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THE PRIVATE SECURITY IN BRAZIL: SOME ASPECTS RELATED TO THE MOTIVATIONS, REGULATION AND SOCIAL IMPLICATIONS OF THE SECTOR

LA SEGURIDAD PRIVADA EN BRASIL: ALGUNOS ASPECTOS RELACIONADOS CON LAS MOTIVACIONES, REGLAMENTO Y LAS IMPLICACIONES SOCIALES DEL SECTOR

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ABSTRACT

The growth of private security verified in many countries in the middle of twentieth century displays important questions about state responsibility in relation to the security. In Brazil, where the growth is very significant mainly in the last two decades, not much is possible to know about the real dimension of the sector and about the conditions that carried out this appearance and expansion. Taking into consideration approaches observed in the international literature and the data relative

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to this sector, this work analyze the Brazilian regulatory framework, showing the implications about some more problematic features.

KEY-WORDS: Private security; Policing; Crime; Regulation.

RESUMEN

El crecimiento de la seguridad privada ha crecido en muchos países en pleno siglo XX, donde muestra importantes cuestiones sobre la responsabilidad del Estado en relación con la seguridad. En Brasil, donde el crecimiento es muy importante principalmente en las últimas dos décadas, no es posible conocer sobre la dimensión real del sector y sobre las condiciones que llevan a cabo este aspecto y expansión. Teniendo en consideración criterios observados en la literatura internacional y los datos en relación con este sector, este trabajo analiza el marco regulador brasileño, mostrando las implicaciones acerca de algunas de las características más problemáticas.

PALABRAS CLAVE: Seguridad Privada, Policía, Crimen, Regulación.

INTRODUCTION

There has been a boom in several different countries, as from the middle of the 20th century, in the activities of private security services. This raises serious questions as to the responsibility of the State for security, as to the mechanisms for the regulation and control of these services and their social, political and economic impact. In Brazil, where the most notable growth in these activities has taken place over the last two decades, little is known regarding the true dimensions of the sector, or as to the way in which the activities function or their impact on crime or in terms of the feeling of security thus engendered.

From this context, important changes are happening due to the transferring of the responsibility of the security from the public sector to the private sector. These changes has reflected, especially, an economic logic of the expansion of this kind of services, which is creating important changes in the regulatory framework, in the authorization and provision of the policing and in the spaces under jurisdiction of the police.

Since their official beginnings in 1969, the private security services have presented linear growth in this country. Their main period of expansion has occurred since the 90s, and has been characterized by the increasing number of private security companies, of the number of watchmen on the streets and the evident development of the electronic security device industry. There has been a similar growth in the number of related training courses, of firms dedicated to the transport of values, as well as a proliferation of unofficial security companies and of electronic security services.

These changes have bringing some important questions that have been discussed between researchers, policy makers and society in general: In what way does the expansion of these private security services affect the exercise of the individual rights of the users of the areas under the surveillance of those companies (factories, company offices, organs of government administration and semi-public spaces such as shopping malls, residential estates and others)? What is the relationship between the private security companies and the public in semi-public spaces? From the point of view of public security, what is the cost/benefit ratio regarding the sharing of responsibility

for the policing of the areas and installations with private firms? More private security means less crime for society in general, or only for those for pay directly for these services? Does the increase in the activities of the private security services constitute a new threat to the rights of less favored groups in such a profoundly socially differentiated society as we have in Brazil? What is the effect of private security on the public's sense of insecurity?

In order to discuss some of these questions, this article has two central issues as a centre of the analysis: the spread of private security, not only in terms of its size (in number of companies, officials and segments), but mainly about the assumptions and motivations of the spread of this services; and the regulatory framework that gives the regulation, control and supervision of the sector, paying special attention to the social implications regarding to some of the most important features.

THE SPREAD OF PRIVATE SECURITY

Only to locate the general set of the private security industry, the services that are officially allowed to operate are compounds:

1. By companies selling services of surveillance, patrolling or escorting;
2. By departments and divisions of internal security created into companies, institutions and other public or private spaces (which is named "in house security"); and also
3. By companies that offer training to professionals who work in the area of security.

Officially, there are six distinct segments in this area: Surveillance; Transport of Values; Security Personnel; Training Course; Armed escort; and In house Security. Beyond these segments defined by the law, it is also important to emphasize that the evolution of technology and social dynamics have changed very quickly the possibilities of protection. So, there is today a lot of new equipment for prevention, like the great variety of equipments of electronic security.

While private security grows linearly in the country since its official appearance in 1969, there are some important gaps related to the numbers that represent the dimensions of the sector, particularly with regard to the number of existing guards.

According to the Federal Police Department, which is formally responsible for the authorization, supervision and control of the sector, at the end of 2005 the country had about 1.28 million of private guards officially registered. Meanwhile, according to the National Federation of Enterprises of Private Security and Transport of Values - FENAVIST, considering the most common areas of activity of private security - surveillance and in house security, there are 557.5 thousands of private guards in the same year.

While data from the DPF consider all registered professionals, including those who were dismissed from their jobs, the data of FENAVIST consider only the professionals who are actually in operation, thus representing a more realistic estimate. The difference in the data shows, therefore, unemployment and the high turnover of professionals in this sector, which is marking its low professionalization in a general way.

Both sources, however, presents only the formal universe of private security, excluding therefore the entire numbers represented by the illegal universe of

companies, like collective groups that act outside the law and police which have worked as private guards (which is also illegal in Brazil). By comparison, in 2003, according to the Ministry of Justice, the contingent of public security forces was about 506,411 people.

Despite important gaps to be filled with regard to the organization of such information, the rapid expansion of the sector is significantly convincingly. According to the literature and other available information on the sector, attention should be called to three aspects which may be seen as the main factors leading to the growth of the security market: i) the increase in criminality (especially in the specialization of criminal activities); ii) the perception of violence and the increase in insecurity, and iii) the changes in the use of the urban space and the circulation of the population in the great cities.

The development of urban and of corporative crime, as also the perception of violence and the increase in insecurity as from the 80s are themes frequently referred to in the academic literature specializing in the field of crime (Kant de Lima, Misse e Miranda, 2000). In the Latin-American context the decade of the 80s was characterized by the epidemic proportions of the increase in cases of murder, by the increase in violence associated with criminal action, by the intensification of corporate crime and also by the increasing awareness of violence and crime.

Seeing these points more closely and reviewing some relevant data on these issues, it was possible to identify some fundamental processes responsible for the expansion of private security. Besides the development of urban crime and the perception of violence, factors that are more present in the literature, there are at least three other key:

- Firstly, the development of new patterns of trade, housing, work and leisure, with the emergence of large private spaces open to the public (such as shopping malls, cinemas, nightclubs, stadiums, etc.) and the vast spread of residential condominiums, which require large private investment in security.
- Secondly, the large growth of the safety business, which relates primarily to the specialization of crime and can be seen on the intense specialization of resources and security technologies used in industrial and commercial centers.
- Thirdly, the fact that the public sector is one of the main contractors of private security services, concentrating about 40% of guards hired.

Thus, according to other data of the National Federation of Private Security Companies and Transport of values – FENAVIST, on the year 2005, the public sector, the banks, factories and the services sector together account for 86,1% of the watchmen hired in 2005. The public sector accounts for 38.3% of the hiring of guards, followed by banks, with 21.4%, other private sector companies, with 13.9%, industries, with 13.7%, and finally the services sector, with 12.7% (among the service sector are included residential condominiums, 4%, shopping malls, 3.2%, hospitals and laboratories, 2,3%, schools and educational institutions, 1.8%, and business condominiums, 1.5% - related to the total contracts).

Another relevant issue is that the security features used individually (or residentially), according with some victimization surveys, are effectively equipments

consumed by a considerably smaller portion of the population of large cities, contrary to what might think.

The most important question that arises of these observations is that they seem to contradict the view of the concentration of such services in large homes and condominiums, as pointed by most of the Brazilian literature, which characterized this process as the existence of a trend of dominant groups to the gradual isolation of the poorest parts of society. In summary, beyond the increase in crime and in the feeling of insecurity, private security has as the presuppositions of its expansion the existence of new patterns of the use of and circulation of the population in the urban space which has motivated the creation of spaces under surveillance for which reinforced full-time security is felt to be desirable.

Although this aspect may have been understood as the occupation, by private security activities, of spaces whose responsibility pertains to the public sector, little comment has been made on the presence of the new security resources as a need created by the multiplication of the number of these spaces, where, despite their belonging to the jurisdiction of the State, the responsibility for the security has been attributed to the owners.

Thus, contrary to the image disseminated by the means of communication, and shared by some researchers, who have dealt with the problem (Caldeira, 2000; Kowarick, 2001), private security activities have grown mainly in the corporate sectors and public institutions, to a much greater extent than in contracts with residential estates or in individual expenses with protection resources and services.

In view of these new needs, private security firms offer their services to attend to the existing and more and more frequent social demands of our contemporary world, particularly in the large urban centers, in which they have taken on functions more and more similar to those of the public security services, thus raising important and problematic questions regarding the regulation of the sector.

REGULATORY FRAMEWORK

With regard to the regulating of the private security, the main finding was that, contrary to what we might expect, the model that exists in Brazil is very similar to the existing regulatory models for the sector in several contexts that we've found in the international literature. If we hoped to find an anomaly in the juridical organization of private security, given the rapid proliferation occurred in the last twenty years, what we find, by contrast, was a model that keeps the key attributes in terms of norms and international standards.

As in most countries studied, in which the specific regulatory model of the security services has been organized by any government agency in the area of justice or security, in Brazil the regulation is conducted by the Ministry of Justice through the Federal Police Department.

The profile of safety regulation in Brazil allows consider the model existent in the country as comprehensive, but with low regulatory capacity. That is a model where the state not only regulates industry workers, but also introduces substantive regulation to increase the standard and quality of services, create safeguards to protect the public and to protect national firms from foreign competition.

Despite the gradual expansion of the scope of the model, Brazil has a great weakness in the operation of its regulatory activity on the control and supervision of the sector in its various segments. The problematic characteristics are not a few, and

range from problems related to the doubtful practical results, engendered by the legal structure of security regulations, to the absence of a qualified structure, especially about investments in human and technological resources, on the part of the organs responsible. It has leading to serious challenges concerning the efficacy of the services, constitutional safeguards and the guarantee of citizens' rights.

Among these problems, we can emphasize: the spread of illicit businesses, which represent a major problem both for the safety of the population as to the business of regulated companies; and the issue of lack of training and qualification of guards, generated by the difficulty in regulating and efficient control of the activity, which created, at the beginning, a market of low professionalism, education and income

CONCLUSION

This information shows some points that deserve attention. Beyond of give new contours to the complex demands by the existing security services, where everyone seems to express concern about the issue, also provide important clues about the various aspects that arise from the question of private security. The accurate understanding of the allocation of resources and specific forms of action for private services for the protection is necessary to face challenges related to the sector, constituting itself as one of the dimensions upon which one should focus on the research and actions related to the topic.

These challenges relate, on the one hand, the guarantees of rights with respect to services, in particular against arbitrariness of the firms and their employees, and the way it gives the relationship with the public. On the other hand, challenges are related to the quality and efficiency of such services, with special attention to its impact in preventing crime, the gains obtained by contractors and the general public and the possibilities of collaboration between public and private forces, on which very little is known.

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