

AFTERWORD – POLICE KILLINGS AND VICTIMIZATION: GENERAL CHARACTERISTICS OF THE PHENOMENON IN THREE BRAZILIAN STATES¹

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Originally published in 2018, this article already warned, at that time, about the process of strong recrudescence of police violence in Brazil. Based on the analysis of data from three states of the federation (Minas Gerais, Pernambuco and Goiás), the text pointed out not only the expressive growth in the number of people killed by the police in the country, but also the deterioration of all the indicators by which traditionally is measured the reasonableness of the use of force by public security agents (ratio between killed and wounded during police actions; ratio between citizens and police officers killed in confrontations; number of citizens killed by the police for each group of 100,000 inhabitants; percentage of deaths caused by the police over the total number of homicides in the country etc.).

According to data from the Brazilian Public Security Forum (Fórum Brasileiro de Segurança Pública – FBSP),³ during the four years before the publication of the text, Brazilian police forces had been responsible for the death of 15,763 people in the country, an average of just over 3,900 victims per year. In the following four years, between 2018 and 2021, this number jumped to 25,138 deaths as a result of police actions, an average of 6,200 fatalities per year (a gross increase of almost 60% in police lethality between the two periods). In sociodemographic terms, the profile of victims of state violence has remained unchanged throughout all these years: young, black, with low education and income, residents of poor neighborhoods on the urban periphery.

On the other hand, the country has experienced a significant reduction in its indicators of police victimization in recent years. The same data from the FBSP show that, between 2014 and 2017, 1,536 public security agents were killed in the country, an annual average of 384 fatalities during the period. In the following four years, this figure dropped to 927, an average of 232 police officers killed per year (a gross reduction of almost 40% in the lethal victimization of police officers).

The movement of detachment from the trend lines of lethality and police victimization needs to be highlighted because, in itself, it already undermines the notion, strongly spread by common sense, that the increase in police violence in Brazil would be a result of the recrudescence of the so-called “war on crime” or, more specifically, the “war on drugs”. If the use of lethal force by the police were proportional to the levels of violence suffered by State agents (as determined by all police procedure manuals), lethality and police victimization would reasonably follow the same trend: the increase in deaths caused by the police would be proportionately accompanied by the growth in deaths of the police agents themselves. It is therefore necessary to seek other possible explanations for the phenomenon, or even to understand what its main vectors have been.

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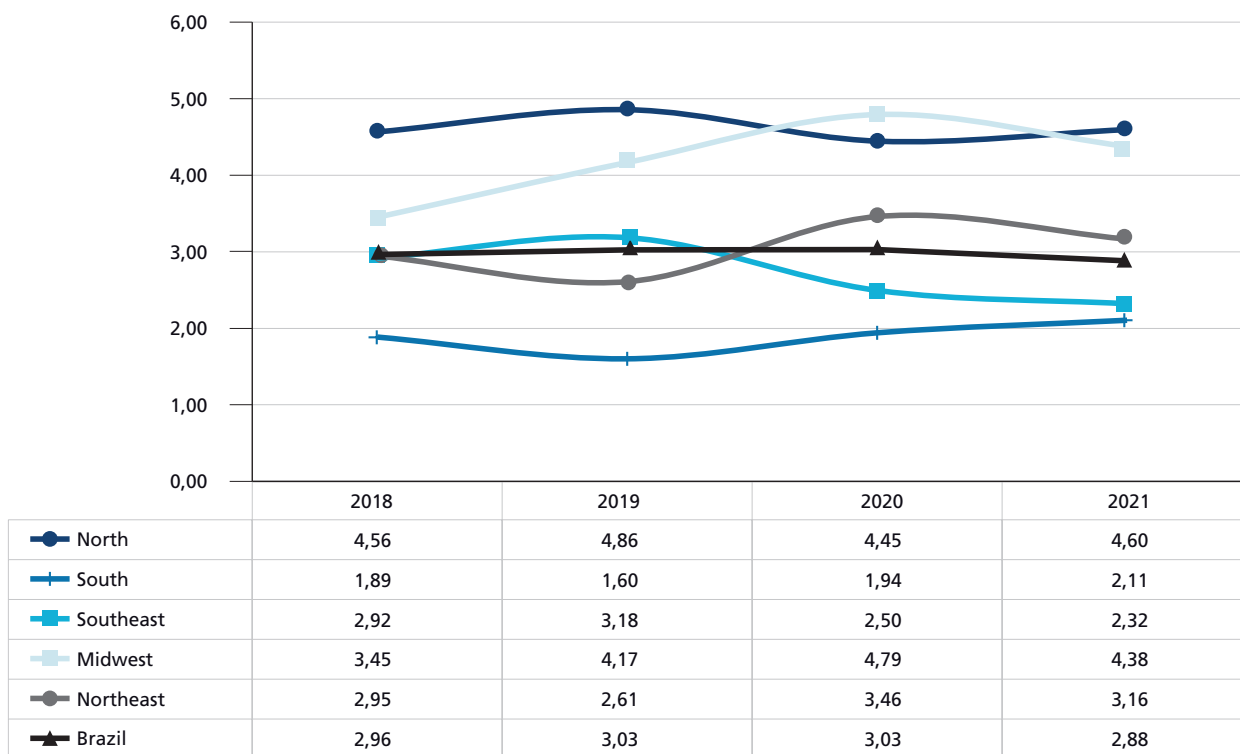
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3. Available at: <https://forumseguranca.org.br/>.

A regionalized analysis of the most recent data on police lethality and victimization in Brazil helps to shed light on the issue. This is because the increase in police violence did not occur homogeneously across the national territory. Three regions of the country led this movement in a very evident way: Midwest, North and Northeast. Between 2018 and 2021, Brazil had an average annual rate of 2.97 deaths resulting from police interventions for each group of 100,000 inhabitants. In the same period, three regions of the country had higher average annual rates than the national one: Northeast, Midwest and North with, respectively, 3.04, 4.2 and 4.62 deaths for each group of 100,000 inhabitants. In addition, all these regions showed a growth trend in their police fatality rates over the period, contrary to the national trend, which was of stability with a slight reduction between 2020 and 2021.

The Southeast region, on the other hand, historically responsible for the largest contingent of deaths caused by police forces in the country, showed a tendency to reduce its lethality indicators during the period, leaving a rate of 3.18 deaths for each group of 100,000 inhabitants in 2019, to 2.32 in 2021 (therefore standing below the national average during the period). The following figure shows these movements.

FIGURE 1
Police lethality rates in Brazil, by region (2018-2021)



Source: FBSP, 2022. Available at: <<https://forumseguranca.org.br/>>. Author's elaboration.

In addition to the regional heterogeneities of police lethality patterns, in many ways resulting from the institutional and procedural differences that exist between the public security forces of Brazilian states, another dimension well reflects the complexity of intervening in the problem of police violence in Brazil: the context of fierce political and regulatory disputes that has been

established in the country around investigations and judicial processing of cases of deaths resulting from police interventions. According to a survey carried out by the FJP,⁴ there are currently at least 28 regulations in the country (7 federal and 21 state-level) that deal with the issue of police lethality in its most diverse areas. These are laws, decrees, recommendations, normative instructions and manuals, published since 2010 by various public bodies and agencies (federal and state-level) to try to regulate and establish minimum protocols for action for Public Security and Justice bodies in cases of police lethality.

Currently, the functional and federative autonomy of police forces in the states hampers the existence of minimally standardized institutional procedures or arrangements for Public Security organizations to act in cases of lethality. In practice, there is currently no standardization of nomenclatures or registration methods to be adopted in the country when deaths resulting from police intervention occur; there are no investigation or action protocols for external control bodies; there is not even a definition on which police organization (civilian or military) should conduct investigations of the cases. In each state, the profusion of regulations reflects the context of fierce political, institutional and corporate disputes around the issue of police lethality, clearly damaging the consolidation of mechanisms of transparency and public control of the use of force by organizations of force.

This movement frames a national context of strong incursion by the Military Police (Polícia Militar – PM) in the field of investigation and judicial processing of police lethality: from an administrative perspective, the PMs articulate in their states to create mechanisms that grant them the prerogative to conduct investigations of the deaths caused by their own agents. In the political sphere, these military corporations strengthen their lobby in the national parliament to try to modify the Brazilian criminal and criminal procedural laws and, with that, to make sure that the homicides committed by their agents on duty (or even off-duty, but due to the police service) are judicially considered “military crimes” and, therefore, are no longer judged by the courts of the jury of the common justice and start being prosecuted by military courts of the states or the Union.⁵ Such aspects show the complexity of the theme and the great difficulty that exists today in Brazil to face the problem of police violence.

4. FJP – Fundação João Pinheiro. *Letalidade e vitimização policial em Minas Gerais: arcabouços normativos e fluxos de processamento investigativo*. [s.l.]: [s.d.], fev. 2020. (Relatório de Pesquisa).

5. In its article 9, paragraph 1, the Military Penal Code (Código Penal Militar – CPM) determines that intentional crimes against life, when committed by military personnel against civilians, fall within the competence of the jury court (and, therefore, must be judged by the common justice).
