

Armed domains and their criminal governments: A non-phantasmic approach to “organized crime”

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Organized crime: decipher-me or I will you, an introductory problematization

IN THE FIRST Organized Crime dossier, carried out by the journal *Estudos Avançados* 61, Muniz e Proença Jr. (2007) already called attention to the fact that this category deceives more than clarifies the phenomenon it circumscribes. It corresponds to a performance-word that creates an effect of reality in the very act of its enunciation. It serves as an exile-category, a kind of depository of empirical fragments, conjectures, political-legal prescriptions and hypothetical reasoning that combine research findings with common sense guesswork.

Organized crime appears in the public debate as a category in dispute for a classificatory unit in the academic universe and for a typological hegemony regarding public security policies. The absence of scientific and normative consensus entails more or less tacit technical and procedural agreements of its presumed content. Organized crime is thus a cumulative and provisional file of presumptions, prescriptions and prospects open to the development of social, political and institutional experiences in a given historical context.

It is necessary to problematize this nomenclature and its explanatory performance, given the bunch of empirical evidence available and the critical collection of recent academic production (Salla; Teixeira, 2020). It has a strong media and political-legal appeal influencing social representations and practices on crime, violence and insecurity, regardless of what it is able to clarify on groups that operate in illicit markets and that are defined and defined/or self-identified as criminals

The term organized crime has its origin in the North American criminology tradition and constitutes an empirical-terminological phenomenon of the 20th century. Thus, it would be useless to look for previous historical roots as it would imply denying some founding aspects of the term itself: the business structure and contemporary illicit market. For Zaffaroni (1996) organized

crime does not comprise any composition of agents or associations with illegal purposes prior to the emergence of capitalism. However, this subordination to the capitalist market logic, at the same time that it highlights the composition of interests and their utilitarian calculations, is limited by the inclusion of pre-capitalist groups characterized by traditional and modern attributes such as the mafias, which are paradoxically used as models of organized crime. According to Paoli (2002), this descriptive-functional incongruity is enough to illustrate the conceptual inconsistency of organized crime, although standing as an emblematic metaphor, devouring cunning minds and pleasing stunned hearts.

The organized crime allegory continues, as an assemblage of disembodied organs, vivifying our social imaginary, animating journalistic coverage, justifying heterodox exercises of police and jurisdictional powers, and also legitimizing policies that restrict rights. It is a category-index whose openness and flexibility to juxtapose successive qualifiers allow individualized appropriations for each new legal-police and media episode that is a candidate for another “case of repercussion”. It creates the exemplarity of typical cases that defy the law, mobilizing moral crusades and anti-crime political solutions and producing an effect of control over violent crime by stigmatizing, in addition to the subjects, their social relations and places where they transit (Muniz; Cecchetto, 2021).

As maneuvered in the narratives of the media-politics-police common sense, the category organized crime, although it does not allow understanding features such as the plurality of its agents, the distinction of its organizational arrangements, the diversity of its functioning, the differentiation of its territorialities and the multiplicity of the goods and services market, it highlights a huge repository of sensitive aspects identified in police and/or journalistic investigative work that serve to point out bodies and things processed and apprehended by the criminal justice system. Some of the aspects that, by recurrence and reiteration, are part of its description are: 1) the structure derived from what is visible (drug dens) and what seems to be joint work (its members); 2) the commercialization of illegal goods, especially drugs and weapons whose suppliers and delivery are mysterious; 3) the distinct criminal organizational nature from legal companies that commit crimes; 4) the composition of both career and subaltern criminals; 5) rooting in popular spaces; and 6) participation of state agents. Such a sum of elements would compose a profitable selective and episodic heap that is fictionalized and unveiled by the repressive devices of the state. There are as many organized crimes as there are police cases, journalistic coverage and judicial processes built and broadcast.

The very legal definition of organized crime in Brazil becomes hostage, cause and effect of the construction of this “typological platypus”. This increases legal uncertainty by opening a huge interpretative avenue for discretionary and invisible decisions by operators of the justice and security system, allowing police and judicial activism to prosper, sabotaging constitutional precepts and the due legal process. According to Law number 12,850, of 8.2.2013:

§ 1st A criminal organization is considered to be the association of 4 (four) or more people structurally organized and characterized by the division of tasks, even if informally, with the objective of obtaining, directly or indirectly, an advantage of any nature, through the practice of criminal offenses whose maximum sentences exceed 4 (four) years, or that are transnational in nature.

The legal definition of “criminal organization” is so vague that its normative imprecision makes it impossible to self-limit the state *ius puniendi*. The state’s right to punish becomes as unlimited as the listing of identifiable attributes to justify it. One of the critical problems in the characterization of “criminal organization” is the proof of an actual association among its members: the criminal *animus* (intention to act together) and *affectio societatis* (completion of the joint act) that would delimit punitive coverage. This classification inconsistency favors the production of incriminating evidences of crime in an effort to place, in addition to individuals, an immaterial and intangible entity: social interactions themselves in the dock.

The moral enterprise of producing an effect of punishment and detention of the collective requires a skillful accounting maneuver to quantify qualifiers among “four or more people”. In practice, this gives the status of factual reality and legal proof to the native categories: “paramilitary organization”, “militias”, “squad”, “family” or other nicknames from police-journalistic reports. As such list is, by nature, nominalist, cumulative and open, the generic word “group” (anyone) is used as a substitute and conclusive resource, provided that the “purpose of committing crimes” is attributed to it. A normative movement under some (i)legal and (i)legitimate form of whistleblowing can be seen, requiring both the direct confession by self-identification or an incriminating self-declaration and the indirect confession offered by the media discourse and, above all, the external criminal classification of agents of social control.

Given the present ambivalence in the expression “organized crime” and the difficulties to operationalize it in the analysis of concrete phenomena, we chose to adopt the concept of “armed domain” (Muniz; Proença Jr., 2007; Miranda; Muniz, 2018) and its manifestations such as “criminal government” to problematize the ways of managing territories and populations and of regulating markets that can be observed in Brazil, and present unique forms of action and representation in different places. The notion of armed domain directly links the discussion of criminal governments to the field of sovereignty and thus to the classic theoretical problem of the ambition of a state monopoly of legitimate physical violence and the forms it (does not) assume in Brazil (Adorno; Dias, 2014).

Armed domain is understood as groups or networks that exert armed territorial control and regulate illegal and irregular economic activities in a specific territory, using violent coercion as the main resource to support their criminal government. Its unstable, provisional and fluid nature demands continued dis-

putes and concessions agreed among criminal actors and between them and state agents (Muniz; Proença Jr., 2007; Miranda; Muniz, 2018). An armed domain, which is the manifestation of an autonomous government in latent conflict with competitors (“trafficking” and “militias”) and in friendly, traded confrontation with the state (police, politicians and bureaucrats) allows to understand articulations among its policy aims, business strategies, commercial tactics and logistical needs of territorial support (Miranda; Muniz, 2018).

It should be highlighted what is deemed essential for the ambition of sovereignty over territory and population that instrumentalize the claim of monopolies in the creation and regulation of illicit markets: the processes of domination that enable the constitution of an illegal, translocal, itinerant and network economy. It is about bringing power relations back to the center of the discussion on many so named organized crimes, understanding that their economic logics are rather expressions of politics in its passions and interests. It is sought to rescue the complex and decisive place of the state in the production of political-criminal inputs such as reactive-repressive policing and massive incarceration that increase the constitution and maintenance of relatively autonomous criminal governments (Muniz; Cecchetto, 2021; Dias, 2013). Given the multiple existing empirical possibilities, we only deal illustrations from São Paulo and Rio de Janeiro cases. Thus, the purpose of this article is to contribute to the understanding of the logics of territory control and market regulation established by criminal actors in Brazil, highlighting their singularities and governance from their discursive-normative repertoires and bases on which they support the exercise of their power. In this analytical exercise, we problematize some “myths” built in the approach to organized crime, evidencing the emulation of a police state that establishes insecurity as a project of power, fear as a regime and exception as a rule, governing with organized crime rather than against it. This analytical proposal is an alternative to theoretical-abstract constructs distanced from both empirically verifiable phenomena and the expression organized crime itself. It is a contribution that intended to be analytical-theoretical, but which has as substrate the realities of concrete territories in which they are produced, and in the effects on the communities, crossing the lives of the real people who circulate and live there.

See me as I want to be seen:

Native narratives of “organized crime” and their uses

Brodeur (2002) draws attention to the paradoxical feature of the object named *organized crime*, as it is impossible to be empirically observed, constituting the product of a prescriptive knowledge supported by moral judgments, selective records, partial testimonies and indirect reports. Thus, it is based on arbitrary selections of biased second- and third-hand data. One of the reasons for such little knowledge is the absence of empirical research, as most studies derive from police and/or journalistic sources.

Police dossiers are the result of different levels of discretion whose filters do not converge among themselves. Such filters range from the demand of the whistleblower citizen, through the evaluation of the police and to its organizational priorities, the government and their support bases. The production of police information speaks more of the police work that has to be carried out, legitimized and publicized than of the realities submitted to the police processes of reporting and filing. Much of what the “investigative press” does is dependent on “official” and privileged sources coming from the police, which introduce an additional filter in the collection and treatment of information, in addition to the selectivity exercised by the reporter, newsroom and editors. Police-journalistic surveys are not built as *strict sense* research at the service of the persecutory logics of the criminal system and repercussive of the construction of the truth reported by the media (Muniz, 2021).

There is no coherent and consensual body of knowledge on organized crime about its classificatory attributes. There is a proliferation of fictional, sensationalist realities about organized crime dissociated from their concrete realities and real possibilities of action. In the academic sphere, armed domains and their mobile forms of government over territories and populations are sometimes overestimated or underestimated, opting to use the expression “management of illegalities”, for example. (Telles; Hirata, 2010; Salla; Teixeira, 2020). This shifts the core of the problem from the criminal actor to the state actor in an abstract form, advancing little in understanding the concrete manifestations of the problem in the territories where they are embedded.

In police and journalistic narratives, there is a biased position regarding the defense of society against crime which, in its discursive pedagogy of moral disapproval of criminal practices, censors and silences important characteristics of the “world of crime” of interest to research. There is an apophatic construction of the criminal universe reconstructed by facts under sanction. The rites of reporting guided by the rituals of police action give life and reinforce myths about organized crime that give merit, prestige and privilege to its operators, who become walking “archives” or “everything experts” who know everything about the life of crime.

There are several fabulations that serve power projects and the maintenance of the status quo in public security agendas. The substantive placement of armed domains as a “business” is one of them. By reducing them to their economic function, the political, social and cultural attributes of their configuration are masked, pointing to relations of coexistence, convenience and connivance with the state and society.

The jargon “business”, used by members of armed groups, communicates a lucrative work activity and a mode of legitimation. The native category is taken literally to give life to a false analogy with a powerful Crime Ltd. or a criminal EIN as a large corporation. This descriptive nativism serves as criminal publicity,

indispensable for the domination effect of armed groups to show themselves as stronger than they are. A belligerent morality that authorizes a (commercial) war against crime carried out by the police state is vivified. This endorses the negotiation of provisional armistices with the political offer of a punctual peace with a durable “endowment” until the next extortion. In the apparent discourse, war is waged to contain the “advance of organized crime”, to reduce the “increase in (its) war power” publicized as greater than the state and to stop a “great threat to national sovereignty”. In deep discourse, war is waged to obtain more blank checks for dispatchers of the police power and new open proxies for representatives of public mandates. Both, with high autonomy and low governance, resize contracts for the concession of territories and renew the “permits” for the operation of criminal businesses (Muniz, 2021).

The crime-business narrative highlights its other half, of an overbearing “parallel state” that emerges from criminal groups to “challenge the absent state” in the so-called “needy communities” of law and order. The idea of a state evokes a professional and stable bureaucracy that also exercises stable authority over a politically organized society. Nothing could be further from the armed domains that exercise criminal governments benefitting from the technologies of statehood and its practices of authority (Miranda; Pita, 2011) to exist. The purist fantasy of a criminal state that works in parallel with the formal state and at the same time is a company, is to make people believe in the existence of a separate criminal world without articulations with formal powers and market. Criminal self-sufficiency as a business-state over a territory hides the interrelationships between armed domains (trafficking and militia) and state and market structures. It also raises the status of the enemy and its recognition as an antagonist that justifies the political construction of a state of continued war to sustain a state of survival that promotes the conversion of the police into autarchies without guardianship, reconfigures informal contracts for the exploitation of popular territories and renews the terms of operation of illicit markets (Muniz; Proença Jr., 2007). Based on disorganized gangs and crews, this narrative arrives at the “business state”, a partner of the public authorities that organize crime in the implementation of the economic policy of public (in)security.

The generalities that the expression organized crime produces obscure the meanings of the self-naming of criminal groups and the analytical clues about the armed exercise of their political-economic domains. “Faction” and “commando” are native, sensitive and prescriptive allegories, maneuvered by detainees, authorities and media who assert powers, legitimize types of authority, claim possessions and thus their regimes of truth. They indicate forms of direct or indirect armed power that communicate different ways of exercising criminal government. For Muniz (2021) the “faction” signals a claim to a tactical unity of purpose and action, explores the fragmentation with provisional and unstable alliances, recognizing the existence of antagonists and the pertinence of dispute for economic supremacy in the territory. And the “commando” indicates an

ambition of political unity of purpose and action, explores the concentration of command and decision-making centralization with subjection and assimilation of rivals, recognizing the pertinence of dispute for political hegemony in the territory. Both categories deal with ways of governing, acting in the construction and regulation of illicit markets and their interfaces with the constituted public authorities. Factions, commandos, militias, businesses and families are empirical variations of the same conceptual theme: armed domains and their governance arrangements at the local level. The myths of its origin and reputation, supported by its rites of political assertion of authority and commercial negotiation of its interests, configure specific ways of exercising criminal governance.

PCC and militias: myths of origin and their rites of legitimation

Checcheto, Muniz and Monteiro (2020) highlight that it is not always clear how are the native theories that criminal groups build to assert their identities, and what are the analytical constructions that aim to understand the narratives of these groups and their practices. The works of Muniz and Proença Jr. (2007), Dias (2013), Feltran (2018), Cano and Duarte (2012) and Alves (2020) bring findings that allow us to reconstruct the discourses that the PCC and militias build on themselves, the vivification of their myths of origin and the ways in which their rituals or “ways of proceeding” are justified. They allow understanding how the explanations on the PCC and militias remain glued to their legitimizing strategies, risking to validate the way these armed domains want to be represented and recognized in contrast to other criminal arrangements. We discuss here the hybrid constructions in which social and conceptual representations are mixed.

• *PCC, from business to government: an entrepreneurial brotherhood?*

The PCC’s narrative about itself allows us to reflect on the (non) state, (i) legal coercive devices of control and regulation of people, territories and markets, their compositions, relationships and implications in the daily life of public security. The PCC advertises its “criminal world” as something unique. It presents itself as an independent and horizontal entity constituted by bandits from the periphery called “brothers”, without connections to the top of the state bureaucracy as well as the groups of economic power (Cecchetto; Muniz; Monteiro, 2020). It shows itself as a cohesive association, with a uniqueness of principles and verticalized in its orientation (Dias, 2013). It appears, in its place of speech, as an egalitarian fraternity guided by bonds of respect, loyalty, solidarity, and affirms itself as free to organize itself in autonomous cells (Feltran, 2018).

The PCC’s narrative about itself seeks to legitimize its actions by promising equality and justice among its members. It intends to produce subjects’ engagement as a “commando” that asserts itself as a centralizing unit that unifies rivals through subjection, imposing a political market monopoly in the territory. The production of hegemony is narrated from the transmission of knowledge, behaviors and ethical assumptions of such brotherhood. All under the cloak of aware-

ness of the bandit converted into a “brother”, orally repeated and in a profusion of written records (Dias, 2013; Manso; Dias, 2018; Miranda; Muniz, 2018).

In the “pacified” territories of São Paulo’s prisons and its outskirts, the PCC’s government is exerted in a non-ostensive way, with the resource of force indirectly maneuvered. The capacity of imposition given by weapons is maintained as a potential, whose justification is its lack of ostentation due to the supposed knowledge that the community policed by the PCC, which includes autonomous bandits, has about the “correct” acting. Its hegemony in the world of crime appears in the native discourse as an advantage for everyone (police, residents and criminals) as it minimizes the possibility of attacks by rivals, ensuring the maintenance of the routines of those who belong, circulate or work in the illegal markets of these popular spaces. The control over territories sounds unnoticeable to those not attentive to the watchful eyes accompanying the circulations and movements in such spaces.

In addition to the horizontal surveillance webs composed of scouts of the PCC, residents and public agents, there is the institution of a ritualistic procedure for the discussion of problems that emerge in the “warrens”, and the deliberation through “debates”, called by the “criminal court” press and which in local communication is known as “going to ideas”. It is up to a government board acting in the locality, which may involve individuals who are within the prison system, to issue decisions that imply violent punishment. The position of the PCC is reaffirmed as a form of government over territory and population and an instance of conflict management and, in this sense, of “pacification” within the “world of crime” reinforcing and legitimizing the exercise of its monopoly (Dias, 2013; Feltran, 2008; Ruotti, 2016; Muniz, 2021).

The PCC, as an expression of the market, hides the conflict and, as a government projection, makes violent disputes for power between its members and political agreements with state and private actors invisible (Cecchetto; Muniz; Monteiro, 2020). Peace in São Paulo contrasts with war in territories and markets in which the São Paulo Command does not have hegemony and which disputes with rival commands for control of markets and territory (Manso; Dias, 2018). The discourse of war is elaborated through legitimation tactics in which the PCC demands a way of doing the crime that would be superior to that of other groups, which is inscribed as the “true crime” or “the crime for sure”. The construction of the PCC’s hegemony is elaborated through an imposing “consensus” that blocks and eliminates dissent (Dias, 2013).

The native sociology emerging from this discursive saga is evolutionary-developmental and overvalues the virtues of private initiative in relation to public initiatives. The modernity of the PCC is conveyed in the moral bet on the (illicit) market as a superior entity in aims, means and ways to the seen situated as weak and absent. More than a minimal state in places with illicit commercial outlets, the PCC’s neoliberal narrative hints at the existence of a tiny state,

incapable of guaranteeing sovereignty over territory and population and of producing regulation on the market (Cecchetto; Muniz; Monteiro, 2020). The PCC's discursive epic reveals a state in need of a public-private partnership with crime to manage territories and populations over which it would have a kind of outsourcing of the sovereignty of poor and peripheral territories, including state territories, such as prisons (Dias, 2013).

A vision is built and disseminated underestimating the state devices of force, their logic in use in institutional, informal and even illegal processes of production of control and regulation (Muniz, 2021). In the PCC's speeches, the police, as well as the entire state coercive machine, in addition to being indistinct, appears reduced to single police officers with whom "permits" are negotiated to keep the "shop" open (Muniz, 2021). If the PCC appears as a peaceful and organized group, the police, politics in arms and the state in "warrens", are represented as a bunch of violent and corrupt agents willing to do business with crime. State agents appear only in retail as subalterns, not as partners, service providers, or even bosses (Muniz, 2021). There is a criminal and journalistic-police rhetorical effort to hide the state side and publicize the PCC's business side

As Cecchetto, Muniz and Monteiro (2020) emphasize, the native theory of the PCC, a criminal arrangement born in the prisons of São Paulo (Adorno; Salla, 2007; Dias, 2013; Biondi, 2010), appropriates the myth of origin of *Bandeirantes* in their heroic version. The symbolism of the *Bandeiras* portrays São Paulo as the source of development and progress that would spread throughout the Brazilian territory, forging a common sense of nationality based on the entrepreneurial and resistant São Paulo ethos. The thriving representations of *bandeirantismo* portray a pioneering saga of the people of São Paulo that "brings in their blood" the fearlessness to break new ground and the entrepreneurship to explore valuable resources. These images have their meaning manipulated in the civilizing narrative of the PCC that aspires to political hegemony through the extension of its borders, unity of government through the assimilation of opposing groups and monopoly in the control of illicit markets. The PCC's native anthropology brings a pioneering, ethnocentric look, which reproduces the belief that the "land of work" (legal and illegal) leads Brazil, illustrating a sociological conception of the "Golden Years" that the interpretation of Brazil would come from the Southeast, the richest region in the country (Cecchetto; Muniz; Monteiro, 2020). Unlike Rio de Janeiro, the PCC has an explicit role in managing security policies with a repressive matrix in São Paulo, playing a strategic role in a functional and insightful equation: the government increases the number of prisons and their populations linked to the PCC and, on the other hand, the Comando "organizes the crime" and reduces violent deaths that promote the aggravation of fear with negative impacts for political actors who want reelection to majority and proportional mandates. The prison population serves as a political commodity traded from the outside in and an "uberized"

workforce from the inside out. In this feedback circularity, inmates and egresses become entangled in the webs of criminal governments and their regulation of illegal markets. This is how prisons are connected to urban peripheries, ensuring production, reproduction, strengthening and expansion of the PCC with its various connections with state actors (Dias; Ribeiro, 2019).

There is a constellation of elements that favor the entrepreneurial brotherhood of the PCC to participate in the maintenance of (in)formal political hegemonies that repressively govern with crime. They structure a social and criminal dynamics in which homicides lose space and visibility, while the more complex crimes that demand greater operational and personnel organization, and the handling of weapons and explosives – such as theft of cargo, financial institutions – move to a position of greater centrality (Dias, 2013).

• *Militia, from government to business:
a community crime self-defense league?*

The construction of the narrative of the militia has its inscription in the discursive field of the “war against crime”, inaugurated in the Alencar government (1995-1998), serving it as another device for validating its political truth and its economic need in Rio de Janeiro. (Muniz; Cecchetto, 2021). It is in the context of the political-economic production of the fiction of a war transformed into a reality-testimony, lived inside the peripheries, and into a reality-spectacle, felt from afar in the noble neighborhoods, that there is the emergence of what is called militia at the end of the 1990s. It was presented as a force to be added in the fight against the installed insecurity feeling and fed by elected governments that acted in informal consortia, sometimes public and transitory, with private and (i)legal protection arrangements in which the militia is one of the variants and current protagonist of the armed domains in the metropolitan region of Rio de Janeiro (Muniz; Proença Jr., 2007).

The militia, as the “police of operations”, both substitutes for ordinary and conventional public police (Muniz, 2021), has the illusory organized crime as its antagonist and confrontation as a structure to its legitimating rhetoric. In promoting insecurity as a project of power is that regimes of fear were instituted in Rio that routinely implement exceptional practices carried out by the police, militia and drug traffic (Muniz; Cecchetto, 2021). The “shooting, beating and bombing” became the advertising theme of the marketing of terror enlivened in armed confrontations between the forces of the state and crime, with the delicate exception of being placed in the subalternities, but dramatized in the form of a generalized perception of insecurity for all voters in Rio de Janeiro.

The militia category emerges as a police-journalistic counterpoint to drug trafficking, erected as the great threat to society and thus the “public enemy number 1” of its apparent and occasional rivals, militiamen and police. It is an ingenious category whose symbolic maneuvers make use of its traditional content to build a positive image, distinct from trafficking and anti-criminal. In mi-

litia advertisements, dissolved in police-media discursive coverage, militia would be a group of ordinary armed citizens, including law enforcement officers, outraged by the “situation of insecurity”, who organized themselves (or not) along paramilitary lines to defend a fair cause, their lives, possessions, relatives and the like put at risk by the “lack of a straight response from the authorities”. The presence of police officers, firefighters and regular military personnel and also residents, at the forefront of their creation and management, was part of the political-advertising announcements and was believed to add another quantum of foundational credibility attributed to these criminal groups that claimed to “fight the crime” and “do not allow trafficking in the region”. In the early 2000s, militia police officers functioned as propaganda boys for the militias who gave guarantees of victory in the fight for good against evil, dramatized in the war on drugs. The business and government sides of the militias were hidden, in favor of their facade as a particular way of presence of the state through its armed members.

The militias’ origin myth brings a discursive construct that instituted and propagated them as “community self-defense leagues” that would be “legitimate” in the face of their superior cause and “legal” because they would make use of the work of law enforcement officers who have the institutional mission of “defending society with their lives even on their days off”. The police “side jobs” provided in the individual retail service of informal surveillance and, above all, carried out wholesale within small clandestine businesses and in militia collectives were treated as a “lesser evil” in the face of the evocation of the “serious security crisis in Rio”, a renewed alibi with each new episode of the same war carried out to renegotiate the peace of the agreements with the armed domains. Protection fees were presented as social retribution for missionary and volunteer work that, despite being illegal, met community demands for safety. It served as a dignified and honest way for the police officer to have his salary supplemented and not serve the drug trade.

From the fantasy of community self-surveillance to announcing itself as an illegal business that extorts local residents and merchants, the narrative about militias continued to shift from a kind of armed domain that established itself as a criminal government that, under direct and indirect coercion, controlled the territory, managed the population and regulated the (i)legal market of essential public goods and services such as surveillance, housing, urban transport, electricity, gas, internet, cable TV and everything else that hegemony over territory and population entailed. The militias brought a political-organizational superiority in relation to the criminal arrangements of the drug trade by leaving the structure of the state and relying on their networks of public agents as partners within the state and municipal public gears. This is its main political capital in its relationship with the state, in contrast to the PCC, which has its main negotiating asset in managing the flows of bandits from prisons.

The illusory reading of militias in moral opposition to drug trafficking continues to be recycled as the police-media narrative sculpted the term “narco-militia”, a juxtaposition of terms in the cumulative fashion of the notion of “organized crime”, to explain the recent creation of the *Complexo de Israel*, led by the drug dealer Peixão, who calls himself Arão and who unified the communities *Cinco Bocas*, *Pica-Pau*, *Cidade Alta*, *Vigário Geral* and *Parada de Lucas*, in the North Zone of Rio, with an estimated population of 134,000 residents. This region of favelas comprises an arrangement among militiamen, drug dealers and police under the blessing of some religious who call themselves evangelical pastors (Muniz, 2021). There is a clear illustration of an armed domain that asserts its hegemony as a criminal government, through violent coercive means, increasing its allied base, annexing territories and populations, expanding markets and thus diversifying the supply of illicit goods such as the entry of drugs.

There are some empirical elements of the militia armed domains that reveal tolerant narratives that circulate among the editorial offices, police units and government palaces, which shed light on this criminal phenomenon. The militia armed domains are local political-economic arrangements, hence militias in the plural, initially structured by the universe of the Military Police of the State of Rio de Janeiro and the Military Fire Brigade of the State of Rio de Janeiro and, to a lesser extent, the circulation of the Civil Police of the state of Rio de Janeiro, which deal with policing activities on the streets and which were inserted in the provision of (i)legal security services to local leaders, merchants, politicians and offenders. Its fragmentation reflects the informal division of security work between the police subalternity with their segmented client portfolios and the representatives of the upper echelons of the police (officers and delegates) who serve companies and celebrities through companies opened on behalf of family members.

Militiamen are neither hidden nor invisible. In addition to an address, fixed work and public registration, they need to “have a lot of traffic” within the offices to untangle problems with the public machine and enable the political economy of protection. Unlike drug traffickers, whose movement is confined to their territory, militiamen move through different social environments and among authorities, one of their indispensable political resources. Another relevant aspect is that militiamen, like the police, have a “precise shot” – accurate and legalized by the police power – in contrast to the technical unpreparedness in the composition and use of weapons by the drug traffickers. Militias bring expertise in the production of protection that provides logistical mobility with greater armed coverage and expansion of the movement of traffickers among territories with reduced costs of weapons and ammunition. In some parts of the metropolitan region, the security of traffickers was outsourced to the militia, which charges a percentage of the revenue from the drug dens. One of the advantages of this agreement is being able to count on the police ballast that

gives greater stability to the contracts made. According to Muniz and Cecchetto (2021), there are reports that some police operations are carried out in drug trafficking domains to prepare for a forthcoming militia occupation. There are reports of cases in which militiamen put on operational uniforms and go ahead of police incursions, assuming the “exchange of fire” in territory that will be theirs after the operations. There are also reports of militiamen who rely on “re-inforcement” of ostensible policing in their domains, with the police garrisons section or priority in service to the police telephone service. These frequent reports do not point to an accomplished reality. However, the fact that they exist as possible reports indicates the normalization of these practices that configure expressions of criminal governments.

Criminal governance: structuring elements

We propose the use of the notion of armed domain to understand criminal governments in peripheral territories throughout Brazil, focusing our analysis on the cases of São Paulo and Rio de Janeiro, which present common and unique elements and allow us to make considerations that can validate approximations or distances with other realities in the Brazilian context. Armed domination, a Weberian-inspired construction, involves the exercise of domination as a result of clashes and accommodations between state agents and criminals, which are therefore unstable and transient modes of government over territories, populations and markets.

Addressing criminal governance in different Brazilian regions is a research agenda that could contribute to a broader approach that is inscribed in Latin America. Some points listed by Durán (2019) and discussed by Alvarado (2019) allow a deeper understanding of the effects of illicit markets and local and regional criminal dynamics. They conform to specificities that establish differences in diverse geographic, national, cultural contexts, in the positions they occupy in the production of drugs and other products, in relations with state and legal actors, advancing in terms of approaches that gain theoretical and analytical body.

Durán (2019) proposes some analytical axes to understand the transformations of drug markets and criminal dynamics in Latin America. Here, three of these axes are used, placing empirical and theoretical conformations of the cases analyzed in São Paulo and Rio de Janeiro, opening useful interpretive possibilities to understand criminal governance in other territories.

Criminal governance and sociopolitical relations

Understanding the sociopolitical relations that shape illicit markets allows us to appreciate the varied behavior of different criminal and civil actors, the community relations established in territories where criminal governance produces economic, political, cultural and social effects. Approaching relationships as a whole allows us to understand the spheres of society that intersect illegal activities and the interconnection between legal and illegal agents. There is a wide variation in the way criminal groups affect the communities in which they

are located and in the level of violence they manage in the territories under their control. Understanding criminal governance in its theoretical complexity and in its empirical-concrete particularities makes it possible to situate the impacts of potential and concrete violence that result from the way in which sociopolitical (dis)arrangements between criminal and non-criminal actors are produced.

There is a body of research that since the 1980s in Rio de Janeiro (Zaluar, 2004; Misse, 1998) and 2000s in São Paulo (Feltran, 2008; Telles; Hirata, 2010), present criminal actors inserted in complex networks that involve civil society and public authorities. Their agreed positions in illicit business point to multiple roles played in communities under armed rule, implying government functions such as policing, arbitration of disputes, market regulation, and management of electoral processes.

At the micropolitical level, criminal governance can impose an order under violent dispute (Machado da Silva, 2008) or a pacified order under a monopoly, such as the forms of governance that take place in Rio de Janeiro and São Paulo, respectively. Factors such as the strength of local roots, community, family, religious or social ties, balance of power among criminal groups, their agreements and coercive capacities, and conflicting relationships established with state actors, can explain the forms of governance criminal activities established in popular spaces.

In Brazil, an important specificity is to have in prison the essential base from which criminal and community networks are weaved and intertwined in many territories under criminal governance, as is more evident in the case of São Paulo. In almost all Brazilian urban spaces, there are structured forms of criminal governance through prison-based groups, such as PCC, CV, GDE and FDN (Manso; Dias, 2018; Misse, 1999). The dynamics of criminal government are different in the different Brazilian states and, as already mentioned, these differences result from a complex combination of different factors as listed above.

A counterpoint to this criminal governance articulated with the prison universe is that exercised by the militias, which, as seen, have other intersections with the state. Its main cadres come from within the state and municipal public machines, giving them political advantages with the support of local politicians and operational ones with the support of police officers. In the militias, public agents are not necessarily on the front line, but they continue to be a passport to their constitution and functioning.

In criminal governance exerted by armed domains, civilian populations are doubly coerced as they are subordinate to criminal and state actors in conflict and/or agreement. In general, there is a forced recognition of the capacity of criminal governance to provide order, guaranteeing the routines of community life, reducing violence or making it more predictable. There is a regime of fear instrumentalized by the imposition of an armed domain that normalizes

exceptional practices in its illegal and, sometimes, legitimate exercise of government. Between two extremes – complete acquiescence and complete fear –the local population has a wide variety of repertoires to respond to the control and violence of non-state armed groups

*Criminal government and State(s):
a complex of multidimensional relationships*

The criminal governance exercised by the armed domains in some urban territories is linked to the normative-procedural form of state management, the type of repressive policy carried out by elected governments and the use of the powers of public agents in the relationships they establish with criminal actors and civilians. These relationships highlight the Weberian problem of the state's claim to monopolize legitimate physical force, which is not fully realized (Adorno; Dias, 2014). This is enough to overcome the common view of state absence or complacency in areas where criminal groups operate. There are negotiations of state presence and tolerance in various forms of interaction, such as the payment of “endowment”, veiled agreements, explicit partnerships and even what produces indistinction of what is or is not the state, as in militia governance. Observing how state and criminal practices and their uses intertwine is essential to understand the sociopolitical effects of criminal networks and the management of violence in territories. There is no way to think of criminal economies independently of policies carried out by state bureaucracies. The high disproportion of power and coercive resources between the state and illegal market means that criminal groups, at their different decision-making levels, have to continue renegotiating with different control agencies, in their different vertical and horizontal decision-making bodies, which it neither begins nor ends with the “bribe” of the guard on the corner (Muniz, 2021). Hence the characterizations of political economies from itinerant and networked crime in which relations with state structures become decisive. And also, the translocal business opportunities of state actors with police powers (police officers, inspectors, auditors, managers, etc.) who manage the internal and external barriers through which illegal goods circulate.

In different Latin American scenarios, fragmented sovereignty produces different local conformations. Durán (2019) discusses the effects of this fragmentation in the contexts of Mexico, Colombia and Central American countries. Studies suggest how the drug trade and criminal groups not only create alliances with sectors of the state, but are also functional for maintaining the power of political and economic elites, both locally and globally. They reveal that state efforts to rebuild its authority through militarized interventions, repressive policies and expansion of punishment, in general, deepen the problems. Disrupting the organizational arrangement of criminal groups can generate more violence and raise the price of political goods (Misse, 1999), creating incentives for other groups to expand their armed domains.

The PCC and the militias present relationships between criminal and state agents supported by distinct discursive practices and are based on particular political-social-institutional arrangements that structure specific models of territorial domain, population management and market regulation, shaping different dynamics of coercive management of conflicts. Interactions among actors located in specific positions in the two “poles”, the state and crime are capable of producing more or less stable government arrangements that are supported by social control that demands greater or lesser direct use of the violence, which assumes an ostensible armed form or not in the territories where they are structured.

How to understand the (in)discreet use and (in)visibility of weapons in “drug dens” disregarding political articulations with the public security management above the garrison that makes the local policing? The state, with its various police swords, sometimes emancipated, does not fail to exercise some type of government in the favela territories and regulate the illicit markets inserted there. Illicit markets, with their various connections within, alongside and around the state, do not fail to rely on armed, more or less independent domains, which provide ballast, protection and regularity in political and commercial transactions (Miranda; Muniz, 2018).

This is evident when observing a parallelism between the internal logic of structuring police agencies and the ordering of criminal networks. In São Paulo, there is a more cooperative top management in the police, with more stable coalitions, strong corporatist articulation among them in the defense of their common interests that has the support of political elites. There is unity of government, unity in police commands, unity in the criminal arrangement (Cecchetto; Muniz; Monteiro, 2020) and a structure that connects the urban-prison and feeds back on the massive incarceration policy adopted in the state in recent decades (Dias, 2013).

In Rio de Janeiro, on the other hand, there is a high degree of autonomy of the police, which express an acute fragmentation into small groups that carry out their (un)lawful policing business with some autonomy. There are several polices within the military and civil police, with local political support and their own field of control. It is as if each battalion and precinct functions like a Vatican within Rome, whose opportunity for central command depends on ad hoc coalitions among rival internal groups. This logic of competitive occupational franchises, with low ability to unite, is also recognized in the criminal arrangements in Rio de Janeiro that are divided among different commands, factions and militias. There are so many governments, police, criminal groups and armed territorial disputes (Cecchetto; Muniz; Monteiro, 2020).

Criminal governments emerge from the relations between the state and criminal groups, indicating how state forms of intervention are connected to disputes between criminal groups and shape new conditions for illicit flows and

violent action in territories, allowing the redistribution of economic and political power. It can be seen that state interventions are more related to new criminal political-economic arrangements and less to the “fight” against crime, the “war on drugs” or other empty political rhetoric.

Market regulation and criminal diversification

Although the drug trade is a powerful driver of criminal dynamics in Brazil and Latin America, it is not the only type of illicit economy capable of engendering violent conflicts. Extortion, an essential device in the formation of armed domains is present in the places where criminal groups rule. Profits from protection fees imposed on residents’ retail and wholesale economic activities – from small businesses and transport vehicles to agricultural and mineral production in some countries – may even be greater than those arising from drug trafficking. Another important business is arms trafficking, which rationalizes the costs of armed territorial control and establishes a dynamic of mutual reinforcement with the drug market. Many of these markets overlap with informal markets such as piracy and smuggling and with markets that transact thefts, whether automobiles (Feltran, 2018), cargo, securities or fuel companies.

In São Paulo, the PCC’s activities in other markets, such as housing construction in environmental preservation areas, the theft of oil in pipelines, clandestine transportation and adulteration of fuel, have been better known. Although it is still quite punctual, it is important to follow these processes of criminal diversification and understand how it will connect with the other activities in which the PCC is involved and what relationships will be woven with prison dynamics.

In Rio de Janeiro, as already seen, the militias provide a wide repertoire of illicit services and products that are inaugurated with the imposition of protection fees to residents and merchants that unfold in the coercive and monopolistic offer of essential urban goods such as policing, construction, sale and rental of real estate, electricity, water, gas, alternative transport, internet, cable TV. There is also the provision of security for drug trafficking groups, which guarantees greater mobility of its members throughout their domains and a more extended negotiated peace with the police and rival groups.

The diversification of criminal markets is fundamental to understand the criminal governance of a territory and the regulation of the markets that exist there. Its causes and consequences, considering the cases analyzed, show two important elements. First, social relationships, ideas and values that support illegal activities allow the expansion of the criminal portfolio from a previous structure. The previously structured networks with multiple actors – criminal, state, civil – enable connections and flows in a given territory, adding advantages to circulate other products and services. Second, it is important to situate criminal diversification as a political effect of armed rule. Criminal groups gain independence to control territories, sometimes becoming highly predatory and

engaging in whatever economic opportunities arise in illicit or licit markets that can be exploited in the controlled territory.

Observations of processes of community insertion and rooting of criminal actors and the socio-political relationships they establish in the localities; the central role played by state actors in illicit activities; and finally, the social, political and economic dynamics that favor the diversification of the criminal portfolio allow us to advance the understanding of configurations of criminal governments in armed domains and their effects on territories, populations and markets, above all, the management of violence that was more or less expressive and intensive.

Empirical data and the conceptual basis presented here allow us to advance the understanding of criminal governments by situating the problem as disputes for sovereignty in popular spaces. This analytical path goes beyond the generalizations and abstractions that contribute little to explain the phenomena and the concrete perverse effects that are produced on the population living in territories under armed rule.

In summary...

Criminal governance presupposes the control of territory, which involves managing the flows and circulation of people, goods and services. Illicit markets need a government that guarantees predictability in their functioning. Regularity is needed in the acquisition of stock, contracts with suppliers and workers, offer of goods to customers, maintenance of points of sale and, to achieve all that, also in the arrangements with state actors in order to guarantee some ballast for the commercial activity. Surveillance devices, i.e., policing, are needed. The territorial domain becomes essential, which means the demarcation of borders under dispute, which involves the establishment of complex forms of relationship with local communities, state agents and actors of licit markets. The groups that exercise criminal governance through armed territorial control establish different relationships with various state spheres, especially control and correction agencies, articulating the dynamics of policing and prisons. Such governance is presented through territorial control and population management, unfolding in extortion, production of policing and justice and in forms of legitimation constructed to morally and symbolically support its government. In turn, market regulation involves the diversification of the supply of goods and services, violent construction of monopolies in an attempt to eliminate disputes and competitions, and an action that is structured through armed domain at the local level, but conforms to commercial networks of regional and even international scope. The form of structuring criminal governance can take place through a combination of different logics, according to its territorial scope. At the local level, they are presented as armed arrangements, more or less structured and, depending on the broader areas of activity, they are projected into complex networks, encompassing different actors, production of links supported by impermanent market rules and perennial moral and political imperatives.

The power relations established in the armed domains may present themselves by the ostensible use of weapons and the explicit threat of coercion, as is more common in Rio de Janeiro. They can also express themselves through the threat of the use of violence hidden in the pacification narratives, but which remains latent and signaled as available by more or less subtle surveillance mechanisms, as in the criminal government of the PCC in São Paulo. The characterization of criminal governments through armed domains allows overcoming the theoretical-abstract-ghostly traps instituted by the narratives of “organized crime” or the “management of illegalities”. It allows an empirical characterization of these phenomena in territories marked by weak urban infrastructure, poverty and precariousness of life, outlining the concrete action of armed groups in their different relationships with state and community actors aimed at the political-economic management of (i)legal markets. The empirical-analytical proposal to understand criminal governments breaks with the circularity of a field of analysis that sometimes adopts the expression organized crime as a reality, sometimes tries to point out the mistakes in the use of such expression, without however presenting an alternative that contemplates the concrete-empirical dimension of the phenomena inscribed in this discursive field and that reveals the complexity of the social, economic and political relations that take shape in these armed domains and produce dramatic effects in the lives of the people who live and circulate in these areas.

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ABSTRACT – This article seeks to contribute to the understanding of social, economic and political dynamics by which armed domains are established, along with their ambitions of hegemony over territories and populations, and monopoly of illegal markets. It starts with the criminal governance practices of the PCC in São Paulo and the militias in Rio de Janeiro as illustrations of the exercise of criminal governments, exploring their similarities and differences. A conceptual-analytical grid is proposed based on some central elements such as the multiple relationships with different state actors, the complex community insertion and the criminal diversification and regulation of (i)legal markets. The criminal governance approach is an alternative to the narratives of “organized crime”, replacing theoretical-abstract notions with theoretical-conceptual conceptions built from empirical observation of effects produced in territories under armed domain.

KEYWORDS: Organized crime, Criminal governance, Armed domain, PCC, Militias.

RESUMO – Busca-se contribuir para a compreensão das dinâmicas sociais, econômicas e políticas onde se estabelecem domínios armados com suas ambições de hegemonia sobre território e população e de monopólio de mercados ilegais. Parte-se das práticas de governança criminal do PCC em São Paulo e das milícias no Rio de Janeiro como ilustrações de exercício de governos criminais, explorando suas similaridades e diferenças. Propõe-se uma grade conceitual-analítica a partir de alguns elementos centrais como as múltiplas relações com diversos atores estatais, a complexa inserção comunitária e a diversificação criminal e regulação de mercados (i)legais. A abordagem da governança criminal coloca-se como alternativa às narrativas do “crime organizado”, substituindo noções teórico-abstratas por concepções teórico-conceituais construídas a partir da observação empírica dos efeitos produzidos nos territórios sob domínio armado.

PALAVRAS-CHAVE: Crime organizado, Governança criminal, Domínio armado, PCC, Milícias.

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