

# The National Public Security Policy: Background, dilemmas and perspectives

*LUIZ EDUARDO SOARES*



Picture by Ana Carolina Fernandes/Folha Imagem - 4.20.2004

*The police found land mines, arms, ammunitions and drugs in the underground of a dealer's house in the Korea slum, in Senador Camará, West zone of Rio de Janeiro (RJ).*

**N**EXT is the description of a process (successive attempts to formulate and implement policies through the elaboration of plans), seeking to understand its main movements (the advances and retreats, the pressures and reactions, the induction and the negotiations that characterized the recent experience of the several relevant players in the Public Security area, in a national scope). Not by chance, the verb used is to describe instead of to evaluate. For prudence and intellectual honesty, let's discard false expectations: it's very difficult to evaluate public security policies, as well as police performance. Such difficulty is not exclusively Brazilian. All over the world, among the experts and managers, scholars and professionals of that area, that's a controversial issue. The controversies follow one another in international seminars and consultants' visits. It's easy to understand: a certain policy might be virtuous and, even so, the selected indicators may show a growth of the problems identified as being priorities – for example, the rates of certain kinds of criminality. The opposite is also believable: an inadequate policy may be accompanied by good results.

## The evaluation problem

Laying simpler hypotheses aside, such as the seasonal<sup>1</sup> effects and the relativity of the acceleration,<sup>2</sup> there's the prosaic hypothesis that social factors that foster the favorable conditions to the amplified reproduction of criminal practices – factors that are independent from police actions and external to the scope of public security policy intervention – continue to produce their effects and do that due to several reasons alien to the focused area, with growing power. In that case, even if there was an adequate, intelligent and consistent, efficient and effective security policy, the indicators could be negative. They would probably be less bad than if the policy above wasn't being adopted, but that would lead the analyst to a counterfactual argument impossible to be tested and, therefore, to prove.

The opposite would also be feasible: the negative factors above could lose strength or even disappear, producing positive results alien to the security policies.

Let's consider four examples of the relatively autonomous participation of negative factors (the first and the fourth factors that will be mentioned next are actually positive *per se*, even though they're negative from the point of view of its probable impact on public security): demographic dynamics or the quality of the public mother-child health, or the improvement of the sanitary conditions, resulting from an urbanization process, lead to an increase of young people in the population. We know that the magnitude of young people's presence constitutes a significant variable for the panorama of criminality and violence. That's a favorable context for the growth of the amount of crimes.

Natural disasters, such as floods and tornados, may generate scarce supply, despair and a wave of pillages, thus producing a favorable environment for the proliferation of several kinds of criminal practices, both against life and against the patrimony.

Economic crisis, generating mass unemployment and making inequalities more profound, in the opposite direction of an individualistic and equalitarian hegemonic culture, may work as a vector that turns the diffusion of criminal practices easier.

Economic growth and increase in the average income, universal access to public education, in an environment of intense technological development, in the context of the expansion of what became a convention of calling "knowledge or information society", turn simple the domestic reproduction of cultural undertakings (such as films and musical recordings) and uncontrollable its illicit distribution, jeopardizing the terms that traditionally define the intellectual property and fostering a real avalanche of the crimes nicknamed "piracy".

All four hypotheses together – or each one of them – correspond(s) to a set of factors independent from the police performance or that of the security policies, and represent(s) scenarios in which good practices – virtuous policies

and performances – can't go beyond reducing damage or limiting negative consequences. It would be unfair and inadequate to evaluate them according to the aggregate result of the shock among dynamics, vectors and processes, unless we did so in comparison to analogous situations.

In a certain sense, independent vectors – those and others, including those that, besides being intrinsically positive, exercise auspicious pressure – are always acting, especially in unstable moments. Since it's impossible to isolate the intervention realm of the policies and of the performances to be examined, it becomes necessary to be cautious and a reasonable dose of skepticism to apply the *caeteris-paribus* clause – let's admit that, strictly speaking, it can only be applied in a laboratory. That hypothesis doesn't work for social phenomena.

The picture becomes really interesting when we observe that the success or the failure of such policies and performances contribute to the formation of positive or negative independent vectors, which turns the very notion of independence of the factors relative, which we have been considering until now.

There are other difficulties: the improvement of the public security services may increase the level of trust of the population in the police, which, in turn, may lead to the increase of the amount of denunciations or of crime registers. That's what typically occurs when, for example, the government offers women a respectful and distinct treatment, through the qualification of policemen and of the installation of Specialized Police Stations (Deam). The registered offenses grow exactly when the performance gets better and a positive policy is implemented – which often lead the unwary people in the media and the clever people in the opposition to unfair and hasty criticisms. Policies specifically devoted to reduce homophobia and racism produce the same effect. As a rule, the effect is felt in any area and it becomes stronger when it's the public security and the criminal justice institutions, as a whole that improve themselves and conquer credibility.

Surveys demonstrate that the citizen doesn't seek the police when he's a victim of crime, mainly for three reasons: the fear of being badly treated by the police itself; or being the target of revenge by the crime agent and his accomplices; and the lack of trust in the capability of the police, which would render worthless his effort to go to a Police Station. Therefore, it can be deduced that, if the results start to appear, a virtuous circle will be produced and the denunciations and registers will tend to arrive, which will increase the investigation and anticipation capacities of the police departments - if management is properly oriented. Of course, the argument is only valid if the registers grow to a certain extent; that's hard to identify *ex-ante*, from which point on a saturation effect would be produced.

The same thing would be true if the police departments demonstrate that they began to adopt respectful attitudes towards the citizens, regardless of their color, of the neighborhood where they live, of their age, of their sexual option, and of their social class. In both situations, the crimes' figures would

tend to grow (not the facts, the figures), and the quality of the preemptive and repressive action would increase (the cautious observation presented before should be reinforced).

Of course there's always the resource to victimization surveys, which measure both events and perceptions. Regularly repeated, they're the safest way to keep up with amounts and kinds of occurrences, as well as the popular trust in the police departments. However, they don't solve the evaluation problem, because the reasons mentioned above persist

There are also the prophecies that come in to being for themselves and the non-intentional effects of the social action – perverse or composition effects. Specially when evaluations don't end in the academic exercises and convert themselves in instruments of monitoring, induction, resource and political capital distribution. When policies and performances are evaluated for improvement purposes, burdens and bonuses are distributed to managers and corporations, according to the results gathered. That perspective changes the evaluation object itself, for good or bad, turning the entire process more complex. It should be observed that it may be a mistake to award with resources the States or the areas that present the most serious data, the highest crime rates, since the valuation may turn failure attractive. The opposite, on the other hand, may condemn the situation that needs most support to the abandonment and to the vicious circle of the *aggravation* that retrofeeds itself.

Paradoxical results – that is, eminently positive, but, at the same time, generators of negative effects (that ambivalence being synchronic or diachronic, according to the case) – are another source of problems for evaluations. For that reason, a good policy must remain open, authorizing successive orientation changes, despite starting from permanent general lines. Such opening would correspond to the acknowledgement of the dynamic character of the picture on which it intends to fall – the dynamism, in this case, reflects the movements that derive from the very impacts precipitated by the policy adopted. Therefore, that is not about, precisely, prophecies that come into being for themselves (because the problems being considered already existed before the intervention directed to solve them and they're not aggravated by it; on the contrary, they're minimized or solved) or of actions that generate perverse effects (because the targeted effects are reached). However, the positive results – those to which we ascribe the quality of the ambivalence and of the paradox – create new challenges.

One example: let's say that the improvement of the police investigations increase the solution rates of certain crimes, reducing impunity. That may eventually stimulate the development of more sophisticated organization, communication, and action techniques by the criminals who act in that area. Better organized, equipped and oriented, the criminals may become more ambitious and more dangerous, both in their choices and their actions. The cost of investing in that qualification effort, by the criminals, may be compensated

by the inflated value of the objects or goods (material or not) that they target. That inflation may be, in turn, determined by the greater risk of the necessary operations to obtain such goods or objects. The risk increase comes from the improvement of the police services (a good in itself, since it generates countless benefits for society) or of the roughening of the penal laws – which shows how false might be the supposition that rougher laws are efficient against crime.

Take the case of drugs: as the combat to the international traffic becomes more intense, the greater become the risks of the illegal transportation and of the distribution for retail. The naive interpretation would deduce from that increase of costs an occasional tendency towards reducing the pace of the drug trade. However, what is more difficult and involves more risks has greater value and starts to require, in order to take place, a payment correspondent to the new value, subject to inflation, paradoxically, due to the new obstacles added to the provision of the illicit service. Greater gains, in turn, imply a greater stimulation to investments in that area of the illegal economy and a greater capability to recruit operators willing to face obstacles and risks. In other words, the spiral described above turns every burden added to the criminal act into a promise of benefit, an increase of the reward.

The same holds true for the case of corruption: improvement of the control instruments, intensification of repressive actions, and the increase of punishments increase the transgression cost. However, the cycle doesn't end there. Considering that the part of the illicit gain (let's say it has to do with cheating an auction) appropriated by the criminal moderator is, by definition, elastic, the risk increase may foster a new arrangement, in whose scope the profit margin of the fraud beneficiary is reduced – without reducing its attractiveness –, and increases, proportionally, the percentage to be received by the broker, maintaining, for him or her, the interest of the operation. If the process increases the value of the operation too much, it may, instead of de-motivating it, bring about its quality change, making it even more harmful. For example, fostering the agreement among the auction competitors so that they manipulate it, including it in a more comprehensive package, in whose terms all the parties involved would benefit, in the medium run, harming the public interest in a more proficient and more intense way. That doesn't mean that nothing can be done and that both the government and the society must yield to the inevitable. But it does mean that really effective interventions do require more wit and art – that is, more attention to the complexity than the quick view of the problem would suppose to be necessary.

In that context, maybe some questions that otherwise might seem inconsequent and arbitrary become relevant: wouldn't the so-called “drugs problem” derive precisely from the criminalization, turning them into a public security issue? And how about corruption, aren't we fighting it by means of expensive and counterproductive methods? Nowadays, in Brazil, there are several control mechanisms that involve considerable expenses and a real

bureaucratic entanglement, turning management much more difficult and requiring fiscal exactness of recessive effects. Maybe that burdensome and paralyzing entanglement exercises a contradictory role, fostering corruption, for the reasons described above.

Paradoxical effects of the security policies and of the police performance may still be the migrations of criminal practices: the success of certain local interventions eventually fosters a displacement of the crimes to contiguous neighborhoods, nearby cities or neighbor states. Therefore, the aggregate result may be kept unchanged or become worse, since migrations may imply territorial disputes and intensification of the resource to violence for the criminal venture to become feasible. There's also the non-geographic migration, but that of crime type: when repression to bank robberies increases, the criminals might move to kidnaps and from there to cargo robbery – and so on.

The same occurs internationally: greater strictness in the combat to terrorism, for example, might induce displacement from their headquarters to peripheral areas and to the central political disputes – from the point of view of the protagonists of terror. Let's put ourselves in the shoes of the terror agent. What is he looking for? What does he need (besides money and militants) to create his intervention means, training his teams and gathering information to plan actions? The following conditions are indispensable: access to a territory located in a geopolitically stable and peaceful region, which doesn't raise much suspicion and of low interest to the intelligence agencies of the countries directly involved in the terrorist confrontations.

A territory where impunity prospers, characterized by the low quality of national security service, where illegal weapons move around freely, where there are broad spaces for training, far from the attention of governmental institutions and with not much access to the media. A territory that provides almost unlimited access to first-rate technology and communications, served by fast and efficient transportation to any place in the world – that is, inserted in the globalization process, but relatively unruly, due to its sovereignty and to the panoptic voraciousness of the central countries. A politically independent territory that doesn't get deeply involved in the conflicts in which the terrorists are involved, where there are no great population segments that tend to engage in the politics of the regions in conflict, where the domestic political situation is stable, and where the economy favors the use of cheap native labor. Therefore, of course Brazil would stand out as a preferred option, if that was the calculation of the terrorists. In that sense, the efficient anti-terror action abroad would converge with the lack of national attention, to say the least: the result of that could be the migration to our country of training bases and terrorist operations.

It should be observed that not only results are relevant for the evaluation. Intermediate processes and goals, identified by institutional diagnoses as being especially relevant, must be objects of a systematic critical follow-up. For example: the quality of the training and of the qualification of

the police officers and other professionals who act in the public security area, the consistency of the data produced, the management methods, the reliability and effectiveness of the internal and external controls, etc. For the case of preemptive policies, the programs applied may have value according to different criteria, regardless of perceptible results in the short term. In that sense, it should also be said that the time perspective is necessary for a strict, though not always feasible evaluation, due to the practical nature of the evaluation itself, which is useful, after all, for the corrective monitoring of the examined system, the improvement of which can't wait for a decade of comparative studies.

Let's leave for now the reflection about the evaluation limits of public security policies and of police performance and let's go on to the description of the plans that prescribe public security policies, as well as about the movements begun by the relevant players to implement them. The observation scope is national and the period is the last eight years (2000-2007, still in course).

### **Fernando Henrique Cardoso's terms: shy development of a new moment**

Successive Ministers of Justice of Fernando Henrique Cardoso's (FHC) second term, with the help of national security secretaries, were developing a national public security plan, when a young survivor of the Candelária slaughter, Sandro, seized, in the heart of the carioca Southern Zone, bus 174, for the perplexity of the entire country, which the TV stations transformed in an inert witness of the tragedy, in real time. Immediately thereafter, the president of the Republic established that his aides should take the papers out of their drawers, and decide, at last, what would be the national security agenda, at least from the point of view of the Federal engagements. In one week, the nation would get to know the first public security plan of its recent democratic history, which, due to precocious delivery, precipitated by forceps, was disclosed in the clumsy form of a non-systematic list of heterogeneous intentions. It should be observed that, before, during FHC's first term, important steps were taken towards the affirmation of a particularly significant agenda for public security, when it was conceived according to democratic principles: the National Secretary for Human Rights was created and the first National Human Rights Plan was elaborated.

That document lacked the support of a policy, which would require the identification of priorities, a scale of importance, the identification of a set of neuralgic points that condition the most significant processes, in such a way that marginal and articulate or simultaneous and sudden changes could alter the key aspects, fostering adequate conditions to the strategic transformations, oriented to clearly described goals. However, that can't be reached without a systemic conception of the problems, in its multiple dimensions, both social and institutional; besides, it can't be reached without a diagnosis, without which the establishment of goals and criteria, methods and mechanisms for evaluation



*Seizure of bus 174 in the Botanical Garden neighborhood, Rio de Janeiro: the kidnaper, Sandro do Nascimento, with the hostage Géisa Gonçalves, negotiates with the police after leaving the bus.*

and monitoring is not feasible. The document presented to the nation as being a plan didn't meet the minimum requirements to make it worth of that name.

Among the good ideas present in that “plan”, the acknowledgement of the importance of violence prevention stood out, so much so that the Plan for the Integration and Attendance of the Social Programs to Prevent Violence (Piaps) derived from it. Its mission was to promote the local interaction and, therefore, the reciprocal strengthening of the social programs implemented by the Federal, State and Local governments which, directly or indirectly, could contribute to reduce the factors of a potentially criminal nature. The ambition was formidable, as well as the obstacles to its execution. Considering the Brazilian government structure, which is characterized by the business segmentation, a late reflection of the second industrial revolution, nothing is more difficult than integrating sector programs, generating, by means of the coordination, an inter-sector policy. Mainly when the intention overcomes the domain of a single government sphere and extends to all three Federation levels.

Important efforts were made by the National Secretary for Public Security (Senasp) in the right direction: the establishment of cooperation conditions among the public security institutions, the support to initiatives aiming at the police qualification, the investment (although shy) in the expansion of the alternative punishments to the denial of liberty, the development of more rational management perspectives, in the state police departments and in the security secretaries, through the elaboration of public security plans, in which goals to be reached could be defined.

The greatest example of the late and modest attention of Fernando Henrique Cardoso's second term to security was the creation of the National Public Security Fund, which would be under the responsibility of Senasp and



which, supposedly, would serve as an instrument to induce adequate policies. However, due to the absence of a systemic national policy, with the cleanly postulated priorities, due to the retail and reactive dispersion of the decisions, which reflected itself in and was inspired by the dispersive and non-systematic character of the national plan of the year 2000, the Fund ended up limited to confirming old procedures, ancient obsessions, and traditional habits: the act of passing forward the resources, instead of serving as a political tool directed to the induction of structural reforms, in practice was destined, above all, to buying arms and police vehicles. In other words: the Fund was absorbed by the inertial force and surrendered to the voluntarist impulse that only does more of the same. Exhausted structures were fed, benefitting mistaken policies and tolerating the familiarity with police organizations refractory to the rational management, to the evaluation, to the monitoring, to the external control and even to a minimally effective and non-corporative internal control.

The democratic spirit of most Ministers of Justice who took turns in the government confirmed that real and involuntary capitulationism. Excusing themselves from bolder interventions, renouncing to the reformist initiative, ministers and national secretaries repeated to exhaustion meetings with state security secretaries and police chiefs, with the goal to persuade them to participate in the national effort, for example, of standardization of the police information language – an indispensable requirement for the establishment of minimal conditions for the operational cooperation. The small sabotage, the smallness of the interpersonal quarrels, the clash between projects and the political rivalries got combined and created the culture broth for what could be called “veto policy” to prosper, thanks to which the entire national movement towards the administrative rationalization and towards the institutional modernization became a hostage of the bad will of a state authority, of the bad mood of an obscure character, of a business contraction, of a mediocre provincial dispute.

Any way, it should be emphasized that Fernando Henrique Cardoso's term marked a positive change, democratic and progressive, modernizing and rationalizing, since it gave the security issue a superior political status, acknowledging its importance, the seriousness of the situation and the need for the Federal government to take upon itself responsibilities in that issue; and it established a political commitment with the human rights agenda, more specifically in the public security area, with a virtuous list of topics (prevention, inter-sector and inter-governmental integration, valuation of the local experience, police qualification, encouragement to community police, support to the witness protection program and to the creation of hearing tribunals). Unfortunately, the richness of the agenda was not accompanied by the necessary and sufficient means for its execution – means being understood in this case in its broad sense: there was a lack of funds, adequate political orientation, leadership and effective commitment, and a systemic and consistent plan

that would guarantee a resource distribution correspondent to the priorities identified in the diagnosis.

It should be observed that, before the shy but inaugural movements of FHC's government, the public security field, in the Federal scope, had been characterized by indifference and lack of mobility, with the Federal managers accepting to continue traditional practices, adapting them to the new democratic context, established by the 1988 Constitution. The organizational structures, however, remained untouched by the process of transition to democracy, which was crowned by the promulgation of the citizen Constitution. The authorities that followed him limited themselves to receive the legacy of an authoritarian tradition, in a non-critical manner, reproducing its basic characteristics, introducing mere residual adjustments. In other words, the police departments and their practices stopped being, ostensibly, directed exclusively to the state security, redirecting themselves, in the perfunctory, to the defense of the citizens and the protection of their rights – mainly in the official speech level and of the procedures adopted in the rich areas of the cities. However, the old arbitrary brutality remained as the distinctive feature of the relationship with the popular layers, mainly the blacks, in the peripheries and slums. The same took place with the penitentiary system and with the prisons in general.

Times have changed, the country was cleaned up, in a certain sense, adapting to the new political ecology, in view of the raise of the social movements and of the associative character, but the public security institutions preserved their obsolete formats – with the police work cycle divided between the Military and Civil police -, their administrative irrationality, their qualification incompatible with the growing complexity of the new challenges, their old mutual rivalry, their isolation, their permeability to corruption, their disregard to their own professionals, their disdain for science and technology, and their unrealistic budgets, which forced the professionals to get a second job in the illegal public security and in hazy activities.

In one word, the democratic transition has not been extended to the public security, which corresponds to a live testimony of our obscure past and, from the point of view of the citizenship interests, inefficient. Even though the state and regional realities are very different, the public security institutions have become, as a rule, a part of the problem, instead of the solution.

### **Lula's first term: a bold proposal that politics denied**

President Lula's first term began with hope for most of the population, and also for those who were devoted to public security and believed in the campaign promises. In February, 2002, Luiz Inácio Lula da Silva, as a pre-candidate to the presidency of the Republic by the Labor Party (PT) and President of the Citizenship Institute, along with the coordinators of the National Public Security Plan<sup>3</sup>, presented it to the nation, in the National Congress, before

the Minister of Justice, Aloysio Nunes Ferreira, the President of the House of Representatives, and the President of the Senate, Ramez Tebet.

The Plan was received with respect even by his political adversaries, because there was a clear commitment to the technical seriousness, it rejected ideological slangs, assumed an eminently non-adherent stance and aimed at contributing to the construction of a minimum national consensus, taking for granted that public security is a State issue, not a government one, being, therefore, above the political and partisan disputes. Once confirmed as a candidate, Lula added the Plan to his Government Program.

The National Public Security Plan was elaborated within the scope of the Citizenship Institute, in more than one year of work, having heard managers, researchers, experts and professionals from the most distinct institutions and regions of the country, graduated in the most varied disciplines, besides society leaders, all over the country. We, the coordinators, also tried to add, as far as possible, the successful experiences, both national and international. Once Lula was elected, the National Public Security Secretary had the task to apply the Plan, which started to be done, until successive signs made clear the unwillingness of the government to carry out all the commitments assumed.

The author was the National Public Security secretary between January and October, 2003, with the task to put in progress the first stages of the Plan, namely:

1. To build a consensus with the governors about the Plan itself, its virtues, its convenience, its opportunity, its feasibility, demonstrating the benefits that it would provide to the country as a whole and to each state, in private, if the necessary efforts were made, according to cooperative, supra-partisan, and republican patterns, so as to overcome the business opposition, the material limitations, the operational and management difficulties, and the proposed measures came into being. Structured in modules, the Plan should be implemented one stage at a time, which would imply – according to our optimistic forecast – the progressive affirmation of the tendency to broaden the support bases to the plan itself, gradually, both in the police departments and in the society.
2. The crucial topics of the agreement to be celebrated would be the standardization of the Single Public Security System (Susp) and the de-constitutionalization of the police departments.
3. The State and the Federal governments would be in charge of installing Public Security Integrated Management Offices, one in each state, which would work as an operational branch of Susp and would start to work according to the political agreement, even before the standardization that would institutionalize them. GGI would be an executive forum that would gather the police departments, of all

- instances, and, when invited, the other criminal justice institutions. The decisions would be made exclusively by consensus, in order to eliminate the main obstacle to the inter-institutional cooperation: the competition for command. Since it was verified that there was a broad consensus agenda, for practical actions, in the Public Security area, there was no fear of paralysis by veto. It should be observed that the GGIs started to work immediately and in the few states where, in the following years, they weren't depleted by political boycott, they produced good results and showed that they were promising formats.
4. The Federal government, in turn, would be in charge of providing the resources of the National Public Security Fund, in 2003 and of considerably increasing it in the following years. For that reason, a negotiation began with the World Bank and with IDB, aiming at an investment with subsidized interest of U\$ 3.5 billion, for seven years. The National Security Fund would be accepted by the creditors as the Federal government's counterpart.
  5. The Federal government would also be in charge of sending to the National Congress the constitutional amendment for the de-constitutionalization of the police departments and, as an infra-constitutional matter, the standardization of the Single Public Security System.
  6. Once the 27 governors signed the terms of the agreement, the President would call them for the solemn celebration of the Pact for Peace, reinforcing, politically, the common commitment to the implementation of the National Security Policy Plan.

We were very close to reaching the national agreement about the reforms, since the governors were willing to cooperate, signing the adhesion letter subject to the appreciation of each one of them. However, President Lula, for the surprise of those who were building the consensus by means of delicate negotiations, didn't confirm the participation of the government in the National Pact. Thus, there wasn't step number six. If the President had called the governors to celebrate the Pact, steps four and five would be complete, almost automatically, without great traumas – despite the natural difficulties, but certainly possible to overcome, considering the political power that the President had at the moment, as well as the governors' leadership.

The president reviewed his adhesion to the Plan and gave up following the expected path because he noticed – by talking to the instance that, at the time, was called “hard core of the government” – that to do that would imply taking for granted the greater protagonist role of the institutional reform of the public security in Brazil, that is, it would imply taking for granted the responsibility for security, before the public opinion. And that would expose him to political risks, since the responsibility for each problem, in each corner of each city would be ascribed to him. The wear and tear would be inevitable,

since the practical effects of an institutional re-organization would only be felt in the long run.

Considering the contradiction, in Brazil, between the electoral cycle (biennial, since the holders of executive posts necessarily engage in the disputes for the other federation spheres) and the maturation period of greater public policies (the more ambitious ones, which require reforms and harm interests, causing, in a first moment, negative reactions and destabilizing effects), it becomes burdensome, politically, to deal with the risk of the changes and, therefore, from the point of view of the utilitarian calculation of the individual player, it becomes irrational to do it.

Thus, in 2003, we reached a national agreement about significant transformations and created a new operational agency, the GGIs, but the results were lost due to the change of path in the Ministry of Justice and in the Presidency.

The elementary features of the National Public Security Plan of President Lula's first term were original: it had to do with a set of proposals articulated by a systemic structure, aiming at the reform of the police departments, of the penitentiary system and at the integrated implementation of inter-sector preemptive policies. In other words, it was understood that topical changes produce effects on the other components of the contemplated universe and that a transformation that is sufficient to cause an impact on the reality of criminal violence requires simultaneous and successive changes, in different levels and scales, respecting the specific logics and rhythms. Above all, there was the certainty that the internal consistency and the objectivity of a Plan depend on the strictness of the diagnosis and of what it includes, as well as the success of its implementation depends on regular evaluations and systematic monitoring, identifying the mistakes so that there's no risk of repeating them indefinitely.

The main points of the reform program of the police departments would be: recruiting, formation, qualification and training; professional valuation; knowledge management and national standardization of the categories that organize the data, so that they can work as information; introduction of management mechanisms, changing functions, routines, technology and organizational structure; investment in know-how; articulation with preemptive policies; external control; qualification of the participation of the municipalities, by means of preemptive policies and Municipal Guards, preparing them to become, in a near future, complete cycle police departments, without repeating the bad habits of the existent ones; investment in punishments other than the denial of liberty and the creation of the necessary conditions for the Law of Penal Executions (LEP) to be respected in the penitentiary system.

The standardization of Susp would only be the legal definition of the operation rules of the topics mentioned above. Therefore, Susp wouldn't imply the unification of the police departments, but the generation of means that

would allow them to work in a cooperative manner, according to an integrated management matrix, always with transparency, external control, evaluations and connective monitoring. In that model's terms, the police work would be mainly guided towards prevention and would try to articulate with social policies of a specifically preemptive nature.

Together with the institutionalization of Susp mentioned above, the National Public Security Plan of President Lula's first term proposed the de-constitutionalization of the police departments, which means transferring to the States the power to define, according to their respective constitutions, the police model that they wish, want and/or can have. Therefore, each state would be authorized to change or to maintain the status quo, as it considered appropriate or not. In other words, it could maintain the current framework if it understood that breaking the cycle of the police work, represented by the dichotomic organization, Military Police – Civil Police, was working well. Otherwise, if the evaluation was negative – if it was verified the lack of motivation by the professionals and lack of confidence by the population, inefficiency, corruption and brutality –, changes could be made and new models would be tried. For example, the unification of the current state police departments, or the creation of complete cycle metropolitan and municipal police departments (at least in the larger cities), or the division of work among municipal, state and federal police departments, according to the complexity of the crimes to be faced, knowing, however, that all of them would work at a complete cycle regime, that is, investigating and executing the uniformed patrol.

Brazil is a federative Republic; it's a continental nation, characterized by profound regional differences. Uniform solutions are not necessarily the best. Besides, they eventually face the veto policy, which is used by states that have no political conditions to foster changes in their police departments or by those that consider counterproductive to do that. That context leads to the paralysis and turns the states that need urgent and profound transformations into hostages of those that choose to maintain the status quo. It should be observed that, according to what is established by the National Security Plan, in case of changes, the policemen would be utilized in the new institutions, going through requalification processes, provided that their professional records recommended the utilization.

Always according to the National Plan of Lula's first term, de-constitutionalization wouldn't imply confusion in terms of the matrix principles, according to the definition of the very role and the very nature of the police departments in the Democratic State of Law. The elementary principles would be kept under the Federal Constitution. It would be the organizational models that would be defined by the states. The possibility that Brazil would enter a phase of intense experimentalism is considered to be very promising instead of leading to chaos, to more fragmentation and

to more inefficiency than what it's currently verified. That's because the de-constitutionalization would take place at the same time as the standardization of Susp, a process that would compensate the federative flexibilization, since it would establish rules that could be applied to all police departments already existent or to be created. Today there's a babel-like fragmentation in the formation, in the information, in the management, in the distances between the Federal and the State institutions – and even those, in their respective scope of action. Susp would mean bringing order to chaos and the generation of conditions for the effective cooperation, both horizontal and vertical.

The political trap described above, which is a result of the contradiction between the electoral cycle and the maturation period of reformist public policies, eventually led the federal government to retire, precociously, its ambitious commitments in the public security: the National Plan was displaced, progressively, from the center of the agenda of the Ministry of Justice, and substituted, gradually, by actions of the Federal Police, which began to send to the society the message of competent and fearless activity, on the opposite direction of our traditional and corrosive impunity. However, it's not necessary to consider that, no matter how virtuous the Federal Police operations have been – pertinent questions emerged about the consistency of some of them and the mediatic character of many of them –, police actions can't replace a Public Security Policy. Mainly in a situation such as the Brazilian one, characterized by institutional fragmentation and by the lack of compatibility between the model inherited from the dictatorship and the growing challenges of a society that is becoming more complex and transnational, in a democratic though profoundly unequal context.

What remained as the most significant contributions to public security, in the scope of the federal government, were the efforts made by Senasp in favor of the police qualification, with courses at a distance and in person (necessary but insufficient efforts, since they would have to be accompanied by the creation of a national elementary cycle common to all public security professionals and by the creation of a Federal Police Education Council independent from governments and broadly acknowledged capability, to evaluate, monitor, guide changes, debate procedures and question methodologies, in the light of the knowledge produced both in Brazil and abroad), and those made in favor of disarmament, the impact of which, according to some analysts, would have reduced the deceitful homicides in Brazil. However, the result of the referendum, which favored the arms trade, reduced the initial impetus of the movement, which united police departments and significant segments of society.

Two important original commitments of the National Public Security Plan, with which President Lula began his first term, were discarded: the elevation of the status of Senasp to ministry level, turning it into a Special Secretary, directly tied to the Presidency of the Republic, to the scope of which would be transferred both Federal Police departments; and the displacement of

the Antidrug National Secretary (Senad) to the reinforced Senasp (or to the Ministry of Justice, or of Health).

**Lula's second term: resuming commitments,  
broadening repertoires, postponing controversial issues**

On August 20th, 2007, the Federal government launched the National Public Security with Citizenship Program (Pronasci), through Provisional Measure 384, committing itself to invest US\$ 3.746 billion, until the end of 2012, in a set of 94 actions, which will involve nineteen ministries, in articulate interventions with states and municipalities.

From the point of view of the matrix principles, Pronasci confirms the National Public Security Plan of President Lula's first term, which, in turn, incorporated, systematized and turned explicit what was already present, embryonically or tacitly, in the National Plan of Fernando Henrique Cardoso's term. That shows that, despite the differences and the precariousness of the treatment given to the issue of the principles, in FHC's term plan, there has been more continuity than discontinuity among the successive efforts, that already constitute a historical series more relevant as it distinguishes itself from the previous period, still heavily characterized by a reverent omission, relative to the area – which is a taboo – of Public Security.

The consensus values being discussed – which Pronasci endorses and emphasizes – are the following: human rights and police efficiency are not opposed. On the contrary, they're mutually necessary, since there's no police efficiency without respect to human rights, as well as the validity of those rights depends on the guarantee offered, as a last resort, by the police efficiency. Neither is it pertinent to oppose prevention to qualified repression. Both varieties of action of the State are legitimate and useful, depending on the context. The police exercises an essential historical role to build democracy, the obligation of which was to protect rights and liberties. In that sense, using the moderate force, proportional to the risk represented by the other's resistance to the police authority, impeding the aggression or any harmful act to other people doesn't mean repressing the liberty of those who perpetrate violence, but preserving rights and liberties of the potential victims. Therefore, the improvement of the police apparatus and of the public education should not be alternative and excludent objects of state investment. A truly democratic society can't be built without equality in the access to Justice, which depends on the quality and on the orientation of the police departments (and of the other institutions of the criminal justice system) and of equity in the access to education.

Pronasci also has the merit to value the contribution of the municipalities to public security, breaking the restrictive prejudices that come from a limited interpretation of Article 144 of the Constitution – a contribution that doesn't stop in the creation of the Civil Guards, but it's extended to the implementation of preemptive social policies.





Foto Sergio Moraes/Agência Reuters - 13.6.2007

*Members of the National Public Security Force get in position during an operation for drugs seizure in the Grota slum, located in Alemão Complex, suburb of Rio de Janeiro.*

Another fundamental principle, explicitly resumed by Pronasci of the Plan launched by Lula in 2002, states that security is a State matter, not a government one, being located, therefore, above the political-partisan disputes.

Comparing the plans of the two terms of President Lula, some significant differences become clear: in favor of Pronasci, it should stand out the publication of the Provisional Measure that instituted it, which implies, among other advantages, formal involvement of the government with its implementation and political strengthening of the agents in charge of it. The operators work under constant tension and insecurity, when the plan to which they serve and which they struggle to implement is only sustained by the word of the leader, sometimes evasive and purely rhetoric.

Still in favor of Pronasci, it should be registered the importance of the explicitation of the resources to be destined to its implementation, in six years (2007-2012), which, in turn, implies an additional benefit: the commitment of the next government, at least in its first half, to the continuity of the works and the fulfillment of the foreseen goals.

Particularly positive also is the identification of the institution in charge of the program evaluation, as well as the designation of local evaluation agents – which means that there will be investment in the building of indicators and in the development of evaluation methods. From that might derive a dynamic that spreads a new institutional culture, still inexistent in the Public Security area, as has been seen, not only because of all the difficulties pointed out in the first unit of this essay, but also, and above all, by the absence of institutional mechanisms indispensable to a rational management, in the police departments: technology, functions and routines, compatible organizational structure, and personnel qualification.

But there weren't only advances. Next are some items of Pronasci that represent a retrogression, in relation to the Security Plan with which President Lula won the 2002 election: (a) Instead of a systemic unit, a result of a diagnosis that identifies priorities and reveals the interconnections among the topics contemplated by the plan, there's the listing of proposals, organized according to descriptive categories (in themselves debatable) but essentially fragmentary and inorganic, that is, shy of a political support; (b) The involvement of too many ministries reminds of Piaps, with its merits and difficulties. The intention is excellent, but the arrangement doesn't seem very realistic, knowing how atomized is our public engine and how bureaucratic and departmentalized are the management mechanisms; (c) The only reference to the regulation of the Single Public security System (Susp) is very brief, superficial, not very clear, and suggests a limited understanding, reducing it to the operational dimension: "Pronasci will regulate the Single Public Security System (Susp), already agreed upon between the states and the Federal government, but yet to be established by law. Susp decides about the functioning of the public security agencies. Its goal is to articulate the Federal, State and Municipal actions in the Public Security and in the Criminal Justice areas" (Document of the Ministry of Justice called Pronasci); (d) The crucial topic, the institutional reforms, is not even mentioned – probably due to its politically controversial character (due to the lack of definition of the government leaders about the model to be used) and of its disaggregating potential, derived from the inevitable corporative reactions that it would call forth. Thus, with Susp anemic and without its institutional complement – de-constitutionalization or some reformist formula, in the organizational structures level –, the police status quo and, more broadly, the fragmentary picture of the public security are eventually assimilated. Thus, the legacy of the dictatorship becomes natural, considering the incomplete transition as the possible one. Pronasci resigns itself to being only a good Plan aiming at providing topical contributions.

Let's examine the categories with which Pronasci is formulated. The two regulatory categories are called "Structural actions" and "Local programs". The "Structural actions" category includes the following thematic axis: "Modernization of the public security institutions and of the prison system"; "Valuation of the public security professionals and penitentiary agents"; "Coping with police corruption and with the organized crime"; "Local programs" – the latter are divided into: "Peace territory"; "Integration of the youngster and his family"; "Security and living together".

In the first axis of the "Structural actions", which is called, as has been seen before, "Modernization of the public security institutions and of the prison system", the following topics can be found: (a) "National Public Security Force" – in which it is said when it was created, how many professionals compose it, what is it for, and that it will have its own headquarters in Brasília, where there will be 500 agents, ready to be deployed if called by the governors; (b)

“Federal Highway Police” – in which there are brief references to improvements, in a single paragraph; (c) “Places in prisons” – in which there’s a promise of 37.8 thousand new places until 2011, and the building of prisons for youngsters between 18 and 24 years old; (d) “Organic Law of the Civil Police Departments” – in which the content of the Organic Law mentioned above is not specified; (e) “Regulation of Susp” (already commented); (f) “Maria da Penha Law” (protection to women) – in which there’s a promise to build education and rehabilitation centers for aggressors; (g) “Federal Police College”; (h) “Disarmament campaign”.

In the second axis, “Valuation of the public security professionals and of penitentiary agents”, are included: (a) “Qualification scholarship”; (b) “Dwelling”; (c) “Education at a distance network”; (d) “Undergraduate and masters degree”; (e) “Qualification of the penitentiary agents”; (f) “Assistance to vulnerable groups” – in which the commitment to qualify the security professionals to treat in an adequate and respectful manner “women, homosexuals, blacks and other minorities”; (g) “Human rights journeys”; (h) “Non-lethal technologies”; (i) “Incidents command”; (j) “Intelligence”; (l) “Crimes investigation”; (m) “Municipal Guards”; (n) “Community Police”.

The third axis, “Coping with police corruption and with the organized crime”, include: (a) “Laboratories to fight money laundering”; (b) “Hearing and corrective tribunals”; (c) “People’s traffic”.

In the first thematic area subsumed by the second category, “Local programs”, called “Peace territory”, the following topics are included: (a) “Municipal Integrated Management Offices”; (b) Public Security Community Councils”; (c) “Community channel”.

In the second thematic axis, “Integration of the youngster and his family”, are included: (a) “Peace mothers”; (b) “Family health”; (c) “Qualification of the prisoner”; (d) Painting liberty and citizenship”.

In the third axis, “Security and living together”, the following topics are included: (a) “Urbanization”; (b) “Educational projects”; (c) “Cultural activities”.

The presentations of the items are extremely brief. Therefore, it wouldn’t be fair to evaluate them based on the disclosed document. It will be necessary to wait for the presentation of Pronasci, in its complete and final version. However, certain positive and negative aspects stand out right away. The focused topics are extremely positive in themselves. They are all relevant, event though some are more important than others, even because they are preconditions for the others to be fulfilled. However, the non-systematic character of the Program, conceived as a list of topics and commitments that barely fit the ordering categories chosen or that fit them in a heterogeneous and non-symmetric manner, eventually leads to redundancies and lapses – that is, the steps that will complete the previous initiatives, to make them effective, since it’s worth reinforcing that many of them, even when they are virtuous in

themselves, may be condemned to be ineffective if they're not accompanied by other measures and reforms, are not indicated.

I will give only a few examples, which could be many more: both Federal police departments are mentioned, stating a commitment to actions destined to promote topical improvements. However, nothing is said about the relations between them and about the relation of both with Senasp, as well as nothing is said about the relation of that institutional set with the state police departments. Criteria are also not identified for the distribution of resources of the National Public Security Fund, nor is there the acknowledgement that the Federal police departments, as much as the State ones, still don't have evaluation, monitoring and external control mechanisms.

The six axis of Susp are not acknowledged as being strategic targets of systemic and modular interventions: qualification, information, management, know-how, external control and articulation with the social policies. For that reason, Pronasci lists proposals in many of those areas, but doesn't do that in a structured manner: it refers, for example, to several courses, but not to the substitution of the current babel-like fragmentation verified in the sector, nowadays, by a national model, respectful of the regional diversity and of the federative anatomy, yet integrating. The document doesn't mention the future of the Municipal Guards. It only defends their valuation and qualification, attributing to them a calling for prevention, but it doesn't take a side in the controversy about the institutional future of those corporations: there are dozens of constitutional amendments in the National Congress that propose their transformation in ostensive police departments, with uniforms and guns.

Is that change of status desirable if the Guards don't submit themselves to an intense preparation and a profound reorganization, so that those future municipal police departments don't repeat the bad habits of the Military Police? Should the breaking of the police work cycle be copied in the municipal level, that is, should the Guards be a small version of the Military Police? Or should we seize the historical opportunity of an institutional renewal of that size to overcome the dichotomy that currently divides the police work between the civil and the military police departments in the states? Why not municipal Civil Guards as complete cycle police departments, even if their community and preemptive calling are preserved?

Thus, there are reasons both for optimism and for caution. The merits of Pronasci are sufficient to justify the hope that there will be advances in the Brazilian public security. But they don't seem sufficient to justify the hope that the country will finally start to revolve the authoritarian rubbish that stalls progress in that area, with its irrationality and organizational disorder burdens that are not compatible with functions that are so important, demanding and sophisticated, in an increasingly complex society, in which crime is increasingly organized, nationalized and transnationalized. On the other hand, considering the virtues of the commitments already made by the Minister of Justice, Tarso

Genro, by means of the publishing of Pronasci, with all its potential to produce positive results – even if they are partial and insufficient –, there are good reasons to believe that the process may strengthen his leadership and create more favorable political conditions to take the risks involved in the bolder reforms.

## Notes

- 1 Summer changes habits, increases social gatherings in public spaces, which tends to increase the possibility of conflicts and the exposition to risks. The same holds true, within the week cycle, for weekends.
- 2 When compared to other diachronic cuts, that is, to other similar periods of time, the observed increase may actually prove to be a reduction of the increase that could be expected if the previously established historic pattern had been maintained.
- 3 Antonio Carlos Biscaia, Benedito Mariano, Roberto Aguiar and the author of this essay.

*ABSTRACT* – This paper describes the successive attempts of formulating and implementing public security policies through the elaboration of plans in Brazil. It seeks to understand their main movements: advances and retreats, pressures and reactions, as well as the induction and the negotiations that have characterized the recent experience of their several relevant agents. The analyzed period covers both terms of former President Fernando Henrique Cardoso's administration, President Luiz Inácio Lula da Silva's first government and the new proposals announced by the National Public Security and Citizenship Program (Pronasci) in the eighth month of his second term in office. In order to contextualize the assessment of the plans and of the political process involved, the paper analyzes the difficulties derived from the definition of criteria, methods and mechanisms of evaluation and monitoring of public security policies and police performance.

*KEYWORDS* – Evaluation and monitoring of public security policies and police performance, National public security plans, Human rights, Violence, Criminality, Police corruption and brutality, Political obstacles to the police reform, Police and democracy, Incomplete transition, Future agenda.

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