

Presentation title:

The use of lethal force by state agents and the role of Brazilian public prosecutor's office in the control of police practices

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There are several standards for the use of lethal forces by the state agents. However, in some regions of Brazil, abuses are routine, and many events have not been investigated, which confirms the existence of a culture that “a good bandit is a dead bandit.” In this scenario, the Brazilian Constitution provides the Public Prosecutor's Office (PPO) with the exercise of what it named “external control of police practices.” In normative terms, this control aims to maintain the adequacy of police practices but has been restricted to the existence of some basic rules that must be observed during these investigations. In addition, the PPO has structured control through Ombudsmen agencies and investigation divisions. The effectiveness of this strategy has been the subject of debate, as can be seen in several claims filed against Brazil at the Inter-American Court of Human Rights. I suggest that this structure is inadequate, both from preventive and repressive optics. Moreover, the comprehensive aspects of the use of lethal forces are lacking. Therefore, I provide standards for a protocol for the PPO that must establish an action plan with guidelines in favor of the consistent reduction of police lethality rates. It must focus on structuring, methodological, and investigative aspects, with real concern for the Minnesota Protocol, but also on the attributions of the PPO and its complexity. At least, the following axes deserve improvement and can be achieved through external control: qualification of police forces, their techniques, and operational procedures; improvement and modernization of persecutory methods, as well as multidisciplinary attention to victims; improvement of the data collection, treatment, and analysis; adjustment at the supervision of police activity, which involves the use of instruments of geolocation, especially with body-worn cameras; and the achievement of a culture of transparency in order to ensure accountability.