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The Police

Perverse Incentives and Public Security

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The escalation of violence in Greater São Paulo, the world's third-largest metropolis, has been aggravated over the years both by problems of scale in this huge community and by perverse incentives in the operation of institutions of public security. Institutional problems of containing violence embrace critical issues of economics, public health and human rights. What is most disturbing about the growing violence in Brazil is that it runs against the long-term declining trend in civilized societies elsewhere. While many denounce the increasing risks to life and property, few examine the reasons why institutions of public security are failing to protect the population. State governors fail to assume control of police forces under their nominal command. Police forces evolve as closed corporations ruled by the same perverse incentives that plague many of Brazil's public institutions, burdened by parasitism, impunity and bureaucratic privilege. If we extend the parasitism and disorder in the police to other areas of government, we can understand more easily why Brazil suffers recurrent fiscal and currency crises.

We define perverse incentives as the devices of law and custom rewarding behavior that undermines the stated purpose of institutions. Perverse incentives divert resources and motivation from local police responsibilities for preventing crime into bloated bureaucracies and swollen units of shock troops inflicting unnecessary civilian casualties. Perverse incentives govern a system of pensions that absorb nearly two-fifths of the budget of São Paulo's Department of Public Security. The Military Police alone supports some 35,000 pensioners, or nearly one for every two men on active service, with 1,400 serving first sergeants and almost 14,000 retired ones. There are 53 serving colonels while another 1,000 collect pensions. Perverse incentives also embrace daily police behavior, favoring rigid military discipline over respect for human rights. Rambo, the now-famous police killer on television in the favela Naval in the São Paulo industrial suburb of Diadema, previously was charged twice with murder and twice for torture, but was punished three times only for small offenses like coming late to work.

São Paulo is not alone in facing problems of scale and disorder. The influence of problems of scale can be seen by comparing crime and creation of institutions in London and São Paulo in periods of fast urban growth. From 1700 to 1800 London's population doubled, from 550,000 to 1.1 million, causing surges of crime and chaos in local government. Government corruption in 18th century London far exceeded what we see in São Paulo today. From 1890 to 1990 São Paulo's population grew 200-fold, at an annual rate eight times faster than London in the 18th Century, from 64,934 to 17 million, breeding vastly greater pressure on the capacity of an incipient urban society to organize. In 1730 Daniel Defoe, the prolific author of Robinson Crusoe, dedicated a pamphlet on crime to the Lord Mayor of London:

The Whole City, My Lord, is alarm'd and uneasy; Wickedness has got such a Head, and the Robbers and Insolence of the Night are such, that the Citizens no longer are secure within

their own Walls, or safe even in passing their Streets, but are robbed, insulted and abused, even at their own Doors.The Citizens are oppressed by Rapine and Violence; Hell seems to have let loose Troops of human Devils upon them.

Growth of violence in Brazil's big cities, 13 of which have more than a million people each, has accelerated since the 1970s. Men between ages 15 and 24 are most affected, with murder the main cause of mortality. A UNESCO study shows that Brazil ranks third in the world in homicide rates among people aged 15-24, after Colombia and Venezuela. In proportion to each age group's population, 48 youths are murdered in Brazil for every one killed in Spain or Ireland. In 1996 Greater São Paulo ranked third among Brazil's cities in homicide rates among young people (113 per 100,000), after Rio de Janeiro (151) and Vitória (133).

In Brazil as in the United States, homicides are linked to uncontrolled spread of guns, used in 90% of the murders in Greater São Paulo. Most guns are carried illegally, aggravating the effects of petty crimes and turning disputes in bars, dances and traffic accidents into bloody tragedies. In the United States between 1984 and 1993, murders by youths multiplied from 8.5 to 30.2 per 100,000 population in ages 14-17, but then fell fast to 16.4 by 1997 as police aggressively confiscated guns. By contrast, gun seizures by police in São Paulo fell steadily since 1991, while murders rose by half. In São Paulo, homicide is now the main cause of death of children between ages 10 and 14, increasing by 68% between 1990 and 1995, even as total deaths in this age group grew only 7%. From 1980 to 1991, male life-expectancy between ages 15 and 39 declined in Southeast Brazil, the country's most populous and urbanized region, mainly because of violence.

The cost of violence in Brazil is estimated by Inter-American Development Bank at $84 billion, or more than 10% of gross domestic product (GDP). Of Greater São Paulo's GDP of $103 billion, the cost of violence is assessed at $8.5-$10.5 billion, including spending on police ($2.5 billion), on courts and prisons ($1.5 billion) plus losses of human life and capital, injury, material destruction and costs of private security services. In both Brazil and the United States, private security expanded hugely, displacing police in shopping malls, stores, banks, office and apartment buildings, schools and factories. By 1990, there were three times as many private security agents in the United States as public police —two million against 650,000. In Brazil, billings by private security firms, with some 500,000 employees, total $4.7 billion, with banks alone spending nearly $1 billion. The National Cargo Transport Association reports that its member firms spend $1.5-$2 billion yearly, or 6%-8% of their sales, to protect against truck hijackings. Some 200 cars are bulletproofed each month in Greater São Paulo, costing from $35,000 to $180,000 each.Violence continues to increase despite improvements in the population's living conditions since chronic inflation was curbed by the launching of the Real Plan in mid-1994:

(1) Real per capita income in Greater São Paulo rose between 1994 and 1997 by 7.5% for the poorest tenth and by 2.6% for the richest tenth. (2) Average nominal income for employed people in Brazil rose by 122%, while inflation was 66%, enabling 11 million people to rise above absolute poverty. (3) Infant mortality in Greater São Paulo fell by 20% since 1994. (4) Potable water and garbage collection were extended throughout Brazil to five million homes and the sewage system to 1.64 million families. (5) Protein consumption rose significantly - by 40% for chicken, 27% for beef, 52% for cheese.(6) Electricity reached 3.65 million more homes, while 4.6 million families acquired refrigerators and nine million bought color TVs.

Criminality may be related to business cycles, demographic structure, ongoing urbanization and the strength of institutions, but the relationships are unclear. In the United States, the murder rate rose steadily in the early 20th Century to peak at 9.7 per 100,000 population in 1933, the worst year of the Depression, only to fall to half that level by the end of the Korean War and then to rise again to the 1933 level by 1993. To put local problems in perspective, the murder rate in Greater São Paulo is 48 per 100,000, less than in major U.S. cities such as Detroit (57), New Orleans (80), Washington (79) and St. Louis (69) and much less than in more disturbed cities like Cali, Colombia (91) and Johannesburg, South Africa

(115). But while homicides in the United States fell by 28% and armed robberies by 29% from 1992 to1997, in São Paulo homicides increased by 29% and armed robberies by 79%.

The escalation of violence in São Paulo reached a climax in the favela Naval, a squatter settlement of eight streets and 800 shacks housing 5,300 people along a fetid canal in the industrial suburb of Diadema, a municipality of 400,000 people which in 1996 recorded 297 murders, or 92 per 100,000 population, nearly twice the rate of Greater São Paulo, although several peripheral communities suffered higher homicide rates. It was the bad luck of Otávio Lourenço Gambra, a cop now famous as "Rambo", and his nine mates on patrol on three nights in March 1997 that their work was secretly videotaped and broadcast on television throughout the world, producing one of the bouts of indignation that recurrently agitates Brazil's politics. Sentenced 18 months later to 59 years in prison after a long jury trial, Rambo was found guilty of "depraved crimes, humiliating passers-by with extreme perversity and cruelty," ending in his shooting murder of a young warehouse worker in a car that was stopped and its occupants beaten and tortured. "This kind of thing went on for months," one neighbor said. "We were afraid to go out after dark, but heard shots night after night." José Carlos Blat, the Diadema prosecutor, said: "Favela Naval was the turning point. Now everyone's worried about the police. Brazil has many Favela Navals."

Three months after this televised episode, the vulnerability of Brazil's public security institutions was dramatized further by the angry strike of rank-and-file policemen in seven states. The first strike erupted in the state of Minas Gerais in July 1997, where the governor raised the pay of Military Police officers while leaving the low-paid rank-and-file without increases. In Belo Horizonte, the state capital, a street demonstration of 5,000 striking policemen tried to take over Military Police headquarters, leading to the shooting death of a guard who tried to persuade them to turn back. In the Northeastern city of Fortaleza, a colonel was shot in another demonstration by police strikers. In the neighboring state of Pernambuco, where patrolmen earn $250 (R$300) monthly, the first strike in the 172-year history of the Military Police produced a crime wave and a de facto curfew, as schools closed and bus traffic fell by 30%. The state government asked funeral parlors to collect corpses, since coroners, belonging to the Civil Police, also struck. In neighboring Alagoas, 9,300 Civil and Military Police struck with salaries unpaid for up to seven months by the bankrupt state government. The visible face of the crisis was protests by policemen against abominable salaries. But its real causes run deeper and still smolder beneath the apparent calm that followed pay increases. In Minas Gerais, the basic police salary was raised by 48% after the two-week strike to $500 (R$615) as 30 strike leaders were expelled from the Military Police and 2,000 were tried administratively. In the October 1998 general elections, the expelled corporal who led the Minas police strike was elected to the Federal Congress with the biggest vote (214,000) of any candidate in the state, while an expelled sergeant was elected to the State Legislature. The continuing disorder in public security institutions appeared again in repeated armed confrontations in São Paulo between members of the rival Military and Civil Police forces. These disorders dramatize the tenuous link between police and civilization in Brazil, reflected in rising levels of violence.

To free institutions of paralysis bred by perverse incentives, parasitism, impunity and privilege must yield to stronger commitment by the police and political authorities to protecting all citizens. First steps to reduce crime and humanize police in São Paulo should include: (1) making management and policy development for both police forces the direct responsibility of the Secretary of Public Security, ending the virtual autonomy of the two institutions and making way for joint operations; (2) shifting priorities and incentives toward crime prevention in dangerous districts, giving local chiefs more autonomy with more accountability for achieving specified goals, and (3) persistent seizure of firearms held illegally in the community and tightening rules for licensing of weapons.

Police and Civilization

The civilizational threat of resurgent violence must be viewed in terms of the great gains made in recent centuries of modernization in regulating behavior in a way consistent with

political freedom. "Although the reports of murders, rapes and collective violence in our daily newspapers may suggest otherwise, the chances of dying a violent death at some other civilian's hand have diminished enormously," the sociologist Charles Tilly observed. "Homicide rates in 13th-century England, for example, were about ten times those of today, and perhaps twice those of the 16th and 17th centuries. Rates of murder declined with particular rapidity from the 17th to 19th centuries." This civilizational process was embedded in the development of institutions. A decade ago the German-Jewish sociologist Norbert Elias, a refugee from Nazism, explained civil pacification in terms of the growth of state powers, including a monopoly of the use of force:

How is it possible that so many people can normally live together peacefully, without fear of being attacked or killed by people stronger than themselves, as nowadays the case in the great state-societies of Europe, America, China or Russia? It is all too easy to overlook the fact that never before in the development of humankind have so many millions of people lived relatively peacefully with each other, with physical attacks mostly eliminated, as they do in large states and cities in our time. Perhaps this fact first becomes evident when one realizes how much higher the level of violence was in the relations between people in earlier epochs of human development ....This means that we live in a form of social organization where rulers have at their disposal groups of specialists who are authorized to use force in emergencies and also to prevent other citizens from doing the same.This monopolization of force can be described as a socio-technical invention of the human species.

What is remarkable about the development of the state's monopoly of organized force is that it evolved together with the sharing of political power. The state's monopoly of force gradually was curbed by guarantees of due process of law. But progress has been uneven. As Elias observed, "the civilizational process is never complete and always endangered." The question posed by weakening of Brazil's institutions of public security is whether or not our new democracy will yield its legitimate powers to bandits and paramilitary instruments of repression, sometimes acting in combination with each other.

Creation of modern police forces is relatively recent in the history of institutions. In France, traditional use of the word "police" embraced broad political functions of public order: food supply, sanitation, health, asylums, fire protection; pursuit of beggars, vagrants and criminals, and control of games and public gatherings. Brazil's constabulary is organized on the state level into separate Military and Civil Police forces along lines fixed in France since the Revolution and Napoleonic era, when a uniformed Gendarmerie Nationale and a plainclothes investigative police developed under separate ministries. The São Paulo and Rio de Janeiro police forces were organized in 1831, two years after creation of London's Metropolitan police. A main task of Brazil's new police was recapturing fugitive slaves. In his history of the Rio de Janeiro police, Thomas Holloway of Cornell University reported that police whipped slaves for special fees "at the slave owners' request... asking no questions about the supposed offense," most slaves receiving 200 strokes of the lash, against legal maximums of 20 strokes in Charleston and 25 in New Orleans in those years. An average of five slaves were whipped daily. "At such a rate, the jail staff had to spend several hours of every working day whipping slaves," Holloway noted. "It is necessary to see this system not simply as a case of the state providing a paid disciplinary service for the private interests of slave owners. In a larger context with slavery so pervasive in early 19th-century Rio, so central to the economic relations and class structure of Brazilian society, the whipping service was system maintenance."

This was a time when fear of the "dangerous classes" gripped European cities under pressures of rapid urbanization. In his Laboring Classes and Dangerous Classes (1958), the French historian Louis Chevalier argued that 'the proliferation of the criminal classes really was, over the years, one of the major facts of daily life in Paris, one of the main problems of city management, one of the principal matters of general concern, one of the essential forms of the social malaise." Early in the 19th Century, when Napoleon's armies drove Portugal's king to flee from Lisbon to Rio de Janeiro, the newly arrived rulers of Brazil found, in Holloway's words, "a hostile and dangerous population, the public space of the city

dominated by Africans in bondage." Slaveowners throughout the Americas feared repetition of the great slave revolt of 1792 in Haiti, France's richest colony. Portugal's royalty quickly formed a local constabulary to control Rio's dangerous classes. Some methods and attitudes of those early Brazilian police forces survive today.

There were fewer murders in 18th Century England than elsewhere in Europe. The homicide rate is said to have fallen from eight to one per 100,000 population between 1660 and 1800. The great plague of crime was against property: burglary, theft and armed robbery. The law's response was hanging, prescribed for 200 offenses, even for petty crimes like shoplifting and stealing rabbits, horses or sheep. English novelists of the 18th Century wrote best-sellers about notorious criminals that were consumed as avidly as 1930s gangster movies in the United States. English law then, and Brazilian law today, followed a principle announced by Adam Smith: "Civil government, so far as it is instituted for the security of property, is in reality instituted for the defense of the rich against the poor, or of those who have some property against those who have none at all." Ian Gilmour wrote that "London was the hanging capital of Europe." Public executions took place at Tyburn Tree, where galleries were built and seats sold at high prices. An average of 18 people were hung yearly in 1703-72, less than 5% of those killed yearly by São Paulo police in the 1990s for "resisting arrest." The toll of hangings was embedded in much higher mortality from natural causes, with deaths exceeding births in London by as much as 50% before death rates fell sharply in the late 18th Century. Yet, according to Gilmour, "the terror of the criminal law was the foundation of the system....A proper police force, on the French model, would have been a better safeguard of the rich's property than the penal code, but that was ruled out as a threat to the liberty of the gentry who did not want a strong and active central government."

Surges of crime in 18th century London and in São Paulo today are symptoms of rapid urban growth that can be managed only by strengthening institutions. Early in this century the "dangerous classes" of São Paulo were immigrants and blacks freed in the coffee boom that followed abolition of slavery in 1888. In 18th century London fear of the masses grew with a floating population of sailors, craftsmen, dockhands, construction workers, peddlers and prostitutes, which Peter Linebaugh called the "deep-sea proletariat, the labor force of mercantilism." In São Paulo, as described by historian Nicolau Sevcenko, "these men and women, of the most varied cultures and social origins, sought in São Paulo an escape valve, temporary shelter or, at most, a second chance in industry or services."

Fear played a critical role in gradually rationalizing and humanizing institutions of public security. The reduction of crime in London through the modernization of institutions shows that civil peace can be achieved through determined political effort. The penal code in 18th Century London was less civilized than criminal law in Brazil today. Convicts were removed from circulation by hanging, deportation as near-slaves to colonies in Australia and America and impressment as seamen into the British navy and merchant marine. What defeated England's savage penal policy was the problem of scale. Riots and thievery plagued London's life since the 1720s and became more threatening. In 1766-70, burglaries multiplied eightfold and the value of goods stolen 14-fold. In 1780, a decade before the French Revolution, rioters burned down Newgate and other London prisons, freeing more convicts than did the fall of the Bastille in 1789. Those years saw defeat in the American Revolution, industrial riots, religious disturbances, Irish revolts and a 1797 mutiny in the British navy, which suddenly grew under war pressures from 16,000 to 118,000 men serving in forced and inhuman conditions, a scale difficult to sustain despite a widening net of impressment. During those decades criminal convictions doubled, but judges and juries increasingly refused to hang people. The scale of demands on institutional development forced major investments of money and intelligence to maintain public order.

Sustained long-term investments like these in money and intelligence have not been made in São Paulo, despite more serious institutional problems of scale. Police remove members of the "dangerous classes" from circulation by indiscriminately killing and jailing civilians, which has not curbed surging homicides. São Paulo police killed 1,310 civilians in 1992 but violent crimes still increased.

Escalation of violence can be stopped. New York City, at the cutting edge of crime control in the United States, reduced homicides from a record 2,262 in 1990 to 770 in 1997 and to roughly 600 in 1998, the fewest since 1964. Serious crimes fell by 43% in New York in 1992-97, against a 20% decline nationwide. Many cities recorded sharp falls in murders: San Francisco by 50%, Los Angeles and Houston (48%), Miami (20%), Washington (33%), Detroit (21%). Several explanations, complementary rather than conflicting, have been given for these reductions in crime. First, the long U.S. economic expansion led to lower unemployment. Second, the crack epidemic, which bred a sudden rise in violent crime in the 1980s, has ebbed. Third, police have responded to intense political pressure to reduce crime. Fourth, more offenders went to jail. The U.S. prison population rose from 1.1 million to 1.7 million since 1990. Prison inmates in New York City and State multiplied from roughly 28,000 in 1980 to 90,000 today, many of them minor drug offenders. Finally, the numbers of men in the most dangerous age group, 15-24, has been shrinking. In this respect, São Paulo has a demographic advantage. In the United States, violent crime increased with the numbers of men ages 15-24, from 12.9 million in 1960 to 21.4 million by 1980, only to fall to 18.3 million by 1994. However, while this young U.S. male population is expect to grow again to 28.8 million by 2050, an increase of 57%, Greater São Paulo's young male population peaked in 1996 after doubling since 1970 and is expected to fall in the next century thanks to major declines in fertility and migration. What this means is that crime may decline fast if we make efficient and intelligent investments in education, police protection and prisons.

The state government that took office in 1995 made major investments in São Paulo's police. Salaries were doubled. Some 13,000 new policemen were hired. The state bought 5,000 new patrol cars, 28,000 weapons, thousands of bulletproof vests and $50,000 worth of life insurance for each policeman. But these investments failed to contain crime. As Brazil's economy strengthened since stabilization began in 1994, the surge of violence has been blamed on migration of evils from outside Brazil: proliferation of juvenile gangs, kidnapping and the sophistication of financial crimes using such new techniques as magnetic cards and the Internet. However, the real threat to public order in Brazil lies in the weakness of public institutions, with the police playing an exposed and sensitive role. Police violence and corruption are reported regularly in the press. The crime indicators actually worsened, comparing the monthly averages for 1994 and the first 10 months of 1998:
- Robbery and aggravated assault rose by 88%;
- Homicide rose by 25%;
- Vehicle theft and robbery rose by 24%.
- The number of truck hijackings in São Paulo tripled between 1993 and 1996.

In São Paulo some kinds of crime stand out locally: chacinas (multiple murders, usually by gangs), truck hijackings, killings of civilians by police (1,310 in 1992 and some 510 in 1998, against some 30 per year by New York City police) and killings of policemen on duty and while moonlighting as security guards (rising to 240 in 1998). A big increase in killings of and by police in 1998 was concentrated in off-duty work as security guards, often in firms owned by some 1,000 higher-ranking officers, both active and retired, often registered in names of relatives, according to the police ombudsman. Chacinas in 1998 claimed 308 lives, nearly double those killed in 1997. Surveys show British discontent with their police in a country where 600 murders are recorded each year. Imagine the helplessness felt by the people of Greater São Paulo, with an average of 698 murders each month in 1998!

Armed robbery in São Paulo, a crime more responsive than homicide to efficient police work, grew 79% in relation to 1994 and 29% over the same period of 1997. Specialists estimate that only from a quarter to a third of such crimes are reported. Historically, rising unemployment is associated with an increase in theft. However, despite rising unemployment during the Asian crisis, the number of thefts fell by 0.8% since 1994 in Greater São Paulo. Interviews with 650 prisoners in the Carandiru penitentiary in São Paulo in 1991 showed that only 27% were unemployed when committing their crimes. The increase of more serious crimes points to glaring institutional weaknesses. Only 2.5% of

crimes of unknown origin were solved by the police, with many precincts registering no crimes solved at all for all of 1997. The clearance rate for reported crimes is 58% in Japan, 22% in the United States, 35% in Britain and 45% in Canada. A budget of $2.5 billion for a police that solves only 2.5% of crimes that are increasing without control needs careful audit, evaluation and reallocation.

Institutional Problems

The institutional obstacles to the control of violence in São Paulo are embedded in the culture and operations of two separate and rival police forces, the courts, the penal and legal systems and local politics. The Military Police conducts uniformed patrol to keep public order and arrest offenders caught committing crimes. The Civil Police, with separate installations and territorial responsibilities overlapping those of the Military Police, investigates crimes of unknown origin and processes arrests made by the Military Police. Parallel police forces are endorsed by Brazil's Constitution, last rewritten in 1988. The Military Police, with 85,000 men and women, in the past was a sizable army that engaged in political conflicts under orders of state governors. The Civil Police was created in 1910 and employs 35,000. Both forces operate in all of the state's municipalities, with 40% of these forces located in the 39 municipalities of Greater São Paulo. The difficulties bred by two rival and separate police forces impede coherent action to contain civil violence. Some of these difficulties are: (1) Each police force has its own enabling laws, disciplinary code, administrative and operational rules and training methods. The two organizations have difficulty understanding each other and working together, not only at the level of strategic planning for public safety but also on the daily street level of small police units. (2) Artificial division of labor between rival police forces creates bureaucratic separation of investigation by Civil Police from immediate access to crime scenes by the Military Police. Investigators everywhere know that if offenders are not identified by people on the scene, police are unlikely to find the criminals later on their own. (3) Military Police training reproduces military values of rigorous discipline, centralization of decisions, extravagant administrative structures similar to the army's (military secretariat within the state government, medics, chaplains, long-term training courses, few civilians within the extensive bureaucracy), aggressive police activity against the "enemy" in the streets, emphasis on large special units and tactical operations, and disrespect for the territorial units which execute the routine tasks of police work. (4) The newly reelected Governor of São Paulo is moving to eliminate differences in territorial boundaries for local units of the Military Police and Civil Police, which obstructed cooperation and wasted resources. Synergy between these two forces, which should complement each other, became impossible because of endemic inter-service rivalries and lack of coordinated systems for diagnostics, planning, operational control and performance evaluation for police forces within the same area. (5) The two police organizations regularly invade each other's functions.The Military Police has a large investigation division while the Civil Police does open patrolling, rarely using unmarked cars. Conflicts over jurisdiction, resources, prestige and power reinforce old rivalries that harm both forces and impair crime prevention efforts.

Other factors and actors in non-police institutions of civil society add to the difficulties in establishing public order with social justice:

1. Penal legislation, although old, is being updated, belatedly making crimes like drug trafficking, kidnapping or misuse of public funds serious crimes. Procedural legislation on how to take the offender through the judicial process is 56 years old and uses obsolete techniques and standards of proof, making arrest and conviction of criminals more difficult. More priority is given to prosecuting crimes against property (70% of all convictions) than to crimes against persons.

2. The prison system is overflowing with detainees and convicts held in barbaric conditions due to the lack of past investment in construction of jails (for prisoners awaiting trial) and penitentiaries (for convicts) and in providing for prisoners' reeducation. In recent years prison revolts have been daily or weekly events, often involving bribing of jailers, hostage-

taking and fatalities. Overloaded with those awaiting trial, local precinct detention pens of the Civil Police are transformed into improvised prisons, with an average of 40 people in each cell designed for six to eight prisoners, because of the lack of space in penitentiaries. Roughly 12,000 prisoners are held in these sub-human conditions in Greater São Paulo. Prisoner overcrowding has overloaded precinct police, in prejudice to their other duties. Corruption and the difficulty of guarding those held in these packed resulted in the escape of over 3,500 prisoners in 1997. The state government will complete 21 new penitentiary units this year, offering 17,500 vacancies to relieve the workload of precinct police and to improve security for prison guards and sanitary conditions for prisoners. The cost of maintaining a prisoner in a state penitentiary is roughly $600 monthly, or four times the minimum wage, and $300 monthly in a precinct detention pen.

3. The criminal justice system is both summary and slow, retarding sentencing and producing unjust outcomes in many cases. There are relatively few judges in Brazil, one for every 23,000 inhabitants, while in Germany there is one for each 3,500 and in the United States one for 9,000. Antique and excessively bureaucratic judicial rituals, and their perceived separation from the life of society, amplify the climate of impunity, already bred by police inefficiency and corruption and by the chaos in penal institutions. Failure of the police and the criminal justice system has bred popular support for local "extermination groups," freelance executioners [justiceiros] and lynchings.

4. Another institutional problem of public order is the lack of effort of local governments to use their regulatory and inspection powers to create conditions to improve quality of life. Administrative inefficiency or political convenience often induce mayors to neglect regulation of local affairs, respect for local ordinances, laxity in punishing noisy bars, traffic infractions, uncontrolled sale of alcohol, sale of weapons, garbage in the streets, street vendors, aggressive beggars, etc. Tolerance of the disorderly finally constitutes tolerance of disorder, breeding the first visible level of impunity.

Brazil’s obsolete police system is an obstacle to dealing with these challenges.This system is slow and feeble in checking spiraling violence, costly in maintaining two parallel and separate police structures weakened by parasitism and failing to contain violence and corruption in their ranks. Emergency measures such as pay increases or more equipment fail to address deeper problems. An international comparison of police operations by David Bayley, dean of the School of Criminal Justice of the State University of New York at Albany, suggests that São Paulo may be an extreme case of endemic disorganization:

Most police forces do not know the number of dispatched calls for service that are handled by the average patrol unit. Experienced sergeants supervising patrol shifts will talk at length about lack of personnel, dropped calls and long delays in response but, when pressed, they are unable to come up with supporting figures. They may know how many units on average are deployed, but do not know how many calls for service these those units receive, let alone how many incidents patrol units become involved in. Communications personnel, however, often have statistics on aggregate calls for service per shift, but they do not know how many units are routinely available to handle them. The right hand of police organization doesn’t know what they left hand is doing and senior officers, who should pay attention to both, do not appear to think that the calculation is important. In my experience, most police organizations are not able to demonstrate how much work their officers are doing. Literally, police organizations do not know what their workers are doing.

In the United States, where the cost of a two-person patrol car is $500,000 per year, these issues are important. In São Paulo, which just bought 5,000 patrol cars for the Military Police, the implications are staggering but unknowable. But waste in using machinery pales before waste in personnel spending. In Brazil, exaggerated and precocious pensions for relatively young senior police officers reflects privileges, distortions and misallocation of resources that are common among Brazil’s public institutions. The 1,000 retired colonels collect pensions that range between $7,000 to $20,000 monthly, or from $93,000 to $260,000 yearly, including a 13th month’s pay as a compulsory Christmas bonus. By

contrast, the New York Police Department, in an economy generating four times São Paulo's per capita income, offers average monthly pensions of $6,200 for captains, or three-fourths of final pay after 30 years' service.

Who really understands the business of policing, diagnosing crime, preventive measures, special operations, treatment of offenders and victims and bureaucratic hurdles enroute to justice? Debate on 'public security' must hear working policemen because they are on the front lines facing real problems. Only then can perverse incentives "of police chiefs, lobbyists and "leaders" with little or no policing experience" be prevented from diverting human and financial resources from the needs of the community.

Why has crime increased despite huge investments in the police force? The answer may lie in perverse incentives, atrophied institutional structures and the failure of many state governors to provide political leadership against chronic disorder. They also fail to assume effective control of the police, who enjoy virtual autonomy, a separation of powers, similar to that constitutionally invested in the judiciary.

For reasons of historical precedent and administrative and political convenience, some 11,000 policemen do jobs irrelevant to police work, draining human and financial resources from meeting basic needs of public safety. The yearly cost of these irrelevant police services is roughly $150 million, or 13 times the state government's investment for public security. Some examples:

A physical training school which Military Police officers must attend for three semesters, skipping their regular duty, without producing any serious program for physical conditioning of the rank-and-file. Uniformed police are detailed to courts, town councils and state legislatures, mayors' offices and government departments. Policemen also are honor guards, cooks, waiters, hospital workers, doctors, chaplains, barbers, musicians, gasoline dispensers, drivers, waiters, plumbers, mechanics, telephone operators and receptionists, jobs alien to their basic mission. The personnel office alone has 105 such jobs. A pharmacy has 20 officers. Another 20 Military Policemen protect an ex-Governor at an annual cost of $320,000. Many of these functions can be performed by non-police personnel. Of 15,000 police vehicles, many are out of service for lack of repairs. The Civil Police maintains needless specialized precinct stations for tourism, old people, children and the environment. These special stations deal with only 40 to 50 cases a year, against 40-50 cases daily in busy police precincts of Pinheiros or Santo Amaro.

In the violent eastern zone of metropolitan Sao Paulo, there are 1,119 people for each Military Police, while in the more peaceful northern zone there are 521 to one. The Military Police's shock troops, with 3,495 men and 300 vehicles, are triple the number needed, better equipped than local police in São Paulo's violent southern zone, with three million people. Military Police shock troops, responsible for one-fifth of civilian deaths at the hands of police, have 10 times more men than the emergency units of the New York City Police, handling 100,000 calls yearly, ranging from riot control, heart attacks, suspected bombs, hostage-taking and even elevator breakdowns.

The bitter inter-service rivalry between the Military and Civil Police forces reflect different cultures, missions, scales and operating rules. Civil Police detectives enjoy more relaxed schedules. The Civil Police has over 100 chiefs [delegados] while the Military Police has only 53 colonels, the equivalent rank, despite the Military Police being twice as big as the Civil Police. In contrast to Military Police, Civil Police delegados rarely retire early. According to São Paulo's police ombudsman, "there are six ranks of delegados. The highest rank is a special class that can stay at their jobs until age 70. For another delegado to join this class, he must wait for an incumbent to retire at age 70. In this way, the Civil Police keeps the same high command for 15 years, regardless of who is Governor or Secretary of Public Security."

The Secretary of Public Security has little control over the separate police forces that he

nominally commands. The Department of Public Security, which should harmonize strategy, management and operations, yields to pressure to maintain their acrid dichotomy. Its role is reduced to ordering new police cars and imposing its political will only when the government's credibility is at stake. The two forces operate separate telecommunications centers and data banks. Local operations are uncoordinated. Nor is there any joint planning and investigation.

Administrative procedures are outdated and inward-oriented, generating intense bureaucratic activity and low priority for meeting public needs. The Military Police is better organized and trained and better able to respond to emergencies than the Civil Police. But the Military Police wastes its organizational capacity by stressing the social and professional schism separating an elite officer corps from an uneducated rank-and-file, with the institution's life governed more by rigid bureaucratic rules than by a goal of effective police operations. In the United States, Baltimore police shut down all administrative offices in December 1998 to chase drug dealers, responsible for three-fourths of all homicides in the city, in an effort to keep murders below 300 for the year. In São Paulo, with more than 8,000 murders for 1998 and a homicide rate more than triple Baltimore's 14.2 per 100,000 population, nobody talks of reducing the police bureaucracy to put more men in the streets.

In the Civil Police, delegados are given a free hand in the name of police autonomy derived from laws "penal, procedural and disciplinary" passed 50 years ago that lag behind the evolution of a complex society. Planning is sporadic in the Military Police but non-existent in the Civil Police. Organizational development and quality programs are futile dreams of a few dedicated delegados. Results-oriented management is activated only occasionally when under pressure from the media. But even then, efforts are directed more at unproductive organizational innovations, like creating a new bureau, than addressing old and entrenched institutional distortions. In this institutional climate, policing of troubled communities receive low priority in resource allocation. Creativity is low and motivation oscillates between resignation and the search for more comfortable assignments. "Some officers can speak several languages and have gone abroad for courses, but have never been in a patrol car," said Lt. Col. José Ferreira da Nóbrega, commander in São Paulo's South Zone.

This is understandable. Street patrol is a wearing and boring routine. The police forms the front line for controlling social disorder, thanks to its territorial network, its capacity to handle emergencies and its legal powers. Police all over the world are basically territorial organizations, subject to the needs and demands of politicians, the local community and the media. Perverse incentives appear in promotions, both in the Civil and the Military Police, breeding nepotism and patronage. Sons, nephews and sons-in-law of police colonels are rarely seen in tough precincts of São Paulo's suburbs. They are more likely to be found in comfortable special units or bureaucratic posts. Excessive bureaucracy becomes "support and direction" in police jargon, draining resources, prestige and power from territorial policing. The basic mission of the police thus becomes a low priority.

These distortions spread like a cancer in the two police forces, with overlapping resources and missions and endemic squabbling over functions, positions and authority. Only the more inexperienced of police officers or those blindly driven by corporate comforts can support the surrealism of separating the jobs of prevention and investigation, with different structures, training and ethos. In huge and complex urban centers like Rio de Janeiro and São Paulo, crime must be checked with flexible methods of prevention and investigation based on continuous data analysis, which until now is obstructed by the jostling of two rival police forces. Planning and execution of this work, focused on specific localities, should be commanded by one chief, whose performance should be evaluated at frequent intervals, using objective, professional criteria. Attempts to coordinate the work of the two forces, even with explicit government intent and agreement between the top officers of the Civil and Military Police, fails because of endemic conflict and lack of coordination between grassroots personnel. There is just one solution: unifying the two forces. It is useless to argue that only a military structure can maintain police discipline and guarantee efficiency. The 1997 strikes occurred in states where police are more militarized (Minas Gerais,

Pernambuco and Rio Grande do Sul). There always will be some corporal, like the leader of the police strike in Minas Gerais, to mobilize grievances when officers fail to attend to the needs of their men. Mistreatment, along with low pay, excessive workload and poor equipment, also leads to apathy, corruption and defiance of authority.

When experienced policemen are mistreated under pressure, their anger often rebounds into aggression against citizens, their own families and even themselves in the form of alcoholism and suicide. "A military policeman is more likely to be punished for wearing a dirty boot than for killing someone without cause," said São Paulo's police ombudsman. "Today most punishments are for offenses like marrying without authorization or smoking in front of an officer. We have a serious problem of suicides in the Military Police. Many come from humiliating discipline. Once a sergeant came to me saying that his commander, at each morning formation, forced his troops to shout: 'I am shit! I am shit!' The sergeant said: 'I am 40 years old and the father of two children. I can't stand this humiliation. I'm afraid of either killing the officer or killing myself."

Times have changed since 1943, when the disciplinary rules of the São Paulo Military Police came into force. Under these rules, "use of unnecessary violence while making arrests" is a minor violation while "criticizing actions of superiors and authority in general" as a major offense. In São Paulo as in other states, disciplinary rules created by executive decree violate the Constitution, requiring a law rather than a decree to deprive persons of liberty. These disciplinary rules are no less unconstitutional than the recent police strikes.

Not only did police militarism fail to prevent the 1997 strikes but also failed to check escalating violence in São Paulo as well as the 1992 massacre at the Carandiru House of Detention, where 111 prisoners died. There are too many "isolated cases" of police involvement in car theft and truck hijacking gangs and in supermarket and bank holdups to ignore signs of major institutional problems. In June 1998 two Civil Police detectives and two Military Policemen were indicted for holding up an armored car while picking up up cash at a supermarket in the industrial suburb of Santo André and for killing a fifth robber, another Military Policeman, who forgot the planned escape route and abandoned the bag of stolen money he was carrying. When police opened the two detectives' lockers at their Civil Police precinct, they found large amounts of cocaine, crack and marijuana, several unlicensed firearms, torturing devices, blank car registration forms and false license plates.

Militarization tends to create an elite command of young and inexperienced officers whose training follows the model of military academies. A four-year course (counted as years of service toward retirement) produces officers with an average age of 23. Many academies fail to teach courses in leadership, police methods and management of public resources. In 6,136 hours of classroom study in São Paulo's academy, 792 hours are in civil law and procedure, 72 in international law, 144 in English and only 72 hours in police management. Having roughed it out on the streets for most of their lives, rank-and-file policemen find it hard to accept novice superiors who aggravate resentments by trying to offset their poor training and inexperience with military discipline. Authoritarian structures have low tolerance for informal management.

The traditional structure has polarized the Military Police along caste lines. The aristocratic power is composed of the bureaucratic organs of direction and support (including general headquarters, directorates, academies, Casa Militar and advisory staff) and specialized units (traffic police, shock troops, highway police, helicopters and fire department), manned by officers with special talents or political backing who enjoy better service conditions, resources, prestige and career prospects. Most Military Police promotions to the higher echelons are from these areas. In 1998 the Military Police promoted 95 senior officers, only five of whom were in patrol units. The plebes of the system are the territorial police precincts with poor equipment and resources and even less prestige. Officers charged with indiscipline in the interior of the state are transferred to Greater São Paulo, the most critical area in terms of public security, as a form of punishment. But the "soft" sector of the police grows. The Military Police band has 620 musicians, while the New York City police band

has 30.

A special tribunal tries Military Policemen for their crimes. The system guarantees neither fair trial public accountability as police personnel are tried by people from their own tribe - high ranking military officers. Given these privileges, it is not hard to understand why the Military Police tries to maintain the status quo and the dual police structure, no matter how harmful it may be for citizens and public finances. The basic philosophy, self-centered and conservative, continues to be the same: what is good for Military Police is good for public security. Thus the failed policies of the past 150 years are still touted as the solution for future problems.

The Civil Police has 14 different career paths, a weak hierarchy and little discipline. The role of Civil Police delegados (station chiefs) is rooted in 19th century traditions of judicial weakness and malleability in which police played a quasi-judicial role. Excessive reliance on obsolete inquisitorial methods hinder investigations. The job profile of delegados, all of them lawyers, is more related to the judiciary than to basic detective work. The role of Civil Police stations is limited to guarding prisoners in hideously overcrowded detention pens and filing reports after crimes have occurred. Most cases go uninvestigated and unsolved. Senior delegados , faced with a no-win situation, try to gain credibility by creating populist departments specializing in children, tourism, the aged or environment, with little relevance to crime control. Civil Police training and discipline are quick and vague, unusually lasting only three months for detectives, with fragile and unclear professional standards, breeding an organization paralyzed by bureaucracy and vulnerable to corruption. Lack of training and supervision has turned the Civil Police to a mere organ of registering crime without controlling it. Adopting a system similar to the judiciary, delegados are selected from law graduates, who take a crash course of 618 hours, including 16 hours in a superficial leadership course that trains them more for a desk job than the art of mobilizing human and material resources. Delegados function more like judges, wear similar dress, have the same mannerisms, use judicial jargon, prepare written case documentation and press for judicial pay scales. They follow judicial passivity in processing crime, collecting reports from police stations and preparing more reports, when what they ought to do is go out and investigate.

The code of discipline for policemen, laid down in a 1968 law, is far too complex to be implemented, reducing the instruments of punishment to a deluge of innocuous words and a stimulus to corruption.

Some Civil Police stations are islands of dedication and competence in a force that has otherwise discarded the art and science of investigation. In São Paulo's South Zone, delegados effectively analyze data and track down criminals. The Civil Police has one-third of the 120,000-odd police personnel of São Paulo State, while in other countries detectives rarely exceed 15% of the total force. In a weak and disorganized system in which performance is rarely evaluated, detectives complain of being overwhelmed by the volume of criminal activity, of the need to care for prisoners instead of carrying out investigations and a lack of vehicles and even gasoline to perform their duties. The few Civil Police cars in operation are marked, rendering them useless for undercover operations. Compounding these deficiencies, detectives are detailed to irrelevant tasks, like licensing and registering motor vehicles or guarding the Legislative Assembly.

What can be done, now?

Institutional problems like these have recurred in many countries since modern police organizations were created in the late 18th and early 19th centuries. In the United States, several waves of police reform attacked these problems by local civic action in several cities over the past century. Crime prevention commissions of civic leaders have operated in New York, Philadelphia, Los Angeles, Cleveland, Chicago and many other cities since the 1890s, an era when Theodore Roosevelt served as New York City Police Commissioner before being elected Governor of New York State and President of the United States. These waves of police reform, which continue today, benefited by independent policy research at

universities and other civilian institutions in continuous dialogue with law enforcement agencies, a kind of interaction that is almost entirely lacking in Brazil. Major contributions are being made by academic specialists playing key roles as consultants to police organizations. Important performance evaluation and policy innovation has come from the British Audit Commission. Other countries are investing heavily in solving these problems in a way not yet seen in São Paulo.

Efforts to enable police to respond more efficiently to public needs will confront no secrets or mysteries. The accumulated experience of two centuries of modern policing provides clear guidelines for action. The decentralization of responsibility and decisions for local district policing that guided the New York City reforms of the 1990s was rooted in the London police strategy of the 1830s. Recent research and technological developments have generated a menu of specific measures that can be enacted in any big city with the political will to improve public safety. These include installing more personal computers, reducing paperwork, buying longer-lasting equipment, replacing uniformed police with lower-paid civilians in routine office jobs, holding regular community meetings to analyze security problems, creating civilian review boards to evaluate police misconduct, eliminating tasks not related to police work and charging for services like protection at rock concerts and sports events. Bayley notes some new developments: "Building on computer-assisted dispatch systems (CADs), several forces now have on-line systems for tracking the availability of personnel at all operational levels, for monitoring work loads by unit and even by individuals and for reporting the actions taken by officers in the field." Computer-generated data, used in local precincts, could help to focus police attention on streets and neighborhoods where most serious crimes occur.

These resources would be used by a three-tiered system of (1) neighborhood police officers charged with preventing crime; (2) full-service basic police units at the district level, deciding local priorities and providing supervision and evaluation; (2) a central management staff to develop strategy and policy, provide resources and evaluate results. A streamlined three-tiered system would strengthen the Office of the Secretary of Public Security, sharing the same building with the Civil and Military Police chiefs, for better strategic, administrative and operational control of the two forces. Clearer priorities for district units would shift resources into more attention to youth crime and into intensified seizures of unlicensed guns and into annual relicensing of firearms with stricter criteria, using centralized data banks. New economic and promotional incentives could be developed for effective local policing. Hotline and emergency services, now scattered among several agencies, could be integrated into a single unit using more advanced technologies.

All these measures demand development of management and leadership skills through intensive training as well as better planning and research.Our experience shows that many police professionals hunger for better performance of their institutions.The climate and institutions of public security in São Paulo can be improved, as they have been in many other cities and countries. The cost of these improvements over the years will be much less than today’s high cost of insecurity. But little can be done without strong political leadership and civic participation. The local decision to solve these problems still has not been made.