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Policzer, P. (Ed.). (2019). The politics of violence in Latin America. Calgary, AB: University of Calgary Press.

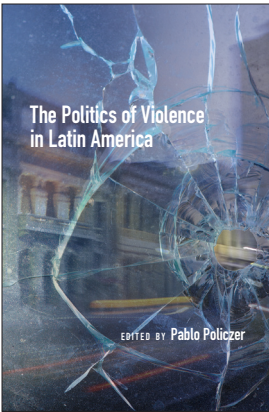
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## THE POLITICS OF VIOLENCE IN LATIN AMERICA

Edited by Pablo Policzer

ISBN 978-1-55238-907-2

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## The Police Ombudsman in Brazil as a Potential Mechanism to Reduce Violence

*Anthony W. Pereira*

As was stated in the introduction to this volume, Latin America is the most violent region on the planet. A look at recent data on homicide, a relatively reliable indicator, reveals that in 2015 the region recorded more than a third of the world's homicides, while containing less than 10 percent of the world's population. Roughly 140,000 Latin Americans are murdered each year.<sup>1</sup> A "top ten" of countries with the highest murder rates in the world in recent years contains seven countries from Latin America and the Caribbean, and is headed by Honduras and Venezuela.<sup>2</sup> This gruesome pandemic of everyday violence remains underexamined and largely unexplained.

Is this violence inevitable, the inescapable result of centuries of inequality and oppression? As Pablo Policzer argues in the introduction to this volume, a certain type of structural explanation (although not all structural accounts) would suggest that the answer is yes. Scholars on the right have tended to identify Iberian culture and institutions as the root cause of contemporary violence.<sup>3</sup> On the left, the tendency is to argue that violence is an inevitable byproduct of Latin America's subordinate position in the global economy and political system.<sup>4</sup> While both of these "deep structural" positions are less appealing than they used to be, they are still influential, and still tempt analysts into questionable, strongly dichotomous generalizations. In the words of Stanford historian Niall

Ferguson, for example, “North America was better off than South America purely and simply because the British model of widely distributed property rights and democracy worked better than the Spanish model of concentrated wealth and authoritarianism.” In another passage the same author asserts, “The newly independent [Latin American] states began their lives without a tradition of representative government, with a profoundly unequal distribution of land and with racial cleavages that closely approximated to that economic inequality. The result was a cycle of revolution and counter-revolution, coup and counter-coup.”<sup>5</sup> In such a view, Latin America *is* doomed because of the original sin of an inadequate “model” of economic and political development.

There are reasons to believe that such accounts are oversimplified. First, a focus on alleged deep structures ignores the high degree of variation in Latin America’s violence. On the one hand, countries such as Argentina, Chile, and Uruguay have homicide rates closer to those of Western Europe than the rest of Latin America, and (in the case of the first two countries) lower than that of the United States.<sup>6</sup> On the other hand, relatively high rates of violence characterize nations such as Honduras, El Salvador, Venezuela, Belize, Colombia, Jamaica, Guatemala, Mexico, and Brazil. Second, rates of violence in Latin America have changed considerably over time. As Pablo Piccato points out in his chapter in this volume, the long-term trend for homicide rates in Mexico since the nineteenth century has been a steady decline. Despite recent surges in violence in Central America and the Caribbean since 1995, the long-term trend in many other Latin American and Caribbean countries is also one of decline.<sup>7</sup> According to Steven Pinker, this trend is a universal one, brought about by an increase in state capacity and the spread of progressive ideas.<sup>8</sup> Given that, how can the constants of prior colonial rule, inequality, and oppression adequately account for rates of violence in Latin America? It seems probable that other variables, more conjunctural and interactive, would be part of an adequate explanation of the pattern of change and variation in Latin American violence.

The homicide rate has more than doubled in Brazil since 1980.<sup>9</sup> The scale of this killing makes Brazilian violence one of the most serious political and social problems in the region. While Brazil’s per capita homicide rate puts it roughly in the middle of the regional rankings, its absolute

number of homicide victims—61,283 in 2016—was the largest in Latin America and the Caribbean, representing over 40 percent of the regional total, and making Brazil the country with the largest absolute number of murder victims in the world in that year.<sup>10</sup>

The police in Brazil both reflect and contribute to the problem of violence in the country. The Brazilian police have gained notoriety for inefficiency, the widespread use of force (especially torture and summary executions), and corruption. In the words of one specialist, “an antagonistic relationship between the police and the population at large is an almost universal problem in Latin America . . . [but of] the Southern Cone countries, the crime and policing situation in Brazil is by far the most extreme.”<sup>11</sup> As another observer writes, “Brazil’s police are among the world’s most violent and corrupt, and human rights, particularly those of socially marginalized groups, are violated with impunity on a massive scale.”<sup>12</sup> In 2016, 4,222 people, or 7 percent of all homicide victims, were killed by the police, with 925 killed in the state of Rio de Janeiro and 856 in São Paulo.<sup>13</sup> Another study of the police in Rio de Janeiro found that roughly 10 percent of the manslaughters in one year were committed by the police, and that over ten civilian suspects were killed for each police officer killed in alleged confrontations.<sup>14</sup>

Demands for police reform have risen to the top of the political agenda in Brazil as violent crime has escalated. These demands are mixed. Some are simply for the police to do a better job at providing security, even if that involves being more, rather than less, violent. But others come from civil-society organizations that seek increased democratic control over the police and a strengthening of the police forces’ commitment to human rights. Some of these organizations have argued that police inefficiency and violence are part of the same problem, and that only by reducing its violence can the police become a more effective force for preventing and investigating crime.

Reforms reflecting the latter assumption have been enacted over the last twenty years at different times and in different ways in the patchwork quilt of Brazil’s twenty-six states and federal district. This chapter looks at one such measure: the creation of police ombudsmen. It first contrasts structural and contingent approaches to explaining violence in Latin America, and discusses the notion of mechanisms for reducing violence.

The second section presents some information on the police ombudsmen in Brazil, with special reference to the experience in two states. Finally, the conclusion assesses the potential of the ombudsmen as a mechanism for reducing violence.

## Structural and Contingent Perspectives on Violence in Latin America

When US president Barack Obama met Venezuelan president Hugo Chávez before the opening ceremony of the Fifth Summit of the Americas in Port of Spain, Trinidad, on 17 April 2009, Chávez gave Obama a copy of Eduardo Galeano's *The Open Veins of Latin America*.<sup>15</sup> Galeano's well-known book describes a history of exploitative violence against Latin America's workers, *campesinos*, and Indigenous people by Europeans, Americans, and Latin America's own oligarchs and state officials. These acts are depicted as fundamental to the formation and subsequent development of Latin America. While the insight that violence has been a major factor in Latin America's history is not controversial, it is debatable whether or not this history and its structural legacies are responsible for condemning the region to high levels of violence in perpetuity; perhaps much of this violence is actually contingent and therefore susceptible to mitigation in the short to medium term. As Pablo Policzer writes in the introduction to this volume, "shining a light on the contingent and not just the structural opens up new possibilities and solutions."

We can accept that some causes of violence might be contingent without negating the importance of structural factors. One statistical study, for example, found that increases in income inequality are correlated with rises in crime rates.<sup>16</sup> This finding has important implications for Latin America, the region of the world distinguished by the highest levels of income inequality, but such findings need not rule out the search for more contingent factors that can account for variation and change in violence in the region. Another claim is that Latin America's urban population grew in recent decades much faster than those of other regions such as Asia and Africa, and that this rapid urbanization is linked to the rise in homicides. This is because urbanization elevated factors linked to violence, such as

“inequality, unemployed young men, dislocated families, poor government services, [and] easily available firearms.”<sup>17</sup>

Accepting contingency involves shifting from an emphasis on invariant structures and process, or laws, to a focus on mechanisms, as Pablo Policzer points out in his introduction to this volume. According to Charles Tilly, “in actual social life invariant structures and processes are rare or non-existent.”<sup>18</sup> For Jon Elster, laws usually entail inappropriate claims to generality; however, mechanisms are more modest than laws, as they are “frequently occurring and easily recognizable causal patterns that are triggered under generally unknown conditions or with indeterminate consequences.”<sup>19</sup> Mechanisms allow explanation but not prediction; in Tilly’s words, explanations involving mechanisms “reject covering-law regularities for large structures. . . . Instead, they lend themselves to ‘local theory,’ in which the explanatory mechanisms and processes operate quite broadly but combine locally as a function of initial conditions and adjacent processes to produce distinctive trajectories and outcomes.”<sup>20</sup>

If we accept these claims, we can try to identify mechanisms that appear to have reduced violence in Latin America. These include certain forms of civil-society mobilization and public policies. Two relatively recent and widely noticed examples deserve mention. In Bogotá, Colombia the homicide rate fell from around 80 per 100,000 in 1993 to 21 in 2004. Some analysts attribute this drop to an integrated municipal program that included public health interventions, the reclaiming of public space, criminal justice reform, the improvement of crime and violence information systems, control of public alcohol consumption, and assistance to “at-risk” youth.<sup>21</sup> Similarly, intentional homicides in the city of São Paulo, Brazil fell by almost 70 percent between 1999 and 2006. Policies that had been previously introduced included dry-laws, voluntary disarmament initiatives, social programs, increased incarceration, and reforms in police organization and procedures.<sup>22</sup>

The causal significance of any alleged mechanism is likely to be contested, as indeed those mentioned above are. One potential difficulty for analysis is that many violence-reduction measures are likely to be what Elster calls “Type B” mechanisms. These are mechanisms that can affect the dependent variable, or the outcome the analyst is attempting to explain, in opposite directions, making it unknown a priori what the net effect is

likely to be. The example Elster gives for this is an alcoholic environment for children: some children in such an environment grow up to be alcoholics, while others reject alcohol as adults.<sup>23</sup> There is also no reason that the range of possible outcomes of Type B mechanisms is limited to two. For the purposes of this discussion, the enactment of the same policies, or the creation of organizations with the same formal design, may produce different outcomes in different environments; that is, they might reduce violence in one place, while failing to reduce it in another. Brinks, for example, finds that variations in the institutional design of the judiciary and prosecutors' office had little impact on the differences between legal responses to police killings in five Latin American cities. The key factor in his study is the socioeconomic status of the claimants; higher-status claimants were better able to obtain an effective judicial response after their family member had been victimized by the police.<sup>24</sup>

One important recent (2009) attempt to explain violence consistent with the approach espoused here is *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* by Douglass North, Joseph Wallis, and Barry Weingast. The authors begin by complaining that there is a "lack of systematic thinking about the central problem of violence in human societies," and proceed to argue that "how societies solve the ubiquitous threat of violence shapes and constrains the forms that human interaction can take, including the form of political and economic systems."<sup>25</sup> They then contrast what they call "natural states" with "open access societies."

The core difference between these two types of societies is how they control violence. In natural states, "access to violence is open to anyone strong enough and well-organized enough to use it. The natural state coordinates these individuals and groups through an interlocking set of rent-creating arrangements that limit access throughout the rest of society."<sup>26</sup> The political management of violence is based on "the manipulation of economic privileges."<sup>27</sup> Despite the label, open access societies actually limit access to the means of coercion, and thus violence; they base the management of violence on impersonal rules and organizations. Formal institutions, including the judiciary, embody agreements about how and when violence can legitimately be used, and hem in specialized military and police forces. These institutions and agreements regulate the formal



authority granted to the military and police to intervene in private interactions. According to North, Wallis, and Weingast, “The resulting rules governing the use of violence in open access orders must be impersonal; that is, the agreements must be independent of the identity of the individual member of the military or police force and, equally important, independent of the identity of the political officials. If the rules do not apply impersonally, the society is a natural state.”<sup>28</sup>

For North and his collaborators, the transition from a natural state to an open access society involves the attainment of three conditions: the rule of law for elites; the recognition of “perpetually-lived organizations” (such as corporations) in the public and private spheres; and the “consolidated” control of the military.<sup>29</sup> This last condition, the most difficult to achieve in the authors’ judgment, means that “nonmilitary elite groups and organizations must be capable of disciplining the military force through nonmilitary means.”<sup>30</sup>

Some questions could be raised about *Violence and Social Orders*. The binary categories of these two forms of society place a rather tight straightjacket on contemporary societies and world history, blurring other important distinctions that could be made. The description of open access societies is also rather lyrical. These are societies with widely held beliefs about the importance of inclusion and equality for all citizens; they display a lack of barriers to entry into economic, political, religious, and educational activities; they offer deep support for organizational forms, such as contractual enforcement, that are open to all; they are places characterized by an impartially enforced rule of law that applies to all citizens and state officials. One wonders how much this description is ideological rather than empirically based. Furthermore, the authors’ claim that only twenty-five countries and 15 percent of the world’s population presently meet their criteria for open access societies excludes Latin America from the promised land entirely—an act of exclusion that might not be justified.

Nevertheless, the book’s framework provides several useful insights for the analysis of Latin American violence. These are:

1. Societies with high levels of violence are not dysfunctional or “sick.” They are not imperfect approximations of societies with lower levels of

violence. They have their own logic. For example, violence can be a way of controlling access to, and maintaining, economic privileges. For this and other reasons, elites may have little incentive to attempt to diminish violence.

2. Institutions created to diminish violence are likely to produce different results in different contexts.
3. Institutions created to diminish violence (including the police ombudsman, discussed below) often embody attempts to subject the wielders of coercion to impersonal rules, thus creating movement towards the open access society described above.

With these considerations in mind, the following section will describe a new organization designed to diminish police violence in Brazil.

## Police Ombudsmen in Brazil

Brazil's police forces have a checkered history. The police forces of São Paulo and Rio de Janeiro were organized in 1831, two years after Robert Peel created the Metropolitan Police Force in London.<sup>31</sup> In Rio, one of the police force's main functions was to recapture escaped slaves and to whip slaves for a fee, at the request of the slave owners. The state thus provided a disciplinary service paid for by private interests. Whipping slaves was vital to the maintenance of the broader socioeconomic system, because slavery was so central to economic relations and the class structure.<sup>32</sup> Police violence therefore has deep historical roots in Brazil and has long been part of a system of class domination and social exclusion. At the same time, criticism of police violence and the gradual expansion of citizenship are also part of the country's history.<sup>33</sup>

The uniformed military police, responsible for patrolling on the streets, became powerful armies that served provincial governors in the Old Republic (1898–1930). They were subjected to increasing control by the federal state, and especially the army, during the first presidency of

Getúlio Vargas (1930–45). The plainclothes civil police, responsible for criminal investigations, grew out of judicial investigators attached to the crown in the nineteenth century; their main instrument, the police inquiry (*inquérito policial*), has existed in Brazil since 1841. Both forces were modified under the 1964–85 military dictatorship. The military police were put under army control and deployed in the repression of political opponents and dissidents, while the civil police lost much of their investigative capacity.<sup>34</sup>

The end of the dictatorship saw the above-mentioned development of pressures to reform public security. By the 1990s, many political actors on different sides of the ideological conflicts of the 1960s and '70s had come together to analyze and propose ways to curb increasing violence, especially in Brazil's cities. Out of these proposals came several new accountability mechanisms, as well as the reinforcement of existing accountability mechanisms (see Table 5.1). In addition, civil-society organizations such as the São Paulo Institute Against Violence (Instituto São Paulo Contra Violência) and Viva Rio—funded by donations from businesses—established partnerships with state agencies aimed at improving policing.<sup>35</sup>

In universities, academics and policy analysts founded new centers that combined traditional preoccupations with human rights with a focus on policing and ways to improve it. These include the Centre for Studies of Criminality and Public Security (Centro de Estudos de Criminalidade e Segurança Pública, or CRISP) at the Federal University of Minas Gerais in Belo Horizonte; the Centre for Studies of Security and Citizenship (Centro de Estudos de Segurança e Cidadania, or CESeC) at the Candido Mendes University in Rio de Janeiro; the Centre for the Study of Violence (Núcleo de Estudos da Violência, or NEV) at the University of São Paulo; and the Centre for the Study of Coercive Institutions (Núcleo de Estudo das Instituições Coercitivas, or NIC) at the Federal University of Pernambuco.

It was in this context that police ombudsman's offices were established. "Ombudsman" is a Swedish word meaning "a representative or agent of the people." The first ombudsman was an officer appointed by the Swedish legislature in 1809 to investigate administrative and judicial complaints.<sup>36</sup> In the twentieth century, the concept travelled widely and moved well beyond the original institutional design limiting the ombudsman to the legislature. A survey analyzed Latin American ombudsman's offices, some

TABLE 5.1  
 Advantages and Disadvantages of Various Accountability Mechanisms in  
 Brazilian Public Security

Mechanism	Advantages	Disadvantages
Voting	Broad participation; median voter theory; elections with broad suffrage should increase production of public goods, including security	Inadequate voter information; lack of candidate/party differentiation; escalating superficial “tough on crime” rhetoric; lack of executive branch control over police
Ombudsman	Independent entity to receive complaints about police corruption and violence	No independent investigative capacity; lack of visibility; police resistance
Community councils	Local participation and influence	May not be representative; police may not respond to demands (consultation rather than binding decision-making); lack of resources
Civil-society foundations (e.g., Instituto São Paulo Contra a Violência, ISPCV)	Partnership between broad civil-society group and government to improve policing	May privilege business interests over others
<i>Disque-denúncia</i>	Collects information while preserving anonymity of informants	May not overcome mistrust of police
Ministério Público	Independent, meritocratic recruitment and high-quality staff	May be more interested in investigation than punishment; reluctance to interfere in police investigations; overwhelming number of cases; police resistance
Mainstream media	Broad audiences; competition produces watchdog effect and “societal accountability”	Sensationalism (the “politics of fear”); short attention span—problems identified but coverage later dropped; bias: media conglomerates have their own economic and political interests

<b>Mechanism</b>	<b>Advantages</b>	<b>Disadvantages</b>
<i>Corregedoria</i> (police internal affairs)	Ready access to information; knowledge of police procedures	may lack independence; corporatist attitudes—reluctance to convict police for crimes against civilians
Courts (military and civil)	Can guarantee procedural rights for defendants	Slow; Inegalitarian—defendants with resources are less likely to be punished; in military justice, corporatist attitudes—reluctance to convict police for crimes against civilians
Written codes of police conduct	Can create transparency by codifying acceptable behavior for citizens and police	Police resistance
SENASP (Secretaria Nacional de Segurança Pública)	Articulates a vision of progressive national public security policy at the federal level	Few resources; unstable politically—staffed by political appointees; reluctant to require reform as a condition of the granting of its resources to the states
International human rights institutions (e.g., Inter-American Court for Human Rights)	Subjects national and local politics to international human rights norms	Highly selective (few cases) and slow; hard to enforce judgments
Contentious action (e.g., marches, demonstrations, petitions, etc.)	Allows for multiple expressions of grievances; flexible, democratic, diverse; can be strengthened by strategic use of social media (for example, videos of police violence uploaded to Facebook or circulated via Twitter, WhatsApp, or other apps)	Subject to collective action problems; civil society often fragmented, with partial views of the problem; no obligation for authorities to respond—demands often not institutionalized
Vigilantism	Can conform to local conceptions of justice	Violates rule of law (no procedural rights for the accused)

of them quite powerful, in Guatemala, Honduras, El Salvador, Colombia, Peru, and Bolivia.<sup>37</sup>

The first police ombudsman's office in Brazil was created in São Paulo in 1995, with a national forum of police ombudsmen being set up in 1999. Since then, the institution has proliferated, and twenty-one of Brazil's twenty-six states now have one.<sup>38</sup> This proliferation was a two-step process. São Paulo was the site of strong resistance to the military regime, especially in the 1970s and early '80s, with the endogenous creation of strong civil-society organizations in the area of human rights. These organizations focused on issues such as the abuse of political prisoners' human rights, amnesty for those convicted of political crimes, and the dismantling of the exceptional decrees and laws, especially the National Security Law, which gave the executive branch almost unlimited power vis-à-vis legislatures and the judiciary. In the 1990s, after the end of military rule, the human rights movement addressed other problems, such as the treatment of ordinary criminal suspects by the police, the judiciary, and the prison system, and it was in that context that the police ombudsman was created.

In other parts of Brazil in subsequent years, the creation of police ombudsmen had a somewhat more exogenous character. After the Secretariat for Public Security (Secretaria Nacional de Segurança Pública, or SENASP) was created in 1998, it began to condition its transfer of funds to states on the existence of a police ombudsman.<sup>39</sup> In addition, there was strong international support for the initiative, most notably from Canada and the European Union. The European Union, for example, provided roughly 6.5 million euros and technical assistance to the Special Secretariat for Human Rights for the creation and support of police ombudsmen from 2005 to 2008.<sup>40</sup> The EU lent considerable technical expertise to the project as well. This initiative gave an incentive to states that had not yet created a police ombudsman to do so, for the new agencies would then be eligible for the EU money.

The ombudsman is supposed to register public complaints about the police and facilitate the investigation of these complaints by the internal affairs unit of the state civil and military police forces. These complaints are registered anonymously and can be made in person, over the telephone, or via the Internet. Priority is usually given to allegations of

lethal violence by the police. Observers argue that the ombudsmen provide an important feedback function, making police misbehavior more transparent and establishing the right of the public to oversee and control the state's use of force.<sup>41</sup> The police ombudsmen, at least potentially, establishes a new accountability mechanism in Brazilian public security consisting of at least three stages: information, justification, and (at least in some cases) punishment and/or compensation. It is a form of "horizontal" accountability (one police department being made accountable to another agency within the state), but at the same time it is also a form of "vertical" accountability (police are required to respond to citizen complaints).<sup>42</sup> The ombudsman could also create a fourth stage of accountability: proactive reform or changes in policing that diminish the problems that citizens complain about.

This initiative has received substantial international support as well. Multilateral agencies have supported the creation of ombudsman's offices throughout Latin America over the last three decades. According to one European observer, the "Latin American ombudsman . . . has become one of the region's quintessential democratic institutional innovations over the past twenty years, offering citizens an additional channel of institutionalized participation and oversight beyond the ballot box."<sup>43</sup> The ombudsman has also been described as "a permanent judicial and democratic voice of conscience within the state."<sup>44</sup> The ombudsmen provide an important feedback function, making police misbehavior potentially more transparent and establishing the right of the public to oversee and control the state's use of force.<sup>45</sup>

The origin of the institution lies in Europe, and considerable support for the Brazilian experiment has come from the EU, but there are other international actors in Brazil's police ombudsman story as well. The Canadian government has offered considerable bilateral support for the creation of various types of ombudsmen in the public sector.

A review of fourteen police ombudsman offices in various Brazilian states, conducted in 2008, found a wide variety of institutional designs among them. Their legal status differed: some were created by law, others by executive decree, and yet others by both law and decree. Some ombudsmen were appointed directly by state governors, with no fixed mandates; others were appointed by state secretaries of public security; and in

some states, a council that included civil-society actors played a part in the selection process. Staffing levels and the degree of infrastructural support varied sharply. Some ombudsmen provided a free telephone service (an 0-800 number) to complainants; others did not.<sup>46</sup> The implications of these and other variations for the performance of the police ombudsman's offices has been underexplored in the literature. The section that follows is an attempt to begin such an examination, exploring two case studies, and applying some insights of historical institutionalism to them. Historical institutionalism emphasizes sequences, the interaction between social mobilization and the institutional development of the state, and long causal chains leading to particular patterns of policy change.<sup>47</sup>

The police ombudsman in São Paulo—Brazil's wealthiest, most industrialized, and most populated state, with roughly 45 million people—is probably the most professional, effective, and transparent office of its kind in Brazil. It grew out of the State Council for the Defense of the Human Person (Conselho Estadual de Defesa de Pessoa Humana, or CEDPH), a part of the State Secretariat of Justice, in which 80 percent of the members are representatives of civil-society organizations. The council did not have the ability to investigate complaints of human rights abuses, and the idea of an ombudsman grew from that. The São Paulo police ombudsman has considerable independence. The ombudsman is appointed by the state governor from a list of three candidates drawn up by the CEDPH. He or she has a fixed two-year term that can be renewed once.<sup>48</sup> The office of the ombudsman exists in an office building far from the Secretariat of Public Security, symbolizing its independence.

The São Paulo police ombudsman is backed up by a solid institutional infrastructure and enjoys administrative and financial autonomy from the secretary of public security and the police. The ombudsman presides over a consultative council made up of eleven members; the other ten members are chosen by the secretary of public security from a list provided by the state's general ombudsman (*ouvidor geral*). Its staff consists of a technical support team and an administrative support team. These teams include five advisors and ten assistants, all of whom are required to have university degrees, as well as two police investigators, ten policemen seconded to the office, and interns. The ombudsman staff produces abundant, up-to-date information about the complaints the office received and—more



importantly—their resolution. This includes the suspension and firing of police officers for proven violations of human rights.<sup>49</sup> While the investigations are conducted by police internal affairs, and the punishments carried out by internal disciplinary panels and courts (both military and civilian), the ombudsman’s office works with the police to track the final disposition of all cases, and thus the state’s response to complaints. The police ombudsman’s office in São Paulo also has considerable financial autonomy. When the office was created by the administration of Governor Mario Covas in 1997, a dedicated budget for the agency was specified in the authorizing legislation.<sup>50</sup> This practice, in which the executive branch directly allocates resources to the ombudsman, rather than routing it through the Secretariat of Public Security, has continued.

São Paulo’s high degree of capacity and autonomy is reflected in its performance. In a study of fourteen police ombudsmen commissioned by the federal Special Secretariat for Human Rights, São Paulo was one of only three states (along with Pará and Rio Grande do Norte) that was identified as regularly tracking the outcomes of investigations of police killings of citizens.<sup>51</sup> In 2007, 11 percent of all complaints received by the São Paulo police ombudsman’s office were allegations of police homicide.<sup>52</sup>

The situation in São Paulo is in stark contrast to the conditions of the police ombudsman in Pernambuco, a small state with a population of roughly 9 million in the impoverished northeastern region of the country. In Pernambuco, the police ombudsman has little political independence and little capacity, such that it was described by the São Paulo police ombudsman in 2008 as “an ombudsman without an ombudsman’s office” (*um ouvidor sem uma ouvidoria*).<sup>53</sup> It is located across the street from and is administratively part of the Secretariat of Social Defense—a problematic physical and organizational location for an institution that is supposed to be independent of the police.<sup>54</sup> Its budget is determined on a discretionary basis by the secretary of social defense. As in São Paulo, the ombudsman in Pernambuco does not carry out his own investigations, but rather feeds information to the police internal affairs office (or *corregedoria*).<sup>55</sup> In the mid-2000s, the office received an average of about forty complaints a month.<sup>56</sup> Abuse of police authority is the most common allegation, brought typically by males aged thirty-five to forty-five who reside in poor neighborhoods. When the ombudsman’s office records these

complaints and turns them over to internal affairs, the *corregedoria* can then decide to open an investigation into the alleged police misconduct and, if evidence of wrongdoing is uncovered, recommend to the secretary of social defense that a range of remedies be applied, such as disciplinary action or dismissal. Investigations can also result in cases in state courts, both military and civilian, depending on the nature of the crime.<sup>57</sup>

However, unlike in São Paulo, basic information about the results of complaints brought to police ombudsman in Pernambuco—the first element of accountability—does not exist.<sup>58</sup> The ombudsman does not publish a report for the public, and the semesterly reports she prepares for the governor contain only complaints, not the final disposition of complaints.<sup>59</sup> Unlike its São Paulo counterpart, the Pernambuco police ombudsman's office does not post the outcomes of its cases on a website. Whereas the web page of the São Paulo office contains voluminous information on complaints and the results of those complaints, its counterpart in Pernambuco consists of a single page containing a complaint form.<sup>60</sup> Furthermore, the ombudsman has no fixed mandate as in São Paulo. The ombudsman is appointed by the governor, serving at the governor's pleasure, limiting her ability to take on politically sensitive cases. Furthermore, with a small staff of four, the office lacks effective capacity.<sup>61</sup>

These limitations of capacity and autonomy seem to influence the Pernambuco police ombudsman's performance. A sample of cases from 2005, 2006, and 2007 revealed that only 0.2 percent of complaints were related to police homicide, a striking difference from the 11 percent of all cases registered in São Paulo in 2007. It is unlikely that this is due to a lack of police homicides in Pernambuco; a great deal of anecdotal information circulates in the state about the existence of police death squads, for example. Instead, it seems to indicate a greater fear on the part of the public in Pernambuco to bring these cases to the ombudsman, and/or a lower degree of confidence that such cases will be dealt with discreetly and effectively.

The Pernambuco sample referred to above, of 419 cases in the 2005–7 period, provides a window into the workings of the police ombudsman. The sample represents 41.5 percent, 31.3 percent, and 27.2 percent of all the cases brought to the police ombudsman in those years, respectively. Close to a majority of the complainants (47.5 percent) are between the

ages of twenty-five and forty-four, and the corporation most frequently complained about is the military police (42.7 percent). The most common complaints are abuse of authority (46.1 percent), physical aggression (16.9 percent), bad service (*mau atendimento*) (10.7 percent), verbal aggression (6.2 percent), and a lack of police presence (4.1 percent). A startlingly large proportion of these cases did not result in disciplinary action within the police force. More than two-thirds of the complaints (68.5 percent) resulted in “no response” from the *corregedoria*, while 29.4 percent were “archived” or shelved. Only 0.5 percent of cases went to a civilian court, while another 0.5 percent triggered an internal disciplinary hearing (*sindicância*).

In contrast to the police ombudsman, the Pernambuco *corregedoria* is staffed by 172 members drawn from the police forces.<sup>62</sup> Because in many instances the *corregedoria* staff will go back to work in other departments within the police, it cannot accurately be described as a mechanism of external control, nor does it have complete independence to rigorously investigate allegations of police misconduct. Further, police who are perceived to stay too long in internal affairs may see their careers suffer.<sup>63</sup> The lack of external control in the way internal affairs conducts its investigations can be seen by the fact that, as a first step in handling a complaint, the internal affairs investigator goes to the commander in charge of the police accused of wrongdoing to hold a *sindicância*. Furthermore, the *corregedoria* is bound by strict time limits in discharging its disciplinary duties, resulting in the frequent suspension of administrative punishments of police officials. Interestingly, the *corregedoria* has no fixed time limit for the investigation of complaints brought to it by the ombudsman, nor does it have adequate information-management systems to monitor these cases. Human rights organizations complain that punishments of the police as a result of *corregedoria* investigations tend to be rare.<sup>64</sup> This seems to be especially true in the case of high-ranking police officials.<sup>65</sup>

In Pernambuco, the internal affairs staff alleges that the reports received from the ombudsman are often insufficient to facilitate an adequate investigation. The ombudsman’s staff, for their part, tend to see the *corregedoria* as a corporatist agency more interested in protecting its own than uncovering wrongdoing. The ombudsman does not have high visibility in Pernambuco, and almost never appears in the press. Dr. Luiz Guerra de Moraes, ombudsman from 2003 until 2007, generally took a

nonconfrontational line towards the police. Nevertheless, he stated in public in 2006 that “in my judgment, the system does not work.”<sup>66</sup>

Although information is lacking for a thorough evaluation of the police ombudsman’s office in Pernambuco, there are strong reasons to conclude that it has not been particularly successful.<sup>67</sup> One reason for this might be the design of the institution.<sup>68</sup> As noted, the police ombudsman in Recife, the capital of the state of Pernambuco, serves at the pleasure of the governor, whereas her São Paulo counterpart is nominated by an organization dominated by civil-society representatives, and serves for a fixed term.<sup>69</sup> There is also evidence that many of the police ombudsmen in Brazil share the limitations of the Pernambuco office, and have not attained the degree of independence of the São Paulo police ombudsman. In a study of five police ombudsman’s offices, for example, Lembruger found that 85 to 93 percent of complaints did not result in any punishment of the accused.<sup>70</sup>

Differences between the way the São Paulo and Pernambuco police ombudsman’s offices operate may also be due to contextual and informal factors rather than just institutional design. As in São Paulo, many of the formal attributes of Pernambuco’s police ombudsman’s office embody the principles of accountability and transparency in that they establish the public’s right to complain about the police. However, in establishing a working relationship with police internal affairs, the Pernambuco office does not monitor the results of complaints as the office in São Paulo does. This means that a fundamental aspect of accountability—adequate information—is not being provided in Pernambuco. Such information could be provided without the creation of any new legislation or regulations; all that would be required would be for the ombudsman herself to insist on such a supervisory role, with the work done either by *corregedoria* staff or new personnel in the ombudsman’s office. Yet this has not been done. The working relationship that has been established between the ombudsman and internal affairs is that the former is a passive appendage of the latter. Table 5.2 summarizes the difference between the police ombudsmen in São Paulo and Pernambuco, indicating that the former benefits from both a more optimal institutional design and political will.

The Pernambuco police ombudsman’s office seems to illustrate Philippe Schmitter’s comment that accountability only becomes apparent

TABLE 5.2

Differences between São Paulo and Pernambuco Police Ombudsmen

Institutional design that strengthens ombudsman independence and capacity	São Paulo	
Institutional design that weakens ombudsman independence and capacity	Pernambuco	
	Low political will for an effective ombudsman	High political will for an effective ombudsman

when it is defective, and it may well be that many of the other similar institutions in Brazil bear a closer resemblance to the Pernambuco case than the São Paulo organization.<sup>71</sup> In the opinion of one specialist, for example, few ombudsmen “enjoy effective autonomy,”<sup>72</sup> and Comparato even shows that in some states the police ombudsmen are police officials, thereby compromising the independence essential to the ombudsman ideal.<sup>73</sup>

In a comparative study of ombudsmen in Bolivia, Colombia, El Salvador, Guatemala, Honduras, and Peru, Ugglá concludes, “the influence of the ombudsman can hardly be deduced from the formal, legal dispositions regarding the institution. Indeed, the strength and autonomy of the institution are generated by a process that is primarily political.”<sup>74</sup> In the Pernambuco case, the political process seems to have resulted in a police ombudsman with a low degree of independence and capacity in comparison with her São Paulo counterpart. The most striking evidence of this is the abundance of publicly available information about the final disposition of complaints in São Paulo, and the absolute lack of equivalent information in Pernambuco. Despite this clear difference of outcomes, however, it should be emphasized that the present analysis is not definitive. We have not been able to carry out the kind of detailed analysis of cases that might clarify the apparent variation between the two institutions. Most importantly, the impact of the ombudsman on levels of police violence has not been established in either case. But this study could provide the beginnings of a more systematic comparison that might shed light on those issues.

It should be added that the office of police ombudsman is an “embedded” institution; it works only in conjunction with other institutions, especially police internal affairs. In principal-agent terms, the situation of the police ombudsman is complex. She or he is an agent of the public, who bring complaints to it. But the office of ombudsman is also a principal vis-à-vis police internal affairs, because it can induce investigations that otherwise might not have taken place, and it is supposed to monitor the outcomes of those investigations. Similarly, in a specific case it could also become the agent of the governor or another member of the executive branch, a member of the legislature, or even (depending on the circumstances) a prosecutor in the Public Ministry. Its effectiveness is thus highly dependent on the effectiveness of other organizations in the state, as well as civil-society associations.

An intriguing possibility is that in Pernambuco the police ombudsman is a “sleeper” institution—dormant and ineffective at first, but energized and effective later, when the right combination of factors occurs (such as a committed governor, strong pressure from civil-society organizations, and so on).<sup>75</sup> Only further monitoring of the performance of these agencies in Pernambuco and other Brazilian states will reveal whether this potential is realized.

“Sleeper” institutions are not new. Rothstein, for example, argues that the Swedish institutions of horizontal accountability established in the early nineteenth century, of which the ombudsman’s office was one, did not work particularly well in the first decades of their existence. Corruption, nepotism, cronyism, and inefficiency were apparently rife in the Swedish civil service. But according to Rothstein, an existential crisis brought about by defeat in war created the conditions in which the institutions gained autonomy and effectiveness, boosting horizontal accountability and improving the performance of the state bureaucracies.<sup>76</sup>

In Rothstein’s words, “generalized trust, understood as the belief that you live in a society . . . where the moral standards of the other agents in general are high, leads to a decrease in transaction costs.” For Rothstein, the existence of efficient institutions—those that provide public goods in a relatively impartial manner—are key to generating trust. In his view, “efficient institutions change agents’ choice of strategy by increasing the likelihood that they will believe most other agents cooperate honestly,

which in turn makes it more rational for the individual agent to reciprocate benevolently.”<sup>77</sup>

## Conclusion

There are good reasons to believe that violence in Latin America is not the inevitable byproduct of a colonial and postcolonial past in which inequality, social exclusion, poverty, and class oppression were the norm. It is at least partially contingent. Contingent violence can be curbed through specific mechanisms; the most promising of these involve new public policies, civil-society mobilization, or (usually) some combination of the two. This applies to police violence as well as other forms of violence. Brazil’s police violence is arguably the worst in the region, given the sheer scale of the killing, especially in large cities such as São Paulo and Rio de Janeiro.

An important recent reform that could affect levels of police violence is the establishment of the ombudsman’s offices. These institutions are part of a larger trend towards ombudsmen in Latin America. Ombudsmen are, at least in principle, independent authorities who can channel public demands into the state apparatus, making citizens’ political participation meaningful and inducing both retroactive and proactive forms of accountability.

At present, more is unknown than known about the impact of ombudsmen on levels of police violence in Brazil. The institution is recent, the first established less than fifteen years ago, and most created in the last few years. The potential of the ombudsmen is that of a new accountability mechanism—a feedback loop that channels public complaints about police misconduct to political authorities who not only can authorize the investigation and punishment of wrongdoers among the police, but also initiate reforms that make such wrongdoing less likely in the future.

The new institutions offer much promise. At best they can serve to democratize and demilitarize policing. At worst, however it may be nothing more than facades, mere “suggestion boxes” that lead to no substantive action, or (in extreme cases) police reactions that endanger complainants. The initial comparison of São Paulo and Pernambuco offered here suggests that the police ombudsmen in these two states differ significantly in terms of the formal design of the institutions and the informal political

environment in which they operate. São Paulo provides more information than does Pernambuco on the outcome of the investigations triggered by the complaints it receives, resulting in a much greater level of transparency. So far we lack the evidence, however, to conclude that the São Paulo police ombudsman's greater effectiveness includes an increased ability to reduce police violence. Only further in-depth research will answer some of the questions raised in this chapter.

## NOTES

The author would like to thank members of the workshop (Hendrik Kraay, Raul Molina, Jean Daudelin, Michelle Bonner, J. Patrice McSherry, Jorge Zaverucha, Andreas Feldmann, Pablo Policzer, and Francisco Gutiérrez Sanín), as well as two anonymous reviewers, for comments on earlier drafts of this chapter. The author would also like to acknowledge the support of the British Academy for a small research grant (SG-48381 of 1 January–31 August 2008) that facilitated research for this chapter.

- 1 The data is from the United Nations Office on Drugs and Crime (UNODC), "Intentional Homicide Victims 2012–2016," <https://dataunodc.un.org/crime/intentional-homicide-victims> (accessed 8 July 2018). The total number of homicides for Latin America and the Caribbean was 139,466, with all countries reporting data from 2015 except Venezuela, which reported data for 2016. See also Mark Ungar, *Policing Democracy: Overcoming Obstacles to Citizen Security in Latin America* (Washington, DC: Johns Hopkins University Press, 2011), 2, and "Shining light on Latin America's homicide epidemic," *Economist*, 5 April 2018, <https://www.economist.com/briefing/2018/04/05/shining-light-on-latin-americas-homicide-epidemic>.
- 2 The top ten in 2018 were Honduras, Venezuela, Belize, El Salvador, Guatemala, Jamaica, Lesotho, Swaziland, Saint Kitts and Nevis, and South Africa. From Petr H., "25 Countries with the Highest Murder Rates in the World," *List25*, 19 February 2018, <https://list25.com/25-countries-with-the-highest-murder-rates-in-the-world/5/>.
- 3 For an example of this approach, see Howard Wiarda, *Corporatism and National Development in Latin America* (Boulder, CO: Westview, 1981).
- 4 For a review of these approaches, see William L. Canak, "The Peripheral State Debate," *Latin American Research Review* 19, no. 1 (1984): 3–36.
- 5 Niall Ferguson, *Civilization* (London: Penguin, 2011). The first quote is from p. 138, while the second is from 127.
- 6 From UNODC, "Intentional Homicide Victims 2012–2016."
- 7 Data from Mexico show that its homicide rate rose from 8.7 per 100,000 in 2004 to 19.3 in 2016, more than doubling in twelve years. While I do not disagree with Picatto's generalization that there has been a long-term decline in homicide rates in Mexico,



- spikes such as the one described above give some substance to public fear of violence. From UNODC, “Intentional Homicide Victims 2012–2016.”
- 8 Steven Pinker, *The Better Angels of Our Nature: The Decline of Violence in History and Its Causes* (London: Allen Lane, 2011), see especially 49–59.
  - 9 See, for example, Alba Zaluar, “The Paradoxes of Democratization and Violence in Brazil” (paper presented at the International Conference Latin America, Brazil and the European Union Extended, Federal University of Rio de Janeiro, 2004), [http://www.brasiluniao.europa.ufrj.br/en/pdfs/the\\_paradoxes\\_of\\_democratization\\_and\\_violence\\_in\\_brazil.pdf](http://www.brasiluniao.europa.ufrj.br/en/pdfs/the_paradoxes_of_democratization_and_violence_in_brazil.pdf). The country’s homicide rate increased from 11.7 per 100,000 in 1980 to 28.4 in 2015. From UNODC, “Intentional Homicide Victims 2012–2016.”
  - 10 From Marcos Augusto Gonçalves, “E agora, Brasil? Segurança Pública,” *Folha de São Paulo*, 21 April 2018, special supplement, 1.
  - 11 Mercedes Hinton, *The State on the Streets: Police and Politics in Argentina and Brazil* (Boulder: Lynne Rienner, 2006), 8.
  - 12 Frances Hagopian, “Brazil and Chile,” in *Assessing the Quality of Democracy*, ed. Larry Diamond and Leonardo Morlino (Baltimore, MD: Johns Hopkins University Press, 2005), 128–9. Hagopian is quoting from a 2003 Freedom House report.
  - 13 From Igor Mello and Daniel Salgado, “62,517 mortes violentas,” *O Globo* (Rio de Janeiro), 6 June 2018, A3.
  - 14 Julita Lembruger, *Civilian Oversight of the Police in Brazil: The Case of the Ombudsman’s Offices* (Rio de Janeiro: University Candido Mendes Center for Studies on Public Security and Citizenship, 2002), 5.
  - 15 See “Obama, Venezuela’s Chavez Shake Hands at Summit,” *Reuters UK*, 18 April 2009, <http://uk.reuters.com/article/2009/04/17/summit-obama-chavez-idUKN1736198420090417>.
  - 16 Pablo Fajnzylber, Daniel Lederman, and Norman Loayza, “What Causes Violent Crime?” *European Economic Review* 46 (2002): 1323–57. Another study attributes Latin America’s high rate of violent crime to high income inequality, low incarceration rates, and small police forces. See Rodrigo Soares and Joana Naritomi, “Understanding High Crime Rates in Latin America: The Role of Social and Policy Factors,” (paper prepared for the conference Confronting Crime and Violence in Latin America: Crafting a Public Policy Agenda, John F. Kennedy School of Government, Harvard University, July 2007).
  - 17 The Economist, “Shining light on Latin America’s homicide epidemic.”
  - 18 Charles Tilly, *Explaining Social Processes* (Boulder, CO: Paradigm Publishers, 2008), 121.
  - 19 Jon Elster, “A Plea for Mechanisms,” in *Social Mechanisms: An Analytical Approach to Social Theory*, ed. Peter Hedström and Richard Swedborg (Cambridge: Cambridge University Press, 1998), 45.
  - 20 Tilly, *Explaining Social Processes*, 9.
  - 21 Soares and Naritomi, “Understanding High Crime Rates,” 23.
  - 22 Soares and Naritomi, “Understanding High Crime Rates,” 23.

- 23 Elster, “A Plea for Mechanisms,” 45.
- 24 See Daniel Brinks, *The Judicial Response to Police Killings in Latin America: Inequality and the Rule of Law* (Cambridge: Cambridge University Press, 2007).
- 25 Douglass North, Joseph Wallis, and Barry Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (Cambridge: Cambridge University Press, 2009), xi.
- 26 North, Wallis, and Weingast, *Violence*, 121.
- 27 North, Wallis, and Weingast, 122.
- 28 North, Wallis, and Weingast, 121.
- 29 North, Wallis, and Weingast, 151.
- 30 North, Wallis, and Weingast, 170.
- 31 José Vicente da Silva Filho and Norman Gall, “A Polícia: Incentivos Perversos e Segurança Pública” in *Insegurança Pública: Reflexões Sobre a Criminalidade e a Violência Urbana*, ed. Nilson Vieira Oliveira (São Paulo: Nova Alexandria/Instituto Braudel, 2002), 205.
- 32 da Silva Filho and Gall, “A Polícia,” 205.
- 33 I thank Hendrik Kraay for making this observation.
- 34 Hinton, *The State on the Streets*, 101.
- 35 See Paulo Mesquita Neto, “Public-Private Partnership for Police Reform in Brazil” in *Public Security and Police Reform in the Americas*, ed. John Bailey and Lucia Dammert, 44–57 (Pittsburgh, PA: University of Pittsburgh Press, 2006). See also Fiona Macaulay, “Knowledge Production, Framing and Criminal Justice Reform in Latin America,” *Journal of Latin American Studies* 39 (2007): 628.
- 36 See Donald C. Rowat, “The Suitability of the Ombudsman Plan for Developing Countries,” *International Review of Administrative Sciences* 50, no. 3 (1984): 207–11, and Anand Satyanand, “Growth of the Ombudsman Concept” *Journal of South Pacific Law* 3 (1999): 1–12.
- 37 Uggla, Fredrik, “The Ombudsman in Latin America,” *Journal of Latin American Studies* 36 (2004): 423–50.
- 38 See Bruno Kondor Comparato, “As Ouvidorias de Polícia no Brasil: Controle e Participação” (paper prepared for the annual ANPOCS conference, Caxambu, Minas Gérias, 24–8 October 2006), and Rubens Pinto Lyra, “A Atuação dos Conselhos e Ouvidorias na Área de Segurança e Justiça,” *Lusotopie* (2003): 383–96. See also, “Ouvidorias Estaduais e Distrital,” Ministério dos Direitos Humanos, [www.mdh.gov.br/informacao-ao-cidadao/participacao-social/forum-nacional-de-ouvidores-de-policia-fnop/quais-estados-fazem-parte-do-fnop-1](http://www.mdh.gov.br/informacao-ao-cidadao/participacao-social/forum-nacional-de-ouvidores-de-policia-fnop/quais-estados-fazem-parte-do-fnop-1) (accessed 8 July 2018).
- 39 More recently, in February 2018, the executive created a Ministry of Public Security at the federal level. SENASP, as well as the Federal Police and the Federal Highway Police are part of this new ministry. At the time of writing it is too early to tell what impact the new ministry will have on public security policy in Brazil. See Luciana Amaral,

- “Governo anuncia criação do Ministério de Segurança Pública e confirma Jungmann como titular,” *UOL Notícias*, 26 February 2018, <https://noticias.uol.com.br/politica/ultimas-noticias/2018/02/26/governo-anuncia-criacao-do-ministerio-da-seguranca-publica-e-confirma-jungmann-como-titular.htm>.
- 40 “Ouvidorias de Polícia e Policiamento Comunitário,” Special Secretariat of Human Rights, Ministry of Justice, [http://www.dhnet.org.br/dados/cartilhas/a\\_pdf\\_dh/cartilha\\_conte\\_ouvidoria.pdf](http://www.dhnet.org.br/dados/cartilhas/a_pdf_dh/cartilha_conte_ouvidoria.pdf) (accessed 19 March 2007).
- 41 See for example Fiona Macaulay, “Problems of Police Oversight in Brazil,” *Working Paper 33-02* (Oxford: University of Oxford Centre for Brazilian Studies, 2002), 14.
- 42 These distinctions between types of accountability come from Larry Diamond and Leonardo Morlino, eds., *Assessing the Quality of Democracy* (Baltimore, MD: Johns Hopkins University Press, 2005), xix–xxv.
- 43 Thomas Pegram, “The Peruvian Ombudsman: The Last Bastion of Universality?” (paper presented at the Annual Conference of the Society for Latin American Studies, University of Newcastle, Newcastle, 13–15 April 2007), 1.
- 44 Pegram, “The Peruvian Ombudsman,” 6. Pegram is quoting from the Defensoría del Pueblo, *Primer Informe del Defensor del Pueblo al Congreso de la República 1996–1998* (Lima, 1998), 19.
- 45 Macaulay, “Problems of Police Oversight in Brazil,” 14.
- 46 From Vivane Cubas, *Panorama Geral das Ouvidorias de Polícia* (São Paulo: Núcleo de Estudos da Violência, University of São Paulo, unpublished report, 2008).
- 47 Elizabeth Sanders, “Historical Institutionalism,” in *The Oxford Handbook of Political Institutions*, ed. R. Rhodes, S. Binder, and B. Rockman (Oxford: Oxford University Press, 2008), 39–55.
- 48 Comparato writes that in only six Brazilian states does a fixed mandate for the police ombudsman exist. See Comparato, “As Ouvidorias de Polícia no Brasil,” 8. For more on the police ombudsman’s office in Minas Gerais, see Governo do Estado de Minas Gerais, *A Ouvidoria Agora Vai Falar* (Belo Horizonte: Del Rey, 2004), Governo do Estado de Minas Gerais, *A Ouvidoria de Polícia de Minas Gerais Mostra o Que Faz* (Belo Horizonte: Artes Gráficas Formato, 2004), and Governo do Estado de Minas Gerais, *Ouvir Para Fazer Melhor: Ações da Ouvidoria de Polícia em 2005* (Belo Horizonte: Del Rey, 2005).
- 49 The information in these two paragraphs comes from Antônio Funari Filho, police ombudsman in São Paulo from 2005 to 2009, as well as from <http://observatoriodeseguranca.org/relatorios/ouvidoria>, which contains reports from 2004 to 2012.
- 50 From “Lei Complementar no. 826,” police ombudsman of São Paulo, 20 June 1997, <http://www.observatoriodeseguranca.org/dados/estrutura/ouvidoria>.
- 51 From Vinicius Boreki, “Ouvidoria de polícia só escuta, mas não reage,” *Gazeta do Povo* (Curitiba), 22 August 2009, <http://www.gazetadopovo.com.br/vida-e-cidadania/ouvidoria-de-policia-so-escuta-mas-nao-reage-bshs4bcdstxk5vpdm55jyf7ta>. The study was carried out by Viviane de Oliveira Cubas of the Nucleus for the Study of

Violence at the University of São Paulo. It is worth noting that effectiveness in tracking investigations of lethal police violence is not directly correlated with the wealth of the states. Pará and Rio Grande do Norte, the other two mentioned as doing a good job in this area, are poor northeastern states.

- 52 “Relatório Anual de 2007, Tabela Geral de Denúncias por Departamento,” police ombudsman of São Paulo, <http://www.ouvidoria-policia.sp.gov.br/pages/RelatAnual2007.htm> (accessed 30 September 2009).
- 53 Antônio Funari Filho, then São Paulo police ombudsman, “Police Ombudsmen: How to Perfect Their Mechanisms of Accountability?” (presentation in a workshop at Federal University of Pernambuco, Recife, 16 June 2008).
- 54 The ombudsman’s office was originally located in a small building around the corner from the police internal affairs headquarters. In August 2007, it was moved into an unmarked former hotel, making it very hard to find. Many people on the street outside the building were unaware that the police ombudsman’s office was there, and the ombudsman at that time told me that complaints had dropped off since the relocation. The presence of two armed military policemen outside the building was also potentially intimidating. In 2008, the office was moved again to its present location across the street from the headquarters of the Secretariat of Social Defense.
- 55 The *corregedoria* in Pernambuco is unusual in Brazil because it is integrated, combining the civil police, military police, prison employees, and fireman. Previously, each branch of the police had its own internal affairs department. The integration was carried out in 2000, becoming operational in 2001. José Luiz de Oliveira, Corregedor da Secretaria de Defesa Social de Pernambuco, interview with the author, 22 August 2006.
- 56 Governo do Estado de Pernambuco, “Ouvidoria: Relatório Semestral Referente ao 2º Semestre 2005 (Julho a Dezembro de 2005),” Secretaria de Defesa Social, Recife, 2005.
- 57 Daniel Brinks, “Leviathan Unleashed: State Killings and Impunity in Buenos Aires and São Paulo in the 1990s” (paper presented at the XXIII International Congress of the Latin American Studies Association, Washington, DC, 6–9 September 2001).
- 58 The formal name of the ombudsman’s office in Pernambuco is the Ombudsman of the Secretariat of Social Defense. I refer to it here as a police ombudsman for the sake of simplicity.
- 59 The author obtained a copy of the Pernambuco police ombudsman’s first semester report from 2005 by requesting it by email from the ombudsman himself, receiving a copy as an email attachment. However, it is not clear how many members of the public request copies of the reports, either by email or other means. Comparato notes that most police ombudsmen in Brazil nominally make their reports public, but only three (those in Rio de Janeiro, São Paulo, and Minas Gerais) put the reports on their websites. The police ombudsman’s office in Bahia told Comparato that it did not release its reports to the public and only sent them to the relevant authorities (secretary of public security, state governor, heads of the military and civil police, and the Ministry of Justice). See Comparato, “As Ouvidorias de Polícia no Brasil,” 9.
- 60 Go to the website ([www.sds.pe.gov.br/](http://www.sds.pe.gov.br/)) and then click on “serviços” [services]; “denúncias” [complaints]; “ouvidoria—fale com a ouvidoria” [ombudsman—speak to

- the ombudsman]; and “registrar manifestação” [make a report]. In addition to filing a report electronically, members of the public can telephone the ombudsman, send them a message on WhatsApp, write a letter, or complain in person.
- 61 For an analysis of the limitations of the Pernambuco police ombudsman’s institutional design and capacity, see Jorge Zaverucha, “O Papel da Ouvidoria de Polícia,” *Sociologias* 10, no. 20 (2008): 224–35.
  - 62 José Luiz de Oliveira, Corregedor da Secretaria de Defesa Social de Pernambuco, interview with the author, 22 August 2006.
  - 63 One civil police *delegado* said that she had worked in internal affairs for eight years, and had never been promoted beyond the rank of *delegado* 1. Police *delegado*, Corregedoria, Recife, interview with the author, 7 July 2006.
  - 64 In the *Third National Report on Human Rights in Brazil*, the authors write, “Complaints against the police for violence and corruption are registered by the police ombudsmen in São Paulo, Rio de Janeiro, Minas Gerais, and Rio Grande do Sul, but the internal investigations [*sindicâncias*] and administrative processes, criminal investigations and trials rarely lead to the verification of responsibility and the punishment of the guilty.” See Paulo Mesquita and B. S. A. Affonso, *Terceiro Relatório Nacional sobre os Direitos Humanos no Brasil* (São Paulo: Núcleo de Estudos da Violência da Universidade de São Paulo [NEV-USP] e a Comissão Teotônio Vilela do Direitos Humanos [CTV], 2007), 13.
  - 65 Preliminary data from 2005 obtained from the Pernambuco *corregedoria geral* shows that 4 members of the civil police and 26 members of the military police were fired for disciplinary reasons in that year, following a *corregedoria* investigation. In the civil police, this was 3 *agentes* and 1 technical support person; no *delegados* were fired. In the military police, 1 captain was fired, but most (21 of 26) were of the lowest rank (*soldados*) and aside from the captain, no officers were dismissed. From Pesquisa realizada em atendimento ao requerido no Protocolo No. 2010/2007-Cor. Ger., August 2007.
  - 66 Dr. Luiz Guerra de Moraes (then the police ombudsman of Pernambuco), speaking at a conference, “Live Citizenship: The Role of Police Ombudsmen,” Hotel Best Western Manibu, Boa Viagem, Recife, 25 May 2006. His words were “Em meu entender, o sistema é falha.”
  - 67 An important study of the police ombudsmen in São Paulo, Pará, Minas Gerais, Rio de Janeiro, and Rio Grande do Sul confirmed this conclusion, finding that 85 to 93 percent of the complaints to the five ombudsman’s offices did not result in any type of punishment of the accused. See Lembruger, *Civilian Oversight of the Police in Brazil*, 22.
  - 68 See Zaverucha, “O Papel da Ouvidoria de Polícia.”
  - 69 The human rights ombudsman in Peru described by Thomas Pegram also serves for a fixed term. See Pegram, “The Peruvian Ombudsman.”
  - 70 Lembruger, *Civilian Oversight of the Police in Brazil*, 22.
  - 71 Philippe Schmitter, “The Ambiguous Virtue of Accountability,” in *Assessing the Quality of Democracy*, ed. Larry Diamond and Leonardo Morlino (Baltimore, MD: Johns Hopkins University Press, 2005), 26.

- 72 Lyra, “A Atuação dos Conselhos e Ouvidorias,” 384.
- 73 Comparato, “As Ouvidorias de Polícia no Brasil,” 7.
- 74 Frederick Ugglá, “The Ombudsman in Latin America,” *Journal of Latin American Studies* 36 (2004): 448.
- 75 I thank Jean Daudelin for raising this possibility.
- 76 Bo Rothstein, *The Quality of Government* (Chicago: University of Chicago Press, 2011).
- 77 Rothstein, *The Quality of Government*, 214–15.