Police violence as the greatest threat to public security: Gendarmerie in Brazil and Mexico

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Abstract

Crime and violence threatens the lives of millions of citizens living in Latin America, a region that hosts the infamously high crime capitals of the world. A fundamental feature of this dire condition is institutional corruption and violence. This brief assesses the effectiveness of a gendarmerie policy in Latin America, with perspectives from the military police of Brazil and the recently instated ‘National Gendarmerie’ in Mexico. These perspectives indicate that although military policing is sufficient to combat large-scale crimes such as drug trafficking, the empirical evidence of continued organised crime and the predisposition to violence has created a backlash threat to civilian security. This policy brief identifies the institutional challenges that prevent a gendarmerie from functioning compatibly within existing fragile democracies of Latin America. In the way it is systematically embedded within government and extrajudicial institutions, organised crime is easily concealable in Latin America, and greatly challenging to scrutinise. This policy brief recommends the professionalisation of the police force, institutional reform to improve accountability of the state, and the reduction of social inequalities as paramount to improving public security. In essence, the dynamic of a monolithic military elite must be destabilised to alleviate social inequalities that trap a particular group of society in an endless cycle of crime and violence.
Policy brief objective

This policy brief will assess the effectiveness of a gendarmerie policy in Latin America, with perspectives from the military police of Brazil and the recently instated ‘National Gendarmerie’ in Mexico. While there are identifiable advantages of militarisation in increasing public security and combating crime, major institutional challenges exist that prevent it from becoming a solid solution to citizen insecurity, which must be addressed urgently. This brief is written for an international development organisation with a specific focus on social reform and reducing inequalities between society and the state.

The problem

Crime and violence threatens the lives of millions of citizens living in Latin America, a region that hosts the infamously high crime capitals of the world, including Mexico and Brazil. This is shown in the significantly high rate of homicide, organised crime, national gangs, kidnapping, and drug trafficking cases. For example, between 2003 and 2007, more than 240,000 people were murdered in Brazil. A fundamental feature of this dire condition is institutional corruption and violence. Police of the region are notorious for persistent human rights violations, where kidnappings, torture, and abuse are used as means of punishment of common criminals, controlling the opposition, and even as investigative tools for crime confessions. In the way it is systematically embedded within government and extrajudicial institutions, organised crime is easily concealable in Latin America, and greatly challenging to scrutinise. Furthermore, social inequality is a major causal factor of targeted victimisation, stemming from high levels of poverty and unemployment, and the absence or weakness of state accountability, basic social services, and criminal justice institutions. Brazil is one of the world’s most unequal countries in wealth distribution: a single road separates Rocinha, the largest favela or shantytown

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in Rio de Janeiro, from a wealthy neighbouring community, distinguishing deplorable inequalities in employment, income, security, wellbeing, and life expectancy.4

While the appropriate response to citizen insecurity is varied and indistinct, what is clear are the consequences of inadequate institutions of law and order, which often become themselves the major source of insecurity. Corruption and the lack of accountability of the state is the greatest challenge to combating crime in the existing fragile democracies of Latin America, which must be addressed urgently. The challenge is twofold: first in combating societal crime and violence, and second in addressing police violence and social inequalities that further increase citizen insecurity. The intended outcome of this brief is to promote the establishment of strong institutions of public security that mandate the regulated use of police authority, and the rebuilding of citizen security.

**Implications and shortcomings of gendarmerie policy**

Militarisation is one of the current strategies to increase public security and combat crime within several Latin American countries. Similar to the French gendarmerie, the police and armed forces of Brazil and Mexico are inextricably controlled by the same group of authority. In theory, the military character and function of a gendarmerie is compatible with democracy, provided the police force is not subordinated to the armed force, or guided by military criteria.5 Militarisation by nature encourages the excessive use of force, and this often has significant consequences for citizen insecurity due to its tendency to violate human rights. Hugo Frühling, a public policy scholar of citizen security in Latin America, identifies two features of a military police force that perpetrate this outcome: firstly, military police doctrine places little importance on the rights of individuals; secondly, hostile relationships are created between the police and citizens, where social profiling and violence is used to combat crime.6 This relationship between citizen and state will be examined in the two empirical case studies of military policing in Brazil and Mexico.

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Case study I: Military police in Sao Paulo and Rio de Janeiro

The civil and military police of Brazil serve specific functions: the military police are charged with the duty of patrolling streets, maintaining peace, and investigating crimes in progress, while the civil police investigate committed crimes. The first point of contact with crime within society is therefore the responsibility of the military police.

The effectiveness of military police in public security in Brazil is most apparent in its efforts against drug trafficking. The installation of Pacifying Police Units (UPPs) in Rio, for example, has had success in maintaining a permanent, physical presence in the favelas that were previously controlled by drug traffickers. A significant reduction in violent crime in specific favelas corroborates the success of this form of military presence, as shown in one study by the Institute of Public Safety of Rio de Janeiro indicating the number of homicides in Rio declining from 2,155 in 2009 to 1,422 in 2011.

Consequently, UPPs are resource-intensive, requiring a high number of policemen in any given area. It therefore poses a great risk that only certain areas receive these well-developed forms of public security, perhaps even driving crime and drug trafficking to smaller, poorer areas.

Despite measures of improving the moral function of gendarmerie in democratic society, such as UPPs and the post-Carandiru Massacre education of individual human rights, incidences of police brutality and citizen insecurity continue to undermine the quality of public security services in Brazil.

Robert Gay, a sociologist of Latin American development and democracy, presents a number of factors that challenge the prevention of police homicide:

- Initial investigation of the crime scene lies at the hands of the police, who are often the perpetrators. Bodies are often removed and taken to local hospitals to create the impression of assisting victims, while simultaneously compromising the evidence.
- Police always claim to be acting in self-defence.
- Widespread use of unregistered and unauthorised guns.

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FIFA World Cup 2014

The international attention and pressure on Brazil for strong public security measures is immense in the current climate of the FIFA World Cup 2014 and the Olympic Games 2016. The manpower of public security for the event has been increased significantly, with over 150,000 police recruited, according to Andrei Rodrigues of Brazil’s Ministry of Justice.\(^\text{10}\) While the manpower is promising, the question remains how well trained these security forces are to control their weaponry. Concurrently, in anticipation of the event, several protests had turned violent between citizens and military police in disapproval of the construction of 12 stadiums amounting to over US$3 billion.\(^\text{11}\) Gay’s analogy can be applied here, where the right of the military police to act in self-defence is in conflict with the citizens’ right to voice their democratic rights on domestic issues of concern.

Case study II: ‘National Gendarmerie’ in Mexico

The announcement of a ‘National Gendarmerie’ (GN) for 2014 is the current public security campaign in Mexico, under President Enrique Peña Nieto. With the primary focus on combating drug cartels, the GN comprises 10,000 active duty military personnel, with the intention of expanding its manpower to around 50,000 by 2018. These military officers are offered financial incentives, full military benefits, and remain subject to military law, though the GN operates under civilian control and jurisdiction.\(^\text{12}\) While there is significant likelihood that the new gendarmerie will establish effective disciplinary measures and deter drug trafficking, increased militarisation will not reduce citizen insecurity. As defined earlier, gendarmerie is compatible with democracy insofar that police forces are not subordinated to armed forces or military criteria. However, the GN in Mexico is solely formed from military personnel, who remain subject to military law. Military forces are trained to combat an armed enemy with overwhelming force, while police forces are civilian corps trained to address public security with minimal force, and to cooperate with citizens.

Maureen Meyer, a senior Associate of the Washington Office for Mexico and Central America, examines the inherent risk of having military-trained forces in close contact with the civilian population. Meyer foresees the potential harm to human rights that will arise from the GN: Mexico’s National Human Rights

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Commission substantiates a fivefold increase in human rights violations by members of the Mexican army, with a rise to 1,503 cases of organised crime in 2012, including torture, extrajudicial execution, arbitrary detention, and enforced disappearances. Meyer argues that unless there are strong internal and external accountability mechanisms, a Mexican gendarmerie will commit the same pattern of human rights abuse of the population as seen in past decades.13

Evidently, there are underlying institutional challenges within Mexico’s national law enforcement structure that are susceptible to corruption and abuse of power.

Table 1: Public opinion data collected by Latinobarómetro in 201114

<table>
<thead>
<tr>
<th>Satisfactory with performance of institutions: Police</th>
<th>Brazil</th>
<th>Mexico</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very satisfied</td>
<td>2.90%</td>
<td>2.60%</td>
</tr>
<tr>
<td>Rather satisfied</td>
<td>21.20%</td>
<td>15.80%</td>
</tr>
<tr>
<td>Not very satisfied</td>
<td>42.20%</td>
<td>46.20%</td>
</tr>
<tr>
<td>Not at all satisfied</td>
<td>33.20%</td>
<td>34.40%</td>
</tr>
<tr>
<td>Unsure</td>
<td>0.50%</td>
<td>1.00%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Progress on reducing corruption in state institutions (Within two years)</th>
<th>Brazil</th>
<th>Mexico</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very much</td>
<td>4.10%</td>
<td>5.20%</td>
</tr>
<tr>
<td>Something</td>
<td>29.60%</td>
<td>24.20%</td>
</tr>
<tr>
<td>A little</td>
<td>38.10%</td>
<td>33.90%</td>
</tr>
<tr>
<td>Nothing</td>
<td>25.10%</td>
<td>33.70%</td>
</tr>
<tr>
<td>Unsure</td>
<td>3.20%</td>
<td>3.00%</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Would you support a military government?</th>
<th>Brazil</th>
<th>Mexico</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would support in place of a democracy</td>
<td>21.80%</td>
<td>37.10%</td>
</tr>
<tr>
<td>Would not support under any circumstances</td>
<td>67.40%</td>
<td>53.30%</td>
</tr>
<tr>
<td>Unsure</td>
<td>10.80%</td>
<td>9.60%</td>
</tr>
</tbody>
</table>


Empirical data derived from public opinion offers invaluable insight on the effectiveness of societal structures in practice. Table 1 displays public opinion data related to the functioning of democracy and public policy in Brazil and Mexico in 2011, as generated by the Latinobarómetro from a sample group. The first survey shows over 70 per cent of respondents to be partially satisfied or unsatisfied with the performance of police institutions. The second survey, on the management of corruption, can be seen to correlate with the satisfaction of police institutions, with the majority of results ranging from partially satisfied to unsatisfied. This potentially indicates that the measure to which citizens are satisfied with police institutions is linked to the institutions’ ability and progress in reducing corruption. If so, citizens place a significant amount of reliance on police institutions to ensure public security and reduce corruption, though it is yet to deliver solidly positive results. The final survey displays significant resistance against a military government in Brazil, while in Mexico just over 50 per cent of results would not support it under any circumstances.

Recommendations

While a gendarmerie provides a strong institution that enforces the rule of law and punishment, it presents a high risk of monopolisation and abuse of social and military power by the elite. In order for public security to be effective and reliable to citizens, there is an urgency to improve state accountability and reduce the corruption and social inequalities that perpetrate high crime rates. This policy brief identifies three institutional challenges that an international development organisation must primarily focus on, if military protection is to function compatibly within Latin American democracies.

Professionalising the police force

The training of police forces must be civilian-oriented, not militarily-oriented. Re-education in human rights will reinforce the necessity of protecting the civilian population, of which all members have human and democratic rights that must be made known to both citizens and state actors. Institutional reforms must also include the establishment of norms and codes of conduct, and official assessment criteria for crime investigation.

Monitoring police corruption and organised crime

Strong internal institutions to monitor accountability and punish police brutality must be improved at municipal, state, and federal level. The state must be the guarantor of security, basic services, and the constitutional rights of all members.
of the population, with presence in all parts of the city. The enforcement of an ombudsman will also strengthen the role of civilian control and jurisdiction within public security institutions.

**Addressing social inequalities and power imbalances**

There is an urgent need to regulate the power held by the authority, and prevent the use of social profiling in crime investigation. This can be addressed through community policing techniques to establish a dialogue and relationship of trust between citizen and state. The strengths of this recommendation can be seen in the Dominican Republic’s *Plan de Seguridad* (PSD), instated by President Leonel Fernández in 2005, where institutional reform focused on strengthening and professionalising the police force, while genuine civilian security was redefined to include improving social services, providing civilians with protection to move about freely.

**Conclusion**

This policy brief identifies the institutional challenges that prevent a gendarmerie from functioning compatibly within existing fragile democracies of Latin America. Perspectives from military public security in Brazil and Mexico indicate that although military policing is sufficient in combating large-scale crimes such as drug trafficking, the empirical evidence of continued organised crime and the predisposition to violence has created a backlash threat to civilian security. An international development organisation must urgently address these institutional challenges if military protection is to function as a reliable institution of security and justice in Latin America. This policy brief proposes the professionalisation of the police force, institutional reform to improve accountability of the state, and the reduction of social inequalities as paramount to improving public security. In essence, the dynamic of a monolithic military elite must be destabilised to alleviate social inequalities that render a particular group of society to be trapped in an endless cycle of crime and violence.

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Bibliography


