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## **Notes on law and police occupational culture in Brazil's Military Polices: An explorative study**

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### **Abstract**

This research discusses the relations between law and police culture in the context of Brazil's Military Polices, aiming to contribute both to discussions about these corporations' non-compliance with legal standards and to socio-legal knowledge on policing. Pierre Bourdieu's conceptualization of the juridical field, along with Erving Goffman's theory of interaction rituals, are used to design a qualitative exploratory study that combines semi-structured interviews with lower-rank officers and observation of criminal trials in which these participated as witnesses. Due to COVID-19, methods were adapted to online platforms. The analysis suggests that Brazil's juridical field structurally conditions the development of its police culture, although not in the ways intended. Additionally, law appears as an important symbolic figure in the construction of the officers' occupational selves, and it is argued that contact with legal institutions engenders particular strategies of self-presentation, aimed at safeguarding both appearances and internal ideas about the profession.

### **Key words**

Police culture; sociology of law; military polices of Brazil; Pierre Bourdieu; Erving Goffman

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## Resumen

Esta investigación se ocupa de las relaciones entre el derecho y la cultura policial en el contexto de las Policías Militares de Brasil. Se intenta así aportar tanto al debate sobre el incumplimiento de dichas instituciones con los estándares jurídicos, como al conocimiento socio-jurídico sobre la policía. Se utilizan la conceptualización de Pierre Bourdieu sobre el campo jurídico y la teoría de Erving Goffman sobre los rituales de interacción para diseñar un estudio cualitativo exploratorio que combina entrevistas semiestructuradas con oficiales de rango menor y la observación de juicios penales en los que aquéllos participaron como testigos. Debido a la COVID-19, los métodos se adaptaron a las plataformas online. Los análisis sugieren que el campo jurídico de Brasil condiciona estructuralmente el desarrollo de su cultura policial, si bien no de la forma deseada. Por añadidura, el derecho parece ser una figura simbólica importante en la construcción del yo ocupacional de los policías, y se aduce que el contacto con las instituciones del derecho engendra estrategias particulares de presentación de uno mismo, encaminadas a salvaguardar las apariencias, así como las ideas personales sobre la profesión.

## Palabras clave

Cultura policial; sociología jurídica; policías militares de Brasil; Pierre Bourdieu; Erving Goffman

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## Table of contents

1. Introduction .....	1466
2. Background .....	1467
3. Law and police culture .....	1468
4. Theoretical framework .....	1469
5. Methods .....	1471
6. Results and discussion.....	1474
6.1. Structural aspects.....	1474
6.2. Symbolic aspects .....	1482
7. Final remarks .....	1487
References.....	1488

## 1. Introduction

This explorative study questions how police culture relates to law in the context of Brazil's Military Polices, known in and outside the country for their use of excessive violence, arbitrariness and discrimination (Ramos and Musumeci 2004, Brinks 2006, Caldeira 2013, Sinhoretto and Lima 2015, Willis 2015). For this, it proposes to approach police culture as an unofficial system of rules that develops inside corporations, but which interacts with State law and its official institutions.

The concept of police culture originated in the observational studies of patrol units conducted by scholars such as Bittner (1967) and Skolnick (1966/2005). The term has since become a common label for the self-regulation of police action by informal norms internalized through professional socialization (Chan 1996, p. 110). However, it is often used in a negative and simplistic connotation, which suggests that these occupational norms replace law in guiding the police's behavior (Dixon 1997, p. 9).

Regarding the relation between law and the police, socio-legal research conducted in different settings has acknowledged the existence of a gap between legal norms and policing practices (Leo 1996, Dixon 1997, Fassin 2014, Kramer and Remster 2018), with Brazil being no exception (Telles and Hirata 2010, Kant de Lima 2013, Sinhoretto *et al.* 2015). However, it is also true that the official legal system provides the basic regulatory framework in which the police's activities unfold and that it has the prerogative to subject security officers to judicial oversight (Dixon 1997). In this sense, it seems more adequate to suppose that police culture *interacts* with State law rather than replaces it. Departing from this point of view, this research questions: if all police work is, to some degree, framed by law and potentially subjected to its evaluation, how does Brazil's military police culture interact with the country's legal regulation and its institutions of enforcement?

It follows from this formulation of the research problem that law is to be conceptualized in the manner proposed by Pierre Bourdieu (1987, p. 816); that is, as a system of rules that exists in unity with the set of juridical institutions, actors and internal norms that are responsible for enacting legal authority. Importantly, this sociological understanding of law also implies that the ways legal rules impact other systems are not always intended ones, with informal cultural norms being able to develop resistant adaptations (Merry 1998).

Sections 2 and 3 of this paper establish the basis for the study by discussing, respectively, the Brazilian Military Polices and the existing contributions on the relation between law and police culture. Section 4 presents the theoretical framework of the study, based on categories drawn from Pierre Bourdieu and Erving Goffman. At its end, the pertinence of applying foreign concepts to Brazilian reality is briefly discussed. Section 5 then presents the research methodology. Finally, Section 6 analyses the research findings in a thematic manner, relating them to the relevant literature.

## 2. Background

Brazil's public security forces are divided in two branches, both organized at state rather than federal level. The Civilian Polices, charged with criminal investigation,<sup>1</sup> are essentially bureaucratic institutions, often placed in a subaltern position to the Judiciary (Kant de Lima 2013). The Military Polices, concomitantly, are responsible for patrolling the streets, maintaining the public order, and responding to incidents. The two sets of corporations have distinct occupational cultures, besides often entertaining competitive relations with each other (Caldeira 2013, Azevedo and do Nascimento 2016).

In the years following the establishment of the country's current democracy (1988), the military police corporations have become notorious for their violent and abusive behavior. Brazil has experienced, since the mid-1990s, a complicated scenario of rising street violence and gang crime (Leeds 2006, Cabanes and Georges 2011). The Military Polices' war-like response to the issue has, paradoxically, aggravated insecurity in poorer city areas and raised civilian death tolls (Wacquant 2003, p. 199).

In 2018, for instance, Brazil registered 57,358 intentional violent deaths, which represents a ratio of 27.5 per 100 thousand inhabitants (Fórum Brasileiro de Segurança Pública [FBSP] 2019). Out of these, 11% were committed by on-duty police officers. In 2019, there was a slight decrease: 47,773 violent deaths were reported – 22.7 per 100 thousand inhabitants. Nevertheless, that year saw an increase in the percentage of intentional deaths attributed to the police, which reached 13% (FBSP 2020).

Fittingly, most academic works about Brazil's Military Polices discuss their excessive use of force or lethal violence (Caldeira 2013, Gonçalves 2014, Willis 2015) and their practices of intimidation in the "favelas" (Penglase 2013, Cecchetto *et al.* 2018). Residents of these low-income communities, as preferential targets of police suspicion, are subjected to arbitrary policing as a part of daily life. This has been found to be especially true for young, black men from the periphery of Brazil's large cities (Batista 2003, Ramos and Musumeci 2004), who are also more likely to be victims of suspect shootings (Lima *et al.* 2018).<sup>2</sup>

It is relevant to note that the Military Polices were created during Brazil's most recent dictatorial period (1964–1985). This means their occupational culture was crafted in a context that placed the police as defenders of the State's interest, not of citizen's rights (Sinhoretto and Lima 2015, p. 132). Brazil's National Truth Commission<sup>3</sup> has related this institutional history to the levels of police brutality observed in the country, and scholars have observed an organizational difficulty in overcoming repressive logics of action,

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<sup>1</sup> Federal offenses and military offenses are excluded from their legal competence and investigated by the Federal Police and by military institutions, respectively.

<sup>2</sup> According to data produced by the Fórum Brasileiro de Segurança Pública (FBSP) (Brazilian Public Security Forum), approximately 75% of violent intentional deaths committed by police in 2018 and 2019 had black males as their victims (FBSP 2019, 2020).

<sup>3</sup> A National Truth Commission was established in Brazil in 2011 with the goal of investigating human rights violations that took place during the country's military dictatorship, which had ended almost three decades previously through a negotiated transition that left little room for the persecution of perpetrators. In the end of its three-year mandate, the Commission presented a report of its findings and 29 recommendations for transitional justice, amongst which 8 were directed at the functioning of Brazil's police corporation.

assimilating community-assistance tasks and adapting to accountability mechanisms (Pinheiro 1997, Azevedo and do Nascimento 2016, p. 660).

Despite some efforts at democracy-oriented institutional reform, conservative aspects of this military police culture continue to be perpetuated through professional socialization (Poncioni 2014) and practices of recruit-hazing, which help shape police identity according to an “informal, alternative curriculum” and are stimulated by commanders as a way of reinforcing group spirit as well as transmitting real-world knowledge about the practice of policing (Albuquerque and Paes-Machado 2004). Therefore, although classes on human rights and procedural fairness are offered in Brazilian police academies, official training is sabotaged by institutional codes tied to a militarized “warrior ethos” (Sinhoretto and Lima 2015, p. 127).

Analysis has also pointed out that the Brazilian government’s failure to properly regulate policing and implement strong mechanisms of supervision after re-democratization has increased the role of occupational culture in guiding the police’s actions. By leaving too much to improvisation and not providing adequate institutional support, the organizational structure of the criminal justice system overestimates the police’s capacity for problem-solving and, in practice, pushes officers to search for solutions outside the rule of law (Muniz and Silva 2010, Sinhoretto *et al.* 2015, Azevedo and do Nascimento 2016). Additional aggravating factors are found in the low salaries and poor job conditions offered to Brazilian military police officers, which tend to create an environment that favors corrupt practices and illegal side jobs as a means of income complementation (Muniz and Proença 2007).

### **3. Law and police culture**

The question of how police culture relates to law appeared as early as the concept of police occupational culture itself. In his seminal writings on the “policemen’s working personality”, Skolnick (1966/2005, p. 375) points out that identification with law enforcement is central for officers’ occupational ethos. On the other hand, he notes that the police develop very particular conceptions of legality and order, playing on the ambiguities of legal interpretation to deal with the tensions that permeate their profession.

Bittner (1967, p. 714), oppositely, argues that, for the police, law serves mainly as a resource for problem solving on the streets. While its authority can be invoked if useful in a certain situation, officers’ decisions to intervene are typically not based on legally valid reasons. Manning (1978/2005, pp. 196–197) proposes that police culture transmits strategies that guide officers in managing the corporations’ public appearances and that tactics for bending legal rules are a part of this cultural “toolset”.

These now-classic studies have undergone re-evaluation, with scholars such as Holdaway (1997) and Reiner (1992) arguing that attention should be paid to how police culture varies according to function, rank or race and to how it responds to changes in organization and policy. Another critical assessment was that the concept of police culture failed to account for creative aspects of culture, individual agency and the role of external factors (Chan 1996, pp. 111–112). Additionally, the issue was raised that police culture studies neglected legal rules as a material force that shapes the practices of policing, placing law in too a marginal role (Dixon 1997, pp. 12–13).

On the flip side, contemporary ethnographies have found that the basic notion of cultural practices and dispositions associated with the policing profession continues to be useful in studying law enforcement (Loftus 2010, Fassin 2014). A solution to maintain the valuable aspects of the concept while correcting key problems has been to reformulate police culture using sociological or anthropological theories of a larger range. The concept of *social fields*, especially, has proved useful for this.

A social field can be understood as a complex set of positions, relations, symbols, and rules that encapsulate a specific social universe. Together, different social fields compose modern society. Beyond this, the specifics of the definition vary. In his study of police culture, Goldsmith (1990, pp. 94–96) uses Moore's (1973, p. 721) concept, in which the term "semi-autonomous social field" refers to the smaller settings in society which congregate individuals in an organized manner. These settings are taken to be "semi-autonomous" because they have their own customs and means of inducing compliance, but still relate to body politic and its institutions. Goldsmith uses Moore's concept to understand how police culture relates to legal regulation, proposing that the internal rules are preferred because they are perceived as grounded in experience, whereas external rules, such as law, appear abstract and remote.

In a similar manner, Chan (1996) draws on Bourdieu's (1982) concept of field – probably the most widely used – to propose a reinterpretation of police culture. Bourdieu understands fields as arenas of power dispute that encompass a certain sector of society. His theory focuses on how the structuring of these fields results from a continuous interplay of power dynamics, established rules of interaction and individual mobilization of *capital*. Capital represents sets of symbolic and/or material resources, which can be economic (assets), social (personal connections) or cultural (knowledge, titles, lexicon, style) in nature (Bourdieu 1982, pp. 106–107).

Besides the adequate possession and use of capital, agents' capacity to succeed in a certain field's struggles also depends on their *habitus*: the system of unconscious, internalized predispositions that individuals acquire through socialization. Habitus serves as a general formula that guides a person's practices, evaluations of others and tastes (Bourdieu 1982, p. 162). Although internalized, this schema is not immutable: much like with their capital, individuals must learn to adapt their underlying habitus in the ways most beneficial to each field's particular logic of functioning.

With these theoretical categories in mind, Chan (1996, p. 115) characterizes a "social field of policing", consisting of structural relations between the police and other social groups. She then replaces the notion of police culture with that of an occupational habitus; that is, of systematic predispositions linked to professional socialization. Because habitus is theorized as being in constant interaction with the fields in which individuals circulate, thinking of police culture as occupational habitus allows for the concept to be made more open to interaction with context. It also increases the role of agency by proposing that police culture is actively crafted by officers during their interactions with other social actors (Chan 1996, p. 119).

#### **4. Theoretical framework**

The framework for this study follows Chan's reasoning but, instead of looking to characterize and describe a social field of policing, it draws on Bourdieu's (1987) own

analysis of the social field of law and legal actors – which he calls the *juridical field* – to try to understand how police culture relates to law and its institutions. It also complements this proposition with elements from Goffman’s work (1967/2005).

Bourdieu (1987, p. 816) describes the juridical field as the “social universe” of institutions and actors that determine the practices of law. Situated amongst the many fields of social interaction, it is characterized by interpretative disputes over the right to determine law; the use of a specific juridical vocabulary; the adoption of a disengaged, neutral, and simultaneously aristocratic attitude; and the mobilization of juridical capital – a combination of social connections and technical legal knowledge.

The adequate use of resources in the field’s disputes allows actors with legal credentials to re-construct reality in juridical language and legitimize social rules and representations as they see fit. On the other hand, those who do not have the status of actor in the field must follow what is established in its interior. In this sense, monopoly over the law is an essential element of the juridical field (Bourdieu 1987, p. 850).

Bourdieu does not originally consider the police actors in this social field of law and legal institutions: he cites only lawyers, legal scholars, judges, and other specialized legal workers. However, his later work *La misère du monde* includes an essay where Rémi Lenoir (1993, p. 271) highlights that public security officers, as disadvantaged members of the social order maintenance structure, at times articulate challenges to the juridical monopoly over the meaning of law. Because the institutional allocation of public order tasks – of which legal labor and policing are types – reflects the relative privilege of the occupational categories, there are constant struggles surrounding the definition and re-definition of each profession’s scope of action (Lenoir 1993, p. 267).

Alongside these observations, this study ponders the diagnosis that contemporary Brazilian society witnesses “strong disputes surrounding the meanings of law, order and public safety” where military polices have become protagonists in “empirically operationalizing” these concepts (Sinhoretto *et al.* 2015, p. 123). It thus seems adequate to associate their occupational culture’s interaction with law to questions about their relationship with the Brazilian juridical field.

Therefore, the first proposition here is that we can better understand law’s role in the police culture of Brazil’s military corporations by focusing on how the juridical field’s resources and structures appear in the police’s daily work and what reactions they elicit from officers. Nevertheless, as Bourdieu himself (1987, p. 838) recognizes, a big part of law’s importance in social life stems from its symbolic power and not from its material conditionings of action. Paying more attention to how the legal context shapes police culture should not imply neglecting the symbolical aspects of this relationship. As early studies aptly identified, law plays an important role in police’s conception of their job (Skolnick 1966/2005) and in their strategies for managing self-esteem and appearances (Manning 1978/2005). To attempt to account for these symbolic aspects of interplay, this study draws on Goffman’s theory of *interaction rituals*.

Goffman (1967/2005, pp. 6–12) proposes that interpersonal encounters are essentially exchanges of social worth, in which individuals tend to put forward a symbolic image they hold of themselves – a *face* – and act out a pattern of communication that expresses a view of the situation – a *line*. During social interactions, individuals also engage in *face-*



*work*; that is, they seek to protect both the image they are presenting and their own ideas about themselves (Goffman 1967/2005, p. 44). This happens mostly in an unconscious manner, but participants in an encounter will also intuitively facilitate the protection of each other's faces, in a sort of tacit social agreement. Besides this, people in an encounter will also perform *acts of deference* – which convey appreciation to another participant – and *acts of demeanor* – which are meant to positively express a person's own character (Goffman 1967/2005, pp. 53–55).

The second proposition is thus that analyzing rituals of deference, demeanor and face-work between police officers and established legal actors – lawyers, prosecutors, and judges – can complement this inquiry on how law is relevant to police culture. More specifically, it can help understand how the police, as a group that shares a social persona, are influenced by their mandatory interactions with juridical institutions.

Before moving on, it is important to acknowledge that applying foreign concepts to research Brazilian reality may raise questions of appropriateness. This is especially so in the case of Bourdieu, who drew extensively on the France of his time for constructing theory (Bourdieu 1982). Nevertheless, the exercise finds relevant precedent in Brazilian sociology. Its founders, such as Freyre (1933), used adaptations of Weberian theory to explain the country's historical formation. Later, Ramos (1958/1996), discussing the development of a national school of sociology, explicitly argued for a “sociological reduction” of foreign concepts that would allow for their critical assimilation. In contemporary times, this trend continues: notably, precisely Bourdieu has been widely received and adapted by Brazil's social scientists since the 1900s (Bortoluci *et al.* 2015), figuring prominently in the work of important scholars such as Souza (2018).

This does not mean that it is not important to recognize the limitations of separating theoretical categories from the context they were developed in. As Ramos (1958/1996, p. 71–73) argues, doing so implies “reducing” the concept and eliminating its “secondary and accessory characteristics” to selectively focus on the universal aspects intermediated by the local context. Thus, *juridical field* and *interaction rituals* are used here as research tools that embody selected social scientific imagery considered useful to get at the research problem (Becker 1998, p. 17). Consequently, some discussions that the concepts invite – for instance, about the social and cultural capital detained by police officers as a professional category in Brazilian society – although pertinent, are outside the scope of this study.

## 5. Methods

The methodology combined five semi-structured interviews with lower-rank police officers and observation of six criminal trials where members of the same professional division served as witnesses, characterizing a multi-method qualitative study. Interviews were chosen to allow for directly questioning subjects on how law is present in their work life, focusing on structural elements and relations that condition the exercise of policing. Complementarily, observation would facilitate the perception of aspects of the interaction between law and occupational culture that are not consciously formulated by individuals or verbalized in conversational exchanges.

Court sessions in which criminal cases are tried were chosen as the observation setting because they are the occasions in which military police officers most often encounter

legal institutions and actors. Because these officers are responsible for direct interventions on incidents of suspected or blatant street crime (conducting stop-and-frisks, searches, apprehensions, and arrests), their testimony on how facts played out is frequently a key part of the prosecution's case. Criminal trials were therefore taken to be a site of operation of the wider relation between police culture and law, where analysis of taken-for-granted rules of interaction, behaviors, and practices could help to discern aspects of the larger theme of interest (Mason 2002, p. 89).

The research was delimited to the lower-rank officers in the Military Police, called "troopers" (free translation from the Portuguese word *praças*), who are responsible for street policing and first responses to crimes. They are institutionally separated from the "commissioned officers", who perform administrative duties related to managing and commanding the forces. To be eligible for commissioned military officer posts, recruits must hold a Bachelor of Arts degree in Law. This has been the norm in the vast majority of Brazil's Military Police corporations since the late 1990s (Rudnicki 2008). For trooper posts, a high school degree suffices. To move from one rank division to another, officers must undergo a new tendering and training process: acquiring the education requirements for commissioned officers while working as a trooper is not enough. This, along with the marked difference in each category's duties creates a strong division between the two groupings of ranks.

Due to the context of the COVID-19 pandemic and the ensuing restrictions on in-person reunions and mobility, both methods of data collection had to be adapted to online platforms. Interviews were conducted by means of videoconferences with subjects, and the observatory component of the study was made possible by an online courtroom application set up to substitute in-person trials for the duration of the sanitary crisis. This application functioned much like a multi-person virtual meeting, with entry and exit of participants and witnesses coordinated by court interns.

Research was conducted in two corporations: the Brigada Militar do Rio Grande do Sul (BMRS) (Military Brigade of Rio Grande do Sul) and the Polícia Militar de Santa Catarina (PMSC) (Military Police of Santa Catarina). Rio Grande do Sul and Santa Catarina are two neighboring states located in the south of Brazil and which, since the Military Polices are organized at state-level, have separate corporations.

Interviewees were drawn from the BMRS by means of snowball sampling. Purposive sampling by means of contact with the institution was attempted at first but contact proved unsuccessful. Access to police organizations is always delicate and, in this case, it was potentially made harder by the pandemic: as only essential public security services were maintained during this time, non-emergent phone calls or emails went unanswered, and the force's administrative buildings were closed.

The first research participant was reached with the help of the public Law School of Rio Grande do Sul. Professors aided in contacting an alumnus who studied at the school while working as a BMRS trooper. After agreeing to participate, this person referred four other troopers who were or had been stationed at his current unit: the Batalhão de Operações Especiais (BOPE) (Special Operations Battalion). Significantly, three of these interviewees also had degrees in Law and the other was enrolled in Law School. It was reported by respondents that, in recent years, taking courses in Law had become a widespread trend among low-rank police officers in the military forces. They did this, in

general, to be eligible for positions that offer better work conditions. Interviewees were all male and in between 24 and 37 years old at the time.

The observatory component of the study was meant to take place in Rio Grande do Sul and, therefore, involve troopers from the same corporation (the BMRS). However, at the time of the empirical research, the Judiciary of this state had yet to adapt to online trials. The few in-person court sessions that were happening had strict capacity limitations and did not allow for non-essential onlookers. Due to this, observation was “moved” to a small county in the state of Santa Catarina, which had already transferred its criminal trials to online court sessions. Consequently, the troopers participating as witnesses in the criminal trials were from the PMSC, characterizing a multi-sited study. It is of note that, in addition to all interview respondents being male, only one female trooper participated as a witness in the set of trials that were watched.

Topics for the semi-structured interviews, which rely on a format of open questions based on pre-established themes, were drawn from the theoretical framework outlined in the previous subsection. The focal points of attention for the observational component were defined in the same manner. Table 1 illustrates the relations between concepts and data collection procedures. For interview topics, the idea was to relate the concepts to everyday situations that the police encounter in their work-life, to make the inquiries more understandable to subjects. To begin the interaction, an ample question was made about law’s role in policing. Pre-established topics were then introduced in whatever way felt more natural for that conversation, following no particular order.

TABLE 1

Concepts	Interview open questions	Observation practices
Interpretative struggles	Do you feel that the prosecutor’s, lawyer’s or your own opinion matters in defining what crime happened in each situation? Do you give any legal opinion when in contact with these actors?	Attention to if and how troopers participated in the legal debates that took place during the trials – i.e., what were their contributions, in which circumstances they spoke more or less.
Juridical language and attitude	When participating in legal procedures, do you and your peers understand the vocabulary used? How do you feel about how jurists act and treat police officers?	Attention to the vocabulary and attitudes used by police officers during criminal hearings.
Technical legal knowledge and social connections	Did you have any legal training as part of your preparation for the job? Is it useful when working on the streets, or in dealing with legal actors? Or are personal connections more important?	Attention to police officers’ citation of legal standards, laws and/or jurisprudence; looking for signs of familiarity with other participants or mentioning of connections.
Deference, demeanor, face-work	Do you feel you need to act or present yourself differently when in presence of a legal actor or participating in proceedings? Do your language and behavior change?	Looking for indicators of face-work in talk, behavior and interaction; identifying rules of conduct regarding deference and maintenance of personal demeanor (dress, manners, appearance).

Table 1. Relations between concepts and data collection procedures.  
Source: Elaborated by the author (2021).

Small samples were preferred to allow for in-depth analysis and detailed description. The final dataset, consisting of five interview transcripts and of field notes taken during observation of the six criminal trials, was organized thematically using a mixture of deductively and inductively created codes. The computer aided qualitative data analysis software *NVivo 12* was used to aid this process.

Regarding research ethics, confidentiality was an issue raised when gaining the consent of interview participants, as, in the words of one officer, “the police often get into trouble for saying too much”. Names and other personal information were therefore omitted from the research material. Secondary anonymization, on the other hand, proved unnecessary: interviewees themselves avoided naming places, units, people, or details that would make the described situations identifiable. Finally, the internal mobility of the BMRS and the high number of troopers with Law degrees served as contextual assurances that indirect identification through the sample’s characteristics – battalion, education level – would not compromise confidentiality.

In what concerns the observation of criminal trials, consent was negotiated only with the county judge. This is the standard for normal (physical) court hearings in Brazil because legal proceedings are defined as public acts by national law, except in cases involving sensitive information or persons (i.e., sexual offenses or minors). In fact, in regular court settings, requiring the judge’s authorization to enter the courtroom is more a matter of respect for his or her figure than of granting access.

Contact with the Santa Catarina county judge was established with the help of a sponsor and links to the virtual court sessions were then sent by email. Verbal agreement was given to not record the sessions and to not cite names and circumstances that could identify the tried cases. An additional ethical issue was that, as in-person visits to prison establishments were prohibited due to COVID-19, lawyers and imprisoned defenders used the virtual courtroom to have confidential, strategic chats before proceedings. As a solution, meeting audio was muted for the duration of these conversations and no perceived visual elements were counted as data.

## **6. Results and discussion**

This section presents the results of the research, to be read as suggestive conclusions derived from an exploratory study rather than definitive interpretations. First, it argues that contact with law – always considered alongside the set of institutions, actors and struggles that form the legal world – affects the development of police culture by means of structural influences. Next, the corresponding symbolic aspects of law’s impact on police culture are discussed. Data extracted from interviews and observation notes is depicted along with theoretical discussions. The original material is in Portuguese, so all excerpts were freely translated to English by the author.

### *6.1. Structural aspects*

Legal norms, intertwined with the logics of social interplay functioning inside the juridical field (Bourdieu 1987) create structural conditionings for policing, which act to shape officer’s occupational dispositions. Their effects, however, are not always intended ones. Being subjected to legal structures does not imply that a cultural system adheres to law’s prescriptive standards but rather that it adapts in response (Moore 1973,

Merry 1998). In the case of police culture, this appears to happen through corporate tactics. Police culture therefore can be said to develop as officers interact with the legal elements of their work life, in line with what has been suggested by later authors working with this topic (Goldsmith 1990, Chan 1996).

This interaction happens in several ways. To start, Brazil's military police troopers routinely take part in disputes with hierarchical superiors and Civilian Police officers regarding the practical application of legal concepts. Their outcomes have consequences for troopers' careers – notably, they can be punished for mishandling a case if a superior considers they made the wrong interpretation of the crime taking place:

*Interviewee 1:* ... the understanding of which crime happened is going to be the commissioned officer's, your superior's. That's the one that's going to go in the report. So sometimes you go there, and you say, 'this is what happened', and the officer says 'no, my understanding is that that is not it... this is just a passerby, he's just annoying people, we don't need to file a report'. And then you can even be punished for handling the situation in the wrong manner, right, because there's a lot of ways to handle a situation. But in reality, you handled it in the correct manner. The trooper is the one who has the first encounter. So, yes, there are a lot of conflicts, and it's complicated, because we can even be punished.

*Me:* So, these conflicts that we see, for example, in a courthouse, they also happen at the police station? Where one thinks it's that crime and the other one thinks that it's another crime...

*Interviewee 1:* Not even at the police station, that happens already in the barracks.<sup>4</sup> Because that's the thing, the Military Police [street unit] has the first encounter with the situation and it has to decide the possible destinations of the report. But then the commissioned officer can demerit the interpretation that was given. And then we have a heavy responsibility, with the possibility of being punished.

*Interviewee 5:* ... sometimes we have that kind of situation more in the police station [than in court], right. Sometimes we take the report to the police station, thinking that the legal framing is one thing and the station chief, since he's the one responsible, changes it. And in that case, yes, you have animosity. In that case... you get an ugly face, like 'but I brought him in for drug trafficking', and the station chief says "no, you only have a suspicion..." and then it's the station chief's decision, right (...). In the courthouse, because of the huge demand, it's hard for you to spend more than ten minutes, for example, with the judge (...). So there you don't have that a lot, the kind of discussion where the trooper asks or challenges 'ah, but I said it was trafficking, and you, sir, disqualified it, or changed it to another crime'. In police stations yes, with station chiefs normally you have some animosity.

As the last quote shows, in court there is little room for troopers to intervene in debates. When testifying, police troopers are pressured to stick to facts and minimize interpretation of events. In Hearing 4, when it was established that an anonymous tipoff had led to the arrest of the two defendants on drug trafficking charges, their attorney questioned how valid the information was if the officer's deductions were eliminated:

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<sup>4</sup> In Brazil, police station (*delegacia*, in Portuguese) refers to the offices of the Civilian Police. The headquarters of Military Police units are known as barracks (*quartel*), following the military tradition and nomenclature of this force.

... Trooper 2 says that his informant saw the defendants moving the drug, and that his military police unit then confirmed the identity of the defendants based on their physical descriptions (two shirtless men). Then, while performing the stop-and-frisk, he 'diagnosed' who was selling and who was negotiating, based on what was found with each arrestee and on the information he had from his collaborator. The defense attorney pressured the officer on the contents of this tipoff and the relationship it established between the defendants and the drug: 'did the collaborator actually say it was *those* men who were trafficking?' Trooper 2 says it was implicit, because he [the informant] gave the coordinates to the place where the men were later found. The defense attorney insisted on the objective content of the information: 'yes or no, officer?'

In Hearing 6, where another case of drug trafficking was being tried, the defense attorney repudiated a trooper for basing the arrest report on "deduction" and insisted on thorough details of the police stop. Requirements of objectivity as such mark the military police's exclusion from the juridical field, as the right to interpret law is what defines one's participation in it (Bourdieu 1987, p. 816). However, this is paradoxical when we consider the information conveyed in the interview excerpts, which shows that officer's choice of action implies making a legal interpretation of the events. Additionally, Brazilian policing involves translating social facts into the juridical language of reports, which also entails implicit processes of interpretation (Kant de Lima 2013, p. 558).

When working on the streets, officers therefore need to think about what will be expected of them during legal proceedings. In terms of occupational culture, there is a corporate tactic of documenting all acts and following procedures, to have ready responses to any kind of probing. For their participation in hearings, officers read their original testimonies in the arrest reports to prepare for sustaining their version of facts. Long time lapses between facts and trials pose an additional challenge:

*Interviewee 3:* ... I feel better... not going into facts, [not] oscillating in hearings. Because, at that point, I've already told the story. I wrote a testimony [in the police report], I signed a testimony. It's written there who the culprit is. 'Oh, are you sure...'. No, I'm not sure. I'm not sure because I see 20, 30 situations like that in the same day. So, what's written there... that's what remains, in my opinion. On my part.

*Me:* So, you trust the work you did in the moment in which the facts took place.

*Interviewee 3:* But that's the best work. Because that's the moment in which you have everything [in your head]... the whole story, all the acts, with the people. So you can't change that (inaudible) because of the defense's lawyer, because of the prosecution or of the judge. Because he wants you to, or because he's pressuring you to.

*Interviewee 4:* ... the thing is like this: I performed an act, I documented that act, and then I have to go through various stages justifying what I did and justifying why I did it, when the fact is that that has already been documented. You see? (...) And then they try to create situations, traps a lot of times, to... well you know, to mess you up, or make you give away the game. It's annoying for us. It's very annoying.

*Interviewee 5:* ... We go there, as we say, ready, right. They load you with questions. Uh, as is their right, obviously, right, they make a difference for the proceedings. When I started out, I used to also – I mean before I studied, before I went to University – I used to think 'darn, you come here for them to inspect you like you're lying'. Now I understand that there's a need for you to repeat your version, exactly because you have the defense attorney there, to question you, to exert the prisoner's right. So, I'm chill

about that. There're still some colleagues of mine who don't like it, saying like 'today the prosecutor asked 15 questions'. And I always say "man, if he's not sure, it's better that he asks you 15, 20, 30 questions" (...) But it's still something that is a lot; they ask you a lot of questions. A lot. The bad part is that, just making a parenthesis here, is that sometimes it takes a long time [for the trial to happen] you know, because of the high demand. So sometimes you go to present a report of something that happened two years ago. So like, that gets complicated for that part, because we have to look at the report. I'm not going to remember everything. And when I look at the report, I end up saying almost the same thing – a detail that I could have forgotten [to write], I'm not going to be able to transmit that, you understand? So that's something that could still get better, get the hearing closer [to the facts]. Because you force it, like, me, when I'm going to court, I assume that I'm going to read the report as I go. What I wrote two years ago (...).

The first two quotes portray hearings in a negative light, as moments where undue pressure is exerted on trooper. Interviewee 5 shows a more positive understanding of the role witness questioning plays in the system – a pondered outlook he considered to have acquired by studying law. Nevertheless, all other respondents, who were also bachelors in or students of Law, had a negative view of the courthouse experience, suggesting Interviewee 5's position may be personal.

Besides preparing for court proceedings, the potential of being sanctioned appeared as a central way in which law molds Brazilian police culture. Transmitting knowledge on how to steer clear of sanctions was reported by interviewees to be the main objective of both the formal and the informal legal training recruits received. Sanctions can be of two kinds: penal – established after trial by military courts – or administrative – established after disciplinary procedures internal to the corporation, legally obliged to take place when there is suspicion of misconduct. Troopers seemed to be very aware of the possibility of being legally punished, as the theme came up in all interviews when law in police work was brought up. Some examples:

*Interviewee 3:* Law is a part of it, right. You have to be on the good side of the law, because if you don't follow it, you're going to have a lot of trouble (...).

*Interviewee 4:* Absolutely everyone thinks about it, thinks about the regulations. Because nobody wants to... nobody wants to extrapolate, nobody wants to overstep their boundaries, nobody wants to... So, for you to render a public service, you don't want to compromise yourself, you understand? You're not going to want to expose your public career, you're not going to want to put yourself at risk, be it administratively or criminally, uh, because of, I don't know, some guy who stole a car steppe, for example. I'm going to throw my public career away because I'm exceeding myself during the arrest of a guy who stole a margarine jar, like... [laughs]? It's absurd.

Furthermore, it became apparent that troopers developed a *modus operandi* based on protocols to protect individual officers from accountability and/or punishment, much as described by Kant de Lima (2013). As explained by Interviewee 1:

Look, what we've noticed in the courts lately is that it's actually been pretty chill. Because cops have a lot of procedures and protocols – they have little autonomy, so that the judges don't really go beyond the obvious questions. And it's also because of this [the protocols] that he [the judge] is always going to get the same answers. Because it's like this: for instance, they ask us about a situation of approaching [a suspect] in a car, and then we say that a colleague disembarked [from the police car], approached the

individual and collected his stuff. Then they ask: why is it always so-and-so who does the stop-and-frisks. Because that's the procedure. So, there's not a lot to do, the officer is sort of protected in that situation.

Protocols are thus seen as protection: by claiming to have strictly followed them during an intervention, one avoids potential sanctions. In hearings, troopers' narration of their intervention mirrored this procedural strategy. The officers focused on the actions taken during the situation and described them neutrally and impersonally. An example taken from Hearing 1's field notes reads:

... Trooper 1 said they received a radio call and then waited by the road to visualize the 'masculine with equivalent description' in the motorcycle, then proceeded to follow him, which eventually turned into a pursuit. After being threatened by a gun, they used a non-lethal weapon to knock down the motorcycle and proceed to the approach.

Troopers also tended to dedicate a large portion of their testimonies to detailing the procedures that applied to the situation at hand and then indicating that they were duly followed. This was particularly clear in Hearings 3 and 4, in which the police's intervention was based on anonymous information and the defense was pressuring officers on themes of procedural fairness:

*Field Notes – Hearing 3:* ... The prosecutor details the situation and asks 'what he could tell us about it'. Trooper says that they received information of a drug transaction and went to wait at the location. They confirmed there was a gathering and that it dispersed after seeing the police car. They then ran and caught the defendant. They performed a stop-and-frisk and pronounced his arrest (...) the prosecution asked if it's normal to get this kind of tipoff from the intelligence agents. Trooper explained how anonymous reports works: there's a call, then a check with an undercover police car and, if there's evidence that the information holds, the PM is called. The attorney asks how much time went by between the tipoff and the approach (half an hour) and if the intelligence agent was on site (yes) (...). Asked, he [Trooper] said the intelligence agent had no physical contact with the accused because it's always uniformed cops who have to do the actual police intervention and security measures.

*Field Notes – Hearing 4:* ... Asked, Trooper 1 explained the workings of receiving calls with information and transferring tips to units: PMs don't have any contact with people calling to give information (called collaborators), the callers talk with temporary agents who then report to PMs at the barracks, who then talk to street units (...). Trooper 2 gave a detailed description of the geographical site of the stop-and-frisk motivated by the tipoff. He detailed the procedures of the stop and personal search, act by act, order by order. There was a search of the site and dogs were used when human search was not successful in locating the drugs. They thought they would not find the drugs, until the complementation of the information arrived, as referred by Trooper 1 (...).

Here, the troopers cite their knowledge of and adherence to corporation protocol (for receiving information and conducting a stop-and-frisk) to legitimize their action. This connects to the need of documenting all acts, as Interviewee 4 explains:

... if you're not strictly clear, if you're not crystal clear with all your attitudes and you don't document absolutely all your acts leading up to the arrest, you're going to end up creating an administrative problem for yourself and setting free a guy who ultimately committed a crime. A guy who should be in jail, right. Because of a procedure.



An additional burden appears here: besides potentially compromising one's career, not being careful about regulations can ruin the conviction of culprits. In parallel, there is a sentiment that constant care with avoiding punishments dangerously reduces the police's autonomy. One interviewee said that legal issues "stiffen the police", while another narrated that a colleague died because of excessive zealotry:

*Interviewee 2:* ... I feel there are a lot of shortcomings, you see, sometimes... in what concerns our... the legal issues. We don't have enough mechanisms that allow us to act in an efficient manner. They make us rigid, I think, even in terms of a military institution, a military police.

*Interviewee 4:* ... so, he recognized this car, these people, you know, that he had been investigating. And he decided to approach them on his own, you see (...) what happened, the whole time: he was more worried about the aspects that could harm him administratively you understand, than with his safety in that situation. And that's a very fine line. And his worry, in that particular situation, in which he was more worried about an administrative sanction than about his own safety as a cop, as someone who's working on the street, it resulted in his death. Because he didn't take certain precautions, or he didn't act as aggressively as was necessary for that situation. And he ended up being shot in that situation, you understand. It was a situation... a specific situation, that demanded a more aggressive behavior, a more incisive behavior, you see. And his fear of... of getting into trouble, as we could put it, resulted in his death (...) you're on the line, you understand. If you... if you extrapolate, you answer because you extrapolated and if, if you do less you will answer for omission, you understand. And you have to walk exactly on this line, and it's complicated, because we're human beings, we're not machines, you understand. You're acting in atypical situations, stressful situations, where you're not sleeping, a lot of times you're not eating properly. It's a lot of pressure, your life is at stake. And you have a split second to make a decision and stay on the line (...).

As Interviewee 4 puts it, troopers have a difficult task in "walking the line" established by the ensemble of legal rules and law-inspired internal regulations. A rise in accusations of misconduct and police violence (seen by this respondent as defense strategies) has led misconduct investigations to become a constant element of the police job: "for me to do my job, I have to simultaneously answer to justice".

To quote Kant de Lima once again (2013, p. 560), these dynamics may arise because of Brazil's bureaucratic structure, based on abstractly formulated obligations and repression of deviation through punishment. The lack of space for personal discretion inhibits proper accountability and encourages a collective aversion to it: as officers are constantly at risk of being blamed for actions or omissions, they empathize with punished colleagues, perceived as victims of unfair circumstances. Additionally, because the system of sanctions tends to ignore the hierarchy at work inside the police, the lower ranks are the most often punished (Kant de Lima 2013, pp. 562–565). This confers certain reasonability to the negative sentiments of respondents.

Due to these circumstances, troopers have come to understand that legal knowledge is an important tool for them to do their job. This is complicated because the training in law they receive as recruits is very basic, and a Law degree is not an official requirement for their low-rank position in the forces:

*Interviewee 3:* Ah, the course itself [legal training in the BMRS] is a just a basic course. But studying Law, it makes you aware of... trouble. It gives you another vision, you know how to talk, you know how to present the facts... these issues of presenting reports [in court], I deal with them differently because I'm a Bachelor [in Law]... I know what I'm talking about. Basically that's it.

*Interviewee 4:* It's exactly because of this kind of pressure, of this kind of charge, that we're increasingly demanded to have a more technical posture, you understand? Nowadays it [the police] is not a place for an ignorant person, there's no more place for... for someone who, you know, who's like... 'Ah, afterwards I'll see what happens and whatever'. No, no. You have to prepare yourself. You have to be technical. You have to know what you're doing.

Interviewee 4's quote leaves open what is the nature of the "technical posture" demanded for the contemporary police job – if purely legal or specific to policing. In any case, as previously established, "knowing what you are doing" in police work does depend on certain legal tools, such as interpreting the crime considered to have taken place and anticipating the "charges" and "trouble" generated by the intervention.

Troopers perceive the legal training provided by the corporation as insufficient to inform the on-spot decisions they have to make, keep them safe from sanctions and prevent their work from being nullified by judicial review. As Interviewee 1 comments, "you've got someone with a High School degree, who may or not have University studies, having to make the decision, with the possibility of being punished. It's complicated". This leads many of them to search for further knowledge by learning in practice and also by studying:

*Interviewee 2:* I see it like this... and it's very relative, right. Because you've got cops who worry about the situation that's going to happen after the crime, after all the... the accusation, the proceedings in themselves, the condemnation... and there are cops that kind of think their job is over at that point. Sometimes they forget that, in a lot of cases if you don't respect, uh, some aspects of the law, [your acts] end up being nullified, right... so your work has gone down the drain. There're cops who don't have the sensibility to see that. I would tell you it's about half and half, ultimately. There're cops who worry about it and others who don't.

*Me:* Yes. And this would in some way be related to being more familiar with law, or do you think it's also maybe more of a personal question?

*Interviewee 2:* I think yes. It's a question... of legal matters, I think, but also... that's very subjective if you think about it, right, very subjective. I wouldn't know, I couldn't give you an exact answer on that.

*Interviewee 4:* The thing is, whether you have a Law degree or not, you will be held responsible for what you are doing. So you push yourself, you understand? You push yourself to search for a little more.

Related to this, Interviewee 5 notes that, in his 14 years as a cop, he has seen an increase in the level of legal knowledge that the corporations demand from troopers:

... it's been getting better, that demand for officers to be better prepared, exactly because of this moment in which he has to apply the law in the concrete situation. Because even though the station chief is the police authority that officiates the arrest or not, we can't go around collecting everyone we find and taking them to the station according to whatever we think, so... we're the ones that have the first contact with the situation, so

that's a part of our job right there. And it's been improving a lot. I feel when I started out it [legal knowledge] was a lesser concern, like 'we'll see what happens in the moment', classic militarism. But from then to now the military institutions have perfected themselves, demanded a better preparation from their personnel, because this affects the population directly right, so you should render a better service right there.

The lack of sufficient legal training as a mandatory part of the curriculum leaves troopers to find solutions on their own. As Muniz and Silva (2010) note, this kind of autonomy can become confused with super-estimation of individual capacities and push officers to rely too much on informal occupational knowledge. As Interviewee 4 expresses:

The thing is that it's like this, look: a lot of times, people end up learning after their training, in practice, as problems start to appear. Then you're confronted with a problem, you don't have the possibility of, let's say, stepping away from it. You have an obligation to act, you have a duty to act, you have an obligation to solve that, and ... from there, from the moment in which that problem pops up, if you don't know how to solve it, you're going to have to search for a solution on your own. You're going to ask someone [for help], you're going to search for information. Anyway, you're going to have to take that problem apart.

Another point in which legal resources seem to come in handy to military police troopers is in their contact with legal institutions. In this sense, Interviewee 1 said judges, attorneys and prosecutors "measure" from a cop's posture and speech if he has a technical understanding of the situation or not, and this will change the way he or she is questioned. Similarly, Interviewee 3 says legal knowledge leads to better presenting cases in hearings, conveying that the officer knows what he is doing and giving a sensation of truth telling. Additionally, although there are no institutional privileges to troopers with a Law degree, they are more respected by peers, looked up to by newcomers, offered internal opportunities and recognized as capable constables by the commissioned officers.

Interviewee 3 added that legal studies left him better prepared to discuss with Civilian Police station chiefs and commissioned officers. On understanding juridical language and legal acts, the same respondent argued that additional studies don't make a difference, because jurists are aware troopers may not be "from their world" and simplify language accordingly. Interviewee 5 complements that:

... even without schooling, I mean, university studies, for example, they [troopers without Law degrees] manage to have an understanding. Sometimes they can't connect one thing to the other. Uh, like I told you, for instance, when we talked about the hearings. In their head they still mostly go with that [idea] I told you about 'oh, but I already testified at the station, I'm going to have to...'. So that part of the proceedings right, in what concerns the fundamental rights of the accused... it's still hard [for them], in the context, to analyze the whole context (...). But the terminology, the juridical terms, nowadays, with the developments and the conversations, they can already understand better.

Generally speaking, legal studies, albeit not essential or required, help troopers to handle the juridical aspects of their work life. They also have the positive side effect of harnessing a certain respect from other professionals they are in contact with. However, having a diploma in Law, sustaining the correct attitude, or approaching the reasoning and the language of jurists does not change a trooper's institutional role: they are still,

for this purpose, low-rank police officers, and not juridical actors. Their participation in legal interpretation continues, therefore, to be considered impossible, even though they have extra-official definitional power over situations on the streets.

Troopers also speak of acquiring a Law degree as a possibility of professional ascendancy. Interestingly, rather than careers as lawyers or magistrates, respondents showed interest in higher-rank police jobs that require legal studies: commissioned ranks in the Military Police and positions in the Civilian Police forces. These findings can be related to the loss of distinctiveness of Law degrees in Brazil – while they used to signal belonging to a political elite, the inflation of law faculties in recent decades has led to the reduction of their symbolic power and classically associated material opportunities (Engelmann 1999). Additionally, in this context, the rigid exclusion of police troopers from juridical interpretation even when they have the technical requirements can be read as an expression of social struggles for the maintenance of distinction and monopoly over law (Lenoir 1993), with members of affected juridical careers developing new strategies to safeguard privileges (Bourdieu 1982, p. 134).

### *6.2. Symbolic aspects*

Contact with law also plays an important role in officer's professional conceptions of themselves and on their strategies of appearance (Skolnick 1966/2005, Manning 1978/2005). Conceptualizing this aspect of interplay using Goffman's (1967/2005) interaction ritual means speaking of the development of the police's social selves, lines, and faces.

Goffman's analysis divided the self into, on one side, an image that is put together for a given social situation and, on the other, an entity that mandates the positioning of this image (Goffman 1967/2005, p. 31). This internal self not only coordinates what faces and lines will be assumed in each interaction, but also works to protect the person's own self-image (Goffman 1967/2005, pp. 43–44). In the case of police culture, it is argued that the daily contact officers have with law shapes how they, as a group with a common symbolic face (Goffman 1967/2005, p. 42) think of themselves and their work. Additionally, because law figures importantly in officer's internal ideas about their "occupational selves", interaction with legal institutions generates lines that aim to preserve their perception of the profession's social worth. A first example is that, mirroring what Skolnick (1966/2005) and Manning (1978/2005) described, interviewees seemed to nurture a sense of opposition between themselves and legal institutions:

*Me:* And how is that moment where you talk to people, the station chief, the judge. Do you think it's a fluid communication, or there is some hostility, disrespect?

*Interviewee 3:* No. The thing is it depends on the judge or on the occasion, on the station chief... because the station chiefs, seriously, they're from another world. The judge is from another world, another reality. So, they live in this reality that is completely different from that of normal people... of the cops. It's completely different for them. They know the fact exists, but they don't see the facts (...). I know judges, I have a prosecutor friend, they live in another reality. In the end... they know the facts happen, but they happened, that's it. They simply get a paper narrating the events. I see the events. So do the normal people living in the slums. They see the events.

Being in the “world of facts” is understood to make the police more connected to civilians’ troubles, especially when in what concerns the poor communities that deal with crime constantly. Another evidence of this point was seen Hearing 4, when a trooper proudly spoke of his connection to a community, mentioning that he often got feedback from locals after arrests, “saying that the local drug dealers were desperate”. It is of note that this trooper openly assumed the position of a hero in his narrative, which was not the prevailing line in observed hearings. As he put it, “my job is to fight these street dealers, we see the fear of the community, we get feedback, they say ‘it’s great you guys are here’”. Interviewee 4 expressed the reasoning behind this:

The thing is... I’m telling you this as a cop, right. We see... naturally, we see a situation, it’s not just about ‘oh, I have a duty to act right there’, you understand? So, the guys, they truly embrace the cause, you understand? You come across a situation, you don’t agree with that, it’s illegal, anyway, then you... you’re going to do something about that, you want to see, you want to see that arrest be upheld later on, you understand? I don’t know, you caught a guy who killed, who raped, who’s trafficking, anyway, there’re thousands of situations we go through... we see a lot of uh, very atypical stuff, in our daily routine. So, then you want... you expect... you expect from the system, you expect from the Judiciary organization that they take your work and carry it on, you understand? And then sometimes that doesn’t happen, there are, I don’t know, uh, relativization of sentences, sometimes because of an issue like, I don’t know, overcrowding of prisons, anyway, thousands of factors (...).

In a slightly more optimistic tone, Interviewee 2 said that law itself is an ally of the police – it is the Judiciary system that is broken. He manifested a personal belief that “following the rules of the game” was necessary to make things better, whilst admitting that perhaps not all officers shared his opinion. This suggests troopers don’t think their separation from legal actors allows them to ignore law. When asked a question about law being different in practice than in the books, Interviewee 3 similarly said that “the law is there and it’s the only one; the rest is the rest”. This reflects Skolnick’s description of officers needing to believe the law they are enforcing (Skolnick 1966/2005).

Interviewee 1 expressed a distinctive – and perhaps franker – view. He stated that many troopers, even those who do not have degrees, know a lot about law. The way they use this knowledge is, however, impossible to understand from “the outside”, because going astray from legality at times is necessary for doing the job. In this sense, Interviewee 1 most clearly referred to the existence of police occupational culture, which he described as “a professional expertise – not intuition, or stereotypical notions – that complements legal guidance, operationalizing judgments on the street”.

Troopers can be said to represent policing a type of legal work in its own right, albeit one that is not recognized as such by society. Although closer to real life, it is put in detriment of the legal work done by interpreters, in “the other world”. Respondents’ various expressions on how they felt part of law, but not valued accordingly, strengthen this idea. Most clearly, Interviewee 1 manifested:

The trooper thinks he’s a part of law in quite a special way, let’s say, but without recognition (...) the commissioned officers don’t have the same vision, because they don’t participate as much. Commissioned officers aren’t on the streets. Some of them even participate a little more, but ultimately, the commissioned officer is not going to

write the report. So, he doesn't want to know. And then sometimes that's the guy who has to have studies in Law, you understand?

Interviewee 1 additionally argued there is no interest in legally qualifying troopers, and that the resulting hierarchical situation limits them to acting "robot-like". Other interviewees spoke of feeling de-stimulated by contact with legal institutions. Albeit understanding the role of hearings for due process, they described these negative experiences in which lawyers "always try to mischaracterize police intervention" (Interviewee 4). This was said to lead one to question the validity of a police career, because "even if you sacrifice yourself, sometimes giving your own life, society doesn't recognize you" (Interviewee 2).

The paradoxical relation of felt proximity to law yet marked distance from juridical actors is perceptible in the relation troopers had with proceedings. Compared to other witnesses, they were at ease with the situation, less avid to talk and better at grasping what was going on. Lay witnesses seemed adrenalized to participate in a criminal trial and often needed explanations about terminology. Being repeat performers in court hearings, troopers rarely became nervous or timid as lay participators did: their reactions when pressured by the attorneys or the prosecution were, instead, of irritation. Otherwise, they maintained a calm, distant demeanor and limited responses to the scope of what was asked, while lay witnesses and defendants showed more gumption, presented colorful descriptions of events and made elaborate shows of deference to legal actors, using "your honor" or "honorable lady" as treatment pronouns.

Nevertheless, analysis of deference in these occasions reaffirmed that there was an inequality in power positions between the police and juridical actors. As Interviewee 3 reported, during interaction with the latter, officers must "address people according to the position that they have". Troopers must thus verbalize their respect for the credentials and the status held by the legal participants (Goffman 1967/2005, p. 71). In Hearing 4, when questionings became tense because of perceived deviation from objectivity, a show of deference from one of the troopers seemed to ensure the re-establishment of the internal hierarchy and social equilibrium, saving face for those present (Goffman 1967/2005, pp. 9–10):

... The lawyer asked about the plot of land where the drugs were found not having fences and therefore being accessible to other parties, aiming to unlink the drugs from his clients. Again, Trooper 2 gave evasive answers, speaking about the difficulty of findings the drug because it was very well hidden. The attorney insisted on an objective answer and the interaction became conflicted. He eventually got his confirmation that the plot of land was open to outsiders, accompanied by a 'yes, sir'.

Juridical actors did not seem required to show the same presentational deference towards troopers. Nevertheless, an incident in Hearing 4 suggested that lack of minimum cordiality was not well tolerated. When an attorney proceeded directly to a question without greeting a trooper, he ironically replied with "well, good afternoon, doctor" and assumed a very impatient demeanor. The lawyer, consequently, was embarrassed and went easier on the questions than he had done with previous police witness.

Officers are thus aware and reactive to the fact that they are in an inferior social position in relation to juridical actors. They feel it contrasts with the important work they do in

terms of factual law enforcement. As discussed, getting a Law degree appeases – but does not change – the situation. This representation of the occupational self as unjustly treated by “the system” has implications for occupational culture, relating to elements such as social isolation and internal solidarity (Skolnick 1966/2005), as well as frustration with duties (Loftus 2010).

To deal with these perceptions during their interactions with legality, a majority of troopers tended to highlight that they, too, were public servants. This contrasts with heroic elements of their self-characterizations explored above. The difference can be related to occupational strategies of managing of appearances for different audiences, which Manning (1978/2005) described as a driving force for the shaping of police culture and lore. Coherently with this author’s ideas, trooper’s strategy of presentation of themselves and the nature of their work to juridical institutions is different from the one they use internally to create professional self-esteem.

During interviews, respondents would often allude to their “public service” “public careers” and “public duties”. Another interesting point was the employment of the word “transparency” – often used in Brazil as to describe honest, adequately functioning public institutions and procedures. This attitudinal pattern can be interpreted as the assumption of a social face through which these individuals seek to claim positive value (Goffman 1967/2005, pp. 5–6). Here, the sought social value appears to relate to bureaucratic professionalism (Manning 1978/2005). Interviewees characterized policing as a public service but also as “just a job” – one that must be performed dutifully and without personal feelings about the service:

*Interviewee 3:* ... I’ve been a cop for almost 15 years. Everything is a phase; in life everything is a phase. So, I know I worked on the streets for 10 years, now I’ve been here on the inside for 4 years, soon I’ll be back on the streets, or soon I’ll go somewhere else. So, I don’t have to feel bothered. I used to be bothered before, when I was younger. I got angry. But not now. I come here, I do my job correctly and then I go somewhere else. I don’t have this thing of being on the street, nor do other cops think they have to have that sort of thing... this is just my job. Another one.

*Me:* And if you have to go tell the judge the story some 30 times a month, that’s also a part of the job?

*Interviewee 3:* Well, the point is, like I’ve told you already, I’ve already drafted [the testimony]. So, I don’t get there... I look up at the judge and I say, “hey judge, it’s in the records, it’s in the investigation, it’s in the official testimony, you can stay on that one forever, I signed it”. So...[inaudible] I don’t go into details, because those are the facts. There’s no going against that. They shouldn’t question that. It has public faith.

This line also manifested in a disinterested approach to instances of judicial review. Troopers avoided all signs of personal involvement in the court proceedings or in the events that transpired during police intervention. Interviewee 4 described this as a “cold posture, a serious posture, a professional posture”. An interesting expression of this posture appeared in Hearing 1. The defendant, who was an addict and suicidal at the time of his crime, recounted being counseled by one of the troopers upon his arrest, describing the officer as being “a tormentor, but a father figure”. Although this suggests a significant exchange between the officer and his arrestee, the trooper in question did not make any mention of this when reporting the situation in his court testimony.

This interaction line also connects to the importance of documentation, alluded to and resumed in Interviewee 3's comment that "what's written in the police report's testimony is what remains". Police registry has public faith, so that recording acts means they will legally be presumed true. This is why sticking to official registry was commonly evoked as a defense in court sessions. In Hearing 6, for example, the testifying trooper stated, after tough questioning that "it's what was written in the station report". Interviewee 4 complements, speaking of troopers' versions of events:

... It's not about trust, necessarily, right. You're talking about a public asset that has public faith. You understand? So, starting from the moment in which you document what you're doing, the discussion should start from the presupposition that it's veridical. So like... what you're asking me, it's the same thing as, I don't know, you go and (inaudible) the bailiff, in a court order, when he goes to execute a court order... a court order that says to him 'okay, you go there and you apprehend this stuff, you have to, uh, notify some person', anyway, whatever the situation is, then you take his order and you say this 'no, I think that's wrong [inaudible], I think...' (...).

Similarly, in another excerpt from Hearing 4, one of the troopers testifying was irritated at the suggestion that something (drugs, money, guns) could have been found with the defendants besides what was listed on the report, replying: "I didn't find anything, otherwise I would have followed the procedure". In this sense, such interaction line connects to the following of protocols as protection (Kant de Lima 2013).

Together, these practices show a ritualistic presentation of the self that protects officer's internal occupational image during interactions with legality, counteracting what they perceive as a lack of social recognition. Affirmations that younger troopers must learn how to "position themselves" in these occasions signals that face-work abilities are involved (Goffman 1967/2005, p. 13):

*Interviewee 1:* ... Especially with the younger cops... that thing in the hearings, the prosecutor talks and talks, starts inquiring... Some even feel intimidated to be there. So what happens is that they usually go ask questions to the more experienced police officers. So we even have a situation where it's the younger ones that usually go to the hearings,<sup>5</sup> to learn, learn to present the report and also learn how to position themselves in front of the judge.

All of this implies a symbolic side that accompanies the material reasons for troopers' manner of narrating events in court – while they stick to objective accounts, official registries, and protocol terms to avoid reprehensions or sanctions, they also, perhaps unconsciously, do it to protect their occupational self-image and face, defensively avoiding situations that could discredit their representations (Goffman 1967/2005, pp. 15–16). Straying from documentation and procedures, for instance, would damage their outward image of public servants, and being publicly probed on not remaining objective could disrupt their internal notions of doing serious work on the streets.

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<sup>5</sup> During observations, it became clear not all troopers involved in a situation must give their testimony in the resulting criminal trial. In Hearing 6, for example, the sole trooper to testify referred that they were a group of 5 on the occasion, of which only one other had testified. One can therefore assume that what Interviewee 1 meant was that, amongst participants in an intervention, the newer officers are the ones sent to give testimony in court.



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## 7. Final remarks

It has been here suggested that law molds police culture in two different ways. First, it creates a material context for its development, much as Chan (1996) has suggested happens with other political and social factors. Instances of influence identified in the data were officers' routine participation in disputes around application of legal concepts, their possibility of suffering sanctions and their need of legal knowledge to deal with the first two aspects. These points of contact lead to a series of responses on the part of police occupational culture, many of which manifest adaptation or circumvention rather than compliance with legal standards.

Second, law plays a symbolic role in police culture. This article discussed some ways in which policing's relationship with law shapes officers' occupational self-image. It also proposed that, during contact with legal institutions, troopers adopt a particular line of interaction where they position themselves as bureaucratic professionals. In these encounters, they employ tactics of face-work to protect their internal images of their profession and the positive social representation of it.

As became apparent, structural and symbolic aspects of this interaction overlap. For instance, care with protocols aims to avoid sanctions but is also linked to the projected image of policing as a bureaucratic, impersonal public service. Similarly, the dispute troopers engage in with civilian police officers and the court hearings they must attend are moments of ritual interaction that contribute to the construction of their self-image in relation to other public order maintenance agents.

These qualitative research findings connect amongst each other in many ways. Notably, the contemporary need for technical legal resources in policing seems to be a keystone of relations: stemming from structural interactions with law, it has important consequences for the self-image of officers and for their presentation to juridical audiences. Furthermore, it leads troopers to pursue legal studies, generating some paradoxical developments in what concerns monopoly over the juridical field.

Each of the aspects pointed out has a range of possible consequences for police occupational culture, only some of which were suggested and discussed here. Additionally, as the depiction of data illustrates, important nuances of opinion and behavior in relation to law exist at the individual level, like Dixon (1997, p. 277) also reports in his empirical studies on officer's understanding of law in policing.

Contemporary discussions of law's relation to culture adopt the standpoint that internal diversity and creative aspects coexist with general patterns (Merry 1998). The same can be said about the more contextual reformulations for the concept of police culture (Chan 1996, Loftus 2010). However, exploring reasons for these variations would allow for a more comprehensive theoretical formulation on law and police culture. Connections could be established with factors such as gender, age, race and social and cultural capital, so as to account for the multiple socializations that mold individual's dispositions and actions in contemporary times, influencing the development of a diversified habitus. In sum, further research is needed to deepen the analysis on this very complex set of socio-legal relations.

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