

Democracy's Debt: State Violence and the Persistence of Impunity in Brazil

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In late July 2023, a group of mothers in São Paulo's coastal region frantically texted one another late into the night, mobilizing civil society organizations, alerting journalists, and pressuring government officials to intervene, all in an effort to prevent another massacre. A police officer had just been killed in the city of Guarujá, and state officials announced the start of Operação Escudo (Operation Shield), a concerted, heavily militarized police operation in the surrounding region to find the officer's killer and combat organized crime and drug trafficking. The announcement set off a familiar panic throughout the Baixada Santista (the metropolitan region surrounding the port city of Santos), leading to many sleepless nights among this group of women. They were members of Mães de Maio (Mothers of May), a collective of mothers of victims killed in what became known as the "Crimes de Maio" (Crimes of May). In May 2006, the state government responded to a series of attacks by the criminal group PCC (Primeiro Comando da Capital) that resulted in the deaths of dozens of police officers, by launching an all-out assault against the urban peripheries of São Paulo and the Baixada Santista. Over the course of one week in May 2006, police killed hundreds of mostly young black men from urban peripheries and favelas, including 60 in the Baixada Santista.¹ Seventeen years later, Operação Escudo and its successor, Operação Verão, yielded some 84 fatal victims, once again mostly young black men from urban peripheries and favelas in the Baixada Santista.²

Shortly after Brazil's gradual transition to democracy in the 1980s, journalist Caco Barcellos published *Rota 66: The History of the Police that Kills*, a seminal book documenting police violence during the dictatorship, but which could well have been written decades after democratization. Barcellos described "what we see on a daily basis on the streets" while the police were under the command of the military: "A violent and systematic persecution exclusively against those they call *marginal*: the citizen that comes from the poor majority, that causes *prejuízo* (harm) to the rich minority of society" (Barcellos 1992). While the police's role in upholding racial and class hierarchies in Brazil long predates the military dictatorship, its repressive structures and methodology were undoubtedly consolidated under this period. The remarkable continuity of the *modus operandi* of violent policing developed under military rule is evidenced by the mothers' accuracy in predicting what would follow the onset of Operação Escudo. The legacy of the police death squads documented in *Rota 66* can be seen in the unprecedented massacres of the "Crimes of May" decades later. The fact that "what we see on a daily basis on the streets" has remained largely unchanged elucidates the extent to which Brazil's transition to democracy remains an unfinished process.

Indeed, the "Crimes of May" gave way to a common manifestation of state violence, laying bare one of the starkest contradictions of

¹ The full tally of victims of the "Crimes of May" remains unknown, but various investigations have put the number of victims in the range of 400 to 600 (Centro de Antropologia e Arqueologia Forense 2018; Delgado, Ferreira Dodge, and Carvalho 2011; Nogueira 2007). See also <https://ponte.org/crimes-de-maio-de-2006-o-massacre-que-o-brasil-ignora/>

² <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2024/04/12/mae-de-6-e-pessoas-com-deficiencia-as-vitimas-fatais-da-operacao-verao.amp.htm>
<https://agenciabrasil.ebc.com.br/geral/noticia/2023-09/governo-de-sp-encerra-operacao-escudo-que-resultou-em-28-mortes>

democratic Brazil. Recurrent *chacinas*,³ or police killings with multiple fatal victims became an iterative practice over subsequent years⁴ in poor, outlying neighborhoods in retaliation for the death of a police officer. The modus operandi of these massacres is that after a police officer is killed, a group of officers return to where the death took place and kill several victims, even though they have nothing to do with the death of the police officer.⁵ Survivors of these *chacinas*—whose main targets are largely black, poor, residents of urban peripheries—share similar accounts, in which having “*passagem*”—a criminal record⁶—or merely being in the wrong place at the wrong time, is reason enough to be killed. In most cases, there is little evidence of armed confrontation, which officials typically cite as justification for the massacres.

We write this article in the context of a gathering that brought together mothers of victims killed during the “Crimes de Maio” of 2006 and mothers of victims of Operação Escudo of 2023-2024, as well as mothers of victims of the incessant police killings that occurred in the interim. They gathered to commemorate eighteen years since the Crimes de Maio, or as one mother put it, “eighteen years of the negation of life.” The mothers’ accounts, irrespective of the period or the region or the circumstances in which their child was killed, shared nearly identical narratives of institutional omissions resulting in the failure to investigate police killings, unwillingness to prosecute perpetrators, and, in the rare cases of accountability, the overturning of convictions. In sum, the mothers were commemorating 18 years of impunity.

State violence in Brazil reaches levels completely unknown in the vast majority of democracies in the world. In 2022, Brazil’s police forces killed 6,429 people, equivalent to 13% of all intentional

violent deaths in the country (Fórum Brasileiro de Segurança Pública 2023). The situation is even more worrying in certain states. In the states of Rio de Janeiro and Bahia, lethal victims of public security forces accounted for 29.7% and 22%, respectively, of intentional violent deaths. In São Paulo, the proportion of lethal victims of military and civil police in relation to intentional violent deaths was 11% in 2022 but had previously reached 20% in 2017. If we knew of an armed group that could be held responsible for 11%, 22%, or 29% of violent deaths, that armed group would be the target of concerted strategies aimed at reducing this violence. Yet, when that armed group is the security force charged with executing the state’s monopoly of violence, we rarely see the same urgency to save thousands of lives every year. As many scholars have demonstrated, democracy is no guarantee that duly elected governments will take decisive action to rein in the violence exerted by state agents against their constituents (Bonner, Seri, and Kubal 2018, Caldeira 2002); instead, democracy may create incentives that reproduce—rather than restrain—such violence (González 2020, González and Mayka 2023).

Brazil’s much-celebrated transition to democracy went hand in hand with the seamless continuity of varied forms of state violence and impunity (González 2020, Holston and Caldeira 1998). The direct line between the violence exercised by the Brazilian state under both dictatorship and democracy can be traced in the life of one of this paper’s authors, Débora Silva. Débora’s brother was disappeared under the country’s decades-long military dictatorship, and her son was killed by police during the “Crimes of May” 2006, decades after Brazil transitioned to democracy. Débora often poses a question during public events, calling on her interlocutors to imagine a series of counterfactual outcomes. If

³ <https://ponte.org/dez-maiores-chacinas-de-sp-tiveram-participacao-de-pms/>

⁴ <https://www.observatoriodeseguranca.org/pesquisas-e-estudos/da-violencia-aos-massacres-reflexoes-sobre-o-fenomeno-das-chacinas-no-brasil/>

⁵ For an overview of the trends and typical characteristics of *chacinas* perpetrated by police and *chacinas* in general, see <https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2023-10/sp-regiao-metropolitana-registrou-mais-de-820-chacinas-em-40-anos>

⁶ See, for instance, <https://www.intercept.com.br/2024/01/29/operacao-escudo-escolheu-alvos-pela-ficha-criminal-diz-homem-que-sobreviveu-a-tiro-a-queima-roupa/>

the crimes of the military dictatorship – including the enforced disappearance of her brother had not remained in impunity, would the Crimes of May 2006 that resulted in the death of her son have occurred? If the Crimes of May 2006 had been duly prosecuted, if there had been justice for its victims, would police killings and the growing numbers of *chacinas* that followed continue unabated?

While we will never know for certain, there is some evidence to suggest that institutions to rein in police violence and other abuses can be effective. In Rio de Janeiro, judicial oversight proved to be a crucial factor in reducing the lethal toll of heavily militarized police operations conducted under the guise of combating drug trafficking,⁷ while the use of body-worn cameras led to the reduction of “aggressive” police interactions with citizens (Magaloni, Melo, and Robles 2023). In Mexico, judicial reforms were shown to have reduced the incidence of torture by police as a means of extracting concessions from suspects (Magaloni and Rodriguez, 2020). Scholars have demonstrated that this finding extends cross-nationally: enacting laws criminalizing torture is associated with meaningful reductions in cases of police torture (Berlin, 2023). Meanwhile, in the context of the United States, researchers have found that reforms to constrain police authority in conducting searches can reduce arbitrary stops (Mummolo 2018) and racial disparities in traffic stops (Shoub 2022). While more research is certainly needed, these studies demonstrate that democratic institutions that promote transparency, oversight, and accountability can prevent police violence. In contrast, policies that increase militarization, broaden police authority, and loosen controls on the use of force lead to increases in police killings (Flores-Macías and Zarkin 2020, Tiscornia 2024). The counterfactuals

that Débora Silva frequently challenges audiences to consider seem to be, according to existing evidence, highly plausible.

In 2019, a human rights prosecutor from São Paulo State’s Ministério Público filed suit against the State of São Paulo requiring it to provide indemnification to the families of the estimated 500 victims of the “Crimes of May.”⁸ According to the filing, the events that led to and constituted the “Crimes of May,” “relate to the failure to consolidate the precepts of Transitional Justice, which has enabled the authoritarianism of the regime of exception [military dictatorship] to survive within Brazil’s still incipient democracy, encouraging the actions of the state’s police and repressive institutions.” Positioning the “Crimes of May,” and police violence more broadly within the context of Brazil’s incomplete transitional justice process underscores the extent to which the justice and accountability that victims’ families have long fought for, and meaningful efforts to end the impunity that makes such rampant killings possible, constitute an enduring debt of democracy.

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⁷ Scholars have shown that a judicial ruling placing constraints on such police raids during the COVID-19 pandemic reduced police killings and homicide overall (Trudeau 2022). See also https://geni.uff.br/wp-content/uploads/sites/357/2021/04/Relatorio-audiencia_balanco_final_22_03_2021-1.pdf

⁸ Ação Civil Pública, Promotoria de Justiça de Direitos Humanos, Ministério Público do Estado de São Paulo. Processo no 1062551.10.2018.8.26.0053 – 16a Vara da Fazenda Pública Estadual

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