

The Complex Issue of Drugs and the Public Security Work



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This session was introduced by the Assistant Secretary General of the Organization of American States, followed by General Uchôa, who outlined the fundamental courses of action that are being developed by the National Antidrug Secretariat. Luiz Fernando [Corrêa] spoke about the importance of the role of the Federal Police in Brazil, a role that is recognised by people from all walks of society. During this presentation, I am also going to make a brief reference to the problem of drugs, a topic that we all know something about and have discussed at length. My aim is to contribute some points for further discussion. Finally, I will present the role that the National Public Security Secretariat (SENASP) has on this tissue.

As coordinator of the Working Group that, between 2000 and 2002, prepared the public security programme for the then-Presidential candidate, Luiz Inácio Lula da Silva, special focus was placed on the topic of drugs. We considered the drug problem to be extremely complex; that any simplification of the subject meant the issue could only be partially understood. The use of mind-altering substances over the course of human history has taken many different forms: be it for ritual or religious significance; or used for social bonding purposes; or the object of cruel business

networks, which spread their tentacles to enter society and the state, gaining a level of political control as well as economic. Despite its general meaning, the word “drug” does not usually refer to alcohol and tobacco. Only a few of the so-called licit drugs are considered dangerous, despite the fact that they can produce damage just as serious as illegal drugs. Some people do not even consider alcohol as a potentially addictive substance.

It is important to draw attention to the fact that drug trafficking is a transnational activity involving the movement billions of dollars around the world every year. The people responsible – the drug lords, the financial backers – also take part in money laundering and arms dealing, leading to intolerably high murder rates in Brazil and various other countries.

It is also important to point out that, in some areas, these organised criminal activities contaminate elements of state organisations, police institutions, parts of the Judiciary and the Legislative, as well as interfering with the electoral process. The city of Rio de Janeiro provides an example: most politicians take a position standing against drugs. During election periods, however, they go to local drug dealers looking for support, because politicians need their authorisation to campaign in certain areas of the city. Anybody who does not bend to the will of the drug dealer will find themselves facing all sorts of difficulties, and possibly even finding themselves in physical danger.

The media adopts a contradictory position: it warns about the danger of drugs, but advertising, films and music make excuses for drugs and drug users. Examples that can be seen at the moment are baile funk¹, music

like “O Bonde do Tigrão” (The Tiger’s Tram) and t-shirts with slogans on them such as “Enjoy Coke” [referring to cocaine]; all of which advertise drug-taking. Society, particularly the middle and upper-middle classes, consumes drugs and tolerates drug consumption, whilst at the same time protesting against the crime and violence caused by drug dealing. In contradiction, society reacts passionately to the official position that the consumer is partly responsible for trafficking and violence. Grand theories about legalising or decriminalising drugs, as well as theories related to harm reduction, all face a very serious phenomenon.

Drugs become merchandise once they enter the criminal business network, which is wide-ranging, sophisticated and intricately connected to elements of the state. Criminal actors can be found in strategic points of the city and along trade routes, contributing to the growth of organised crime. This situation is made worse when children and youths with no prospects, living in an indifferent society, are enticed into carrying out surveillance work or delivering small quantities of drugs. This is the start of a career that imparts the youths with a sensation of power; but leads to premature death. This situation means that multidisciplinary measures are necessary to address the drug problem seriously – a point already emphasised in several presentations during this session. These must include educational, cultural and social measures, and must involve the reform and application of public security concepts in Brazil.

¹ The baile funk are dance nights held in the favelas. They are a form of youth entertainment in the shantytowns, and the music and financial backing are sometimes associated with drug dealers. Certain songs are criticized for allegedly glorifying drugs and violence.

The complex realities create new demands on public security practitioners, because police officers have often only received training to deal with day-to-day crimes and are not prepared for the more complex issues like drugs. They are also at constant risk of being corrupted by the business. As Luiz Fernandez [Corrêa] emphasised [in his presentation] – and I am no longer in any doubt that the Federal Police is going in the right direction in terms of their training – qualified experts are necessary in all departments, especially in accounting, in order to investigate illegal financing and banking activities and the embezzlement of money by criminal networks.

As the work of the National Antidrug Secretariat (SENAD) has shown, I would like to point out the importance of Law 11,343 from the 23rd of August, 2006, which strengthened our legislation significantly. This law represented a fundamental advance, because it institutionalised the national system that incorporates a range of public policy measures into counter-narcotics policy. The law also established the principles underlying strategies for prevention, which place special emphasis on measures aimed at children and teenagers, carried out in association with the National Council for the Rights of Children and Teenagers.

The fact that the new legal framework defines measures for treating and reintegrating drug users and addicts back into society is also very important. Article 28 of the new law focuses specifically on prevention, outlining the character of the preventative treatment. It also defines possession as a separate crime. The law does not decriminalise drug use, but rightly reduces levels of punishment – a more

suitable measure in my view. According to the comments made by MP Vitalino [in his presentation], there have been already, however, court judgements that have understood the law to represent decriminalisation. This is not a suitable judgement and does not demonstrate the level of reflection necessary for the subject.

It is necessary to make a critical observation about the small claims courts. It is an observation coming from experience and practice; related to the application of the law and judicial decisions. I believe that the small claims courts are one of the most important innovations that Brazil's 1988 Constitution brought to the Judiciary. However, the performance of this judicial body leaves a lot to be desired, due to the volume of issues under its jurisdiction and the manner in which they are processed. Drug consumption has also been placed under the jurisdiction of the small claims courts, but I fear that they will not achieve the desired results because the courts have not been organised in the most effective way. The magistrates often do not participate in the initial phase of the process, and the person being processed often leaves feeling that impunity exists; that there is no support from the state, whether they be a recreational user or an addict.

Undoubtedly, repressive measures must be aimed principally to combat criminal organisations, and especially the actors that allow them to operate, the criminals responsible for financing, money laundering, and illegal arms trafficking, the people who inundate our cities with drugs. For prevention, as I said earlier, the most important measure is to adopt educational campaigns aimed at young people.



I would also like to talk about the role played by the National Public Security Secretariat (SENASP). SENASP's role is to provide permanent support for federal institutions, to the twenty-six Brazilian States and the Federal District. This was SENASP's principal role before it began conducting public security activities with the creation of the National Public Security Force. Minister Tarso Genro began discussions and solicited suggestions, bringing different sectors of society and the intellectual community together for a project that resulted in the National Public Security Programme with Citizenship, or PRONASCI. This programme was officially launched by the President of the Republic on the 20th of August 2007. It aims to construct a new concept of public security in our country. This public security policy is closely linked to policies of social inclusion. Initially, the Programme targets the eleven most violent urban areas in Brazil, selected using homicide rates. Preventative projects aimed specifically at young people in high risk situations will be implemented in these areas. Measures have been put in place to evaluate police agencies, because this is, essentially, a public security programme. Proposals for how to deal with organised crime run alongside the public policies that emphasise prevention.

It should on record that, aside from the resources given to the National Public Security Fund by the Ministry of Justice, there is a separate budget for PRONASCI, which we hope will soon be approved, covering each year for the next four years. The amount in question is over 1.3 billion reais (approximately 800 million United States Dollars – USD).

The initial phase will be carried out by the Military Police, which will be responsible for operations in areas controlled by drug traffickers. The objective is to establish peaceful areas of territory. SENASP has agreements with sixty-six higher education institutions through RENAESP (the National Network of Advanced Studies in Public Security), in order to train the police officers involved in implementation. SENASP is training police officers throughout the country in order to instil a new institutional culture in the police: a culture based on community values and service.

In the following stages, social policies will be implemented in partnership with different branches of the Federal Government through permanent agreements with other federal organisations, the States and Municipalities. Programmes will be set up like the Police Officer Training Exchange, which will be inaugurated on the 7th of March in the city of Rio de Janeiro by the President of the Republic. After undergoing SENASP (National Public Security Office) training, police officers throughout the country will receive salaries no lower than 1,400 reais (approximately 875 USD) per month.

The programmes should understand the importance of the family. An example of

this focus is Mães da Paz (Mothers for Peace), a project where mothers in the community provide support for young people who are in the risk group for recruitment by drug gangs, including young people who return from military service and represent good prospective recruits for criminal organisations, and any other high risk target.

In an agreement with the Getúlio Vargas Foundation, PRONASCI operations will be monitored and tracked on an ongoing basis, and the results will be evaluated in a transparent manner. The Getúlio Vargas Foundation has already put a wide-ranging programme in place to monitor the specific results in different regions of the country by examining rates of crime and violence, and evaluate where PRONASCI's resources are focusing and how they are being used.

In conclusion, I am certain that if the initiatives presented here do not contribute to a solution, they have at least contributed to the debate and the search for ways in which we can tackle the drug problem.