

# BRAZILIAN MILITARY POLICE: A CULTURE OF BRUTALITY

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## ABSTRACT

The Brazilian Military Police kills an average of 6 civilians each day according to the Brazilian Public Security of 2013. Though being among the most influential and important democratic countries, with a lot of regional and global influences, Brazil is still a reference point for police abuse, torture and copious cases of unlawful practices committed by public agents whose main task is to protect and serve. The actions taken by the Military Police jeopardize the state's legitimacy, which is the nature of its own existence in a democratic rule of law. The organisational shape of an institution is invariably associated with its objectives. To what extent, then, a military police brings to its duty and performance a warfare mentality? Will a military police force see a civilian as an enemy? Thus, bearing in mind the lethality of the Brazilian police, this study sought to identify whether the military nature of the police is conducive for the brutality and violence. The study of a specific institutional violence must not ignore the origins and the social dynamics with which this violence reproduces itself, echoing from the political discourse, the social beliefs and informative media fabricated by the mass communication corporations. Therefore, a brief debate and reflections on Brazil's recent history, as well as psycho-social characteristics were brought to light in order to contextualise and stir up the debate.

**Keywords:** Brazilian Military Police. Militarisation. Police brutality. Organisational crimes.

## INTRODUCTION

Police brutality is a worrisome aspect of any society. It can be seen as example of state crime, where the systematically misuse of deadly force deprives the state's citizens of fundamental human rights (Friedrichs, 2010). The Brazilian police kills an average of 6 civilians each day, according to the Brazilian Public Security Forum (2013). From 2009 to 2013, police in Brazil killed at least 11.197 according to the data gathered by the Forum. For comparative purposes, the American police killed 2.003 individuals in the recent five years, according to data collected and compiled by the FBI (2012). The Brazilian population, however, represents approximately 62% of the American population (United States Census Bureau, 2015; IBGE, 2014) and yet, the contrast between the two countries shows that the

Brazilian police kills five times more than the American police. Mesquita Neto (1999) suggests that cases of police violence feed a sense of insecurity in the society that hinders any attempt to control and may even contribute to the escalation of other forms of violence. This was clearly experienced during the demonstrations of June 2013, when unhappy civilians took the streets to protest against corruption, poverty and many other topics brought up to light a year before the country hosted the FIFA World Cup. An estimative (Hershaw, 2014) of 2,608 protestors, journalists, and bystanders were arbitrarily arrested with no evidence whatsoever of crimes committed and many suffered with rubber bullets, pepper spray and gas grenades used by the Military Police (henceforth "MP"). In 2014, a report (Fundação Getúlio Vargas, 2014) measured the population's trust in the Brazilian Judiciary System and law enforcement agencies. The purpose of the report was to determine whether or not society trusts the criminal justice institutions. The data collected offers important perception of the civilian society: 64% of the interviewed do not trust and fears the MP as an institution. The MP's culture of violence and brutality certainly contributes to this perception. A research discussed in this thesis also reveals the existence of subcultural groups in the MP. Such groups devote the use of brutality as a matter of respect before society. Due to this scenario, the Brazilian case needs a closer examination.

The police duty is an activity based upon legality and legitimacy, representing the use of the state power to fight crimes and protect the citizens' physical and material integrity. Issues regarding the Brazilian police presented in this study demonstrate that, in attempting of fighting those violating the law, the state itself happens to violate the law. The state action thus loses any legitimacy. According to Walter Benjamin's thoughts in *Zur Kritik der Gewalt*, both violence and power may operate as a legitimate mean towards just or unjust ends (Benjamin, 1921). The legitimacy is the touchstone for the justice. The actions taken by the MP jeopardize the state's legitimacy, which is the nature of its own existence in a democratic rule of law. Giorgio Agamben, disciple of Benjamin's theory, goes further and suggests that the crises of our society are exactly regarding the illegality and illegitimacy of the institutions of power. In his thought (Agamben, 2015), the institutions are not delegitimized because of their illegality; rather, the illegality is so pervasive and generalised because the powers lack any conscience of their legality. Thus, the rampant actions by the MP, jeopardizing the state's legitimacy, push the state towards a state of exception, suspending the rule of law.

According to the article 144 of Brazilian Federal Constitution, the MP is a reserve troop and auxiliary force of the Brazilian Army and, at the same time, the MP commonly interacts with the public in general. A military organisation is structured to deal with military purposes. The organisational shape of an institution is invariably associated with its objectives (Soares, 2015). To what extent, then, a military police brings to its duty a warfare mentality? Will a military police force see a civilian as an enemy? Thus, bearing in mind the

lethality of the Brazilian police, this study sought to identify whether the military nature of the police is conducive for the brutality and violence.

This study sought to analyse the phenomenon of police brutality by a *meso level* approach, considering the military nature and structure of the Brazilian police. To approach this phenomenon, statistical data and cases were explored, as well as literature was studied. The statistics brought to this study regard to the lethality of the police. The MP officially keeps record of the homicides committed by its soldiers but, when compared with external controlling entities, governmental (i.e. MP's Ombudsman) or non-governmental (i.e. human rights watchdogs), there are significant discrepancies. The lack of transparency of the MP's administrative departments contributes to the impairment of this data, as suggested by a former MP Colonel, José Vicente Silva (2014). Therefore, the statistical data presented relies on official, yet not-so-reliable statistical data, alongside with independent and autonomous entities (i.e. United Nations; Human Rights Watch; Amnesty International; and, informally, the media) that, being committed with the police brutality issue, provide relevant material to be considered. Regardless the qualities of statistical data, the numbers alone already suggest the alarming scenario. A research conducted by Souza and Oliveira (2009) reveals the existence of subcultural groups within the MP, was also used to corroborate with the assumptions of how the military structure may be conducive for the police brutality.

The study of a specific institutional violence must not ignore the origins and the social dynamics with which this violence reproduces itself, echoing from the political discourse, the social beliefs and informative media fabricated by the mass communication corporations. The sociologist José de Souza Martins (2014) has researched for at least two decades cases of lynching and cases of the population taking the law into their own hands. He has concluded that Brazil registers an average of one case of lynching everyday. This might be a symptomatic evidence of how the Brazilian society reacts facing this culture of violence. Several factors work in a unison and convergent fashion. This is a *macro level* approach, which allows us to identify the interaction between the violence inherent of the Brazilian society and the police brutality.

## **1 THE ANATOMY OF A VIOLENT STATE**

### **1.1 How brutal?**

Being at the frontline of the law enforcement, the MP is responsible for the ostensive (meaning "apparent" or "perceived") policing and maintenance of the public order, while the investigative duty is responsibility of the Civil Police (henceforth "CP"). The Brazilian law

enforcement is, thus, functionally divided<sup>1</sup>. The violence committed by agents of the Brazilian State is usually committed by the MP (UNICEF, 2005). However, it is not possible to precisely quantify this violence, once the data regarding public security in Brazil are not reliable (UNICEF, 2005). The external control of the police activity in Brazil has been exercised by specific entities from the government (Public Ministry and MP's ombudsman) and non-governmental human rights watchdogs. Likewise, media has informally publicised much of the police's brutality (Lima, 2011).

The lack of transparency contributes for the poor quality of the statistics regarding police brutality. The reformed MP Colonel José Vicente Silva Filho, member of the Brazilian Forum of Public Security, as cited in Gomes (2014), considers that there are divergences between the two police branches and, consequently, the statistical data is indeed compromised. He defends that only a unique police force, without functional and remuneration rivalries, will be able to collect and register reliable data (Gomes, 2014). Out of the 27 Brazilian states, only 13 disclose periodically the deaths of civilians committed by the MP (Martins, 2014). The transparency is, thus, an issue to the analysis of violence statistics. For example, as the data collated by Araújo (2015), the São Paulo's MP's ombudsman, an independent entity that receives complaints and forward them to the MP's internal affairs department, registered 801 cases of civilians killed by the MP in 2014. This number is almost the same as the one gathered by the intelligence service of the MP in São Paulo, 962 homicides. The state's security bureau, on the other hand, has a much lower number: 694 homicides. This incongruence is emphasised by the 2013's Annual Public Security Report (2013), which ratifies the poor quality of statistics gathered. The report concluded that 7 states feed the criminal database in a poor manner, providing, therefore, low quality data.

The torture is, also, an issue difficult to quantify. Cases of torture might be followed by death, making it virtually impossible the torture to be denounced or registered. It is also possible to presume that tortured suspects will not report abuses fearing retaliations (Human Rights Watch, 2014). The Human Rights Watch organisation addressed a letter to the Brazilian senate, presenting a study about the torture situation in the country. The investigative study conducted in five states of the country concluded that, although it is difficult to determine the total dimension of the torture committed by public agents, they do not represent isolated cases (Human Rights Watch, 2014). The study points out that the few official statistics available corroborate with the dimension of the torture culture: the national human rights ombudsman received, between 2012 and 2014, 5.431 complaints regarding torture and inhuman treatment from all over the country (Human Rights Watch, 2014).

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<sup>1</sup> Five law enforcement institutions are provided by the Brazilian Federal Constitution, namely: the Federal Police, the Federal Railway Police, the Federal Highway Police, the State Military Police and Fire Brigade, and, finally, the State Civil Police. The two latter are subordinated to the state government, whereas the Military Police is the main object of this study.

Therefore, if, erstwhile, the official statistics do not reflect the entire scenario of police brutality in Brazil, the few solid numbers brought to this study yet show the magnitude of this violence.

Though being among the most influential and important democratic countries, with a lot of regional and global influences, Brazil is still a reference point for police abuse, torture and copious cases of unlawful practices committed by public agents whose main task is to protect and serve. The Human Rights Watch Report on Brazil (2013) highlights that, even though Brazil has taken significant steps toward addressing grave human rights abuses, detention centres all over the country are severely overcrowded, the criminal justice is flooded and pre-trial detention is abnormally lengthy, and, moreover, torture and abuse of authority are still remain serious problems in the nation's democracy. The military police has little sensitivity when dealing with criminals, showing a total ignorance and disdain about basic human rights. A review of the identified human rights issues will clearly depict the concerns present in Brazilian society on the MP.

The American Diplomatic Mission in Brazil presented the "Annual Human Rights Report – Brazil" (2013), reiterating international awareness about the current situation in the country. The UN went further and suggested the abolition of the Brazilian military police (Rio on Watch, 2013). UN's Human Rights Council asked Brazil to make more of an effort to combat the activities of "death squads", torture and extrajudicial killings. As a matter of fact, Brazil's MP is killing in a much greater proportion to any international metric or standard. In a period of 5 years, from 2008 to 2012, the American police killed 2.003 individuals, according to data collected and compiled by the FBI (2012). The American police, thus, killed an average of 1 individual per day in the estimated American population of 321 million people (United States Census Bureau, 2015). In Brazil, a nation that has more than 200 million inhabitants (IBGE, 2014), the data collected by the Brazilian Public Security Forum (2013) shows that the police killed, both during and off duty, an average 6 people per day in 2013. Also in a period of 5 years, comprehended from 2009 to 2013, police in Brazil killed at least 11.197 people, also reaching the average of 6 homicides per day. Brazilian population represents approximately 62% of the American population and yet, the contrast between the two countries shows that the Brazilian Military Police has killed five times more than the American police. These numbers do not comprehend physical abuses, nonlethal torture and deaths never discovered or reported.

These numbers, therefore, represent not only the high lethality of the Brazilian police compared to another country, but also represent the persistency of these violations in a democracy context (Lima, 2011). The MP's performance has been assessed by the amount of *flagrant in delicto* arrests and by the capture of weapons and drugs (Lima, 2011). The fight against criminality is based on these outcomes. However, as Lima suggests in his research

(2011), these representative indicators may, perhaps, demonstrate what the MP is achieving, but do not demonstrate at all the quality of the Brazilian public security and, to another extent, the quality of democracy.

### **1.2 Military nature and the *enemy logic***

Considering the inconsistency of the statistics, as above debated, a transcendental approach to the police brutality in Brazil may be exercised. Regardless the flaw of official statistics, it is possible to extract from this scenario the worrisome aspect of the MP culture in the Brazilian public security activity: the enemy logic. An organisation derived from a military nature carries a warfare mentality. A police derived from a military structure (hierarchy, training, equipment) will embody such mentality invariably and, furthermore, will see the enemy in every citizen throughout society. The Brazilian MP was intensely used during a dictatorship, aiming to protect the state from subversive and internal opponents, hence, enemies. During the military dictatorship, the MP patrolled the streets, operating under a Doctrine of National Security, where any threat to the state must be eliminated (Zaverucha, 2010). Thus, nowadays, the MP's capacity to respond to the society's demands is limited by standardised responses, many times involving excessive physical violence (Lima, 2011). As it will be developed in the next chapter, the police brutality persists significantly because of the impunity of the civil and military authorities and agents amnestied after the authoritarian era. Such amnesty resulted in a safe conduct for the current authorities to exceed the reasonable use of the force and commit abuses. Therefore, practices of elimination and torture are deep rooted in the Brazilian public security policies. This historical background intensifies the whole perverse scenario of the militarisation of the Brazilian police.

## **2 MILITARISM: THE ORGANISATION SHAPE AND THE PURPOSE OF THE BRAZILIAN POLICE**

This study focuses on the military nature of the Brazilian police and how it may be conducive and meaningful for the police brutality. The police is an instrument that accomplishes the state's prerogative of the use of the force (Lima F. B., 2010). Thus, the police will indeed be detainer of the monopoly of the force, by its own nature and purposes. Even though the MP counts with many non-violent and righteous soldiers, it is possible to recognise that human rights abuses become a rite of passage for many others (Wells, 2013). It is possible to recognise that the use of violence to gain acceptance from the group and superior hierarchical leaders and the distrust regarding the justice system generate a new

culture within the official culture. Hence, a subculture finds grounds. It is also necessary, however, to have a brief overview on the previous decades in the Brazilian political landscape, considering Brazil was under a military dictatorship for 21 years. Brazil is still a young democracy and it is possible to identify vestiges from the authoritarian regime in the nowadays police prerogatives and mentality. The transition from the military dictatorship to the democratic regime was negotiated in a meaningful manner that enables suggestively the understanding of the current behaviour of the MP. The structural and historical peculiarities of the MP are essential to understand the culture of brutality and disdain to basic human rights.

## **2.1 Division and shape of the Brazilian Military Police**

According to the Brazilian Federal Constitution, article 144, the public security is a duty of the State and is exercised in order to preserve the public order, the safety of the citizens, and the public and private property. The Constitution inherited a bipartite system from the military regime, where the state police force is functionally divided into two branches, according to the nature of acting: the Military Police (MP) and the, judicial police, known as Civil Police (CP). The CP's main function is to investigate criminal offences and the criminal individual, conducting inquisitive administrative procedures. The MP is ostensive, policing the streets and carrying out preventive actions before the crime or against other unlawful actions. Also the MP is in charge of arresting suspects in the act, the so-called prison in flagrant. "Both forces have an intense bureaucratic apparatus, although the MP is better organised and trained to respond to emergencies" (Paes-Machado & Noronha, 2002, p. 64).

The military nature of the ostensive branch of the Brazilian police denotes that it must be organised in the same fashion of the army. Constitutionally, the army meets the function of protecting the national territory and sovereignty. Due its own nature, a military institution is a singular and peculiar organisation when compared to the ordinary civilian society. It is very easy to distinguish a soldier due their uniform, gear, pace, vocabulary and the way they exchange greetings. Perhaps the most evident characteristic of a military institution is its very well organised and hierarchical structure. The whole structure is connected in a fashion that guarantees the discipline of each echelon to the orders given by a supreme and centralised command.

The chain of command is undisputed as each echelon in the hierarchy is immediately and objectively identifiable by name rank and distinctive insignia. The hierarchy, chain of command and discipline are sacrosanct. Failure to carry out an order will be followed by disciplinary measures and

penalties (Smeulers & Grünfeld, 2011).

Indeed, according to the article 144 of the Constitution, the MP is an auxiliary and reserve force to the national army. Meaning that, in case of war, the MP may be activated. The shape and structure of an institution depends on the institution's objectives. Thus, if Brazilian MP copies the army, then both, theoretically, share the same objectives. The organisational shape of the army serves to specific objectives: warfare challenges. The war mentality differs from the actual objective of a police. The police, ideally, must play a role in preserving and guaranteeing the citizens' rights, material and physical integrities and, fronting necessity, must make use of measured force. The police intervention must follow a guideline when dealing with the civilians: warning, persuasion, physical force and, lastly, lethal techniques (Souza & Oliveira, 2009). The confusion and inadequacy of concepts and objectives regarding the Brazilian police produces perverse effects. Where there is the logic of war, there are the enemies. Luiz Eduardo Soares (2015) is of the opinion that the organisational shape of any institution represents a significant factor regarding the behavioural standards of its members, especially when it comes to institutions with high discretionary and arbitrary powers.

Soares considers that the duty division constitutionally prescribed represents a problematic process. The investigation is exclusively attributed to the CP, remaining to the MP the duty of arresting suspects and seizing illicit materials. How to arrest without being invested of powers to investigate? Combining the Constitutional task and its military design, it is possible to affirm that the MP is guided, thus, by a positive agenda, quantitatively speaking. In other words, the soldier works in a manner that aims to bring positive numbers to the statistics, lowering criminality rates, by seizing weapons and arresting criminals *in flagrante delicto*, or, in blazing offence. The effectiveness and productivity of the police may be recognized, then, by these statistical outcomes. Therefore, the soldiers already bear in mind the need to produce such numbers among many other daily tasks and compromises within their routine. Such necessity to show effectiveness represents then that when the soldiers go to work, they go hunting. Instead of the reduction of the violence, the police activity is then assessed by the imprisonments rates. Through this logic, if it is expected from the soldier productiveness, and the latter is synonym of arresting and to the soldier is prohibited to investigate, to the soldier is left the hunt of pickpockets criminals, small-fish drug dealers and delinquents.

The prison in flagrant represents a legal instrument to achieve productivity faster and in large scale" (Soares, 2015, p. 29). The maximisation of productivity has an interrelated twofold effect. Firstly, the ends are detached from the means. The MP soldiers will make their best to bring results (meaning to arrest criminals *in flagrante delicto*). Secondly, and nevertheless, consequently, the procedural fraud becomes an alternative. Procedural



fraud is a crime enshrined by the article 347 of the Brazilian Criminal Code, which reads that the crime is committed when the individual *artificially innovates* the crime scene in for the purpose of misleading the judge or the forensic expert (Código Penal, 1940). Only in the state of São Paulo, 23 cases of procedural fraud were denounced. The fraud consists in the use of the so-called “flagrant-kit”, containing a revolver with scratched register number and small amounts of illegal drugs, such as marijuana, crack, cocaine (Araújo, 2015). The “flagrant-kit” is usually used to build crime scenes, facilitating the soldier to justify extrajudicial executions during allegedly resisting arrest situations. The police activity under this structure loses its purpose, which is, supposedly, to decrease criminality rates. Moreover, the police activity personifies even more illegality when the MP resorts to frauds such as the one exemplified, in order to achieve efficiency through this productivity logic. Exceptions regarding laboural rights also come along with the military nature of the police and the division of tasks between MP and CP. The internal regulations of the MP follow in similarity the internal guidelines of the army. Therefore, the soldiers may be arrested by the smallest deviation of conduct, such as boots badly greased or wrinkled uniform (Roberto & Vituri, 2012; Soares, 2015). Due the military nature, to the military soldiers is vetoed the organisation of labour unions, thus, being difficult to claim any amelioration of the conditions, salary increase and so on.

## **2.2 Subculture: the adjustment of personnel according to who fits**

The police brutality also may be linked to the peer pressures exerted by groups of soldier. The trainings, under which the soldiers are submitted, for example, tell a lot about the abusive and violent behaviour. Darlan Menezes Abrantes, an ex-soldier, relates the outrageous training process the soldiers undergo. The emotional abuse is constant and the conditions of work are decadent. “The military soldier has no rights at all. We have to sleep in dirty quarters, falling apart. The soldier only has the right to say “yes sir” and “no sir”” (Abrantes, 2015). The ex-soldier relates that the training was like nurturing dogs: “the soldier is trained to fear the hierarchical superior. It plays with your emotional and you leave the quarter as a *pitbull*, insane to bite the people” (Abrantes, 2015). Another ex-soldier – arrested and imprisoned for triply aggravated murder, extortion and thievery; explains how the military soldiers are encouraged and oriented to act in their duty routine: “in the streets, the barbarity prevails: chit stealing, potheads [*sic*]. When we would get them, it was only beating and lots of pepper spray. It was in there that I had contact with the torture techniques” (Nogueira, 2015). He says that there is a culture within the Military Police that every soldier undergoes during the recruitment. Moreover, according to the ex-soldier, the military soldier is oriented to proceed in perverse and sadistic ways:

[...] you guys can do whatever you want, you get the chit, beat him and make sure no one makes a video or picture” [...] The soldiers start to see underage kids being tortured, electrocuted, pepper spray in their anus, scrotum, mouth and feel nothing about it. Even the contrary, they laugh. And there is a reason: if a hierarchical superior soldier does this and you are affected by the act, you can be sure you will have a reputation of weak and be a joke back at the battalion (Nogueira, 2015).

The fragment above exemplifies how the violence is prescribed as a defence mechanism and how this violence may be imposed by coercion: “weak” and a “joke” if the soldier does not act ruthlessly and perversely when handling a suspect under custody. It is suggestible that, under such coercion, the police activity encounters fertile soil for the commitment of excesses. According to Amador (2002), as cited in Souza and Oliveira (2009), a group exercises extra pressure onto the soldiers when incentivating virility tests. He suggests that the soldier who refuse to participate rites of violence, will be ridiculed about his sexuality, for exemple. The participants of such rites expect to earn proofs from each other that they are capable of being stronger than their enemies (Amador, 2002). Thus, the excessive use of force may represent to some soldiers some form of self-affirmation and even survival, considering that “the adjustment of personnel according to who fits” (Grey, 2005, p. 69) is part of the philosophy of organisations.

Souza and Oliveira (2009) proposed the existence of a subculture within the MP. Such subculture impels the MP soldier to excess their attributed prerogatives and commit abuses. This generates tension mechanisms between society and MP, once the soldiers begin to see a potential criminal in each civilian. In this sense, the soldier is convinced that if the police approach is fragile and without brutality, the civilian will externalise a potential delinquency (Souza & Oliveira, 2009). Their research was carried out in order to have a better understanding of the presence of subcultural precepts in the use of the police force. The study was conducted with a sample of newly trained and in training process soldiers of the state of Minas Gerais’ MP. The researchers interviewed soldiers, and analysed their behaviour, interactions among the group, by means of the theory of the Social Representations, of Serge Moscovici. As cited in their study, Moscovici described “social representation” as a system of values, ideas and practices that establishes an order which will enable individuals to orientate themselves in their social world. It is a stock of values, ideas, beliefs, metaphors, and practices shared among members of a given group. Thus, such features may represent how an individual is seen by society.

The research concluded that, for the majority of the participants, the subculture has indeed a strong influence upon abusive and violent behaviours. A relevant aspect of this study, as highlighted by the researchers, is that the study was performed with newly trained

or in training process soldiers. Therefore, it is worrisome to notice the presence of this subculture in such newcomers with no interaction with the general population yet. The values shared under influence of such subculture might happen to symbolise the whole of the organisation (Grey, 2005). The military division of the Brazilian police has by excellence a violent nature. The subculture identified by Souza and Oliveira shows perhaps one possible side effect derived from the military nature of the police. Collating this suggestive study with the organisational set-up of the MP, it is intuitive to observe that culture and subculture work in an interrelated manner. A military organisation already embodies a warfare mentality. Soldiers need to be tough, brave, ruthless and feared by their opponents. Thus, members of such military organisation are exposed to organisational values, in this case, military values, having their individual identities clearly aligned with the organisational identities (Grey, 2005). The subculture may be a worsen byproduct of these organisational values and appears as an additional factor that will only contribute to the occurrence of abusive and brutal behaviour.

### **2.3 Vestiges of an authoritarian Era**

The post-dictatorship period in Brazilian history deserves attention because the structure and mentality of Brazilian Military Police (as its very nature suggests) may be considered as a leftover of the dictatorship.

Under the pretext of protecting Brazil from a leftist coup, the military took the power. Three years after the military coup in 1964, the authoritarian regime redacted the Federal Constitution of 1967, and amended it again in 1969. The main changes to the Constitution resulted in the “Doctrine of National Security”, a consequence of the Cold War. The main objective was to defend the State against internal enemies and, above all, communists (Coimbra, 2000). The military ruled the nation for twenty-one years.

Suffering from the economic crisis and hyperinflation, the regime began to deteriorate. Under pressure of powerful sectors of the civil society, the militaries negotiated their way out of power, receiving amnesty in 1979 (Zaverucha, 2010). This amnesty stipulated that no military leader or personnel would be judged for human rights violations. Telles (2006) studied the amnesty in Brazil’s post-dictatorship era, where the historian offers an interesting hypothesis of the concept of the word “amnesty”. To her, the ambiguities of the political transition under such amnesty represent a struggle between memory and oblivion represent problematic consequences for the Brazilian social personality of nowadays. The etymology of the word contains a direction to the reminiscence (*amnesis*) and, at the same time, to oblivion (*amnesia*). “To remember the past, forgetting about their fractures and absences, registers an apparent continuity, but also emphasizes its loss from memory. This

has been the way Brazil deals with the recent past without facing it, being a process marked by the amnesty sign as oblivion.” (Teles, 2006, p. 2)

Such amnesty carries a strong symbolism until the present days. To Vladimir Safatle, “the oblivion of the excesses of the past” (2010, p. 240) undermines the democratic stability, since Brazil is an exception in South America’s history after the dictatorial decades: Argentina and Chile, under a lot of pressure from the civil society, turned back and decided to reopen processes and punish the torturers, leaders and those responsible for the crimes committed under such regime. The amnesty allowed the Armed Forces to get away with the crimes of torture and concealment of corpses without even admitting *mea-culpa* (Safatle, 2010).

The amnesty, under these terms, introduced a precarious democracy to Brazil. The crimes committed during the state of exception were buried under this forgetfulness that, in a first moment, hindered the victim’s families to elaborate the necessary mourning, as mentioned above. From a *lacanian* interpretation, Safatle suggests that what is expelled from the symbolic universe returns and earns shape in the real universe (Safatle, 2013). To never find out what happened to the victims, where and in which conditions were the bodies disposed and, mainly, to realise that no perpetrator was held responsible, ruin this whole process. The mourning may, thus, be considered pathological when the grief is impossible to be dealt with. How much of this psychological condition the Brazilian society bears until the present days is something to be considered. As seen, the lack of accountability and justice may exercise strong influence in the Brazilian *psiqué*, enhancing the feeling of impunity and working as a legitimising tool for violence.

After being amnestied, the military leadership had massive influence in the promulgation of the new Constitution. Only in 1988 a new Federal Constitution was promulgated. The new Constitution, in fact, states fundamental rights of the citizen, such as: labour regulation, rights to education and social security (Zaverucha, 2010). The civil-military relation, however, never received the same progressive treatment: several nondemocratic military prerogatives were maintained and new ones were added to the new federal law. The French scholar Stéphane Monclair is an expert in the constituent process of the Brazilian Constitution and categorically criticises the whole constitutional convention. The National Constituent Assembly itself had only the appearance of one, but it was not (Monclair, 2014). The population did not elect the deputies and senators. Among the senators who wrote the Constitution by that time, one-third had mandates from the time of the military regime, emphasises Monclair.

The Brazilian dictatorship was a very traumatic event in Brazilian history, carrying an authoritarian mentality and symbolism until the current days. The civil- military relation preserved by the so-called democratic Brazilian Constitution is still tainted by nondemocratic characteristics. Parts of the Constitution remained the same when compared with the Constitution valid during the authoritarian decades. The terms regarding armed forces, state military polices, military judicial system and public security in general, were rather maintained (Zaverucha, 2010), proving that the transition to a democracy was architected in a fashion

that would allow plenty influence and, to some extent, ensure the continuity of the military interference in the nation's politics. Brazil had a peculiar transition from an authoritarian regime, mainly regarding the police. Contrary to other countries of a democratic regime, the new Constitution recognised that the Military Police (including the Fire Department) have the same status of the federal military personnel. The MP, discussed above, is a reserve force of the army. This fact is a peculiar characteristic of authoritarian regimes (Zaverucha, 2010). In democracies, the police forces only become auxiliary or reserve forces for the army only during external conflicts. "Democracies trace a clear line separating the functions of the police from the functions of the army" (Zaverucha, 2010, p. 52). The trinomial "military justice, military instruction and military regulation" is, thus, concentrated on the hands of the Army. Constitutionally, the MP "defend more the State than the citizen" (Zaverucha, 2010, p. 55), under such provisions.

The resisting arrest law differs from the criminal charge, which, depending on the jurisdiction, the individual commit the offence when fleeing or attacking a police officer. In the case of the Brazilian law, resisting arrest is an administrative device that legitimates a police soldier to make use of necessary force in order to overcome the resistance and prevent the escape of a suspect, according to the Brazilian Criminal Procedure Code. In reality, resisting arrest works as a justification of police actions that might result in serious bodily injuries or death. According to statistics, 42% of the deaths committed by the Military Police in Rio de Janeiro and São Paulo were registered as "resisting arrest". In Rio de Janeiro the scenario is alarming. In 12.000 cases labeled as resisting arrest analysed by the Brazilian Congress (2014), 60% of them had clear signs of summary executions, many with a shot in the neck. Another horrifying number comes from São Paulo: 95% of the wounded criminals that reacted the arrest died on the on the way to the hospital (Human Rights Watch, 2014). This suggests that, when transporting the wounded criminal or suspect to the hospital, the MP soldiers executed them. This situation led São Paulo' state government to draft a resolution (2013) determining that the MP soldiers are forbidden to rescue and take wounded victims to the hospitals.

Protected by such prerogative, it is absolutely unlike that investigations will be conducted in order to punish unnecessary violence. The ombudsman of the MP of São Paulo believes that the corporatism of the institution is the major obstacle to punish the police officer involved in insidious killings (Neves, 2014). The corporatism is clearly seen at the military courts. The military courts are formatted by high patent military officers, working as magistrates, differently from the common justice. Homicides committed by MP officers were judged by the military state courts until 1997. A good step was taken when the congress amended the Constitution, reading that crimes against life and crimes of serious bodily injuries should be tried before a common criminal court and the jury. Such step, however, is

impaired once again by a flawed system. A sociological study concluded that the Public Ministry, the entity in charge to control and punish police abuses, has closed 99,2% of the cases concerning resisting arrest (Misses, 2011). When the military courts are competent to judge the crimes, there is a corporate issue: the soldier is investigated and tried by military colleagues. This scenario impairs the due legal process, jeopardizing the independence and impartiality of the competent court (Puff & Luís Kawaguti, 2014).

These structural, cultural and historical peculiarities transform the MP into erratic and unstable machinery. The institution has its reprehensible attributes secured and reinforced by legal dispositions inherited most of them from the military regime. Such inheritance, as mentioned above, may be observed in the resisting arrest device, as well as a favourable the Judiciary System, derived from Military Courts in duty of judging police soldiers, which happens to ease the investigation and punishment of criminal police soldiers. Reproducing in the police the organisation and intentions peculiar to a military force happens to pervert the real democratic duty a police force ought have.

### **3 BRAZIL: A CULTURE OF VIOLENCE OR A VIOLENT CULTURE?**

It is important to consider a number of factors in society to better understand the phenomenon of the police violence. The analysis of the history and sociological developments in Brazil offers additional understanding of how the police violence occurs in society. Interestingly, the police brutality is a phenomenon that occurs and reoccurs under strong support of parts of the society. Parts of the political and social discourses, accompanied by the mass communication instruments, reinforce and convince the popular imaginary that the violence and brutality performed by the police are not only legitimate, but necessary for the maintenance of the social wellbeing. Borrowing Jean-Paul Sartre's concept of *practicum-inert*, it is suggestive to say that the society is constantly under an ideological layer where, basically, life is the way it is and nothing can be done about it. Thus, these discourses operate in a manner that maintains some social beliefs and behaviours, easing the impact of the brutality observed and, above all, making it acceptable. To assess whether the military nature of the Brazilian police is significant, or rather, conducive for the violence presented in this study, it is necessary to collate these historical and social discourses.

#### **3.1 Social aspects of the police brutality**

The psychoanalyst Tales Ab'Sáber states that Brazilian history is very useful in understanding the violent and authoritarian order that permeates the society to the extent of

demanding and tolerating a police force that places itself above the law. Brazil's MP, he suggests, "always seemed to be a department in charge of the political and social order" (Ab'Sáber, 2015, p. 98). Throughout the Brazilian history, the military aspect of police activity has always been problematic. Ever since the Colony and Empire periods, the Brazilian police have a tradition and reputation. The Brazilian society is indeed much more complex. A deeper study, of different proportions, is needed in order to address such theme with precision, fairness and constructiveness. Albeit briefly, these societal peculiarities of the Brazilian society may be considered when the debate about police violence is brought at stake.

Brazil concentrates high amounts of people in large urban centres. The swelling of the cities represent the Brazilian culture of enormous metropolis. This results in high concentrations of people that accentuate the criminality problem (Lanier & Henry, 2010), and, consequently, the violence. Brazil also has a very intricate and traumatic colonization background. The Brazilian Colony was primarily extractivist. "The gold and other minerals of value, wood, rubber, richness whose commercial value the natives would ignore" (Galeano, 1970, p. 61) were fully looted by the colonizers. Of 230 natives tribes of the Brazilian territory, 90 were extinguished entirely due the contact with the European colonizer equipped with firearms and diseases (Galeano, 1970). The remaining (and obedient) natives would work jointly with the slaves brought from Africa. Indians and African slaves, therefore, were the fuel of the colonial productive system. After experimenting a conflicting Imperial period, succeeded by a Republic tainted by two dictatorships (1945 and 1964), it is suggestive that the violence is a constant feature of Brazil's current and past days. The military apparatus has always been a providential tool for the powers ruling Brazil. If, erstwhile during periods of Colony and Empire, the military guaranteed the conquering and maintenance of the state, the MP now is the retelling of it all, being the major instrument of repression and social control of the state.

Suggestively, the Brazilian flag carries the motto "Order and Progress" and to Ab'Sáber, the notion of order, in the Brazilian case, is "vague, but active; undefined, but quite affirmative" (Ab'Sáber, 2015, p. 97). This notion is used in front of strategically moments, when the state and society support police brutal actions. The motto "Order and Progress", in his view, represents the authoritarian and phantasmagoric weight of the notion that order comes always before any progress (social integration, democracy, human rights, etc.); and, the main social agent of this order above the law is exactly the police. He concludes that without considering this symptom carried by the Brazilian culture, it is difficult to understand how Brazil arrived, according to the UN's accounts, producing 11% of the world's killings, in its full and plain social, institutional and psychological normality" (Ab'Sáber, 2015, p. 102). Thus, it does not seem to be possible to separate the violence from the country's reality.

Hodiernal, parts of society sympathise and support the brutal behaviour of the MP covered by a binary induction of “us and them”. The dichotomisation between the “good citizen” and the criminals is then born and something to be done is expected against the criminals before they do something against the “good citizen”. The television broadcasts live police shows for several hours, mainly during the time most of the workers arrive at home after their labour, overstressed, fearful and volatile. Public imaginary is, then, a fertile soil for the internalisation of the resentment and anger. The television programme host narrates criminal cases, resorting to catchphrases (i.e. “a good criminal is a dead criminal” or “human rights for the right humans”), inflaming the audience by the tone of which the cases are presented. The phenomenon of police brutality in Brazil is not exclusively originated only from the MP. Among several factors that need to be taken into consideration to understand the phenomenon, the few ones brought to discussion in this study interact in a convergent and complementary manner. The MP’s structure and discourses of the state, society and media, retro-feed each other, coexisting in a symbiotic relationship.

It is insightful to collate the media role before the violence phenomenon in Brazil. As a matter of fact, the dynamics of communication have only increased throughout the history. In this sense, the reach of someone’s voice is atomised, or, more conveniently, in a biological metaphor, *capillarised*, embracing the organic dynamism of the social networks. The media culture, enhanced by the Internet and its social medias, allows any public to be “bombed” by all kind of violence happening in the society. The insecurity and fear take over the public imaginary. As an answer, people demand more and more policing, ignoring any other long-term approaches to these urgent problems. “They ask not only for more policing, but a more tough police, being thus tolerant with the police violence, represented by the torture, extrajudicial executions, arbitrary arrests” (Willys, 2015, p. 51). The Brazilian society is led by resentment, anger and hatred, becoming not only supporters, but also accomplices of the police behaviour. Responsive to this, perhaps, the society vociferates mottos such as “a good criminal is a dead criminal” or “human rights for the right humans”. Willys defends that the media, exploring commercially the criminality, contributes for the shaping of the popular imaginary. The latter, is under a constant expectation of an uncontrolled growth of the violence. Therefore, a permanent tolerance of police violence and demand for more of it – and does not expect for public policies that address the roots of urban crime.” (Willys, 2015, p. 52)

The social medias and networks also develop important role in this scenario. Tools such as *Facebook* and *Whatsapp* go beyond just sharing the news and cases that generate indignation, nonconformity and anger. Details of the arrests or killings by the MP are disclosed. The *Whatsapp*, for example, is not an official instrument of the MP, but it is considered “official”, being not only tolerated but also used even for classified information,



which were before restrict to the intelligence office (Manso, 2015). In an investigative report named “Homicides, promises of vengeance, fear and police violence record in São Paulo Post-Whatsapp” (Manso, 2015), it is possible to observe the excitement when suspects and criminals are executed. The idea of a war existing in Brazilian streets becomes clear when observing these social environments and, much more when the messages and pictures of killed suspects are spread through other people’s cell phones. The report also heeds the fact that the information is more fluent via these medias. In one hand, these tools indeed help in the security prevention. In the other, the soldier has a constant feeling of vulnerability and lack of protection. Many of the information shared work only as fuel to the fire. A case presented by the report summarizes much of this fashion of interaction. Suspects of killing an undercover soldier had their pictures disclosed in web blogs and spread via *Whatsapp*. According to the report, 12 hours after the soldier died, three suspects were promptly executed. Web blogs praising official elite squads or unofficial death squads are also common. The elite squads *ROTA* and *BOPE* are considered by great part of society as heroes, having knifed skulls as their official symbol. Symbols represent the whole of the organisation (Grey, 2005). Death squads earned popularity in São Paulo in 1969, after a soldier was killed in duty. More than 80 colleagues attended his funeral making the promise of killing 10 criminals to each soldier killed. The death squad was commanded informally by the police chief Sérgio Paranhos Fleury, demonstrating that the phenomenon reaches hierarchical leaders.

Vadimir Safatle presents a different, yet complementary, theoretical approach to the tolerance and support from part of the society: the politics of affect. The philosopher understands the social life as a circuit of affects, where fear is the central political affect. It is the fear of violence, death, dispossession of property, and so on, that, among others affects, shape our *psique* and social bonds (Safatle, 2015). The state is the one that owns the necessary force to protect individuals against the fears from the surroundings. The state owns the capacity of protection. Thus, the state is at the same time the fire-fighter and the pyromaniac: the security is possible, but the insecurity is lurking. This is important because the society accepts, in a relatively non- problematic manner, all the coercion, arbitrariness and restrictions imposed by the state. In this line, society becomes extremely malleable and tolerant facing the state violence disguised as security.

The state also seems to sympathise with such mentality. The reaction of the Governor of São Paulo State, Geraldo Alckmin, expresses much of this mindset. Giving an official endorsement and *carte blanche* about an operation carried out by São Paulo’s MP in 2012, resulting in 9 suspects dead, he stated: “who did not reacted, remained alive” (Macedo, 2012). Alckmin’s statement expresses how the leader of state encourages and supports the MP to kill instead of arresting. In April 2015, another operation in Rio left an

innocent child dead by a stray bullet fired by the military policeman. Among the fury and indignation of the community, the Governor of Rio de Janeiro was emphatic in his statement: “our security forces will remain fighting the criminality. So will the Government, and, if needed, we will remain cutting our own skin to achieve this objective. We will not step back”, said the Governor in reference of the war on drugs in Rio, and as reported the popular media (2015). If the latter declaration is analysed under a more refined viewpoint, it is possible to understand that the Government is capable of doing whatever it takes to win this war on drugs (even “cutting the society’s skin”).

This is what Foucault (2002) calls *biopolitics*: the sacrifice of a many in order to guarantee the common welfare of a few. Foucault considers that the technology of power is no longer disciplinary; rather, it has a regulatory aspect. The power is centered on the life instead of the body. In the *biopolitics*, life is a political element *par excellence*. In this sense, political discourses become violence. And, in this context, the MP appears to be the most accurate instrument. No coincidence, the MP is indeed considered racist by experts and parts of society. In number of cases, a researcher found that 61% of the fatal victims of police violence in São Paulo were black young males (Sinhoretto, 2014). Surprisingly, the black population of the state represents only 30% of the total population. Moreover, in its massive majority, the cases of police brutality occur in the margins of the society, in the *favelas* and *morros* (slums). Evidencing this, in 2013, a MP captain in São Paulo signed a guideline determining the approach of suspects of dark skin (Brandt, 2013). The notions of order (once again), beauty and purity, aesthetical compulsions of the modernity, are then introduced: the death of the degenerated, deviant or abnormal, guarantees a more of pure and healthy life (Foucault, 2002).

The mentality embodied and the statistics performed by the MP may escalate to perverse effects to society. In this sense a short hypothetical point may be exercised. Even though the Brazilian Federal Constitution prohibits the death penalty, the extrajudicial executions occur as a matter of fact, and may be evidenced by the numbers brought by this study in its previous chapters. Studies about capital punishment, for example, have consistently shown that homicides tend to increase where law provides such modality of punishment. The *brutalisation effect* occurs when people see violence committed by a legitimate government and, consequently, become numbed and indifferent to this violence (Lanier & Henry, 2010). Bowers and Pierce, as cited in Potter (Potter, 1999), suggest that the public become desensitised by the immorality of killing and the state legitimises the notion that vengeance for past misdeeds is acceptable. Therefore, people feel that if the government kills its enemies, so can they. In this sense, which effects may be expected from the Brazilian case? The law, which expressly prohibits the ruffian life punishment, at the same time, guarantees the rights of a fair trial (*audi alteram partem*), due legal process and

presumption of innocence. The perverse effects originated from these extrajudicial killings may be conducive to symptomatic behaviours of Brazilian society. The sociologist José de Souza Martins (2014) has researched for at least two decades cases of lynching and cases of the population taking the law into their own hands. He has concluded that Brazil registers an average of one case of lynching everyday. Although further research is needed in order to identify a bond between the illegal, though factual, death penalty, and the lynching culture established in the country, it is insightful to consider an interaction (and a probable association) of both phenomena.

The whole police brutality phenomenon is enhanced by a vast context. This study sought to focus on a few social actors and their discourses. Brazil's past and current days already carry a strong culture of violence. This is a fertile background: a fearful society, strongly influenced by the media, understands the police brutality is a necessary evil to fight criminals. The violence is broadcasted to exhaustion by the media. Politicians are elected under promises of fighting the criminality. The society is vulnerable and in need of protection. Thus, it may be concluded that the MP appears not only as a contumacious protagonist of the violence but also, sometimes, as product, and some other times, as initiator. On the top of this whole scenario, the military structure of the Brazilian police seems to be a crucial factor according to the debated in the previous chapters.

## **CONCLUSION**

The previous chapters presented some of the scenario of police brutality in Brazil. This study sought to explore to what extent the organisational setup of the Brazilian police may be conducive for the police brutality. The alarming brutality translated through the few, yet substantial, statistics and cases, shows that the police brutality in Brazil must not be taken as a handful of isolated facts. The whole organisational setup of the police as a military institution, and external factors, as the few discussed above, work in a never-ending cycle of cause and effect. As suggested previously herein, the MP is guided by an organisational format similar to the Armed Forces. The latter has a purpose of war, protection of sovereignty and territory, and combat against enemies. If the Military Police is, then, organised in the same fashion, how to expect the Police to not embody the same mentality of the Army, in seeing the civilian as an enemy? This is only one of the many perverse implications of the organisational design of the police, ruled by the militarism. Thus, the military organisation of the Brazilian police represents a significant and, rather, leading cause to the police brutality issue.

A reformulation of the MP must be taken in consideration. The demilitarization of the

police, as well as the unification of MP and CP, could represent the establishment of a new culture of policing, where new prerogatives, mentality and intentions would replace the dangerous current ones. After all, the organisational dimension may be the key for the change. Not limited to that, the legislator and policy makers, as well media, should also take part in this transformation process. Uruguay is an example to be looked at closely. The Uruguayan president, José Mujica, focused his mandate in, among other societal developments, to lower the violence rates in the small *República Oriental*. In June 2012, Uruguay suffered with a growing rate of 70% of homicides (Carvalho I., 2015) and a list of 15 measures was drafted under the named “Strategy for life and coexistence” (2012). The main focuses of these measures were to combat police brutality and drug trafficking. Thus, among the propositions approaching the drug consumption, Uruguay announced the state takeover of production and distribution of *marijuana* in the country, taking away the economic power of the drug dealers. Towards the police brutality, institutional measures were taken alongside to cultural changes. The aggravation of the punishment regarding police corruption and violence was implemented, but not innovative. The curious measure stipulated was to review the parental control act, decreeing that police television shows were not allowed to be broadcasted from 06:00 until 22:00. The Uruguayan government claimed that such television shows, showing the police actions live, come to promote violent and discriminatory conducts. The posture of the television hostess is recognised by the enthusiasm with which they narrate the police pursuits and the fights against criminals. They give intonation to the motto “a good criminal is a dead criminal”, stimulating the police brutality. In June 2014, the country’s government announced that homicides related to drugs have dropped to zero after the implementation of this new dynamics.

A series of actions need to be taken in order to reduce the police violence in the country. This study intended to contribute to the debate concerning the police violence in Brazil, recognising that this is just a portion of a whole greater phenomenon of violence entrenched in the foundations of the country. Furthermore, this study does not categorically defend that the demilitarization and the introduction of a new cultural order are the only solutions for achieving this transformation. This study serves to stir up the debate and to shed light on certain pulsing symptoms that are arguably corrosive to the Brazilian society.

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