

Brazilian Security Structure¹

I) Introduction

In order to analyze the Brazilian security and law enforcement structure, it is necessary to make a few comments regarding the country's political organization in advance.

According to Brazil's Constitution, the country adopts the form of a Federal State (like the U.S. or Germany), and the Republican government regimen, therefore, along with the national (federal) government, there are 26 States, comparable to the German *Länders*, plus a Federal District, where the national capital (Brasilia) is installed, and which holds nearly the same autonomy status of a federated state.

Besides the States, the Constitution also refers to local (municipal) governments, all with their own responsibilities and privileges.

Once the diverse political entities had their roles divided, public security was attributed basically to the States that hold, each one, two different and split law enforcement agencies, one civilian and the other military.

The Federal Administration also controls three different police organizations, all of civilian nature, for specific duties, while municipal governments may, optionally, constitute autonomous security forces, for lower complexity missions. The executive branches of the governments, at the three levels, are in charge of all Brazilian police organizations, without administrative interference from judicial authorities.

We'll now start to define the police forces separately, specifying their functions.

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II) State Police Forces

ii.i) Civilian Police: each Member State structures its Civilian Police, also known as Judicial Police, even though not directly controlled by the Judiciary Branch itself.

Their responsibilities are mainly the criminal investigation, support to judicial authorities, administrative inspection duties, such as explosives commerce control; vehicle registrations; plus the issuance of the national identification card and drivers licenses.

Along with the investigation of crimes already perpetrated, Civilian Police Agents may as well perform special crime prevention actions, through criminal intelligence operations, using unmarked cars, disguised officers, electronic surveillance and other traditional undercover police techniques.

Many Civilian Police Departments have their own Bomb Squads and airborne tactical units. The so-called Technical Police Institutes are Civilian Police forensics divisions, attributed with scientific investigation methods, assigned even for non-criminal judicial cases (minors, accidents, etc.).

ii.ii) Military Police: each federated State also has its Military Police Corps, responsible for uniformed patrol and crime prevention work; anti-mutiny police and civilian emergencies, performed by the Military Fire Fighters, currently under the guidance of the Military Police Commands.

The State Military Police Forces appeared as a mutation of the former State Public Forces, originally inspired by the U.S. National Guards, as real Army Units, designated for territorial defense.

The Military Police are allowed to perform investigations of their own members' criminal misdeeds, in cases subject both to the Civilian or Military Criminal Courts and, as a consequence, developed efficient criminal-intelligence gathering capabilities.

Up to now, State Military Police are considered Brazilian Army reserve corps, subject to collective mobilization in the event of a war, and, as such, integrate the Armed Forces military intelligence community. Given their Constitutional military status, have had a historically prominent role in national security and counter-insurgency actions.

III) Federal Police Forces

iii.i) Federal Police Department (DPF)

This Federal Agency, with civilian status, is assigned as a Judicial Police to investigate all crimes that may interest the National Administration, such as illegal international drugs and arms trade, terrorism, human beings smuggling and any other crimes directed against the federal government or federal officers, in a role alike the US Federal Bureau of Investigation.

Apart from typical criminal investigation works, the Federal Police Department has many administrative police tasks too, especially as the head Brazilian immigration authority. Also, it superintends the National Arms Control System (SINARM) and represents the National Central Authority as the liaison between Brazil and Interpol.

Regardless of its specific missions, the Federal Police may act within the normally State jurisdiction, in certain international repercussion or human rights related crimes, or to coordinate State Civilian Police Departments in inter-state crimes. Some Brazilian embassies abroad have police *attaches* chosen amongst Federal Police Delegates.

Given its central law enforcement agency status, the Federal Police develops relevant tactical intelligence operations, emphasizing the international organized crime research.

iii.ii) Federal Highway Police Department (DPRF)

The Federal Highway Police, a civilian law enforcement agency, patrols highways and freeways under federal management, preventing crimes and traffic offenses, and thus protecting drivers from cargo theft.

Presently it assumes a very important task of environmental defense, since their officers are usually the first ones to notice forest fires, and inspect dangerous cargo loads and natural exploited material, especially at the Amazon Rain Forests region. Highway policemen also have a role with border patrol, for every border crossing road is considered under federal authority.

Since, up to this date, there is no “Federal Protective Police” in Brazil, with regular uniformed patrol units, the Federal Highway Police Department holds the subsidiary mission of supporting the Federal Police Department (Federal Judicial Police), as well as reinforcing State Police Forces, when need for additional muscle may arise, somehow resembling the role once played by the former *Bundesgrenzschutz* (BGS), Germany’s late “Federal Border Police”, which was officially transformed in the German Federal Police (*Bundespolizei* – BPOL), on July, 1st, 2005.

Given both the primary and subsidiary responsibilities of this agency, it eventually developed important intelligence collection capabilities, and is accredited with full member status in Brazil’s Intelligence Community.

iii.iii) Federal Railway Police Department (DPFF)

Seemingly to the highway Police, the railway Police patrol railways under federal administration, inhibiting load and passengers’ theft, aside from control and inspections of safety systems, in order to prevent train accidents.

Even though not so young, this federal law enforcement agency has undergone structural changes since the massive Brazilian rail system privatization program during the nineties, and is now virtually inexistent, partially replaced by private security companies, hired by current railway operators.

At State level, the work of both highway and railway police are usually assigned to the Military Police Corps. Oddly, larger cities subway services, operated by public companies, have police prerogatives for their facilities.

iii.iv) National Public Safety Force (FNSP)

The absence of a “Federal Uniformed Police”, as explained at item iii.ii, eventually led to the need of an emergency solution for the occasional (but more and more often), need of federal support to State Governments, unable to handle crisis situations.

An initial idea, of mobilizing the country’s armed forces, was heavily criticized, both by the civil society – still distrustful of the military, after a not so distant military rule –, and by the Forces Commanders, fearful of their soldiers “contamination”, after dealing with the organized crime.

As a result, the Justice Ministry presented the idea of an “expeditionary force”, inspired by the United Nations Peace Forces, and formed by “volunteer” State Military Policemen and Federal Highway Patrolmen, selected by their respective commanders, for temporary assignments, under the unified supervision of a central government official: the National Public Safety Secretary, subordinated to the Justice Minister.

Therefore, this emergency force is an ideal organization, equipped with vehicles, weapons and a modern command and control structure, but short of a permanent staff, leading to all the difficulties inherent to such a framework. Even though the general resistance against the armed forces direct involvement in law enforcement, logistic support (transportation, accommodation, communications, ammunitions, etc.), and theater tactical intelligence is channeled through the Army and the Air Force.

Apart from the organizational challenges, FNSP is also subject to some peculiar juridical restraints. Since the active deployment of troops under Federal guidance within a State territory may be seen as an indirect form of National Government’s intervention in local affairs – generally prohibited by the Republic’s Constitution –, there is a legal prerequisite of formal assistance claim by the Governor in need, followed by a statement that his own forces are insufficient to solve the crisis, adding a complication element to the overall political balance of the country.

IV) City Security Forces

Local administrations are allowed to create the so called Municipal Guards, accountable for the protection of city property, the patrol of city controlled spaces, such as parks and public schools, the support to city inspection agents and municipal bylaws enforcement (housing, sanitation, commerce, etc.), plus, occasionally, traffic police in urban areas.

On public security affairs, these offices can play only secondary roles, and, in some States, are not even permitted to be armed institutions.

Regardless of all those restrictions, larger cities eventually established reasonably well armed, organized and equipped Guards, which end up collaborating with the State Military Police, in joint operations and criminal information exchange.

Also, some richer municipalities, farther away from metropolitan centers and their budget resources, celebrated agreements with State counterparts to install joint emergency operations command centers, commonly referred to as CIOPS (Integrated Security Operations Centers), manned by representatives of regional authorities, but equipped and funded through city appropriations, and managed by Municipal Guards. Needless to say, such structures access and store significant amounts of information, later subject to processing for intelligence purposes.

V) Security Related Agencies

Apart from the Police Forces “*stricto sensu*”, there are other public organizations dealing with security related affairs, but, in Brazil, are not empowered with typical police prerogatives. Occasionally, these agencies and their employees may investigate facts defined as crimes, and even arrest people; however, any arrest performed by them must be confirmed either by Police or Justice Authorities.

States and the National Administration keep treasury inspection organizations that control taxes payment, national and international commerce regulations, revenue services and, in the federal case, the customs procedures.

Their inspectors’ reports might substitute police investigations as valid evidence on courts. These institutions established a very active financial intelligence community, and trade tax offenses data amongst each other.

Brazil’s Finance Ministry directs a department called COAF (Financial Crimes Coordination), which, under the country’s Central Bank supervision, investigates transnational financial crimes and money laundering, playing the part of an internationally connected Financial Intelligence Unit.

The Justice Ministry, as the primary national executive law enforcement cabinet, organized an International Cooperation and Assets Recovery Department (DRCI), in an effort to repatriate criminally obtained financial resources illegally remitted to foreign banks.

This Department also supervises the distribution of foreign judicial requests, civil or criminal, relayed by the Foreign Affairs Ministry, and the correspondent transmission of Brazilian judicial warrants directed abroad.

VI) Corrections and Penitentiary Security

Prisons security, in Brazil, is assigned to civilian organizations apart from Police Forces. These are the so-called Penitentiary Administration Departments.

Most of Brazilian prisons are under State Administration, and their Corrections Officers have partial law enforcement prerogatives, needed for prisoners' escort and custody operations.

At Federal level, the National Penitentiary Department (DEPEN) has a dual role: to supervise States Corrections Facilities, including their funding needs; and to maintain maximum security federal prisons, manned with federal corrections agents, and built to accommodate highly dangerous criminals.

The establishment of a Penitentiary Criminal Intelligence System is underway, at least within federal custody facilities; nevertheless, it is still far away from becoming a nation wide net. Some States have similar programs, but seem to willingly make them incompatible with each other, hindering more effective organized crime fight initiatives.

VII) National Intelligence and Security in Brazil

The Brazilian Intelligence Agency (ABIN), according to its federal statutes, is a civilian national security organization, in charge of counterterrorism, counter-espionage and other facts relevant to Brazil's Internal and International Security, operating both at home and abroad.

Organized intelligence activities in Brazil exist since 1927, when the Secretariat of the National Security Council became concerned with the growth of international communist movement, and the overall world instability after the World War I.

During the Cold War, Brazilian intelligence was conducted by the National Information Service (SNI), extinguished in 1990 after years of abuses denounces.

Finally, in 1999, ABIN was established under the current guidelines. Like most western intelligence agencies, it has no regular police powers during peace times and, in case of need to arrest or question somebody, must require assistance to the competent civilian or military law enforcement office.

Regardless of its civilian nature, ABIN is legally the central authority for the Brazilian Intelligence System (SISBIN), therefore coordinating the Armed Forces Military Intelligence Subsystem (supervised by the Defense Ministry), the National Public Security Intelligence Subsystem (integrated by the States and Federal Police Departments, supervised by the Federal Police Department), the National Financial and Treasury Intelligence Community, the International Crime Fight Coordination (a Foreign Affairs Ministry office) and the National Civilian Defense and Emergency System (integrated by the Federal, State and City health departments).

VIII) Current Challenges and National Security Trends in Brazil

The socialist government coalition headed by President Luiz Inacio *Lula* da Silva, first elected on 2003, and reelected for a second term, from 2006 to 2010, was able to maintain economic stability acquired by the previous administrations, and also highly benefited by a favorable international financial environment.

These circumstances eased the pressure on security related institutions, which started to detect lower delinquency levels, measured in larger metropolitan areas, thus delaying important security reforms, an unpopular theme, most often misunderstood by the leftist governing Labor Party.

viii.i) Internal Security and Law Enforcement

A persisting issue, drug trafficking and the consequent violence in larger urban concentrations, most visible at Rio de Janeiro – country's second biggest town, capital of an equal name State –, but present elsewhere, was partially addressed during the 2007 Pan-American Games, hosted by the city.

Massive federal investments in infra-structure, civilian defense and law enforcement were made in the regions surrounding the Pan-American complex, and, after the Games, most of those items were transferred to the Rio de Janeiro State Government, including a state-of-the-art Command, Control, Communications and Intelligence Center, integrating all local, State, and Federal emergency services.

Even so, Rio de Janeiro State authorities seem unable to cope with an always increasing violence at underprivileged quarters, and other States Governors started demanding similar federal assistance measures, preferably the envoy of National Public Safety Force (FNSP) units.

However, as above mentioned (see item iii.iv), the FNSP is not a permanent institution, and depends basically of States troops “donations”. In one scenery where many States come up with simultaneous assistance requests, there won’t be enough reserve Statesmen to be lent, and some recent deployment denials already led on the interested Governors to recall their personnel, further weakening the federative security arrangement.

On the other hand, outbreak violence episodes, such as those internationally broadcasted in 2006, when a criminal organization nearly paralyzed the richest Brazilian metropolitan region (São Paulo), classified by some authors as a real terrorist wave, were dealt with solely by the ordinary State Police agencies (Civilian and Military), due to the Governor’s refusal to admit the situation went out of control, inhibiting the FNSP presence, and to the constitutional prohibition of federal military deployments, except in case of a Congress approved state of siege (martial law) decree.

Aiming political ends, it is comfortable for opposing city mayors and State Governors to emphasize the absence of greater federal cooperation in security issues, despite the fact that, actually, the central government has very limited powers regarding these problems.

Nevertheless, an apparently changing global economic situation, impacted by the US subprime financial crisis may represent winds of change for the years of internal security ease, pointing to a restart of debates referring to the law enforcement apparatus reforms.

An obvious and simpler choice could be the unification of all civilian federal forces (Highway, Railway and the National Public Safety Force).

This would undoubtedly enhance the federal response efficiency for crisis situations, and improve the rationality of the security services under permanent federal responsibility. However, it would solve only half the question.

The majority of law enforcement issues are still State level problems, resulting from very deficient management structures, and chronic lack of funding. Decades of negligent recruitment and training, added to mistaken investment choices, rendered the current state police structures, divided in two completely split organizations, totally obsolete.

Many legislative initiatives, for institutional change, have been proposed to the Parliament, but, since each proposition is normally sponsored by an interested corporation, to the detriment of the other, no real advancement was reached since the 1988 Federal Constitution.

In spite of those interagency disputes, at least one idea seems to be consolidated: there must be a progressive unification of the State Police Forces, starting with common training programs, compatible equipments and communication systems, an equivalent rank and salary scale, and, finally, an unified high command, advised by a single planning staff, able to present coherent managerial and tactical options, and by a joint internal affairs office, to prevent partisan decisions in disciplinary matters.

Some States have implemented these directives, to higher or lesser extent, but an impulse for complete unification persists.

A new doubt arises when it comes to decide for a unique Military or Civilian Police. Critics of the previous denounce constant civil rights abuses accusations, including the suspect harboring of death squads; detractors of the latter point out to notorious corruption cases, and the overall inefficiency of investigative services. A more realistic forecast should envisage some sort of miscellaneous third kind.

viii.ii) International Security and National Defense

On the external front, Brazil seems to have been away from major problems, keeping decades of friendly relations with neighbor countries, and a leading global role in peaceful controversies solutions.

Not even the US led campaign against terrorism had affected Brazil's international security perceptions, despite occasional suspects of terrorist cells presence in the tri-border area comprising Argentina, Paraguay and the Brazilian State of Paraná.

However, recent events attracted Brazilians attention to the usually ignored subject of international relations. Subsequent to this decade's following elections of charismatic leaderships in neighboring countries, located at the so-called Andean arch, Brazilian citizens and companies interests abroad have been systematically targeted.

A first blow came with unilateral changes in natural gas supplying from Bolivia, a long since established joint venture between the Bolivian Government and Brazil's state owned oil company (Petrobras). Immediate effects were felt by drivers and industries that had moved to this source of energy, believing in promises of continued low price supply.

Another unexpected hit from Bolivia struck small Brazilian land owners and agriculturists living for years next to the common border, threatened to be expropriated for petty violations. The episodes added to a seemingly increasing separatist tendency of eastern Bolivian Provinces, exactly those closer to frontier regions.

More recently, the clash between Colombian regular armed forces and the narco-terrorist group Colombia's Revolutionary Armed Forces (FARC), fought mostly inside the Amazon rain forest, not so far from the Brazilian border, spread to Venezuela and Ecuador, both mobilizing regular military contingents, apparently to assist the FARC, after Venezuela accredited the group with the international law status of belligerent forces.

All these events seem to have passed with little (or none whatsoever), anticipation by Brazilian intelligence organizations, civilian or military, raising major criticism, even among those social actors usually in favor of national security activities.

In fact, the Defense Ministry and the Brazilian Intelligence Agency (ABIN) have shown some attempts to improve their data collection capabilities: the first installing or redeploying units, including Air Force Elint squadrons, closer to the sensitive border; while the second struggles to acquire new assets in the area.

Meanwhile, legal restraints still hinder ABIN's ability to gather sensitive information, relevant to its counterterrorism and counter-espionage mandate, through modern electronic surveillance technologies, as a result of persisting diffidences from political figures once pursued by the late Military Government. Another obstacle to develop robust external intelligence competences is the Foreign Affairs Ministry claim for exclusiveness in personnel placement abroad, who will then be in charge to transmit on site produced information, through diplomatic channels.

Similar difficulties are faced by the Armed Forces, specially the Army, discouraged to exercise a more effective border security, with threats of misconduct prosecution from the Federal Public Ministry, that understands such tasks are reserved to the Federal Police during peace times, and constantly undermines military border operations based on environmental or native (indigenous) protection statutes.

Repeating previous opinions, from other analysts in this field, there is need for a clear decision regarding the roles and the organization of national defense and intelligence structures, followed by legal tools and institutional means to assure a minimal degree of security effectiveness, against always changing threats, domestic and international.