

# POLICE UNIFICATION IN BRAZIL

Hélio Bicudo

Public security and public safety are now the order of the day. Indeed, within the scope and horizon of Human Rights, the instruments that exist to assure the safety of the people take on a relevant role. And the safety of the people must in find in the law enforcement agencies – the front line in crime fighting – their main point of support.

The average person, from whatever social class – usually depicted in statistics as belonging to class A, B, C or D, depending on the degree of wealth, poverty and education – wants his or her children to attend school without fear, wishes to be able to go to work or enjoy leisure time without overly worrying about personal safety or that of his or her loved ones. However, considering the State's blatant omission in this area, the upper and middle classes have chosen to seclude themselves in enclosed condominiums, while the other sectors of society, lacking the means to hire even a notoriously unprepared private security force, are exposed to the risks of the armed violence that stems from unemployment, sheer dearth or, not uncommonly, from the police itself.

To be sure, public security is not merely a police issue. But it is the police that undoubtedly has the most relevant role in preserving and maintaining what we might call public peace.

Alas, in Brazil the police – as it exists today, compartmentalized in a military police and a civil police – does not fulfill society's need for security.

It is a worn-out, effete model, established during the military dictatorship [1964/84] to safeguard the security of the State, in keeping with an ideology of national security whereby whoever is not a friend is a foe and should be treated as such – an attitude that characterized the performance of the police during that period in Brazil’s history.

Very well then, to reach a conclusion with regard to police unification – which has today become a challenge, more than a problem – we would do well to remember how we arrived at the current situation, with two police forces: a military police, responsible for conspicuous patrolling, and a civil police, with a more investigative duty.

In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, with the proclamation of the Republic and the adoption of a federative model, the old provinces, which had become autonomous states, were soon striving to preserve this model and their independence. The Armed Forces, represented at the time by the Army and the Navy, were national corps at the service of the federal government, the Union. The states thought it necessary to establish dissuasion mechanisms to hinder or even prevent this central power from becoming incontestable and annulling the autonomy of the federated units.

This was how small state armies came into being, known as “Public Forces”, “Brigades”, or whatever other names they might still retain.

In 1891, the government of Jorge Tibiriçá founded in São Paulo the Public Force, entrusted with defending the state’s instituted power, preserving existing relations with other member states, and defending regional interests. In truth, however, if at the federal level the Armed Forces served the interests of hegemonic oligarchic groups, at the state level the “public forces” represented very much the same interests – the regional political parties, in this case. The mission of the Public Force was, first of all, to defend the state government from the excesses of the Union, and the ruling classes from any eventual manifestation of protest from the popular classes.

Against the strictly military organization of the Public Force and its limited scope – only problems related to “preserving institutions” or “defending the dignity of the Motherland” – we find some interesting averments, such as a letter sent to the newspaper *O Estado de São Paulo* and published on March 19, 1898. The writer, while not inveighing against the military organization of the Public Force’s

battalions (because “military organization presumes discipline, without which there is no police”), expressed himself as a beguiled taxpayer unable to understand or to admit “that the entire Public Force remains billeted, as an army in peacetime, while we, on the outside, remain exposed to the frenzy of assassins and the ever-growing daring of thieves”.

Confident that organizing these corporations in a truly functional manner had become necessary, the state of São Paulo arranged for a mission from the French Army to provide adequate instruction to their members.

A report presented to the same Jorge Tibiriçá in 1907 stressed the fact that, as the government of the state of São Paulo had requested, distinguished French Army officers (whose work was later commended by various state presidents, as they were then called) had arrived to improve the moral and intellectual level of the Public Force and to impart the most modern teachings in the military arts so as to turn that force into an efficient and powerful agent for social defense.

The Public Force of São Paulo, with more troops than the Army itself (in 1930, the Public Force totaled 14.224 men; the Army, only 3,675), would eventually have field artillery and even combat planes, and became the nucleus of movements against the central government unleashed in 1924 and 1932.

After the 1932 movement<sup>1</sup> and the victory of the central government, the Public Force begins a long decline, because a central State intent on political unit was being minted – achieving clear definition in 1937 with the establishment of what would be called *Estado Novo*, in the shape and manner of the nazi-fascist totalitarianism – making it untenable to speak about the autonomy of the states and, consequently, of forces to deter the central power.

Although the Public Force remained useful as an instrument of popular containment, it gradually lost its preeminent position vis-à-vis the Armed Forces, and to the Army in particular. To prevent any rebellion against the central power, the Public Force was gradually deprived of its autonomy in regard to the weaponry at its disposal and the size of its rank and file. In a short time, the number of troops was but a fraction the Armed Forces’, which were now much more powerful and included a new and very active Air Force.

1. The Constitutionalist Revolution against the dictatorship of Getúlio Vargas.

In losing its functions, it began to seek others. These, however, were already being exercised by the civil police: the Civil Guard and the civil police properly, the latter non-uniformed. The emerging issue of the police functions of the Public Force became the topic of heated debates.

As the Public Force had lost the very reason for its existence, it became obvious that the state government should take the initiative and seek a solution for the problem. After all, thousands of men partook of a hefty slice of the state's budget and had nothing to do in return. Government authorities, however, rarely responded adequately to this predicament.

In 1956, when Jânio Quadros was governor of São Paulo, lieutenants and captains of the Public Force were appointed to top-echelon positions in the civil police. The newspaper *O Estado de São Paulo* was quick to decry the initiative. Stressing the military character of the Public Force, an editorial on November 21, 1956 insisted that the militia was functionless, and added: "Currently inert, it not only causes concern among its members, who wish to work, but also absorbs 60% of the budget of the Department of Public Security. [...] Meanwhile, police activity in São Paulo remains precarious, way below the needs of a city that is more than a city, being a great cosmopolitan metropolis, and demands rigorous security services because of the high number of malefactors on the loose".

The struggle was intensified in episode after episode, giving rise to attempts to merge the Public Force and the Civil Guard into a single corps, with eminently civilian characteristics. The civil police would retain its precinct chiefs and detectives in the forensic area, and would have repressive character, inasmuch as it would only take action after felonies were committed, providing necessary evidence in court.

Also during the Jânio Quadros administration, a task force was formed, coordinated by an independent counsel, which went to England for several months to study the Scotland Yard. This workgroup wrote an extensive report on its observations and proffered a proposal to consolidate both police forces. However, due to corporate interests, their proposal did not thrive.

The 1964 coup solved the problem in accordance with the ideological concept of the national security by creating an ancillary military force – coached to respond to acts of guerilla warfare perpetrated by the organizations that, through armed struggle, contested the dictatorship then in force.

In São Paulo, the Civil Guard and the Public Force were merged. The odd offspring was the Military Police, displaying the same traits as its peers in other states where similar mergers had taken place. Thus, the Military Police replaced the “Public Forces” in popular containment and the “Civil Guards” in preventive patrolling, under direct control by the Army.

Decree nº 667 of July 2, 1969 conferred the control and coordination of the Military Polices in every part of Brazil to the Ministry of the Army, through the Army’s General Staff and through the armies of each region and jurisdiction and their military commanders. To the position of inspector-general of the Military Polices was appointed a brigadier general in active duty.

The centralization of the Military Polices and their direct subordination to the Army was a decision that derived from the difficulties of the Civil Polices in carrying out the tasks demanded by the consolidation of the authoritarian regime and also from the poor performance of the old state police forces – the Public Forces or Brigades – against the armed struggles of certain sectors of the opposition.

That is why, after the 1964 coup, the military government decided to turn the old militias into ancillary forces of the Army – obedient to, it must be repeated, the precepts of the ideology of national security.

And that is why the high command of the Military Polices was exercised by top Army officers and only exceptionally, and only with special consent from the Ministry of the Army, by an officer of the police corps itself, as established by article 6, paragraph 5, of Decree nº 667 – still in force today, by the way.

Furthermore, Regulation nº 200, ratified by the Decree nº 66,862 of July 8, 1970, specifies that the Military Polices “in order to carry out their specific assignments or as participants of internal or territorial defense, will be directly subordinate to the Army commanders or the military commanders of the area” (article 4).

As a matter of fact, every piece of legislation after the 1964 coup is marked by a desire to subordinate the state militias to a centralized high command of the Armed Forces. We are then led to conclude (1) that, even today, the Military Polices are corps subordinate not to the state governments but to the Army, both hierarchically and operationally; (2) that the General Staff of the Army still exerts administrative supervision of the Military Polices through the office of inspector-general of the Military Polices (article 23, paragraph 3, of Regulation no. 200); and (3) that these bonds of hierarchical, operational and administrative subordination are permanent.

In addition to specifically intervening in the armed struggles of the 1960s and 70s, the new Military Polices were also active in containing manifestations of both rural and urban discontentment and civil dissent, as stressed by Paulo Sérgio Pinheiro in *Polícia e Crise Política: O Caso das Polícias Militares*, regardless of whether they were guided by political organizations or not, including public demonstrations, strikes, political meetings, protests, land occupations etc.

When the guerilla insurrections ceased, the Military Polices began to combat conventional crime, where they will apply the same procedures and enjoy the same kind of impunity. The methods and equipment used in police operations completely blurred the line that separated military operations from police operations. As government policies were ineffective in finding solutions for the growing crime rates, crime was and is fought by resorting to military methods, under full responsibility of the central military apparatus.

The role of the Military Polices became quite clear. Outcasts and derelicts, the excluded in general, those predominantly exposed to this kind of war, were branded as internal enemies that had to be eliminated – a concept lingering from the ideology of national security.

It must be emphasized that the quantum of violence contained in this attitude –overflowing into the illegal arrests, torture and homicides practiced since then – cannot be contained by the usual actions of the Judiciary Power to enforce, through its judges and courts, the Penal Code, when involving body harm, homicide, kidnapping, torture, corruption and the arbitrariness committed by public authorities.

Violence as a police method can be seen in the growing number of indiscriminate slayings in the cities and in the countryside.

In São Paulo, in a seemingly never-ending upward curve, the 300 people killed by the police in the early 1980s grew to more than 1,000 in 1992, according to figures released by the Military Police itself in October of those years. These figures do not include the 111 inmates killed in the Carandiru massacre<sup>2</sup>, nor the homicides that go unregistered in the Institute of Forensic Medicine Institute because the victims were murdered and buried in obscure alleyways in the periphery of the city.

2. When the Military Police invaded the Carandiru penitentiary to crush an uprising of inmates.

This happened and continues to happen, as shown by a recent survey prepared by the Internal Affairs department on the use of lethal force by São Paulo police troopers in 1999, confirming a significant increase (as will be shown later) in the number of deaths resulting from police action during that year, the largest since 1992. This is because, in addition to performing essentially civil activities using military concepts (in a no-holds-barred warfare), the military police troopers are subject to a special justice system – rigorous when dealing with disciplinary infringements, but complacent when judging the crimes committed during patrolling.

Now that we are taking our first steps toward the democratization of Brazil, surely an important point to bear in mind is the democratization of its police, so that it may serve the people, not the State.

Once demilitarized (and enjoined from resorting to federal legislators, just as the states cannot maintain autonomous military forces), the solution is the unification of the police cops, eliminating the waste of material or human resources we see today: duplicity of buildings, of means of transportation and, above all, of communication, bureaucratic personnel etc.

The new police should be hierarchical and disciplined, as any public service organization. It should have a uniformed branch for preventive patrolling and another, of plainclothes men and women, for criminal investigation. It should have a specially trained group to act, nonviolently, as a dissuading force in public disturbances. Furthermore, it should be a police capable of knowing the people whom it serves and being known by them. In short, it should be a democratic police, concerned with the real interests and security needs of the people, so that Brazil's suffering population may work and enjoy their leisure, attend school, gather together socially and participate politically in their own improvement.

Paragraphs 4, 5 and 6 of Article 144 in the Federal Constitution institutionalized the framework imposed by Decree 1,072 of December 30, 1969 extinguishing the Civil Guards all over the country and merging them with the existing state military forces, then generically called "Public Forces".

From then on, the Military Polices – subject in their organization, planning, weaponry and command to the office of the inspector-general of the Military Polices, adjoined to the General Staff of the Army – acted decidedly in the struggle against all those who, individually or through extralegal organizations, opposed the military dictatorship and yearned for a democratic option for Brazil. The Military

Police, trained and organized to combat such people and groups, became the police of a State intent on defending the concept of “national security” – which arose from the strife between the United States and the Soviet Union and was imposed on the US-inspired dictatorships that sprung in Latin America, warranted by this East/West opposition.

As Brazil was democratized, the Military Polices nonetheless retained their strictly military status. The Constitutional Congress, elected in 1986, chose not to innovate and, on the contrary, institutionalized these state military corps as agents in charge of preventive patrolling. Worse still, it also retained the corporate judiciary system that was in large measure responsible for the impunity that still incites the violence emanating from the conspicuous patrolling of these police corps.

In this aspect, the 1986 constitutional conventioners did not wish – or probably were unable – to face up to the challenge of dismantling wholesale the foundations of a dissolving dictatorship. They chose instead to consolidate the existence of an authoritarian and arbitrary Military Police, whose dubious achievements thrived on the complacency of a corporate justice that acquitted them from the violations of human rights explicitly mentioned in the introduction of the Constitution that was promulgated in 1988 as the foundation of a Democratic State of the Law.

The Santos Dias Center for the Defense of Human Rights of the São Paulo Archdiocese studied the first ten years of the Military Justice of the Military Police and ascertained that there were no impartial judgements, but only decisions reeking of the most unmitigated impunity. The impunity rate reached 95% of all cases examined. As we will see, notwithstanding all the information being reported by this and other studies, the same structure of accountability for crimes committed by military policemen in patrol duty is stubbornly maintained – a structure created by the now outdated interests of a police that was created, to insist once again, under the inspiration of the ideology of national security.

As no one seems willing to get to the core of the matter, the inoperativeness of the current system is disguised, with arguments in the line of “let it be” flying back and forth. Not long ago, general Alberto Cardoso, head minister of the Presidency’s Institutional Security Cabinet, stated that “we must not run the risk of finding solutions foreign to our national reality, inspired only on models from other countries or insufficiently discussed in an proper forum such as the National Congress (see *Pobreza, Cidadania e Segurança*, editora José Olympio).



What is our national reality, may we ask? That of the dictatorship which the general served, where the will of a chief superseded the truth of the community? That of the rising tide of violence, unceasingly growing as Brazil becomes more and more yoked to the imperialist policies of the International Monetary Fund and the World Bank? Or the reality of the sharpening hunger and misery of so many and the enrichment of so few, at the cost of the greatest sacrifices by a working class that desperately seeks to survive?

The truth is that the models adopted in first world countries recommend a civil police at the service of the people. But the general/minister undoubtedly prefers the militarization of our police, as we may read in his address to the national forum, organized by João Paulo dos Reis Velloso and Roberto Cavalcanti de Albuquerque: when asked if “public security efforts are military efforts”, he answered that according to the doctrine of several countries the police should be military, and mentioned France, Italy, Portugal and Chile as examples of countries that have military corps with police functions.

To begin with, a different question should have been posed to him, namely, “Is the police function civil or military?” And also: “Should the military exert civil police functions?”

Furthermore, the examples he mentioned are no warrant for his thesis. In France, the *gendarmérie* is only a traditional residue from the past, because the police that matters is the national police, which is civil. In France, as in Italy or Portugal, police officers are judged for crimes committed in the line of duty by ordinary criminal courts. As for Chile and other Latin American countries that do indeed maintain a “Military Police”, the Inter-American Commission on Human Rights has repeatedly recommended that patrol duties be carried out exclusively by civilian authorities. The Commission has ascertained that human rights violations rise but go unpunished when public safety is handed over to military command. The Commission’s recommendations must be heeded by every country that signed and ratified the American Convention on Human Rights, including Brazil, because according to the Vienna Convention on the Law of Treaties, no State may forsake that which has been agreed upon on an international level, and must abide to it in “good faith”<sup>3</sup>.

3. See Article 26: “Every treaty in force is binding upon the parties to it and must be performed by them in good faith”.

Minister Alberto Cardoso also stated that the appropriate forum to discuss this problem is the National Congress. Certainly. But as the last and final instance, because the proper place and moment are those of civil society, which strives to find ways to provide for its own safety, regardless of corporate interests nestled in the government itself, both in the Executive and in Parliament. All the while, myriad lobbies, nurtured by the complacency of the Executive and of interests that overrule those of the people, have systematically prevented advances in establishing a police that is truly closer to the people and capable of fulfilling their needs.

The results of this attitude of forgoing the greater interests of the Brazilian community are there for all to see in the unbridled increase of police violence throughout the country. As sociologist Benedito Domingos Mariano, police ombudsman in São Paulo, has pointed out, as the Military Police's disciplinary statute follows the lines of the RDE, Army's Disciplinary Statute, internal misconduct is strictly punished while crimes against the people, committed outside the barracks walls, go unpunished.

The aforementioned survey by the Santo Dias Center for the Defense of Human Rights of the São Paulo Archdiocese found that approximately 95% of crimes committed on the streets by police troopers against civilians remain unpunished.

Such staggering, violence-mongering impunity has led to several draft bills that attempt to transfer the competence for litigation and judgement of crimes committed by the Military Police during patrol duty to ordinary criminal courts. However, very little progress has been made in this area: only the judgement of deliberate felonies against life – i.e., murder – have been transferred to jurisdiction of ordinary criminal courts. All other crimes, including their investigation, remains in the hands of special military police bureaus: the justifications committees and the audit councils. Such apparent unconcern may be attributed to federal agencies of the Executive Branch that are unwilling to let go of their power over a military corps that is as large as or larger than the Armed Forces. Lobbies stifled in the Senate a bill that had already been ratified by the Chamber of Deputies increasing the scope of competence of the criminal courts when elucidating and judging crimes committed by military policemen during patrol duty – in accordance, by the way, with a Supreme Court resolution, outlined in a brief, determining that all crimes committed by military policemen in the exercise of police duties by submitted to civilian criminal courts.

In this regard, it is worth remembering that in 1991 a Parliamentary Investigation Committee studied the elimination of children and youth throughout Brazil and found that the responsibility for these slayings lay, for the most part, with the Military Polices. Police violence increased in the same proportion as the troopers' impunity, because the investigation, litigation and judgement of these cases were carried out by special military police courts. This was the reason that led the Parliamentary Investigation Committee to propose a bill restoring the system in force until April 1979 when, in repeated Supreme Court resolutions, the litigation and judgement of crimes committed by officers and troopers of the Military Polices during patrol duty were deemed eminently civilian activities and, therefore, under the jurisdiction of ordinary criminal courts. Furthermore, it was from that date on, with the issue of the so-called "April package", that the scope of competence of the military courts of the Military Polices was expanded to include these felonies also.

In view of this scenario, the Parliamentary Investigation Committee presented a bill to the Chamber of Deputies making Military Police troopers involved in crimes against civilians liable to ordinary criminal courts. The bill received several amendments but the Chamber of Deputies, adhering to a proposal by deputy Genebaldo Corrêa, leader of the PMDB, chose to enact an agglutinative amendment – fiercely defended by deputy Ibsen Pinheiro, who at the time enjoyed great prestige for having led the effort to impeach former president Fernando Collor – extending the scope of competence of the criminal courts only to the point of including "premeditated crimes against life" committed by Military Police troopers. Without further rational justification, all other felonies – beatings, body injuries, manslaughter, illegal arrests, torture, extortion and rape – were to remain under the jurisdiction of the military courts of the Military Police, perhaps as an attempt to camouflage the continuance of the regime of impunity still in force, and perhaps also in the expectation that murder cases might benefit from the jurors' customary benevolence.

The bill was sent to the Senate and senator Cid Sabóia, who was the first to study and expound it, did not make sense of the restriction therein to assign to the competence of ordinary criminal courts only the judgement of murders. However, he nonetheless accepted the formula that had been ratified by the Chamber of Deputies, it was said, because of the urgency to remove murder cases from the competence of the military courts. Still, in his assessment he admitted the need of

complementing this decision with a new bill that expanded the proposals being proposed thereat. Regardless, the bill remained at a standstill until senator Roberto Freire was appointed to make a new assessment. Senator Freire tried to reestablish the original idea that was contained in the amendment presented in the Chamber of Deputies, extending the scope of competence of the criminal courts, but was once more overcome by the powerful lobby of the Military Polices in the Constitution and Justice Committee...

So a new, duly comprehensive bill was presented to the Chamber of Deputies to seek to solve other problems in the civil/military equation – not only those involving impunity, but all those considered relevant to sort out the matter. Party leaders insisted on urgent procedures for this bill and even the Executive tried to make its contribution. The Executive's intervention encouraged the Chamber of Deputies to ratify a definite version in a nominal vote in the last days of January 1995.

In the Senate, the new proposal was also deliberated in a regime of urgency, as requested by the president of Brazil himself. Urgency, however, was used as an excuse to reject the bill and to reactivate the previous one – which was approved, endorsed and enacted at last by the Chamber of Deputies on August 7, 1996 as Law n° 9,299.

Senator Élcio Alvares, government leader at the time, was instrumental in aborting the second bill and approving the first one, dug out from oblivion in a haste. Senate approved the bill with unacceptable alterations, which the Chamber of Deputies rejected. To avoid the greater evil, the lesser evil of the first bill was approved exactly as it had been sent to the Senate.

Later, another new bill was presented in a further attempt to rationalize the competence for litigation and judgement of the so-called “crimes committed during police patrolling”. This bill would have been readily approved in the Chamber of Deputies if it were not for the interference of the judicial adviser to the Presidency, federal attorney Gilmar Mendes, who insisted on a proposal that would resuscitate the military courts with an even broader scope. At this moment, the Chamber of Deputies leaders agreed upon an amendment that partially fulfilled public interest but nonetheless retained the investigation of felonies committed by troopers within the realm of the Military Polices. With very defective wording, the bill was ratified by the Chamber of Deputies and sent to the Senate. Senator Josaphat Marinho then proposed still another amendment, redeeming the initial

idea of broadening the scope of ordinary criminal courts during the investigation, litigation and judgement of such crimes. No one knows exactly what happened, but we can well imagine: senator Josaphat Marinho lost his position in the Constitution and Justice Committee and the bill was forwarded to senator Edson Lobão, who simply filed it away. Later redistributed to senator Iris Rezende, to this day no one knows what became of it. . .

Actually, this is only one of the aspects of the matter, if we consider the feeble or inexistent interest of the federal government in truly overhauling the police system, as confirmed later.

Very well then. Seeing that the public security model inherited from the military dictatorship is thoroughly exhausted (it is even difficult to understand how the citizen's Constitution of 1988 adopted it), an extremely well-founded amendment was presented to the Chamber of Deputies in 1992 to unify the polices into a single civil corps, with a uniformed segment for conspicuous patrolling and a plainclothes segment for investigation. The amendment prescribed unity of command and a single career plan, giving troopers who wished to begin their career patrolling the streets the opportunity of reaching the highest posts in the police corps, unlike what happens today, after graduating from intermediary courses offered by the police itself.

This amendment draft, which was favorably assessed by the Constitution and Justice Committee of the Chamber of Deputies, did not prosper in the Special Committee that, in accordance with the Internal Statute of the Chamber, was set up to examine it, approve it or reject it, and submit it to voting in a plenary session. The wasted labor was substantially due to a combination of Military Police and Army lobbying that imposed its will first by forcing the appointment of individuals intent on rejecting the amendment and later by deliberately inducing a negative assessment by the committee's chairman. One may easily verify these claims by examining the names that composed that Committee, most of them involved with and committed to the current structure of the police. The amendment was duly rejected by the Committee; it was never examined in a plenary session.

When a draft bill was later sent to São Paulo's governor Mário Covas, the president himself decided to present a new unifying amendment. However, displaying no compelling interest for its fate, the amendment fell into oblivion. A makeshift special committee was indeed created, but lacking the indispensable legal qualification to see

the amendment through the normal legislative procedures, its tentative, speculative conclusions also fell into oblivion. Thus, the situation remained unchanged.

Recently, however, acting upon a recent initiative by the police's Internal Affairs departments, jurists from the state of São Paulo presented to the Executive and Legislative branches a well-founded amendment to create a single police corps under civilian unity of command. This amendment specifies the requisite stages for its implementation and established a truly unified career plan, with access conditioned to the continuous improvement of police troopers.

Let us see: this bill would eliminate dual police functions by extinguishing the states' Civil and Military Polices, and creating a State Police within two years. As a result, the state tribunals and military audit boards would also be extinguished, and all police personnel would fall under the justice of ordinary criminal courts.

According to this new proposal, the new police would have five hierarchical levels, with preestablished maximum and minimum wages, the former no more than four times greater than the latter.

Furthermore, the inquisitorial phase of the legal procedures – the infamous police inquest – would also be extinguished. Criminal investigations would be guided by, and fall under the authority of the federal prosecuting counsel. Detective work, however, and the identification of felons would be carried out by police and laboratory experts organized in careers within in the functional body of the Judiciary Power.

The Fire Departments would become part of the civil defense system – as already is the case in several states, by the way

This project would increase the number of police troopers in the streets, and make better use of police personnel, apparatus, and equipment, resulting in a much improved cost/benefit ratio.

With only one training academy, with professional development and recycling courses, the new police would be specifically civilian, putting an end to its authoritarian background. The previous model, conceived primarily for the social control of the poorer, excluded or marginalized populations, would be replaced by a democratic police subordinated to civil authority.

However, when the federal government launched Federal Public Security Plan in May 2000, no reference was made to this proposal. A certain lax smugness prevailed – actually the major culprit for the continued existence of a public agency re-

sponsible for a significant share of the country's violence, both because of the improbity of its performance and the distortions that generated this very same violence.

A police corps created for bellicose actions cannot but increase the ever-growing rate of violence against the more discriminated segments of society – street boys and girls, the poor, the black, homosexuals and all sorts of outcasts.

The recent survey completed in São Paulo by the police's Internal Affairs department shows the following picture. The number of people killed by the Military Police reached 1,421 in 1992, fell to a low of 377 in the following year, and oscillated between 592 (1995) and 577 (1999) – which might be explained by the efforts to reform the security apparatus during this period. I explain. In view of the changes that had been propounded and began to discomfit what had become veritable “parallel powers” that defied the state governments themselves, the slayings seemed to cool off as a new policy valuing human rights was apparently accepted. However, from the moment that the new perspectives did not materialize (because the bill expanding the scope of competence of the criminal courts to judge military police troopers accused of crimes during patrol duties was – and still is – filed away somewhere in the Senate, and because the so-called “reform” of the Judiciary incorporated the military courts of the state Military Polices as legitimate departments – annulling every advance made to suppress the competence of military courts to litigate and judge crimes committed during patrol duty), the numbers increased to 489 (in the first semester of 2000), a 77% growth in relation to the same period the year before. Of these deaths, 449 were caused by the Military Police and 40 were ascribed to the Civil Police.

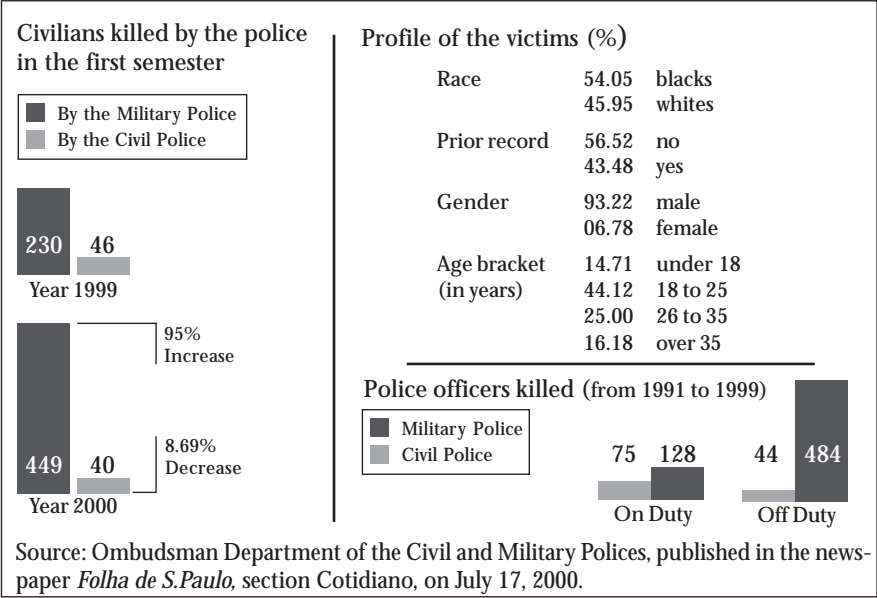
If this average persists, the year 2000 will end with approximately 1,000 deaths, a number São Paulo had not seen since 1992.

On the other hand, the statistics clearly show the police's “preference” for the excluded segments of society. In 1997, 1,397 outcasts were killed in Brazil, a number that increased to 2,986 the following year.

The number of street boys and girls ages 10 to 19 killed is also significant: from 457 homicides against this age bracket in 1997, the number grew to 737 in 1998.

Blacks are by far the winners in this macabre competition: from 290 killed in 1997 to 614 the following year.

Men are overwhelmingly the victims: 2,028 were killed in 1997 and 3,157 in 1998. As to women, the numbers are lower: 1,054 killed in 1997 and 1,327 in 1998.



As can be seen, all the might of this police (the Military Police having by far the largest number of troopers, more than 300,000 distributed in the various states of Brazil) is turned against our more humble and marginalized population. This undoubtedly results from the vocation of the Military Police, which was institutionally organized to act violently in the preservation of a State with an inherent authoritarian bias.

The compelling changes are clear to all those who wish to see. However, as it is those who prefer not to see that detain the scepters of power, we shall continue with a police that provides the people with nothing but insecurity and violence.

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