militarized models and that they

⁵⁴In: <http://www.justica.gov.br/sua-seguranca/seguranca-publica/forca-nacional>. Accessed on: May, 29, 2015.

⁵⁵In: http://www.conjur.com.br/2004-set-08/policiais_federais_comecam_discutir_greve. Accessed on: April, 02, 2015. Acesso em 09 de julho de 2015.

⁵⁶Check. http://www.planalto.gov.br/ccivil_03/leis/LCP/Lcp97.htm. Accessed on July, 10, 2015.

⁵⁷The decree n°. 3.897, dated August 24, 2001, in its Art. 3°, foresees that in the event of the use of the Armed Forces to guarantee law and order, aiming to preserve public order and the safety of persons and property, because having depleted the instruments provided for in Art. 144 of the Constitution, it shall be incumbent upon them, whenever necessary, to carry out ostensive police actions, such as the others, of a preventive or repressive nature, which are included in the constitutional and legal competence of the Military Police, observing the terms and limits imposed, to the end, by the legal order. And in a Single Paragraph considered to be depleted the means provided in Art. 144 of the Constitution, including in relation to the Military Police, when, at a certain moment, unavailable, nonexistent, or insufficient to the regular performance of its constitutional mission. It is easy to see how the criteria for intervention are very subjective and, as has already occurred, permit an arbitrary and absolutely questionable political use, having legitimized practices that had already occurred before the promulgation of the laws in question. Check Coimbra.⁶⁹

aimed the defense of the territory first and later went to the defense of the State, failing to make the defense and protection of the citizens in a general way.⁶⁴⁻⁶⁷ An important aspect that cannot be ignored and which is evident in the preservation of this militarized police model in Brazil (and in most Latin American countries, with Mexico as the most explicit example) is the fact that politics of “drug wars” has been intensified, starting from a misguided logic of criminalization of the end user with severe penalties (with the United States being the principal country in the spread of this policy and also the country that criminalizes the final user of narcotic substances). This daily “drug war” in Brazil has its most visible exacerbation in the hills of the city of Rio de Janeiro, where the militarization of the national police model reaches its destructive and cruel extreme.

With the promulgation of the 1988 Federal Constitution, called the “Citizen Constitution” the public security model was maintained almost unchanged, with only the Municipal Guards included as something “new”, but the legacy of militarization was sustained, leaving aside the opportunity to an effective structural change. With the majority reached in terms of electoral democracy, many individual rights still take a long time to reach the most disadvantaged parts of our society and, unfortunately, the police forces still contribute to the commission of a series of abuses against parts of the population, but the elected governments democratically were not able to produce relevant structural changes in the militarized model of public security in Brazil, not offering advances for the population neither for the police.⁶⁸ Another factor that cannot escape the eye is that the lack of structural changes has facilitated the advance of the federal military in the operationalization of public security actions, most of them with the encouragement of state governments and which we believe initiated a process of “hyper-militarization” of the public security policies in the country.

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Conflict of interest

The author declares no conflict of interest.

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