

LATIN AMERICA NEWS Updated July 12, 2013, 10:35 p.m. ET

As Crime Rattles Brazil, Killings by Police Turn Routine

By JOHN LYONS



Police on patrol in a shantytown in São Paulo

SÃO PAULO, Brazil—Paulo Nascimento seemed to know what was coming when police caught him hiding in a home on a poor outskirts of São Paulo last November. The suspected car thief emerged pleading for his life with shrieks of "For the love of God!"

One officer slapped his face. Another kicked him in the rear. A third shot him.

Normally, Mr. Nascimento's death would garner little attention in a country where police kill more suspects than almost anywhere else in the world. Police in São Paulo state killed one suspect for every 229 they arrested last year, according to government figures, compared with one per 31,575 in the U.S. in 2011.



A clip from the Brazilian news broadcast "Fantastico" shows cell-phone footage of the arrest and final moments of Paulo Nascimento in Sao Paulo in November 2012.

But Mr. Nascimento's death stood out. An anonymous neighbor filmed his final moments, and a television news show aired the video the next day. Prosecutors have filed murder charges against four of Mr. Nascimento's arresting officers. The officers have pleaded not guilty; their trial is set to begin as soon as August.

In a country where many weary of violent crime justify police vigilantism, the video and pending trial are giving momentum to reformers who say the take-few-prisoners approach by Brazilian police is out of step with the aspirations of an emerging democracy seeking to lift a vast underclass into prosperity. They are reminders of Brazil's uneven development: Though the economy has surged, other areas such as criminal justice remain firmly in the Third World.

The problem is acknowledged by government officials, including São Paulo's governor, who has replaced his hard-line security chief with a mild-mannered lawyer vowing to take steps to reduce unjustified police shootings. In an interview,

the new chief, Fernando Grella Vieira, said that the city has a "category of criminality" that will always lead to some justified police shootings. But, he added, "we aren't going to tolerate abuses on the part of the police."



Overview of a shantytown in São Paulo

Two months after the Nascimento shooting, meanwhile, a separate incident drew attention to what prosecutors allege is one of the darkest sides of Brazilian police: Freelance death squads, called grupos de extermínio, in some precincts. As recently as 2010, four military police officers were sentenced to 18 years in prison for participating in one squad, which allegedly decapitated some of its victims.

Although neither the officers accused in the Nascimento killing nor anyone else has been charged with being part of a squad, investigators say other officers from the same precinct tried to sway the case by donning ski-masks and shooting up a bar not 50 yards from where Mr. Nascimento was shot. Seven people were killed and two wounded. Among those killed was Laércio Grimas, a lanky rapper known as DJ Lah. His hit song, "Click Clack Bang," warned young people, guilty or not, to run from police since "pardon is rare." Rumors had circulated that DJ Lah was involved with the video, locals told investigators. Prosecutors think he was targeted for it.

Under public pressure, São Paulo officials ordered ballistic tests done on every tactical weapon in the Nascimento officers' precinct. The test matched a bullet dug from a body to a police .40-caliber Taurus pistol. From there, officials found ski-masks and a shotgun with blood on the stock. Prosecutors charged nine officers with murder. The officers are disputing the charges.



A video capturing the shooting of Paulo Nascimento by São Paulo police has drawn attention to alleged police brutality.

Defense attorneys deny the DJ Lah and Nascimento murders are linked. And it later emerged that DJ Lah didn't make the video. Police documents show the person who did is now a protected witness.

Mr. Grella Vieira, who ordered the ballistics tests taken after DJ Lah was shot, said that since he took office and started a zero-tolerance policy toward abuse, investigators have arrested 40 officers who have been charged with murder or accessory to it, but who have pleaded not guilty. He called the arrests an important "pedagogical message" and pointed out that justifiable homicides by São Paulo police dropped by more than half to 66 in the first three months of the year from a year ago.

As part of the crackdown, he has also prohibited police from transporting wounded suspects to hospitals, a measure sought by Human Rights Watch in a 2009 report. The nonprofit alleged that often such trips are coverups for executions of the wounded on the way to the hospital. Prosecutors allege such a fate befell Mr. Nascimento.

Even though prosecutors in the Nascimento and DJ Lah cases say the evidence in their cases is strong, they expect an uphill battle convincing a jury. One reason is public opinion: Many fed-up citizens prefer police killings to what they see as out-of-control violent crime. A Datafolha poll taken a month after Mr. Nascimento was killed found that 53% of São Paulo residents believe an officer who kills criminals as part of a grupo de extermínio should get no jail time if caught.

Paulistanos live on high alert when it comes to crime. Robbery-homicides have soared this year from already high levels, and newspapers here are filled with accounts tinged with vengeful brutality. In a new trend this year, three victims were set ablaze in separate crimes, apparently because they didn't have much cash. Regular newspaper fare relegated to the back pages: clean-out jobs by armed crews who take over entire restaurants, or even whole buildings, and rob everyone inside.



A bar where off-duty police have been charged with killing seven patrons

Few of these crimes are solved, while cases that are prosecuted can take years to come to trial. Criminals who are jailed go to prisons dominated by the Primeiro Comando da Capital, or PCC, a gang big enough to challenge the police head-on. Last year, the PCC put a bounty on police after officers killed a PCC leader. More than 100 police were killed.

The conclusion of many is that the criminal justice system is largely broken. When Globo TV put the video of Mr. Nascimento's shooting online, most of the comments supported the police. This one is typical:

"CONGRATULATIONS TO THE [Military Police]!!! WHILE THE STATE DOES NOTHING YOU DO THE CLEAN-UP THAT THE CITY NEEDS, BUT NEVER FORGET: JUST KILL BANDIDOS OK?"

The result is juries here tend to give police the benefit of the doubt. Prosecutors in both the DJ Lah bar shooting and the Nascimento case concede the public is tired of the city's crime. Meantime, Celso Vendramini, the lawyer defending the police in the Nascimento case, is optimistic. A

gregarious former police officer with a bearlike frame and knack connecting with juries, Mr. Vendramini has made a career winning such cases. "If you kill someone, call me," he jokes when presenting his business card.

In May, Mr. Vendramini won a 4-3 jury verdict to absolve two officers of executing a robbery suspect in an isolated cemetery in March 2011. Prosecutors had high hopes because a hidden witness called Brazil's version of 911 and narrated the shooting in real time. Mr. Vendramini argued self-defense for his clients.

Mr. Vendramini says he finds holes in prosecution cases to create doubt, such as inaccuracies in witness statements. He also mounts a good-riddance defense by painting the victim as a menace. It's a common tactic. Some lawyers spread out printouts of the victim's criminal record in the courtroom to show how long it is.

In the Nascimento case, Mr. Vendramini must contend with the video that appears to show one of his clients shoot an unarmed man in custody. He will argue the officer tripped and fired accidentally. And he has beaten video evidence before. In February, he won not-guilty verdicts for police accused of stopping on a highway shoulder to shoot an allegedly corrupt officer in their custody. He argued the police actually shot him in an earlier shootout and only pulled over later because their driver had a leg cramp.

Most police shootings happen in São Paulo's poor urban outskirts, known as peripheries, sprawling labyrinths of humble dwellings and concrete at the bottom of Brazil's gaping economic divide. There, acceptance of police violence is a harsh reminder that class prejudice and inequality persists in Brazil despite recent economic gains.

Father James Crowe, an Irish priest at the Santos Mártires parish on São Paulo's southern periphery, says the police brass lose their jobs if they shoot a man in a good neighborhood. On the outskirts, "the city breathes a sigh of relief," he says. "One less bandido." The police say they do not differentiate parts of the city.

Many academics trace police violence to the country's 1964-1985 dictatorship, when the military police got the job of patrolling the streets. But Brazil's police have been violent since the first forces were set up as slave catchers in the 19th century.

The phenomenon is hardly confined to São Paulo. In fact, São Paulo police are among Brazil's least lethal. Despite experiments with community policing, Rio de Janeiro police kill suspects at nearly four times the rate of São Paulo police, Rio de Janeiro police statistics show. The symbol of Rio's tactical police is a skull with two pistols and a knife crossed through it.

But what happens in São Paulo is crucial: If Brazil's wealthiest, most cosmopolitan and developed state can't modernize its police, experts say, it's unlikely other states can.

To understand why police kill, Adilson Paes, a 30-year police veteran, did anonymous interviews for his master's thesis with police who had killed. "I was haunted by the image of boyish-faced kids coming out of the academy and becoming killers, and wanted to do something," Mr. Paes said.

The study concludes that many officers leave training unprepared for the level of violence they will face. (São Paulo state officials say police are well trained.) Some adopt wartime mentalities where killing means survival. Others succumb to peer pressure and kill to maintain status in the squad room.

Others find they are arresting the same suspects over and over, and adopt a vigilante credo after concluding that the system has failed. Some find killing brings a sense of power. One said he gave victims a minute to pray before he shot them.

"Prosecutors in Brazil who bring charges against the police say juries tend to give officers the benefit of the doubt in most shooting cases."

Some mix of these motivations, prosecutors allege, may have come together on the November morning that culminated with Mr. Nascimento's death. It started with a shootout between officers and Mr. Nascimento and two accomplices who were firing from a stolen Fiat, police said.

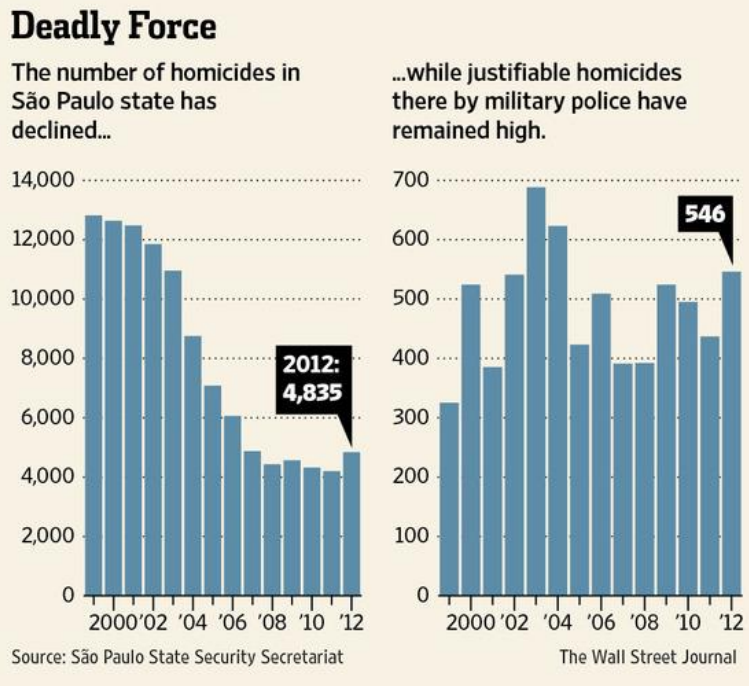
According to court documents, the suspects ditched the car and ran for it. Police shot dead the first suspect to emerge from the car. In 2008 he'd been arrested with a PCC leader, and had a tattoo on his back memorializing a 1992 prison massacre where police were convicted of killing dozens of inmates.

The driver got out and ran. The police who caught him realized they'd arrested him months earlier for robbery. The driver begged for mercy.

"I had a gun when you caught me last time, and I didn't shoot at you," the driver said, according to testimony by officer Mario Queiroz. Mr. Queiroz took him to jail, but he was freed later and is now a witness for the prosecution.

Mr. Nascimento was the third to get out of the car, the court documents say. He ran down an alley to the Jardim Rosana ghetto, where locals knew him as "Lemon," a 25-year old fixture at nightlong block parties who had been in and out of jail for robbery, forgery and other crimes.

Mr. Nascimento was already bleeding from a gunshot wound. According to police testimony in the court documents, two officers chased him: Second lieutenant Haltons Chen, a skinny 25-year-old three months out of the academy who had never seen anyone shot before, and Marcelo Silva, an 8-year veteran with a tattoo of a skull crossed by assault rifles on his right arm. In the military hierarchy of the police, Mr. Chen was the ranking officer at the scene.



They followed Mr. Nascimento's blood trail to a house where he'd taken refuge. In the video, Mr. Chen walks a captured Mr. Nascimento out of the house and to his waiting squad car. Near the car, Mr. Silva appears to shoot Mr. Nascimento. The video shakes, and a second shot is heard.

Hospital records show Mr. Chen later dropped off Mr. Nascimento's body at the hospital. In the initial police report, court document say, Mr. Chen indicated Mr. Nascimento died in a shootout. But on Nov. 12 after the video surfaced, say court records, Mr. Chen told a different story: Mr. Nascimento was executed on the way to the hospital by a third officer. Mr. Chen said he feared for his life from other police, according to court records of his statement to police investigators.

In this account to investigators, Mr. Chen says Mr. Nascimento was still alive after being hit by the two gunshots heard on the video. But as Mr. Chen prepared to drive the prisoner to the hospital, he was surrounded menacingly by other officers. A third policeman, Jailson Pimentel, got into the vehicle with them.

Mr. Nascimento was banging the car walls and screaming "You are killing me." At some point, Mr. Pimentel stuck his gun through an air slit and shot Mr. Nascimento and the screaming stopped, Mr. Chen told investigators. Mr. Pimentel denies shooting Mr. Nascimento.

By the time of the Feb. 27 arraignment, Mr. Chen changed his account to a third version, saying he lied in his first account out of fear of punishment by the department. By now Mr. Vendramini, the defense lawyer, was defending all four defendants: Mr. Silva, Mr. Pimentel, Mr. Chen and his driver. He says Mr. Chen has told him one account.

In that account, Mr. Chen now denies accusing Mr. Pimentel of killing Mr. Nascimento. Investigators "made that up," Mr. Chen said, a charge denied by police. Mr. Silva now admits shooting Mr. Nascimento on the video, but only by accident after tripping, and once again in a scuffle. "But nowhere on the video does it look like you tripped! There's no disarticulation of your body!" Judge Carla Ferrari exclaimed incredulously during the arraignment.

Mr. Vendramini, the defense lawyer, let the judge's remarks go uncontested. All he wants, he said, is to get the case in front of a jury fast. Motions and objections just slow things down. "You see all of this?" Mr. Vendramini said, waving his hand at the courthouse. "All of this is broken."

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