Surveillance in Latin America

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BENIGN URBAN SURVEILLANCE, OBSERVATION AND COMMUNITY POLICING IN BRAZIL

Por uma Vigilância Urbana Benigna - A observação como instrumento do moderno policiamento comunitário do Brasil

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Abstract

The purpose of this article is to analyze the absence of benign urban surveillance in federal-led crime prevention and reduction policies implemented in Brazil recently. Although observational activities are essential to most police work and to community policing (the official policing model supported by the central government), policy-makers and practitioners have clearly favored broad social welfare policies, based on education, health and housing, in crime prevention initiatives. This is maybe due to a collective memory of a political history that associates surveillance practices with political repression. In view of that, this paper argues that solely applying social welfare initiatives in policies of crime prevention may limit the efficiency of state action and police performance. The absence of more direct preventive mechanisms such as urban surveillance may result in various policy shortcomings, even beyond the public safety realm itself, given the lack of reliable information about community routines and daily practices that is an indispensable input for policy making and implementation.

Keywords: surveillance; observation; community policing; partnership-building; problem-solving; crime prevention; public policy.

Resumo

O objetivo do artigo é analisar a ausência do conceito de vigilância urbana, em sua expressão benigna, nas políticas estabelecidas e implementadas recentemente no Brasil pelo governo federal, em prol da prevenção e redução da criminalidade. Ainda que diferentes atividades de observação sejam essenciais para a maior parte do trabalho policial e de policiamento comunitário (modelo oficial de policiamento apoiado pelo governo central), os formuladores de políticas públicas e profissionais de segurança pública t claramente favorecido iniciativas de prevenção criminal baseadas em políticas amplas de cunho social, com elas, por sua vez, estando predominantemente articuladas em ações nas áreas de educação, saúde e moradia. Isso talvez aconteça em função de uma memória coletiva nacional que, louvada na história política do país, associa as práticas da atividade de vigilância com a repressão política. Tendo tal premissa em conta, é discutido no artigo que a utilização exclusiva de

iniciativas de prevenção criminal baseadas em políticas de cunho social pode limitar a eficiência da ação do Estado no provimento da segurança pública e na performance da polícia nas ações correspondentes. A falta de mecanismos diretos de prevenção, tais como a vigilância urbana, pode resultar em deficiências nas políticas públicas de modo geral, mesmo além da segurança pública, já que a disponibilidade e informação confiável sobre as rotinas e práticas da comunidade, de maneira genérica, é um fator constituinte indispensável da formulação e implementação de políticas públicas.
Palavras-chave: vigilância; observação; policiamento comunitário; formação de parcerias; resolução de problemas; prevenção criminal; políticas públicas.

INTRODUCTION

> *"The ultimate court of appeal is observation and experiment... not authority". Thomas Henry Huxley, 1825-1895*

It is alarming the absence of elements of benign urban surveillance and observation in the ideological framework promoting federal crime prevention policies in Brazil. Broad welfare initiatives, also defined in the literature as primary prevention measures, such as educational, health and housing programs, have monopolized the national agenda of public safety in recent times. From the 2000 Public Safety National Plan – the first main federal criminal justice policy 'blueprint' since the promulgation of the Constitution in 1988[1] – to President Lula's PRONASCI (National Program of Public Safety with Citizenship), launched in 2007, secondary and tertiary prevention mechanisms, such as law enforcement surveillance and observation of community routines, have been clearly understated by policy makers and policing agencies. Well-known and distinguished community surveillance initiatives such as *Neighborhood Watch*, *Guardian Angels*, *Crimestoppers*, and volunteer citizen patrol schemes have failed to inspire policy makers in Brazil and are virtually inexistent in federal-led public safety policies implemented in the country. Accordingly, this paper stresses the role of benign urban surveillance in crime prevention processes and emphasizes the logic of observation for the cognition and interpretation of circumstances or environment and (bounded) rationality in law enforcement work.

[1] The Brazilian Federal Constitution (1988) refers to the word "surveillance" two times. The first time the constitutional reference is in regard to public health and epidemiology (article 200, II.), and the second one to protection of cultural endowment, like buildings and public spaces (article 216, first paragraph). In both cases the usage of such expression is related to public domains rather than people. In the first reference, the epidemiological one, disease is to be under surveillance, in order that public health be protected. In the second reference, in which the cultural realm is at stake, cultural material artifacts are to be under surveillance, in order that culture as a whole be protected.

Having said that, this article begins with a brief conceptual analysis of the notion of surveillance, then turns to common issues involving surveillance, observation and community policing in the light of the law enforcement culture and practice, and finally, presents some evidence on the positive individual and social impacts of benign urban surveillance and observation through community policing. In the last few years, the authors have been working almost exclusively on some specific and perhaps unique problems associated with community policing in Brazil, so examples are going to be drawn solely from the Brazilian experience[2]. The authors do not want to be perceived as defending these trends as common to all developing countries, or at least representative. It is just that Brazil has been the main focus of their research recently, and this article should be seen more as an introductory piece aiming to inspiring further research.

Possibly in no other field of human activity the relationship between states and individuals is as tense as it is in the surveillance realm. Often and justifiably, this activity has been frequently viewed as an abusive action, associated with state over-control, invasion of privacy, and disrespect to a number of basic individual and collective rights (FOUCAULT, 1977; NISBET, 1977; ERICSON; HAGGERTY, 1997). Fictional representations of state surveillance, especially George Orwell's *1984*, Anthony Burguess' *Clockwork Orange*, David Marconi's *Enemy of the State*, and Alan Moore and David Lloyd's *V for Vendetta*, amongst others, appear to be disproportionate and may have contributed for the widespread and popular perception of state surveillance as undesirable, if not harmful, *per se*. The complex established relations between mediatic culture and surveillance culture captures the interdependency and reciprocal reinforcement that underlies an association frequently characterized by inconsistence and exaggeration. On the other hand, various forms of surveillance have been recurrently regarded as beneficial if not indispensable mechanism of risk management and public safety (NEWBURN; HAYMAN, 2001; COPE, 2003). The extensive commercial use of CCTV[3] in private spaces such as shopping centers and executive buildings supports this claim (FLINT, 2006).

In the midst of these tensions, policy makers in Brazil have often disregarded surveillance and observation as valuable components of public safety policies, especially in the field of crime prevention. This article argues that surveillance carried out by the state may generate constructive, benign social outcomes without harming individual and collective rights.

[2] The authors would like to thank Mr. Saulo Santiago Manso Pereira, President of the Public Safety Council of Brasilia, DF, Brazil, for his valuable inputs to this article.

[3] CCTV is an acronym used to refer to *Closed Circuit Television*.

Ultimately, just like Science, the quality of the effects caused by surveillance will depend on the purposes given to its use.

RELEVANT CONCEPTS

Surveillance has been a central concept of most sociological theories of crime for a long time now. From Durkheim's and Merton's theories of anomie and Bentham's and Foucault's panoptic models to contemporary cultural and sub-cultural analyses of crime, surveillance is repeatedly placed at center stage as an often sufficient tool to foster dystopian social control and order. In view of that, there has been recently the emergence of a burgeoning literature that focus on theories which permit interpreting state surveillance as a necessary practice for the wellbeing of individuals, communities and societies. In fact, there are quite a few theories that focus on the positive impacts that surveillance can produce. Amongst them, Mathiesen's Synopticon theory stands out[4].(MATHIESEN, 1997)

Still, the concept of surveillance, which is the building brick for those theories, needs to be addressed properly. Indeed, it is rather ironic that among Brazilian scholars there is no clear agreement on how to approach the study of the phenomenon. Some authors understand surveillance as a straightforward activity of 'watching over' by means of close observation. In this case, surveillance would be the sum of observational capabilities at the disposal of a given social actor. Others see surveillance not as some absolute action determined by or to a given social actor – be it an individual, an organization or a state - as if it were in a vacuum but, rather, the activity of one actor or actors relative to the activities of other actor or actors, such as the idea of surveillance as a means of social control.

Both of these definitions – whether treating activities of an actor in isolation or relative to the activities of other actors – assume a *static* view of surveillance. In that sense, surveillance is an activity of observation considered unilateral or relative to the activities of other actors. An alternative, *dynamic* definition of surveillance focuses on the asymmetric sociotechnical interactions – conscious or not – between different actors and between actors and the context (MARX, 2002). An actor's influence (or capacity to influence and coerce) other actors is not only determined by a purpose, but also by (1) his capabilities, especially his access to technology as a means to exercise such activity and (2) his consideration to contextual

[4] In his 'The Viewer Society: Michel Foucault's "Panopticon" Revisited' (1997), Mathiesen argues that media technologies (from CCTV to webcams, among other equipments) provide the means for the many to see the few, in contrast to Bentham's paradigm of the few seeing the many. The Synpticon, thus, would

factors. Surveillance can thus be inferred by examining the behavior of actors as they interact with or without mutual consent. Thus, the activity of surveillance is most clearly revealed by the outcomes of their interactions.

Examples of diverse views of surveillance are analyzed by two key commentators on the subject: Gary T. Marx and David Lyon. According to the former, the etymological and technical understanding of the term fails to capture the entire range of phenomena. The latter assumes, according to Zimmer (2008, p. 203), that the foundational concepts in surveillance studies are "insufficient in explaining the current state of our surveillance society, replete with a dizzying and constantly expanding array of powerful information and communication technologies". This definitional confusion is clearly visible in the debate between the "traditional" and the "new" surveillance (MARX, 1988; LYON, 2006).

What this debate fails to identify is the association and indivisibility of the concept of surveillance with the concepts of reconnaissance and intelligence. In view of that, Deptula and Brown (2008, p. 1) state: "indivisibility does not mean that division is not conceivable; instead, it is the realization that division destroys the synergistic effects that unity provides". Conventionally, reconnaissance usually antecedes surveillance, and intelligence follows it. Reconnaissance is a term commonly used in military and medical circles to define the process of initial exploration conducted to gain information. In view of that, reconnaissance is transitory in nature and generally designed to actively collect (first hand) data about specific actors, places or contexts for a specified time by a collector that does not dwell over the actor or in the area (DEPTULA; BROWN, 2008). Surveillance involves a more systematic process of observation without the time constraints presented by reconnaissance. Intelligence, in its turn, represents the production of analytical information from data collected or actively and purposefully searched during reconnaissance and surveillance.

This paper focuses primarily on surveillance but also seeks a synthesis with the two other cognate notions (reconnaissance and intelligence) as essential instruments for effective crime analysis and resulting prevention. In doing so, there is an implicit recognition that surveillance is not an independent process but is part of the wider observational and cognitive process and shaped by such a process as a whole. All these elements – reconnaissance, surveillance, and intelligence – imply different degrees, methods and forms of observation, which is the central and transversal component of all those concepts, as far as the production of knowledge about crime, criminals and related matters are concerned.

Observation, understood as a faculty or power of perceiving or taking notice of persons, places, times, contexts and facts, is also an indispensable component in law enforcement and

crime prevention and suppression. In a seminal article of 1952, Dahl opportunely touches upon this issue: “Law enforcement could not function if it were not for observation. Its whole structure is built on observation. Violations of the law are observed. Violators of the law are observed” (DAHL, 1952, p. 103). In a corresponding manner, it could be argued that observation is an essential constituent of community policing tactics and a fundamental ability in the performance of police functions, even though it is frequently overlooked in police training and crime justice policies (DANTAS, 1997). Yet, observation is an indispensable ingredient of neighborhood watch and citizen patrol schemes, considered two distinguished examples of preventive programs that involve creation of a neighborhood organization and citizen-based tactics of property marking, surveillance, and reporting information (U.S. DEPARTMENT OF JUSTICE, 2000). An ephemeral examination of the concept of community policing and a brief discussion of the importance of observation for crime prevention is presented next.

COMMUNITY POLICING

The definition of community policing is a problematic issue amongst scholars and practitioners. Gaffigan et al (2000, p. 34) notes that “controversy over what community policing really is or really means has attended the discussions of its implementation down to the present day”. This argument is partaken by Tilley (2003, p. 315), according to whom “(…) it has been difficult to pin down what is specifically involved in implementing community policing”. Skogan and Hartnett (1997), suggest that “community policing is not something one can easily characterize” and “a process rather than a product”.

In fact, the so-called community policing model is not a new development nor, importantly, does it represent the only current transnational reform movement for the police. Perhaps, considering its more recent connotations, the most appropriate way to describe it would be as “an old wine in a new bottle” (DANTAS et al., 2006, p. 1). The author asserts that the only innovation in this context is the individual and collective notions of community (p. 2). As St John (1998, p. 63) has observed: “communities are changing; cities become larger and populations more mobile. Past images of a single community encompassing a person from the cradle to the grave are no longer relevant in today’s society. With technological advances, we even see ‘virtual communities’ in these days.

Within the term, the adjective ‘community’ itself is highly evasive, even though the noun ‘policing’ appears to have a clear meaning, related to activities of a number of organizations

other than simply the police (BOWLING; FOSTER, 2002; REINER, 2000; PUNCH, 1989). At the time of the advent of the modern police in the early 19th Century, 'community' was used to define a phenomenon of overlapping between the 'community of interests' and the 'geographic community', or a set of families that lived in the same region (TROJANOWICZ; BUCQUEROUX, 1990). This understanding, although still relevant, is not sufficient or adequate to describe today's diverse forms of community. In any way, Morgan and Newburn (1997, p. 114-115) point out that "it is one of the ironies of the 20th Century social policy that 'community' is the term designed to make acceptable so many policy initiatives (…) during a period when there is arguably less of a sense of community than at any other point in our social history". In any way, Garland (2001, p. 123) claims that "drawing on (…) a belief in the healing powers of community relations, there has been a whole series of reform initiatives that identify the community as the proper locale for crime control and criminal justice".

The perennial problem of presenting in a relatively coherent manner the various definitions of community have drawn the attention of many scholars in the USA and Europe in recent years. McMillan & Chaviss (1986, apud ST JOHN 1998, p. 63) argue that definitions of community fall into two major, traditional categories: geographical and relational. The first category incorporates the understandings of community as units of space. The second category encompasses the definitions of community as sets of people, shared features, bonds of interest; and complex social interactions (BULLOUGH; BULLOUGH, 1990; CLEMEN-STONE, 1991; COOKFAIR, 1991; CLARK, 1992; GOEPPINGER; SHUSTER, 1992; RORDEN; MCLENNAN, 1992). Alternatively, Heller (1989) describes the community in terms of power structures. Another perspective that questions traditional notions of community based on geography is suggested by Fischer (1977) and Hunter & Riger (1986), according to whom the advent of modern communication and transport has lead community networks and social links to transcend the spatial dimension. According to St John (1998), further unconventional accounts of community incorporate the notions of: purpose of meeting needs (RORDEN; MCLENNAN 1992), collective function (CLARK, 1992; GOEPPINGER; SHUSTER, 1992), boundaries (NEUMAN, 1989; CLEMEN-STONE, 1991), time (SWANSON; ALBRECHT, 1993) and sentiment (ORR, 1992). Nonetheless, it appears that the notion of the community as a network has yet to make a major impact in the policing literature. Opportunely, Tilley (2003, p. 315) clarifies that, nowadays, groups with the attributes of shared norms, values and ways of life "need not be geographically defined" and "in practice the community of community policing most often does amount to 'neighborhood'".

Irrespective all difficulties and controversies posed by the definitional complexity of the term community, it gives its name to a whole philosophy of policing which has reformed law enforcement and crime prevention in ways that aims to give them greater public acceptance, efficiency and, ultimately, legitimacy. As Garland (2001, p. 124) summarized:

> By the 1980s community policing had become an all-pervasive rhetoric, and was being used to describe any and every policing practice, however conventional. Beneath this rhetorical gloss, however, there were in fact some significant new developments in contemporary policing. The most important of these was the effort increasingly being made to reach out and enlist the activities of non-state actors, linking up their informal crime-control practices to the more formal activities of the police themselves. This outreach policy, enhanced and encouraged by community crime prevention schemes using the same principles, gave rise to a self-conscious strategy that has become a prominent aspect of government policy in the 1980s and 1990s in both the UK and the USA.

This strategy, in short, stress a contextual role for policing organizations, one that emphasizes greater interaction with the community toward the resolution of persistent community problems supposed to escalate to more serious crimes and social disorders. In view of that, the practical examples of community policing are many and varied, as are communities themselves. Common elements of community policing manifestations, according to Goldstein (1987, p.7), include:

> (1) Increasing contact between the police and the community organizations;
> (2) Development of community organization and cohesion in neighborhoods where it does not exist;
> (3) Use of problem-oriented approaches to policing;
> (4) Encouraging and sponsoring crime prevention activities.

These components specify community policing as highly divergent from other forms of policing. Trojanowicz and Bucqueroux (1990, p. 4) notes that "traditional policing implies that the police department imposes law and order on the community, while community policing makes the all-important shift to understanding that the police role must be to encourage and support people's efforts to police themselves"[5]. The authors augment: "in the beginning, hundreds of years ago in England, people simply policed themselves" (p. 3). In fact, on the onset of modern policing, there was not a clear distinction between community

[5] This is coherent with the triple approach to policing: law enforcement, order maintenance, and general security-related services provider.

and police. Considered as the first modern police organization, the London Metropolitian Police, founded by Sir Robert Peel in 1829, was structured as a service provided by *citizens-in-uniform* and highlighted the *local community contact* (BRODGEN; NIJHAR, p.25). In other words, Peel's principles emphasized the interdependency of the police and the public as well as the prevention of crime and disorder.

Progressively, however, in London and elsewhere, the relationship between the police and the community became too politicized (BITTNER, 1970; BAYLEY, 1994; REINER, 2000). This politicization of the police led to the emergence of not only political polices but also of unprecedented cases of corruption and malpractice (PUNCH, 1985; RAWLINGS, 2002). This process was accompanied by an increase and sophistication of the use of the police as a surveillance organization[6], amongst other control duties (BROWN, 2003). In view of that, change began to be demanded. As a result, reforms towards a more 'professional-bureaucratic' policing were conducted, leading to innovations such as the motorized patrol and the 911 emergency telephone systems (RYAN, 1994). Other 'traditional' enforcement tactics include undercover missions, saturation patrols, and arrests (ROEHL, 2000, p. 201). However, as Trojanowicz and Bucqueroux (1990, p. 42-43) allege, "[…] each effort to improve police efficiency and effectiveness was a response to an obvious problem, but few recognized that the downside to each change was increasing isolation from the general public".

Additionally, Ryan (1994, p. 137) cites that "traditional policing strategies are only marginally effective in helping police achieve the goals set out for them". In fact, a rich body of research conducted in the USA since the early 1970s, such as the "Kansas City Preventive Patrol Experiment"[7], indicated the weaknesses of assumptions often adopted by advocates of the traditional policing, such as 'the increasing the number of police officers meant less crime' (KELLING , 1974). Moreover, the Rand Corporation's study of the criminal investigation process found that arrest of offenders through investigation hinged on citizen information rather than investigative techniques (GREENWOOD; PETERSILIA, 1977). In

[6] In this case, the term surveillance is used in relation to a given police covert search action, in order to gain knowledge about a 'target' (a person or a thing).

[7] The Kansas City preventive patrol experiment was a landmark experiment in the field of criminal justice policy carried out by the Kansas City (Missouri) Police Department in the early 1970's. The study sought out to test the assumption that the presence of police officers in marked cars during patrols reduced the likelihood of a crime being committed. The study innovated by showing that research into the effectiveness of different policing styles could be carried out responsibly and safely for policemen and citizens. Evaluated by the Police Foundation in 1974, the research concluded that routine preventive patrol in marked police cars has little value in preventing crime or making citizens feel safe. This conclusion permits to infer, nevertheless, that resources normally allocated to these activities (car patrols) could be allocated elsewhere without prejudice to citizens' safety.

addition, various governmental commissions in the USA and in the UK also discovered that most crimes were not reported to police, what led to distorted interpretations of the state of affairs (MAGUIRE, 2003). The shift to a community policing philosophy thus acknowledges the importance of information produced by community members as the basis for solving crimes and arresting offenders and the need for positive relations between citizens and police to this end.

These evidences reinforce the claim that community policing is not only a reaction to, but also a reforming critique of the way policing has been habitually conducted. Weisel and Eck (1994, p. 63) suggest that "the movement for community-oriented policing was stimulated by the perceived need for the police to lessen their distance from the community". Tilley (2003, p. 311) notes that "the main impetus for community policing derives from a sense that police-community relations are unsatisfactory". Thus, the implicit idea is to rescue important values that were lost in time. "Recent arguments in favor of community policing thus comprise in part a case for a return to the true, distinctive roots of policing, where there has been a move away from them" (TILLEY, 2003, p. 312). The author adds: "it […] encourages the police to explore creative solutions for a host of community concerns", bearing in mind that "mistrust among substantial sections of the community makes policing difficult" (p. 311).

Therefore, for the purposes of this article, the term community policing will be utilized as a general approach to public policy in the field of criminal justice. It includes, in short, a philosophy (comprising values, principles, symbols and attitudes) and an organizational strategy (containing programs, tactics, and procedures) characterized, in the light of a proactive and preventive posture, by two main elements: partnership-building and problem-solving. Highly conducive to crime prevention, these two elements are, at once, a reaction to traditional forms of policing with little or no concern with community ties and an attempt to modernize, in democratic terms, a central public service[8].

Partnership-building

The theoretical structure of partnerships in criminal justice is deeply rooted in the "broken windows falacy" promulgated by Frédéric Bastiat in his 1850 influential essay entitled *Ce*

[8] Even though the authors acknowledge the controversy around the effectiveness of community policing in fostering the proximity between the police and the community, they believe that the failures of higher police-community ties are due to managerial and structural problems, not to the community policing philosophy *per se*.

Qu'on Voit et Ce Qu'on Ne Voit Pas ("That Which is Seen, and That Which is Not Seen")[9] and in Philip Zimbardo's (1969, 2004) broken windows experiment[10], both of which later inspired Wilson and Kelling's seminal article published in the *Atlantic Monthly* in 1982. The modern broken windows theory holds, in short, that if not firmly suppressed, disorderly environment and behavior in public will frighten citizens and attract predatory criminals, thus leading to more serious crime problems. Later, Kelling and Coles (1997) claimed that the prevention of such situations (and the respective solution of problems related to public disorder) could be reached by "fixing broken windows" via the formation of partnerships between the community and state agencies. This logic calls for a higher interaction between the state and law-abiding citizens through sustainable and enduring affiliations and joint ventures. In that sense, partnerships may be built between the police and community and other entities within local jurisdictions. Dolling (1993, p 9-10) argues that partnerships are "a chance to increase the integration of the citizens who constitute a community and to build or to rebuild social structures in that community".

In similar parlance, Trojanowicz and Bucqueroux (1990) state that "the police must form a partnership with people in the community, allowing average citizens the opportunity to have input into the police process, in exchange for their support and participation" and that "contemporary community problems require a new decentralized and personalized police approach, one that involves people in the process of policing themselves". Tilley (2003, p. 315) asserts that "community policing stresses policing *with* and *for* the community rather than policing *of* the community". Roehl et al (2000, p. 190) mention that "at the crux of the partnerships is the belief that the prevention and reduction of crime and disorder problems require the coordinated, concentrated effort of individuals and agencies affected by and concerned with the problems. Because crime has multiple causes, solutions must be equally multifaceted and cannot be reached by the police acting alone".

In Brazil, certainly it appears that most state police organizations[11] are engaged in partnership building, although its form and visibility vary widely amongst distinct organizations[12] and

[9] For a modern version of Bastiat's essay, see Henri Hazlitt's *Economics in One Lesson*, 1949 (available in PDF version for free download on http://prawo.uni.wroc.pl/~kwasnicki/EkonLit/Economics%20In%20 One%20Lesson.pdf).

[10] For a concise presentation of Zimbardo's broken windows experiment, see Zimbardo, P. G., (1969). "Diary of a Vandalized Car" in Time Magazine (Feb. 28, 1969).

[11] Police organizations in Brazil are either state-led or federal-led, meaning that there are no local-led police organizations. Local policing (notably patrols and pursuit of criminals) is performed by the states' military police forces, which are state-led.

states (Brito, 2001). This is supported by the evidence that public safety community councils[13] have proliferated in the country since 2000 (Brito, 2004). Yet all too often, partnerships are in name only, or simply standard, temporary working arrangements. Partnerships with other law enforcement organizations merely to launch short-term crackdowns are not in the spirit of community policing (U.S. DEPARTMENT OF JUSTICE, 2000). However, as pointed out by Brito (2004) although most state police forces in Brazil are slowly opening up to community input and influence, policy and decision makers remain reluctant to give the community real authority and responsibilities due to two main reasons. First, there are legal issues, such as accountability requirements on the chief as defined in the law or in administrative regulations. Second, there are cultural issues, in which police organizations and officers strongly resist transferring and sharing power with other organizations or with community representatives. Nonetheless, despite these shortcomings, the partnership-building element seems to have advanced much further than the problem-solving element in Brazil.

Problem-solving

The other defining characteristic of community policing is the emphasis on problem-solving, which has historically been the exception in policework. Roehl et al (2000, p. 201) state that "in articulating the need for problem-oriented policing, Goldstein (1979) began by criticizing the police for having a 'means over ends' focus, being obsessed with tactical, equipment, and deployment issues without substantial regard for what those things actually accomplished". The original conceptualization of problem-solving, done by this author in his *Improving the Police: A Problem-Oriented Approach* (1979), proposed that the entire range of police operations should be organized not around responding to individual events but identifying problems and working to eradicate the underlying causes of those problems.

Goldstein's problem-solving policing approach was first implemented in Baltimore County through the COPE (Citizen Oriented Police Enforcement) experiment (Cordner, 1985). It was

[12] Accordingly, there is one military police force and one civil police force for each of the 26 states and the Federal District, making it a total of 54 state-led police forces.

[13] Community councils in Brazil are often referred to as CONSEGs, an acronym for *Conselhos Comunitários de Segurança Publica* (Community Councils of Public Safety). According to the Military Police of Santa Catarina State, the CONSEGs are "groups of individuals from the same community that meet not only to discuss, analyze, plan and monitor the solution of their public safety problems, but also to strengthen the ties of understanding and cooperation amongst the various local leaderships" (Available in Portuguese at http://notes1.pm.sc.gov.br/aplicacoes/policiacomunitaria.nsf/fo0015?ReadForm&id=8F79F3E5DFEABB710325741A006AA705).

followed by the Newport News project in Virginia, which has been regarded as the first full-scale problem-solving intervention in the USA. The Newport News project was essential at the outset of problem-solving policing due to two important developments (ECK; SPELMAN, 1987). First, it proposed an operational concept of "problems" as "[a] group of incidents occurring in a community, that are similar in one or more ways, and that are of concern to the police and the public" (p. 42). Second, it coined the acronym SARA (Scanning, Analysis, Response, and Assessment) to define the four components of the problem-solving approach. These components – or stages – are worth quoting in detail, since, in conjunction with the analysis of the indivisibility of reconnaissance, surveillance and intelligence (as mentioned above), they help to inform the development of the main argument of this article:

> - Scanning: involves the identification of a given incident perceived as a concern by the community and the police.
> - Analysis: refers to the process of examination and breakdown of the problems in terms of their dimensions, causes, and effects.
> - Response: relates to the performance of a given action intended to alleviate or terminate the identified problem.
> - Assessment: includes the evaluation of the results of the action performed, in order to verify if the response caused its intended effects.

It must be pointed out that SARA is a sequential process. In other words, the stage of analysis of the problem depends on the previous stage of scanning. In view of that, scanning represents an indispensable and mostly relevant stage in problem-solving. Without a proper identification of the problem or problems, the remaining stages of problem-solving may be irreversibly corrupted. The first stage to be compromised is the analysis, which involves the synthesis of police and other relevant data to identify and interpret patterns and trends in crime to inform police and judicial practice. Crime analysis supports the investigation, prevention, and reduction of crime by providing the police with information that enables them to prioritize interventions (GILL, 2000). This explains why crime analysis has become an integral part of problem-oriented approaches in policing. As Goldstein (1979:243) noted:

> Perhaps the closest police agencies have come to developing a system for addressing substantive problems has been their work in crime analysis[14].

[14] Dantas and Ferro (2007) note that "classic law enforcement investigative methodology is being currently integrated with those provided by cutting-edge Information Technology (IT) and Information Management. This is achieved by the use of "data mining," the derivation of information from large compilations of data, which

> Police routinely analyze information on reported crimes to identify patterns of criminal conduct with the goal of enabling operating personnel to apprehend specific offenders or develop strategies to prevent similar offenses from occurring.

Cope (2004, pps. 188-203) highlights five key stages that form the crime analysis cycle. These stages are:

> 1) Collection: very descriptive in nature, this stage encompasses the search for and compilation of raw data about the crime.
> 2) Representation: relates to the accumulation and summarization of raw data into usable information. Ekblom (1998) underlines seven main variables for crime analysis to consider when sorting and developing data about a given offence: location; time; nature; type; target: victim; physical and social circumstances.
> 3) Interpretation: involves a cognitive effort intended to produce inferences about patterns and meaning of data in the context of policing. This process is both deductive and inductive, and it may or may not be technology-driven.
> 4) Recommendation: refers to the suggestion of actions based on inferences drawn from the data. The intention is to prioritize and orientate police work towards the public, time and area which an intervention is most likely to impact on crime reduction.
> 5) Evaluation: involves the examination of the impacts caused by the recommended actions, in order to inform policy-making processes and further decision-making.

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enables law enforcement to recognize widespread patterns in criminal behavior (difficult if not impossible via traditional means). The latest fruit of this technology has been the identification of key links in criminal networks via judicially-warranted computational analysis of accessible data by Public Security Intelligence and its Criminal Analysis. These bonds can then be targeted and broken. Therefore Link Analysis (LA) represents a true paradigm shift in the context of police cognition concomitant with a sudden development in IT and its possible applications in the modern police investigation of criminal complexity. LA has caused a considerable amplification of intelligence capabilities of police investigators with regards to the determination of the authorship and nature of crimes ever more complex. Such crimes include different types of corruption (money laundering), terrorism and so-called transnational crimes involving the crossing of national borders for their execution. In such a context, police intelligence must derive its findings from the domain of new developments, techniques, abilities and attitudes compatible with the "state of the art" of information technology and criminal analysis. Thus, LA represents a powerful new instrument of analysis available for the crime control and related matters. Perhaps LA's greater significance is the capability of showing criminal bonds in graphical representations which allows for the amplification of investigative intelligence with the addition of so-called "visual intelligence". Two such commercial computer applications are already available: i-2's 'The Analyst's Notebook' and 'Nexus'".

As it happens to reconnaissance, surveillance and intelligence, these five stages are based on an essential element of observation. In fact, all these terms and stages have a common formative root, even though the nomenclature changes from one context or discipline to another[15]. Given the variety of languages involved with the utilization of reconnaissance, surveillance, intelligence, crime analysis and problem-solving, it is not surprising that numerous labels and adjacent terms have been used to define each activity. The scholars and practitioners that proposed such terms usually works in different disciplines, focus on essentially diverse phenomena, use specific methods, and to the extent that they cite one another's work, do so mainly to demarcate the particularities of their academic and professional backgrounds. Such debates are set aside here so as to draw out as much methodological guidance as possible from the various fields[16].

Reconnaissance, surveillance and intelligence have an old tradition within military work, whereas crime analysis and problem-solving are more compatible with the roles performed by contemporary police organizations. Analytical complications arise when it is noticed that, in Brazil, the oldest and more important organizations of order maintenance originated from the military and retained military sub-cultures, symbols, and languages, inclusively for activities of surveillance and intelligence. In any way, all these elements – reconnaissance, surveillance, intelligence, analysis, and prevention – rely on fundamental observational faculties and power. If this is true, one could infer that SARA, one of the two main components of community policing, has deep association with those elements and depend heavily on observation. Regardless of the terminology, it could be argued that all these activities are part of a same rationale and logic framework. This strongly supports the often unnoticed and overlooked claim – which is made in this article – that observation is indispensable for public safety.

In Brazil, problem-solving in the lines of SARA – or any other model – remains virtually inexistent, irrespective the concept adopted for it. Among police forces, neither used the general technique formally nor was even conversant with the terminology (BRITO, 2004). The majority of state police academies in Brazil still do not offer regular training in problem-solving, be it for new recruits or experienced officers (BRITO, 2004; MJ, 2007). Problem-solving or any other associated term or technique is not mentioned in the Public Safety

[15] For example, Solution Oriented Policing (SOP) is a term utilized by the Rancho Cucamonga Police Department (California, USA) to name the philosophy better known as community-oriented, problem-solving policing. For more information, please access http://www.rcpolice.org/home.htm.

[16] One of the contributions aimed by this article to the conceptual and theoretical scholarship on criminal justice is exactly to assert that, irrespective the focus or scope of an specific designation, observation lies at its core.

National Curricula. Thus, it is possible to infer that problem-solving in the country, which requires the police to systematically search for interventions in addition to threatening or actually arresting offenders, has yet to be not only properly included in public safety and crime prevention policies, but also adopted by police forces as an indispensable element of policing

POLICE CULTURE(S) IN BRAZIL

> *"We cannot create observers by saying 'observe!' but by giving them the power and the means for this observation and these means are procured through education of the senses"(Maria Montessori, 1870-1952)*

In Brazil, community policing has been officially adopted by the federal government recently as the reforming model for a police commonly regarded as ineffective, violent and corrupt. Yet it still has to be considered as the dominant model of policing in the country. A large part of this may be attributable to, first, lack of time to implement such policy, second, resistances to change sustained by the police organization itself, third, resources constraints and, ultimately, incompatibilities of the community policing model – Anglo-American in nature – to the Brazilian context[17]. More importantly, it seems that community policing has been constantly used by the federal and state governments as a rhetoric device, in the face of a permanent sense of crisis in the criminal justice field. Nonetheless, the most common elements that have bewildered the emergence of community policing in Brazil have been the absence of a strong leadership and training to induce change in the reactive police culture, and the managers' unfamiliarity with the positive possibilities for benign urban observation.

Two of the recognized characteristics of the police culture related to necessary observational skills are: a) suspicion and b) mission (WADDINGTON, 1999; REINER, 2000). Suspicion is an element of the police culture that is sowed early on in the police careers in to the minds of new recruits (REINER, 2000). The police only trust themselves and do not listen much to what 'civies' have to say (WADDINGTON, 1999). Mission refers to the notion that the police often see themselves as the 'thin blue line' that helps to protect society from crime and

[17] For an analysis of the emergence of community policing in Italy – a process which has sharp similarities with the Brazilian case – see Massimo Ballerino, "*Community Policing: una filosofia per il controllo sociale",* PhD thesis, Università degli Studi di Bologna, Facoltà di Scienze Politiche, Corso di Sociologia, 2001.

disorder. They see themselves as society's crime fighters and feel they are doing something that makes society a better place to live in (WADDINGTON, 1999). This is mixed with an enjoyment of action and pursuit of criminals (REINER, 2000).

Skolnick and Bayley (1986) mentions a study carried out on Westville police officers where officers ranked roles as detectives and patrol work as these lead to more dangerous and exciting situations. Cain's study of rural and urban police officers found that the pursuit for danger and excitement was key to 'real' police work (HOLDAWAY, 1995). From early on the new recruits learn the challenges and hard work officers have to do, and they can not police by the book (MANNING, 1979). Due to the police being a '24 hour emergency service' most officers do not like any job which is not connected to crime fighting (SHAPLAND; HOBBS, 1989). It is also here that officers learn that it is important to obtain the characteristics of a 'good police officer' such as keeping control in difficult situations; that solidarity is important as police officers are not valued; and that only operational police officers know what real policing is all about rather than senior officers, trainers or external people. Through this socialization process the police officer learns the official and non official rules about policing, and when and where to apply them (FOSTER, 2003).

These characteristics of the police culture (or cultures) appear to determine the importance of observation in police work. In a study about police mission and suspicion, Connell (1961; SKOLNICK; BAYLEY, 1986) mentions that an officer should become familiar with his area in order to understand the normal behavior. Only this way will he be able to catch suspicious behavior. Accordingly, Miller (1999; FOSTER, 2003) found that police officers cultural perspectives about their job changed when they began to do community work. Those who were able to adopt a 'problem-solving approach' were less suspicious about people within the community, and were able to look at the deeper issues involved in crime.

That's why the consolidation of community policing in Brazil deals with a much more complex issue: change in police culture, from reactive to proactive, community-oriented policing. Foster (2003) argues that positive change is possible. It can occur through enhanced training and management. More importantly, it has to make a constructive impact on the dominant culture. Chan (1997) believes that changes in police policy do not lead to changes in police practice unless there is a transformation of the cultural knowledge and of the socio-political climate in which the police operate. Schein (1985) maintains that leadership and culture go hand in hand. According to the author, strong leadership allows change to take place, leading to better practices and outcomes.

Accordingly, an incisive leadership associated with police training appears to be the most effective way to operate changes. Training must employ more sophisticated techniques to develop various curricula that focus on police officer's observational skills and favor more proactive and citizen-friendly behaviors. One effective technique is known as job task analysis. Jurkanin (1989, p.10) explains that:

> This method consists of conducting a job analysis to define the job domain; that is, the tasks which constitute the job and the knowledge, skills and abilities which an individual must possess to perform the job effectively. Once the critical tasks, knowledge, skills, and abilities are identified for a particular job, educators and trainers have an empirical base from which to develop job-related curricula and testing instruments. (…) In establishing content validity in training and testing, the definition of a direct link between tasks performed on the job and curriculum and testing items is critical. (…) Without such an analysis to single out the critical knowledge, skills and abilities required by the job, their importance relative to each other, and the level of proficiency demanded as to each attribute, a test (curriculum) constructor is aiming in the dark and can only hope to achieve job relatedness by blind luck.

Dantas (1997), who utilized Jurkanin's job task analysis to evaluate junior higher-ranking officer's training course program at the Military Police Academy of Brasilia, Brazil, through a survey study, argues that due to improper training, "acts perpetrated by incompetent officers [and] lack of preparation... contribute to making the community not trust in the police's efficacy and efficiency" (PONTES, 1996, p. 33; DANTAS, 1997, p. 47). Accordingly, Talley (1985, p. 59) notes that police training is often designed based on "tradition, custom, imagination, or what other agencies are doing... not by analyzing the occupational learning needs of the police". In a study about the arrangements through which knowledge was transmitted from older officers to new recruits of the Rio de Janeiro state military police, Caruso et al (2005) assert that neither police officers nor the community have clear and explicit criteria to evaluate the services provided by military police officers. The authors verified the indicators of "police production" established by the state's secretariat of public safety and found out that the measurement of police performance was focused on only three aspects: a) seizure of arms; b) seizure of drugs; and c) arrest of offenders. Then, the authors contrasted these findings with public calls and requests for police service and found that 70% were classified as "non-criminal occurrences", even though this kind of service was not included amongst the formal indicators of police performance, revealing a gap between community demands and activities valued by the evaluation of police work (CARUSO, 2005).

CRIME PREVENTION IN BRAZIL

Crime prevention in Brazil, especially led by the federal government, has been a very recent development. The first full-scale crime prevention program launched after the Constitution of 1988 was the Integrated Plan of Social Programs of Crime Prevention (PIAPS in his acronym in Portuguese) in 2001. Aimed at children and young adults from 9 to 24 years of age which lived in major metropolitan areas, it consisted of an articulated set of federal programs with welfare purposes, which were embodied into one main initiative managed by the Presidency. Although the Plan mentions crime prevention in its name, in reality it was an umbrella program for social risk management. With focus on primary prevention[18] based on broad welfare issues such as employment, urban development, education, amongst other sectors, the Plan had no provisions related to secondary and tertiary prevention. Moreover, police organizations had a very limited participation and function in the implementation and execution of the Plan.

Secondary and tertiary prevention were implicitly included in a previous federal policy called the National Plan of Public Safety (NPPS), launched in 2001. Yet again directive preventive mechanisms such as surveillance and intelligence had only a secondary role. NPPS innovated by providing resources to the implementation of community policing in all Brazilian states, but prevention remained a logic by-product of policing. It also supported the establishment of a sub-system of intelligence in public safety to be connected to the National System of Intelligence under the Brazilian Intelligence Agency (ABIN). In fact, never before in the recent history of the country had a federal initiative in the field of public safety so explicitly encouraged state police forces to adopt a specific policing approach, namely community policing (FSP 2000), and to be part of a cooperative system of intelligence.

It has been believed that the NPPS was designed to reorient Brazilian policing by changing its predominant strategy and operations from reactive law enforcement to preventive and proactive community problem solving. These advocates have frequently argued that the Plan was the first federal initiative on public safety that authorized expenditures on state police forces since the end of the military government. It was also the first time that the federal government undertook – explicitly – its share of responsibility in the management of the

[18] The National Institute of Justice in the USA classifies prevention in three stages: 1) Primary: broadly available programs, intended to prevent members of the general population from becoming offenders or victims and places from becoming hot spots; 2) Secondary: programs aimed at identified high-risk behaviors or places, intended to prevent crime and disorder problems from worsening; and 3) tertiary: Programs that react to crimes already occurred, intended to repair the harm from those crimes (NIJ 2000:215).

public policing in Brazil (UNDOC, 2003). Given the country's recent traumatic authoritarian history, funding of state police forces was frequently deemed worrisome and politically risky, and some commentators vented their fears of a possible return to the policial state of the 60's and 70's (BBC, 2000).

In 2004, a new National Plan of Public Safety substituted the NPPS when Lula rose to power[19]. Based on the candidate's public safety program for the presidential elections of 2003[20], the new National Plan was much more sophisticated than its predecessor. Elaborated with the support of segments of the organized civil society, the new Plan touched upon the most pressing points related to police reform and police work in Brazil and instituted the Unified System of Public Safety, designed to foster interstate and intrastate police cooperation for the purpose a more efficient delivery of services of order maintenance. Based on a substantial diagnosis and in context analyses, the new Plan highlighted twelve priorities with provisions ranging to broader police reform strategies to more specific programs such as disarmament and arms control (INSTITUTO CIDADANIA, 2003). However, systematic and extensive crime prevention once more remained reduced to primary prevention initiatives.

The second term of Lula's government (2007-2010) began with the launching of yet another federal plan of public safety. The National Program of Safety with Citizenship (PRONASCI in its Brazilian acronym) explicitly articulates public safety policies with social initiatives, focusing on primary prevention and the causal factors that lead to violence. PRONASCI is structured in a) structural actions and b) local programs. The structural actions encompass the modernization of public safety institutions, valorization of public safety professionals and law-enforcement towards police corruption and organized crime. Local programs involve the implementation of "Peace Territories" in areas defined by the federal program, as well as the integration and support of families and teenagers in situation of social risk.

Nonetheless, despite the apparent rise in recent times in the stock of crime prevention within the federal government, especially the Presidency and the Ministry of Justice, responsibility within state police forces for crime prevention based on community observation has remained the domain of rare and isolated experiments and a few specialist crime prevention officers. In fact, it seems that crime prevention has been frequently treated as a peripheral activity of low status and interest when placed alongside traditional crime-fighting. Proven programs such as

[19] Lula is currently in his second term as President of Brazil. The first term was in the period between 2004 and 2007. The second term started in 2008 and it will finish in 2010. According to the law, he cannot run for a third consecutive term.

[20] The new National Plan of Public Safety was based on candidate Lula's government proposal called "Public Safety for Brazil", a seminal work produced by the Citizenship Institute, a non-governmental think-tank associated to the candidate's Labor Party.

neighborhood watch schemes and volunteer citizen patrols have not been considered – let alone adopted – in the most central public policies of criminal justice carried out in the country. In other words, crime prevention – especially conducted in the light of partnership-building and problem-solving – has been left in the margins of police work, although primary crime prevention based in broad welfare issues have dominated the national agenda of public safety.

The assumption behind this evidence is that welfare programs may work as a panacea for problems faced by governments, given the perceived "pay-off" in cost-benefit and electoral terms. Politicians, therefore, to prioritize measures that can work transversally in a number of policy domains, such as education – which may at once respect a basic human right, improve the country's social capital, contribute to its development, promote public safety and, furthermore, gather votes in the next election. This has led crime prevention to be a residual police category associated with social policies in Brazil in recent times.

CONCLUSION

> *"The power of accurate observation is commonly called cynicism by those who have not got it" (George Bernard Shaw, 1856-1950)*

Crime and public insecurity are products of interacting cultural and social conditions, specific situations and moments, genetic factors predisposing to criminality and opportunities to break the law. There are thus multiple means to whereby the path leading to the crime event may be blocked (SHERMAN et al., 1997). In Brazil, federal-led crime prevention policies have focused on broad welfare issues. Even if this is considered in conjunction with the typical 'deterrent effect' caused by the activities of police organizations (notably the 'scarecrow' function of policing through patrol), there are still many other relevant and effective ways to prevent and reduce crime that have been decidedly disregarded in criminal justice policing making in the country. One of these highly ignored – although essential – crime prevention techniques is the observation of community routines by means of surveillance. Activities of reconnaissance, surveillance, intelligence, and crime analysis – or related practices – have seldom been systematically taught at police academies or prioritized in process of further education.

Given the country's recent authoritarian history, there have been political and public concerns about the return of comprehensive repression and state over-control. In association with a

police culture conducive to traditional crime fighting, this may explain the reluctance of policy and decision makers in Brazil to grant observation and surveillance the actual primacy that it should have in public safety. Conducted by the state under the rule of law and with transparency, surveillance may turn into an indispensable mechanism of collection and production of relevant information about the well-being of individuals and communities. Such information may, furthermore, become valuable inputs for policy-making at various sectors. This "spillover", caused by informational input, may generate positive social externalities and become crucial to community development, benefiting policy sectors beyond crime prevention. This rationale makes a strong point for the inclusion of benign urban surveillance as a permanent element in the main government initiatives of crime prevention in course in Brazil. The more invasive, technology-intensive forms of observation would also be considered, but only for the prevention and investigation of complex crimes such as corruption, trafficking, and terrorism.

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