State crimes: Extrajudicial Killings and the unknown and (misclassified, etc.) unspecified data. Deaths by police officers in Brazil (RJ, SP, BA): 1996/2014

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Introduction

In spite of the major drop in deaths by homicides in the last decade in several states in Brazil, mainly São Paulo and Rio de Janeiro, there is still an alarming amount of unwarranted use of lethal force by the police with an expressive number of civilian deaths, figures well above those observed in other regions of the world.

According to reports from several sources, there are strong evidences that killings perpetrated by policemen are registered under different categories, other than homicide. Up to 2015, the Ministry of Justice considered “Act of resistance” as a statistical category describing this situation. Simultaneously, the Ministry of Health was using ICD10, which included “Legal intervention” to describe the same actions.
Introduction (cont.)

In Brazil, the persistence of deaths attributed to state agents suggests a strong link with the agents impunity and the pervasive opinion in Brazilian society that there is a basic conflict between public security and citizen human rights.

Criminal justice officials, including attorney generals of several states, recognize that unlawful police killings are a serious problem. The core reason for this situation is related with the lingering of the fundamental issue of (un)accountability. Police officers responsible for unlawful killings in Brazil are rarely brought to justice.
Introduction (cont.)
Many factors contribute to this chronic impunity. Its fundamentals can be found in collusion processes related with the structure of social relations of the whole Brazilian society. Brazilian institutions and individuals, even when legitimately empowered to apply legal measures, usually decide not to apply them, because that would raise unacceptably the amount at stake for the institution or individuals. Criminal justice systems currently rely almost entirely on police investigators to solve these cases: police crimes are left to be investigated by civil police investigators.
Introduction (cont.)
Many Brazilian states have been afflicted in recent decades by violent crime, associated with illegal drug-trafficking gangs using increasingly powerful armament and mainly operating from slums, thus affecting a large and poor population. Curbing violent crime and controlling these gangs represent a serious and dangerous challenge for the State. But the police is part of the problem, and have often contributed to it through the illegal use of lethal force. Police officers in Brazil, in nearly all cases in which police have killed people while on duty, have reported the shootings as legitimate acts of self-defense. Since the 1990s, mainly in the states of Rio de Janeiro and São Paulo, these cases are referred to as “violent resistance act” killings: (AdR – Auto de Resistência) or “violent resistance followed by death”.

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Figures
Death rates by homicides/assaults Brazil 1979-2014
Death rates by homicides/assaults – young adult males Brazil 1979-2014
Police Killings: Rio de Janeiro

Human Rights Watch (2016) reported that “Police in the state of Rio de Janeiro have killed more than 8,000 people in the past decade, including at least 645 people in 2015. One fifth of all homicides in the city of Rio last year were police killings. Three quarters of those killed by police were black men.”

In a previous report, HRW (2009) claimed that Rio de Janeiro and São Paulo police have together killed more than 11,000 people since 2003. In the state of Rio de Janeiro, alleged “resistance” killings by police reached a record high of 1,330 in 2007. While reported killings decreased to 1,137 in 2008, the number remained alarmingly elevated, as it was the third highest on record for Rio de Janeiro.
Police Killings: São Paulo

The number of police “resistance” killings in São Paulo, while less than in Rio, is also comparatively high: over the past five years, for example, there were more police “resistance” killings in São Paulo state (2,176) than police killings of suspects in all of South Africa (1,623), a country with a much higher homicide rate than São Paulo.

After a comprehensive, two-year investigation into policing practices in Rio and São Paulo, HRW has concluded that a substantial portion of the alleged resistance killings reported in both states are in fact extrajudicial executions.
Data and methodology
Target of strong criticism from human rights organizations, the “auto de resistência” (“violent resistance act”, Rio de Janeiro) one of the legal terms for killings by the police force in which the criminal resists arrest or “resistência seguida de morte” (“violent resistance followed by death”, São Paulo), or “resistência em situação de confronto”, (“violent resistance in confrontation”, other states), were recently (2015) declared a banned statistical category for police registries all over the country.

Available data from the Ministry of Justice (ABSP from FBSP) are analyzed in this text in comparison with data from the information on deaths taken from vital statistics of the Brazilian Ministry of Health. Brazil as a whole, and the states of Rio de Janeiro, São Paulo and Bahia are considered and data classified by ICD-10 as “Legal intervention, operations of war, military operations, & terrorism” – Y35-Y38 – are used as benchmarks. We also analyze the evolution of the participation of death by firearms, since the “Estatuto do Desarmamento” (Disarmament Act), restricts their use by civilians. Age-specific mortality rates presented in the context were calculated as the ratio of registered deaths and the population at risk.
• Data uses ICD-10 for mortality by cause from 1996 up to 2014. Disaggregated data by homicide/assault do not exhibit a discontinuity with the changes introduced by the 10th Revision.

• Data for civilians killed by the military and civil police are from the Anuário Brasileiro de Segurança Pública, published by the Forum Brasileiro de Segurança Pública, a NGO that presently publishes statistics formerly associated with the Ministry of Justice/SENASP.

• For non-census years, population at risk is estimated by linear interpolation of data by sex and age groups counted in census years (IBGE)
Results
CITIZENS KILLED BY (MILITARY AND CIVIL) POLICE OFFICERS AND POLICE OFFICERS KILLED

BAHIA

YEAR

CIVIL DEATHS

DEATH OF POLICE OFFICERS

2008 2009 2010 2011 2012 2013 2014

BOTH AGGREGATED
BOTH SUM
POLICE OFFICERS KILLED
AcR
CID10-Y35

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Conclusions
When confronted with a corpse brought by the police, even when death by firearm is the diagnostic of *causa mortis*, the medical doctor has four possibilities for classification under ICD-10:

- Homicide: X93-X95
- Legal Intervention: Y35
- Suicide: X73-X74
- Death by undetermined intent: Y22-Y24

Results suggest that the line of least resistance is “Death by unknown intent”. Graph “CITIZENS KILLED BY POLICE OFFICERS(ABSP) AND CID10: (Y22-Y24)+Y35” shows that the official statistics for citizens killed by police officers as reported by the Ministry of Justice is very close to the sum of “Legal interventions” and “Death by undetermined intent”
THANK YOU!
DANKE SCHÖN!