Organized Crime, Organized Punishment?
State Violence and Prison Gang Governance in Urban Brazil

Pre-Dissertation Fieldwork Report
Thomas Abers Lourenço
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Since the turn of the century, the urban poor in São Paulo, Brazil, have been ruled by two overlapping powers. One is the police, a militarized force known for its brutality and disregard for the law. The other is the *Primeiro Comando da Capital* (PCC), a prison gang turned international criminal organization. While running a massive drug business in the slums, the PCC keeps checks on violence and operates a complex judicial system. Offenders are punished in *debates*: clandestine trials where the accused and the victim testify to a jury of PCC members, who jointly decide on a verdict. Meanwhile, in the *favelas* of Rio de Janeiro, the *Comando Vermelho* (CV) has competed with the state for territory and influence over civilians for more than 40 years. However, the group's efforts to administer justice are marked by the dictates of crime "bosses," the extension of privileges to local powerholders, and the indiscriminate use of force. Why do some criminal groups institutionalize their punishment of civilians, while others use violence arbitrarily?

Prominent theories in the political science literature fail to make sense of this variation. Weinstein (2004) proposes that armed groups in resource-rich environments draw opportunistic members prone to violence, while those operating in scarce settings attract more disciplined individuals. Although São Paulo hosts one of the largest drug markets in the world, however, the PCC's members appear to be far more regimented in their behavior than the CV's, who operate in a less affluent setting. Another explanation comes from Arjona (2016), who argues that groups with short time horizons govern in an extractive way, while those who possess territory seek to build institutions. While territorial control may be necessary to institutionalize violence, the CV's case shows that local stability alone is not sufficient. Although the gang has dominated some *favelas* for decades, nowhere has it created a judicial system comparable to the PCC's.

I hypothesize that exposure to state repression at the formative stages of a criminal group causes it to institutionalize the punishment of civilians. Where repression of criminal organizations (COs) is extreme, conflicts between gang members create opportunities for the state to intervene violently. To prevent such conflicts from breaking out, groups develop norms of self-regulation – rules and penalties – that keep members in line, thus preempting state crackdowns. These norms constitute a repertoire of laws, normative arguments, and sanctions that help criminals resolve disputes. When they take control of a community, COs draw on these norms to deal with the grievances of local civilians. Their punishments are thus oriented by a tried and tested set of rules; they are *institutionalized*. By contrast, groups that did not face the same level of repression were not as pressured to invest in dispute resolution mechanisms, and lack strong norms. When seeking to govern civilians, members rely on their own judgement. Since individual judgement is prone to biases, their punishments will tend to be *arbitrary*.

With the CLACS Field Research Grant, I traveled to Brazil to probe this hypothesis. As often happens with field research, I had to make changes to my plans early on. I had originally

intended to spend the bulk of my time in Brazil working in São Paulo, but also to travel to Rio de Janeiro to conduct exploratory interviews and do archival research. Unfortunately, some serious health issues at the start of the summer forced me to push my fieldwork back by several weeks. This led me to make the difficult decision to focus solely on São Paulo, leaving Rio de Janeiro for a future trip. This choice was largely informed by the number of connections I have in São Paulo, where I worked as a volunteer in the urban periphery before coming to graduate school. I arrived in Brazil's largest city in mid-July for 4 weeks of intensive fieldwork.

I began by interviewing leaders of NGOs that work with the victims of urban violence. Through the classic "snowballing" approach to population sampling, these conversations led to other interviews with individuals from different backgrounds who – in one way or another – had direct and prolonged exposure to the PCC's punishment regime. Some of these individuals were longtime residents of *favelas* where the group constitutes a kind of "parallel government," in the words of one interviewee. Others were former inmates who completed their sentences in prisons controlled by the PCC. For them, understanding and following the group's rules was necessary to surviving behind bars. Others yet were the family members of youths recruited by the group who followed, from afar, the dangerous and often tragic careers of their loved ones in organized crime. My interviewees included people who were punished by the PCC after being accused of breaking the group's norms; as well as individuals who turned to the gang to accuse others. By the end of my trip, I had conducted 15 semi-structured interviews, some of which lasted for several hours.

Given the sensitive nature of this research, I took a series of precautions to ensure that the interviews were conducted safely and ethically. First, I only spoke to individuals who I either had a previous connection to or who were introduced to me by an NGO that they were affiliated with. This helped ensure that consent was fully voluntary and that interviewees were briefed about who I was and what I was doing by a trusted third party. The second important measure was to hold all interviews privately at NGO headquarters, and to take only handwritten notes (with no record of voices or physical appearance). This was essential to preventing a breach of confidentiality. The third set of precautions involved how to conduct the interviews themselves. I did not want to ask questions that compelled interviewees to talk about their personal experience or to confess to anything. Nor did I wish to cause emotional discomfort by pressuring them to discuss experiences of violence and trauma. These considerations led me to ask only open-ended questions and to let my interlocutors take the conversation in whatever direction they wanted to. As a result, when interviewees did touch upon the topic of my research, they normally did so unprompted. Through this combination of steps, I believe that all my interviews met the ethical standards that this kind of research should be subject to.

I identify three main findings from my interviews. First, the PCC makes extensive efforts to investigate crimes and prevent citizens from making false accusations. Most of my interviewees described how the gang engages in prolonged fact-finding missions to determine whether the cases brought to it are real. For example, a longtime resident of a slum in East São Paulo told me that a neighbor of hers was accused by a local family of breaking into their home. The PCC proceeded to launch a three-day investigation into the matter which involved interviewing key witnesses, interrogating the young man who was accused, and speaking to the family which made the accusation. At the end of this process, the group determined that there

was no evidence of the crime, and that the accusation was made maliciously. The PCC proceeded to demand that the family publicly apologize to the young man while also threatening to expel them from the *favela* where they lived should something similar happen in the future. Whether or not the case was ruled justly is difficult to know. However, this anecdote points to how concerned the group is about citizens misusing its justice system to settle personal scores.

Second, the PCC's judicial institutions are strongest in the prison system. This lends support to my hypothesis about the origins of the group's procedures. During the 1980s and 1990s, the inmate population of São Paulo was subjected to a series of state attacks, culminating in the Carandiru massacre of 1992, when 111 prisoners were killed by riot police after a fight broke out. In the decades since these massacres, the PCC has emerged as the chief regulator of inmate life in São Paulo's prisons. Where fights between inmates were once common triggers for state crackdowns, they are now outlawed by the group. As a result, when I asked an interviewee who spent 10 years in prison whether inmates ever engaged in fist fights, she said that such a situation was unimaginable: those involved in the fight would be quickly identified by the gang and harshly punished. Another interviewee argued that the reason why the PCC developed its justice system was because "when the police come in, no one knows what is going to happen." This is especially true in prisons, where the state has huge repressive power and is capable of punishing inmates without attracting public attention.

Third, the PCC's justice system is more developed in some parts of São Paulo's urban periphery than in others. Although the gang has a monopoly over the drug trade in all the city's *favelas*, the degree to which it governs civilians varies by neighborhood. In much of the East Zone of the city, the PCC rules over residents' lives to such a degree that it reaches the level of the family. An interviewee told me that, in the *favela* where she lives, the gang frequently launches underground trials to deal with cases of domestic violence. In recent years, however, the group seems to have retreated from other zones of the urban periphery, which residents now call "abandoned slums." Some attribute this to internal splits within the group, which have caused certain PCC leaders to break the gang's protocols. Others point to changes in policing under São Paulo's new state government, which is led by far-right politician Tarcísio de Freitas. Further research is necessary to determine both the degree to which the PCC's governance practices have changed and the reasons why. Still, this finding indicates variation within my case which I was not expecting.

Although my fieldwork this summer thus yielded several thought-provoking findings, it also raised new questions. One such question is to what degree the PCC's judicial practices are common to other criminal organizations. This includes groups like Rio de Janeiro's CV, which is the PCC's main rival, as well as smaller gangs that have established themselves in other cities in Brazil, like the Amazon metropolis of Manaus. Another question has to do with the nature of state repression. If crackdowns by the police caused the PCC to develop its complex judicial system, as I posit, how did the state then respond to the consolidation of the gang? A third question is how the nature of a *favela* community – its social structure, level of income, and racial and religious background, to name only a few variables – influences the criminal governance arrangements that emerge there. These are some of the puzzles that I hope to explore in future rounds of field research.