

# Institutional Violence and Democracy: Historical Accumulations in the Brazilian Present

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## Historical Background

This paper examines the case of Rio de Janeiro to show that the absence of democratic controls over police institutions has fostered the advance of authoritarianism in Brazil illustrating the connections between today's flawed democratic regime and the country's history of authoritarian repression and violence. We argue that the use of state force without accountability enables the privatization of protection and the establishment of trust through violent and authoritarian mechanisms to the detriment of democratic institutions.

We contribute to the debate on violence and democracy in Brazil by examining Rio de Janeiro from 2007 onwards, a critical moment in the development of both violence and localized authoritarian practices by both police and armed groups. This period coincided with the reemergence of a politically robust Brazilian far-right during the 2010s, that in the context of Rio de Janeiro, had clear connections to both criminal groups and conservative factions within the police. Our approach highlights key elements for understanding the erosion of Brazil's fragile democracy in the context of armed conflict in Rio de Janeiro, which involves criminal groups, police, and, sometimes, the military. Here we examine the convergence between the increase in institutional violence and its implications for the

growth of a form of police-connected protection racket known as militias. This essay begins with a historical and theoretical discussion, continues with an analysis of violence in Rio, then examines the role of police-criminal relationships in that violence, and concludes with a discussion of the implications of this for democracy in the country.

## Historical and theoretical grounding

In recent decades, Brazilian social theorists have established that police forces are at the core of the relationship between the country's ongoing violence and democracy. Many studies have described how the colonial, slavocratic, and authoritarian formation of the Brazilian State conceived police forces as instruments of social control (Thomas Holloway 1997) aimed at preserving inequalities (Roberto Kant de Lima 1995), and how the civil-military dictatorship, which ruled the country between 1964 and 1985, legally and illegally expanded the ostensive, militarized, and highly lethal actions of the police to eliminate opposition to its political, social, and economic projects (Paulo Sérgio Pinheiro 1983). The transition to democracy, embodied in the 1988 Constitution, failed to eliminate these authoritarian practices and even deepened some, in particular those promoting police violence (Luiz Eduardo Soares 2006). A scholarly consensus has emerged that Brazil's police institutions have historically resisted, as Etienne Balibar put

it, attempts to convert violence into politics.<sup>1</sup> In other words, Brazilian police have challenged efforts to seek political solutions to societal conflict.

During the democratic transition, some of Brazil's pioneering crime and violence scholars observed the emergence of armed groups, especially drug trafficking factions, that began to exert new forms of control over territories and populations in poor urban neighborhoods (Alba Zaluar 1985, Edmundo Campos Coelho 1987). Territorial control was already a core trait of Rio's illegal gambling operations known as the *jogo do bicho* (animal game), a racket operated by family-based mafiosi groups since the early 20th century. In the late 1970s, during the later years of the civil-military regime, the metropolitan area of Rio de Janeiro was apportioned among these mobsters by their own central committee which was headed, not coincidentally, by a former military officer assigned to the DOI-CODI, a military unit tasked with gathering intelligence and repressing "internal enemies."<sup>2</sup> Indeed, there was a long history of active collaboration between these gambling mafias and the civil-military regime both in the active participation of members of the gambling mafias in suppressing dissent and the involvement of police and military officers in their illegal activities (Michel Misse 2006, Aloy Jupiara y Chico Otavio 2015). In the late 1990s, a new kind of criminal armed group emerged from long-standing death squads (José Cláudio Souza Alves 2019) that came to be known as "militias." These groups began to control low-income neighborhoods, installing a new model of arbitrary governance that thoroughly expresses the promiscuous relations between state and parastatal authoritarianism.

Both police violence and the emergence of armed groups reveal the tension between Brazil's historical authoritarian heritage and the narrow possibility of building a robust democracy.

Given the problematic issue of the use of official and unofficial force and the promiscuous relationships among actors exercising that force, we regard Brazil's democracy as an incomplete project. Even after the period of democratic transition, the civil and political rights, and fundamental guarantees of the residents of favelas and urban peripheries continue to be systematically violated by both armed groups and police forces.

Armed territorial control imposes severe restrictions on freedom of movement, association, and speech. This type of control prevents the residents of many impoverished and working-class communities from publicly expressing their dissatisfaction and demanding justice from the state. This police brutality and corruption, supposedly aimed at confronting crime, further limit rights. This has occurred both because of police abuses, such as summary executions, torture, and warrantless searches, as well as official complicity with illegal armed actors. These are only a few of the many hindrances to the enjoyment of democratic freedom for those who live in the crossfire between armed groups and the police, experiencing what sociologist Luis Antonio Machado da Silva has referred to as "life under siege" (Luiz Antonio Machado da Silva 2008).

### Descriptive-temporal analysis

Over the last six years, the Grupo de Estudos dos Novos Illegalismos [Group of Studies on New Illegalisms] from Universidade Federal Fluminense, Brazil (GENI-UFF) has produced data on two interrelated phenomena in Rio de Janeiro's Armed conflicts: police violence and armed territorial control.

Official statistics from the Instituto de Segurança Pública [Institute of Public Security] of the State of Rio de Janeiro (ISP-RJ) make clear recent

<sup>1</sup> See: Balibar, Étienne. 2016. *Violence and Civility: Wellek library lectures*. New York: Columbia University Press.

Benjamin, Walter. 1978. *Critique of violence*. Edited by Peter Demetz Reflections: essays, aphorisms, autobiographical writings. New York: Schocken Books.

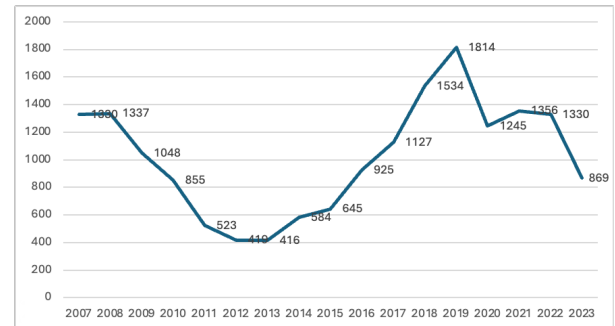
<sup>2</sup> The Information Operations Detachment - Internal Defense Operations Center (DOI-CODI) was a body subordinate to the Brazilian Army, responsible for intelligence and repression against "internal enemies" during the dictatorship that followed the 1964 military coup.

increases in state violence. These data reveal a 336.1% increase in police killings in the state of Rio de Janeiro between 2013 (416 deaths) and 2019 (1,814 deaths). During this period, policies that had successfully reduced police violence were dismantled and civilian political control over police forces was eroded leading Rio de Janeiro to one of the worst public security crises in its history. The State of Rio de Janeiro went bankrupt in 2015 dramatically reducing state spending from 2017 onwards. In 2018, the federal government intervened in Rio's public safety sector appointing a military general to lead public safety policy in the state. In 2019 the state reorganized the administration of public safety eliminating the Secretaria de Estado de Segurança Pública [Public Security Secretariat of the State of Rio de Janeiro] (SESEG-RJ) and creating two different State Secretariats for the Policia Militar (Military Police) and the Policia Civil (Civil Police), the state's two principal policing agencies (Daniel Hirata 2021).<sup>3</sup>

The effects of these changes in the policy environment continued even after a small downward trend in police lethality resulting from a 2020 Supreme Court decision limiting police raids of favelas during the COVID-19 pandemic. However, between 2020 and 2022, despite these restrictions on police operations, the average number of people killed by state agents remained high at 1,310 per year. In 2023 police-caused deaths decreased 34.7% to 869, a still very high level by global standards discussed in the next paragraph. This decline may have been caused because of the change in power at the federal level as Lula da Silva took power from Jair Bolsonaro after winning the 2022 election. Bolsonaro had publicly manifested his disapproval of the Supreme Court decision limiting police operations and indicated to Rio's governor Claudio Castro, a political ally, that he

would support him in disobeying the Supreme Court's decisions. The graph below helps us visualize these trends (Graph 1).

**Graph 1: Deaths due to intervention by state agents in the state of Rio de Janeiro**



Source: ISP-RJ

Most worrying, the increase in intentional violent deaths after 2013 was driven largely by state actions.<sup>4</sup> In 2013, killings by state agents accounted for 7.8% of total intentional violent deaths, while in 2019 they accounted for 30.3%. The national average for the period is around 12% (Anuário Brasileiro de Segurança Pública 2022). International analysts suggest that rates above 10% indicate “clear abuse of the use of force” (Ignácio Cano 1997). From 2020 to 2022, the mortality rates caused by state agents continue to account for around 30% of intentional violent deaths. This ratio fell to a still alarming 20.4% in 2023.

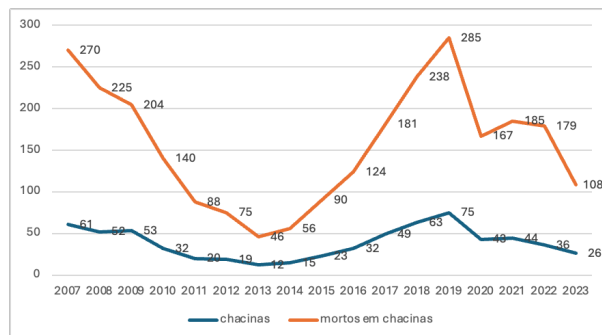
The most tragic aspect of the phenomenon is police-led massacres, defined statistically as multiple killings with three or more deaths resulting from police actions. These massacres occur in a small number of raids but they disproportionately account for police lethality. According to GENI-UFF's police raids database, in the Rio metropolitan area between 2007-2023, 20,944 police raids took place leading to 6,737 deaths. Of this total, 655 police operations

<sup>3</sup> The Policia Militar is the primary police force tasked with preventive and ostensive policing activities in Rio de Janeiro. The Policia Civil wears plain clothes and conducts investigations in coordination with the state prosecutor's office. The Policia Militar is a state-level force that is separate from the Policia do Exercito [Army Police] which undertakes policing on many federal military installations but has other public safety duties also.

<sup>4</sup> As referred by Pablo Nunes: <http://observatorioseguranca.com.br/operacoes-policiais-no-rio-mais-frequentes-mais-letais-mais-assustadoras/> (accessed in 17/03/2021).

resulted in massacres accounting for 2,661 deaths. Therefore, massacres occurred in 3.1% of police raids but were responsible for 39.5% of deaths as shown in Graph 2.

**Graph 2: Police massacres and deaths in police massacres**  
(2007-2023, absolute numbers)



Source: GENI-UFF

The GENI-UFF's police raids database accounts specifically for the armed incursions of state forces in favelas and peripheral neighborhoods controlled by drug trafficking factions or militias. These police operations are usually justified as a means for combating armed groups believed to be the main cause of urban violence. Not surprisingly, police raids motivated by "disputes between criminal groups" stand out as the most lethal. Although these account for only 13% of police operations, they led to 68.5% of all massacres. Indeed, while intervening in conflicts between armed groups, police often proceed with excessive force, treating neighborhoods as if they were a war zone.

The increase in police use of lethal force and the escalation of violence in contested territories have proven ineffective in containing the expansion of armed groups. According to data from Mapa Histórico dos Grupos Armados no Rio de Janeiro [Historical Map of Armed Groups in Rio de Janeiro] (Daniel Hirata 2022), there was a 131% increase in all areas of metropolitan Rio under the control of armed groups between 2006 and 2021, with militias the main drivers of this growth. These groups expanded their areas of operation by 387%. Until 2018 the Comando Vermelho, a drug trafficking faction, was the city's

dominant armed group. From 2019 onwards, however, militias took control of a broader swath of territories.

This brings us to the core of our argument. Since 2007 deaths by intervention of state agents have risen dramatically as a share of overall homicides as has the frequency of police massacres, particularly in the period between 2014 and 2019. During this same period, there has been an expansion of territorial control by armed groups in the city, especially militias. We argue, based on the data we have gathered on violence and territorial control in Rio as well as qualitative data, that lethal police action plays an important role in escalating armed conflict and expanding armed territorial control. The next section describes how this occurs.

## Operational Mechanisms

In 2018, the Grupo de Atuação Especial no Combate ao Crime Organizado [Special Task Force to Combat Organized Crime of the Rio de Janeiro Public Prosecutor's Office] (GAECO-MPRJ) launched Operation Untouchable based on the investigation of connections between militia members, hired assassins, drug traffickers, and civil and military police officers in and around the favelas of Rio das Pedras and Muzema, in Rio's West Zone. Operation Untouchable investigated 49 individuals and accused 13 of crimes including construction code violations that led to the collapse of a building in 2019 that killed 24 people and the brutal murder of city counselor Marielle Franco and her driver Anderson Gomes.

The investigation showed that since 2014, this criminal group has been routinely involved in illegal activities such as unauthorized construction, clandestine public transportation, electricity theft and distribution, loansharking, and extortion, among other illicit entrepreneurial activities. Armed violence was central to their operations. Adriano Magalhães da Nóbrega, a former military police officer from Batalhão de Operações Policiais [Special Police Operations Battalion] (BOPE) of Rio's Polícia Militar, is emblematic of the connections between criminal groups and the state. Nóbrega ran the *Escritório*

do Crime [Crime Office], a group of hired assassins and concurrently took part in various illegal activities associated with militias and gambling mobs. His involvement with various armed groups reflects the complex networks linking security forces, politics, and crime in the production of illegality in Rio de Janeiro.<sup>5</sup>

GAECO-MPRJ's indictments show that police are critical intermediaries between militias and assassins. The investigations revealed how police officers working in some Polícia Militar battalions (BPMs, Batalhões de Polícia Militar) replicated the same illegal practices in other BPMs when they were transferred. So, while Operation Untouchable initially unraveled police corruption schemes involving officers assigned to the 18th BPM—a unit responsible for a region of the city that includes Rio das Pedras and Muzema—similar practices later emerged in the 24th BPM, the 21st BPM and the 15th BPM, units in largely impoverished areas in Rio's urban periphery.

The indictments showed that these practices operate in their most complex form in the relations between the 18th BPM and the Rio das Pedras and Muzema militia. Here the militia controls real estate markets through land grabbing, subdivision, construction, sales, and rent. It then builds urban infrastructure, profiting from the supply of electricity, water, internet, cable TV, public transportation, and other key services in what researchers refer to as "militia urbanism" (Leandro Benmergui, Rafael Soares Gonçalves 2019). The militia extracts wealth by extorting businesses and residents, loansharking, and monopolizing the sale of drinking water, cooking gas, and food. The militia perpetuates this system through menace or overt violent practices often with the direct or indirect participation of politicians and police officers.

The GAECO-MPRJ indictments illustrate how arrangements between the BPMs and militias expand to other areas. The police officers transferred from the 18th BPM to other BPMs were assigned to roles in their new units either in operations or police intelligence from where they provided operational support and information to enable new militia activities. Often, they were placed in the Planning and Operations Section, the Tactical Action Groups (GAT), the Tactical Mobile Patrols (PATAMO), or the Intelligence Section. Equipped with firearms and information about the criminal groups located in each BPM's territory, the newly transferred police began their criminal activities, creating zones of terror that allowed them to set up their businesses.

First, the militia-connected police identify potential targets for corrupt economic activities such as extortion, seizing money, and capturing arms and drugs for resale (Cid Benjamin 1998). Police refer to this as "mining," Brazilian policing slang that expresses the extractive nature of this practice. A mining field is opened through police raids or infiltration and then police begin the process of "colonizing" the territory.

Second, once the area has been temporarily occupied, all kinds of valuable property are available to be mined. This includes weapons and illegal drugs but also the personal belongings of people believed to be "involved" in crime – including their family members. Meanwhile, the leaders of the drug traffickers are identified and, when possible, kidnapped, placed in illegal custody, and tortured, as appears in the videos sent to the cell phones of their associates to negotiate a ransom. At this point, the institution of the extortion fee referred to as "arrego" (Portuguese word for surrender)<sup>6</sup> becomes possible. This term refers to the payment

<sup>5</sup> GAECO/MPRJ launched a series of other operations related to "Operation Untouchables", in which dozens of people were accused or cited and concerning many other neighborhoods and municipalities, such as "Operation Untouchables II", "Operation Muzema", "Operation Lume", "Operation Gog Magog", "Operation Entourage" and "Operation Mercenaries."

<sup>6</sup> See: Misse, Michel. 2023. *Malandros, Marginais e Vagabundos. A Acumulação Social da Violência no Rio de Janeiro*. Rio de Janeiro: Lamparina.  
Barbosa, Antônio Carlos Rafael. 1998. *Um abraço para todos os amigos: algumas considerações sobre o tráfico de drogas no Rio de Janeiro*. Niterói: EDUFF.  
Hirata, Daniel. 2018. *Sobreviver na Adversidade. Mercados e Formas de vida*. São Carlos: EDUFSCAR.

imposed by police officers on drug traffickers in exchange for suspending repressive efforts and warning about police raids they cannot prevent.

This brief overview of a small part of GAECO/MPRJ's indictments shows that the expansion of militias is closely related to the actions of police officers both exploiting and collaborating with armed groups. In the public debate and part of the academic debate, institutional violence and violence by armed groups are perceived as distinct phenomena either because of their supposed autonomy derived from the public opposition between state and crime groups or because one is conceived as the remedy to the other. State violence, however, is at the core of the production and reproduction of illegal armed groups, particularly in the case of militias. To this end, we propose thinking of militia-type armed groups as a product of the extensive use of force by state agents.

In concrete terms, when police officers from the 18th BPM arrive at the 24th BPM and are assigned to the operational sections, they unofficially have authorization to use almost unlimited force, as part of the "war on crime," and, ultimately, almost unlimited control over the lives of the poor, mostly black, citizens who reside within these BPM's operational territory. We use the term "almost unlimited" to demarcate a scope of action and power over the lives of these citizens that goes far beyond legal limits and the reasonable limits of discretion assigned to public officials (Jacquelin Muniz 2007).

### **Trust, accountability, and democracy**

The activities described in the GAECO/MPRJ's indictments illustrate the conversion of protection as a public good, the promise of justice to protect the weakest from the strongest, into a private commodity, in which domination and the right to extraction are bought and sold. This conversion inverts the comforting sense of

protection as a condition for peaceful coexistence and public disagreement into the terrifying experience of extortion. In short, it switches protection from a foundation of democracy into a basis for authoritarianism. Within contemporary Rio de Janeiro, this is emphasized by the observation made by Charles Tilly that protection is a shared characteristic of both the state and organized crime (Charles Tilly 1985), even as these types of actors have different ways of establishing accountability in the use of violence (Diego Gambetta 1990).

Democracies and autocracies approach trust in opposite ways. Democracies have an institutionalized distrust regarding the use of force which democratic governments must justify. That justification requires mechanisms of accountability to ensure governments only use force when allowed by law, which, in other words, means that there must be a machinery of accountability (Piotr Sztompka 1998). The institutionalization of distrust includes periodic elections, the separation of powers, the rule of law, constitutionalism, due process, civil rights, free speech, and free association. Each of these is an indispensable component of the accountability machinery that institutionalizes distrust<sup>7</sup> to promote democratic legitimacy (Pierre Rosanvallon 2022). Autocracies, on the other hand, institutionalize trust in a leader or a regime by means of heavy sanctions. The leaders and representatives of these regimes do not account for their actions. Instead, they demand loyalty since their legitimacy is ideological. Ultimately, individuals are distrusted, and consensus is violently instituted. In other words, there is no dissent, only violently instituted consensus.

This authoritarian device prevails when violent police officers, death squads, extermination groups, militias, and their political supporters are legitimized. When protection ceases to be a public good and becomes a commodity, there are

<sup>7</sup> Guilherme O'Donnell distinguishes between vertical accountability, associated with electoral mechanisms and, therefore, the political regime, and horizontal accountability, a coordinated and convergent institutional mesh, with legal authority, decision-making autonomy and determination to act in response to State institutions. Clearly, the democratic control of police activity is part of horizontal accountability, through the internal affairs bodies, the Public Ministry and parliamentary committees. See: O'Donnell, Guilherme. 2017. *Dissonâncias: críticas democráticas à democracia*. Rio de Janeiro: Editora da UFRJ.

no longer citizens, only clients. There is no longer an expectation of building citizenship but only demands for loyalty. In this way, state protection, which should be associated with accountability, is converted into a commodity held by a strong hand that demands unquestioned support and produces cohesion. Protection then becomes extortion, a distinctive feature of both armed groups and authoritarian regimes.

In Brazil today, this experience with protection illustrates the continuity of today's political practices with the country's historical moments of authoritarianism. Our era's democratization process has been concurrent with a state-led killing machine operating today at its greatest efficiency. The only way to break this vicious cycle is through democratic control of police activity. We need to overcome the stagnation of inefficacious reforms and institute social and institutional controls of the police to build trust through the accountability machinery we call democracy.

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