



Year VI, v.1 2026 | Submission: 09/01/2026 | Accepted: 11/01/2026 | Publication: 13/01/2026

## Structural Racism: Police Approach and Selective Violence in Bahia

*Structural Racism: Police Approach And Selective Violence In Bahia*

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### Summary

This article discusses the racism ingrained in Brazilian society since its beginnings, *a priori*, with the genocide of the indigenous population in colonial Brazil, who were later replaced by the black population forcibly brought from Africa to be enslaved. This is why contemporary Brazilian society harbors structural racism, a phenomenon that reverberates in daily life, notably within public institutions responsible for formal social control, specifically the Military Police in the process of police intervention, revealing selectivity in behaviors deemed suspicious depending on the individual being approached. This fact will be demonstrated through cases that occurred in Bahia. This article addresses topics of paramount social and legal importance, such as racism in Brazil, criminal law, and social control, drawing from the American theory of the *labeling approach* and aspects of critical criminology, in addition to considerations regarding the public security institutions foreseen in the Federal Constitution, complementing this with the dual function of the Military Police and its selective actions in the State of Bahia. Furthermore, the research included data that proves the condition of Black people in socially subordinate positions, whether due to the illiteracy rate or the minority occupation of management/director positions, a context of Brazilian structural racism. Also, the attached data proves that the Black population is the one that dies most at the hands of the Military Police in Bahia, through police approaches that result in summary executions, given the high use of lethal force by that institution.

**Keywords:** Racism; Police Approach; Social Control; Criminology; Public Security.

### Abstract

This article addresses the racism ingrained in Brazilian society since its beginnings, primarily with the genocide of the indigenous population in Colonial Brazil, who were subsequently replaced by the black population forcibly brought from Africa to be enslaved. This is the reason why contemporary Brazilian society exhibits structural racism, a phenomenon that reverberates in daily life, notably in public institutions responsible for formal social control, specifically the Military Police in the process of police stops, exhibiting selectivity in behaviors considered suspicious depending on the individual being approached. This fact will be demonstrated through cases that occurred in Bahia. This article explores themes of paramount social and legal importance, such as racism in Brazil, criminal law and social control, based on the American labeling approach theory and aspects of critical criminology, in addition to considerations about public security institutions provided for in the Federal Constitution, complementing with the dual function of the Military Police and its selective action in the State of Bahia. Furthermore, the research includes data that proves the condition of black people in socially subordinate positions, whether due to the illiteracy rate or the minority occupation of management/director positions, a consequence of Brazilian structural racism. The attached data also proves that the black population is the one that suffers the most deaths at the hands of the Military Police in Bahia, through police stops that result in summary executions, given the high use of lethal force by the aforementioned institution.

**Keywords:** Racism; Police Approach; Social Control; Criminology; Public Security.

## 1. INTRODUCTION

The 1988 Federal Constitution established Brazil as a Democratic State governed by the rule of law, and under In this endeavor, the State must guarantee the effective realization of citizens' fundamental rights, such as



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to life and safety, without discrimination or hierarchy.

The inviolable fundamental precept of security rests with the security institutions. public as provided for in Article 144 of the Federal Constitution (BRAZIL, 1998), such as the Military Police, which has the function of carrying out visible policing, and this institution, in theory, should To preserve public order by providing citizens with security in an equal manner, that is, without distinction based on race, social class, gender, or age.

However, contrary to what the Constitution dictates, being the scene of great obstacles and In social and legal debates, we have seen a state that is becoming increasingly violent towards the community. black and poor, living in the outlying regions of the country.

According to the report "The color of police violence: the bullet never misses its target," by the Network of According to the Security Observatory, 96.9% of people killed by the Bahia police are black. The data produced refers to the year 2019 (RAMOS, 2020).

Selective state action is understood as conduct inherent to racism, which was ingrained in Brazilian society since its beginnings, initially with the indigenous genocide in During the colonial period, torture techniques were advanced and subsequently applied to Black people from Central-Southern and Northeastern Africa, to be subjected to... slaves, a historical factor that is fully reflected in the behaviors shaped as typical and normal in Brazilian society.

Given this situation, one reflects on the actions considered legitimate and the consequent... normalization of the excessive use of violence against Black people, initially practiced in The era of slavery by plantation owners, a practice permitted by the State, which is not very... It differs from the actions of the military police in contemporary times, however, disguised as state protection. Although the current Federal Constitution was enacted 100 years after the abolition of Despite the legacy of slavery, remnants of selective violence still exist today, which were not combated by... State.

Thus, selective police and military repression, targeting specific individuals, has been observed daily. Black people, more brutal police approaches, behaviors that are possibly a result of racism. structural.

Structural racism, being an implicit phenomenon, is ingrained in society as a a factor of normality, in which it is not distinguished what is actually racism and what is not. In In truth, racist behaviors are not treated as such, since there is no perception by... individuals, due to the habitual nature of discriminatory actions.

In this vein, the present research focuses on structural racism and its possible... Interference in the Military Police, which is reflected in society, raises the central question of... This research examines the mechanisms adopted by the Military Police in the approach procedure.



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Is selective policing in Bahia a result of structural racism?

The question is relevant; police approaches in Bahia are fraught with violence, such as...

The incident occurred on the night of February 2, 2020, when a 16-year-old Black youth was approached.

In the street, he was attacked by a military police officer, kicked and punched, and also insulted for having Afro hair.

Power: *"To me, you're a thief. You're a bum! That awful hair of yours. Take it off!"*

*[Hat], go! This disgrace here. What are you? Are you a worker, you faggot?"* (CORREIO, 2021).

The hate-filled insults uttered by the police officer went viral on social media, and in

In a press conference, the Captain General of the PMBA (Military Police of Bahia) stated it was an isolated incident. However, it is known that this is not an isolated case.

In isolation, such situations occur daily, they just aren't filmed.

Thus, considering the above, the overall objective of this article is to research the following:

The actions of the Military Police in Bahia, in cases that had a major impact due to the high rate of violence.

selective violence was adopted, and as specific objectives, to analyze the way in which racism was

ingrained in society; to examine criminal law as a form of social control; and to discuss the actions

violent actions by the Military Police in Bahia.

This is a matter of paramount legal importance: the violent and selective actions of the police.

contrary to the Democratic Rule of Law, violating, among other principles, the principle of human dignity.

The human person, as provided for in Article 1, III of the Federal Constitution of 1988, in addition to the possible reproduction of the crime of racism.

committed by a public institution, a crime which is not subject to bail and has no statute of limitations, pursuant to Article 5, XLII.

Furthermore, it has broad social relevance because it is a current and prominent topic, the Military Police,

which is the gateway to public safety, is one of those responsible for the highest murder rates.

In the Black community, especially in Bahia, police aggression and racism remain contemporary issues.

It is of utmost importance to demystify the social discourse of "the only good criminal is a dead criminal," which

It normalizes mass killings carried out by the police.

And the interest in the topic of this study stems from the researcher's intrinsic condition, the

who knows that it is necessary to bring to the debate the problematic issues that plague society, and

They require public action for eradication and strict enforcement of laws and precepts.

fundamental, ceasing to be a mere utopia.

Furthermore, the methodology used in this study is a qualitative approach, which

This concerns the exploratory and subjective nature of the work, in this case, aiming to understand the racial phenomenon.

in society, in addition to its impact on public safety, based on bibliographic sources, as well as

Researching data that reflects structural racism in Brazil and selective state action in Bahia.

## 2. Racism in Brazil

According to the IBGE (Brazilian Institute of Geography and Statistics), the Brazilian population is made up of Black, mixed-race, and Indigenous people.



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Whites and Asians, with the majority self-identifying as mixed-race at 46.8%, followed by whites, Self-identified: 42.7%, 9.4% as Black, and 1.1% as Asian or Indigenous (IBGE, 2021).

Given the information presented, it is understood that the Brazilian population is predominantly composed of black people, which is the combination of the black race and the brown race.

Race, from the Latin word *ratio*, is used in the biological sciences as a form of classification. This narrative is evident in the differentiation of animals. In the social sciences, the term is used for To determine ethnic groups, considering the genetic characteristics of individuals: skin color, Phenotypic traits, hair texture, lip thickness.

Furthermore, race is related to a historical and cultural factor of a given society. In this In this sense, Maria Manuela Mendes (2012, pp. 101-123) described race as a term that has undergone Constant mutation throughout history, given that it was tied to the social context in which people lived, to In light of economic and political orders:

Race remains an organizing idea in the social and political life of human communities. Social groups still define themselves in terms of identity around this category, perceived as "natural," "essential," and ahistorical. It is one category among others, mobilized both in the processes of identity construction and in those of differentiation.

In Brazil, there is an understanding of multiracialism, in which individuals self-declare as such. as they understand it to be according to their phenotypic traits, fitting into one of the five groups. pre-established ethnic groups. Race is also correlated with other individual elements, such as The genre.

According to Angela Davis (2011), an intellectual philosopher focused on racial and feminist issues, in "Women "Black women in the construction of a new utopia," race is related to other phenomena, and should be Analyzed in conjunction with class and gender, without hierarchy:

Left-wing organizations have argued, from a Marxist and orthodox perspective, that class is the most important thing. Of course, class is important. It's necessary to understand that class informs race. But race also informs class. And gender informs class. Race is the way class is lived. In the same way that gender is the way race is lived. We need to reflect deeply to perceive the intersections between race, class, and gender, in order to understand that between these categories there are relationships that are mutual and others that are crossed. No one can assume the primacy of one category over the

In this vein, although race is a way of recognizing individuals, because it is a The historical and cultural factor of society links the individual to a social position to which he "belongs." naturally", whether of power or subordination, a reflection of a segregationist society and discriminatory. Thus, through Decree 65.810/1969 (BRAZIL, 1969), which promulgated the The International Convention on the Elimination of All Forms of Racial Discrimination was established that:

Racial discrimination shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, (in



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(equality of condition), human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Subsequently, Law 7.716/1989 (BRAZIL, 1989) expanded the list of discriminations, establishing that the crime of racism results from five factors: race, color, ethnicity, religion, or origin. national.

Racism is a discriminatory act based on the understanding of racial hierarchy. stemming from prejudiced social perceptions based on the biological differences between individuals. Being Thus, it is conceptualized not only as a set of racially discriminatory acts, but also as a social process founded on conditions of subordination and privilege arising from the perception of hierarchy between racial groups (ALMEIDA, 2019). The aforementioned discriminatory act, in the penal field,

This constitutes a crime that is not subject to a statute of limitations and cannot be bailed out.

Silvio de Almeida (2019, pp. 22-24), in his work Structural Racism, conceptualizes racism. as a form of discrimination, manifested through practices that result in inequalities racial:

We can say that racism is a systematic form of discrimination that is based on race and manifests itself through conscious or unconscious practices that result in disadvantages or privileges for individuals, depending on the racial group to which they belong.

[...] Racism is linked to racial segregation, that is, the spatial division of races in specific locations – neighborhoods, ghettos, bantustans, peripheries, etc. – and/or the designation of commercial establishments and public services – such as schools and hospitals – as exclusively for members of certain racial groups, as exemplified by the segregationist regimes of the United States, South African *apartheid*, and, according to authors such as Michelle Alexander and Angela Davis, the current US prison system.

Structural racism, in short, is the set of racist practices considered normal.

Thus, a certain racial group rises to power, and consequently, the others are maintained.

Racial groups in subordinate positions, to be more objective, racism is not created by institutions,

But it is promoted by them; racism is the rule and not the exception; inequalities are normalized.

The aforementioned prejudiced act manifests itself subtly in society, not only with actions directly against individuals regarding their race/color/ethnicity, but also indirectly, with the censorship of culture, criminalizing everything that comes from the black population, associating culture

Black and poor, it is associated with "everything that is bad and forbidden".

In the past, all practices of African origin were suppressed, and this was the case with capoeira: which was defined in the Penal Code as a crime and carried a penalty of 300 lashes and imprisonment in a dungeon; as well as That's how it was with samba: it was considered a vagrancy crime, punishable by 30 days in prison. Recently, Bill 5194/2019 was proposed, aiming to inhibit certain compositions with focusing on "disrespect for public morals," which would evidently criminalize funk and rap. These rhythms are predominantly composed of people who live in the peripheral regions of country, of the so-called favelas.



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In the field of religion, Candomblé and Umbanda, which are of African origin, suffer constant attacks, both on people who are practitioners and on the meeting places of the practitioners for the celebration of the religion. These are some, among many, forms discriminatory tactics used in contemporary times to demonize everything that is Black.

It consumes and creates.

Therefore, despite the prevalence of the black race in Brazilian society, there is still a prominent racial inequality, a result of the slave-owning regime, which although ended in the 19th century, its effects remain in force. The social practice of slavery links racism and violence, which These events occurred in Brazil for over 300 years, beginning in the mid-1530s.

After the enactment of the Golden Law, which supposedly "abolished" slavery, although there were While Black people enjoyed formal freedom, they did not achieve material freedom, as it was not provided. Despite state support, the Black population remained without access to education, housing, security, among other things. other precepts that are fundamental today. In this context, I highlight the intellectual Luciano Góes (2021, p. 45):

With abolition, **approximately seven million Black people, without any government assistance or policy, were expelled from rural areas and excluded from urban areas.** Many preferred to remain on the farms, "donating" the last of their devalued physical strength in exchange for shelter and food. Thus began, among the tenements, the massive process of favela formation in large urban centers, modernizing the slave quarters and transforming them into "the Black person's place," since Black people could not enter white spaces without triggering the (eternal) alarm of the "suspicious element," constructed through the estrangement and immediate police intervention of the "disruptor" of pre-determined spaces (emphasis added).

With the supposed abolition of slavery, there was no reparation or state aid for the population. Black people spread out and lived on the margins of society, as if they were inferior, according to brilliantly explained by Abdias Nascimento (2016, p. 65):

By throwing Africans and their descendants out of society, abolition absolved the masters, the State, and the church of responsibility. Everything ceased, all humanism was extinguished, any gesture of solidarity or social justice: the African and his descendants were left to survive as best they could. "Free Africans" also became those slaves used as soldiers to wage wars of destruction against the white rulers.

Brazil was the last country to abolish slavery, a fact that has significant implications. in racist behaviors molded as typical and natural in contemporary society (NUNES, (2006). Brazil's late abolition demonstrates how society was constructed, based on non-acceptance of the rights of others, formed by a conviction that the white race is superior to non-white races. white.

As a reflection of this, statistical data indicate that the black population remains in subordinate position compared to the white population, with regard to jobs and access



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to education. In 2018, the illiteracy rate among the white Brazilian population was 3.9%, a of blacks, 9.1%. In the Northeast, the rate corresponded to 10.7% whites and 14.9% blacks (IBGE, 2021).

The racial difference is clear, and in a way, in light of the Principle of Equality, the State has... Affirmative action policies have been implemented to curb racial inequality in education, such as the Law Law 12.990/2014, regarding racial quotas, reserves 20% of vacancies in public service exams and positions for Black and mixed-race individuals. However, this is not enough to eradicate inequality.

Education is one of the main pillars in the fight against racism, given that more people Black women will have opportunities to compete for a position with a white person, but qualifications, however, will be a factor. In itself, it is not synonymous with success.

In Brazil, in 2018, 68.6% of managerial positions were held by white people. to the detriment of only 29.9% occupied by mixed-race or black people, in contrast, in the Northeast the positions management positions were mostly occupied by blacks and mixed-race people<sup>17</sup>.

The disparity in leadership positions in Brazil is noticeable, despite existing actions. Despite affirmative action measures to mitigate inequalities in the public sector, there is still a huge discrepancy between Black and white people, given that white people occupy managerial positions, and black people... subordinate positions.

The inferiorization of Black people, especially Black people, is commonly reinforced, a For a Black person to hold a prominent position is to go against what is socially accepted, to watch soap operas, advertisements and news reports on television in which a black person is placed in a position of equality with a A white person generates novelty and even attacks from viewers, as happened in a *live broadcast* between Rodrigo Branco, businessman and former director of TV Band, and Ju de Paulla, digital influencer, on this occasion, Rodrigo Branco uttered racist insults against Maju Coutinho, a journalist from TV Globo: *"It's the The same thing I say about Maju Coutinho. She's terrible, awful. I watched her today and she says everything. "Wrong. She's only there because of her color,"* and continues, *"She doesn't have a career, she's never been a reporter." "From the field, she speaks everything wrong, and as a TV director, I'll tell you, she reads the teleprompter wrong";* no Satisfied, yet filled with racism, Rodrigo Branco attacks the then-participant of the *reality show* Big Brother. Brazil, Thelma Assis: *"rooting for Thelma is racism"* and that her fan base only exists because *"she is black."* *"Poor thing"* (Maju..., 2020).

The debate is necessary; Black people are always associated with negativity; Brazil is a... A country predominantly composed of a black population, and yet racial intolerance still exists. correlating black men and women with arduous and low-visibility work.

Furthermore, within the Judiciary, there is a prevalence of white people, according to the Research on Black Men and Women in the Judiciary, a report produced by the National Council of Justice – CNJ. In 2021, it was found that 85.9% of judges were white, 12.8% black, and 1.2% female.



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Yellow, and 0.1% indigenous. That's the color of the Brazilian judiciary.

In the Supreme Federal Court – STF, since its founding 213 years ago, the position of Minister has been held by Black people only 3 times; the first was Pedro Augusto Carneiro Lessa in [year]. 1907, followed by Hermenegildo Rodrigues de Barros in 1919, and finally, Joaquim Barbosa in 2003, having been the first and only black president of the Supreme Court (STF..., 2020).

It is noteworthy that, although 167 ministers served on the Supreme Court during 213 years, only 3 were Black, and furthermore, never has a Black woman held the position of Minister of the Supreme Federal Court. which had also only been occupied three times by women: Cármen Lúcia, Ellen Gracie and Rosa Weber.

Thus, it is demonstrated that the Brazilian justice system has color and gender, as evidenced by finding Black men in... Public authorities, in themselves, are an arduous task, and there is an even greater scarcity of such data for Black women. corroborates the thesis raised above by the intellectual Angela Davis (2011), debating about race. It is fundamental, but on certain occasions it does need to be associated with gender and social class.

According to the data presented, racial inequality is clearly evident, especially if men... Black people face greater obstacles in occupying leadership positions, and black women have a more challenging task. It is arduous, given that one's race is linked to one's gender, which is socially considered a vulnerability. outdated positioning. This is corroborated by the fact explained above, in which Rodrigo Branco He felt entitled to utter racist phrases against Maju Coutinho and Thelma Assis, a man A white man attacking two Black women on social media, claiming they didn't deserve it. They were where they were because of their personality, and if they were there, it was because of their skin color.

What Rodrigo Branco and so many other white men possibly don't know is that in On a social scale, poor Black women are always at the bottom, therefore it would be easier to accept the These personalities, if they were in subservient situations for them. Such discourse gives rise to perpetuation. of racial injustices, binding black people to a position of subordination *ad aeternum* and precariousness.

### **3. Racism, Criminal Law, and Social Control**

Social control is the mechanism that shapes social relations, the way in which there is... The manifestation of ideal conduct can be seen in two aspects: formal and informal. Informal social control is that which comes from private groups; it is the internalization of what is "correct" for... a given group, in accordance with its principles and values, through another means, social control Formal responsibility lies with the State.

In a criminological conception and in its formal aspect, social control is the way in which... The State manifests itself with the aim of inducing individuals to act in a pre-established manner, in an attempt to inhibit certain behaviors through the creation of regulatory norms, using-



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public institutions are responsible for enforcing the laws, taking charge of suppressing the...

Behaviors considered delinquent are therefore controlled through criminal law.

social.

In this vein, Fernanda Ifanger (2015, pp. 259-285) explains:

The primary characteristic of formal social control refers to state participation in its implementation. Thus, it is control carried out by some institution that is part of the State, exercised by people who have this task as a professional activity and which, being institutionalized, has pre-established methods and procedures.

Regarding social control in Brazil, a colonized country, it became more pronounced later on.

the supposed abolition of slavery, when the State adopted mechanisms in order to limit the conduct of black people, aiming to maintain power relations with so-called malignant colonialism, such as interpreted by Stanley Cohen (*cited in Dal Santo*) “which understands social control as a means of producing and reproducing relations of domination and power, unequal and hierarchical relations”<sup>25</sup> .

Thus, excessive social control was gradually dismantled over time, with the investigation that, in truth, the black population did not present real risks of danger to white slave-owning population, with their customs and ideals, as evidenced by Florestan Fernandes (2008).

Furthermore, in contemporary times, formal social control is the responsibility of the police, of The Public Prosecutor's Office, the Judiciary, and the institutions responsible for Penal Execution, considering who act in applying sanctions to individuals who act contrary to the law, based on infamous *right to punish*.

This study focuses on the police's role in the proper exercise of their control.

social, which has been the subject of renewed discussion regarding the excessive punitive measures employed by the aforementioned institution in apparent racial selectivity.

### 3.1 Formal Social Control Based on Labeling

The *labeling approach*, also known as labeling theory, originated in the United States.

United, conceived and articulated by the authors Erving Goffman, Edwin Lemert, and Howard Becker.

The theory is influenced by symbolic interactionism, as an object of criminology, conceiving the identifying that the concept of criminal is a social construct, rooted in the processes of definition and selection, that is, social control creates criminality (SUXBERGER, 2006), therefore, it follows of a constitutive function and not merely an identifying function of the offender.

In this vein, unlike the criminological theories proposed prior to its emergence, the

*The labeling approach* does not aim to ascertain the characteristics of the offending individual, but rather the manner in which... that the State chooses to apply sanctions to certain individuals, considering racial factors,



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of gender and class, not merely the allegedly criminal behavior.

The aforementioned theory questions the reasons why certain individuals are considered how are they labeled as criminals based on their "labeling"? What are the legitimizing sources for the manifested behavior? Selective criminal law, in which the perpetrator is punished and not the act itself, given that crime is a reaction. social perception of conduct considered abnormal, provided it is perpetrated by a specific person, who then will bear the burden of being a criminal.

In this perspective, I highlight the explanation by Maraiza Pereira (2021, pp. 212-228):

Criminal law then becomes the main instrument for managing social problems, with an expansion not only in the number of criminal offenses, but, above all, a intensification in the punishment of some types of crimes to the detriment of others. Criminalization and impunity are distributed unequally and selectively across social classes, with the penal system intervening on people and not on their conduct, acting on the basis of stereotypes of criminality formed according to historical and power criteria.

Therefore, the criminalization process occurs in two fundamental phases: criminalization.

primary, in which there is a legislative apparatus to regulate a certain repeated conduct, considering the individual who commits the act and will be penalized, and secondary criminalization, which concerns In choosing the individual who will be the target of the criminal offense, through the labeling of the criminal, as a rule, Secondary criminalization is carried out by formal social control institutions.

For the criminological construction of the "delinquent," there is a chain of driving elements, primarily based on a sequence of stereotypes, labels, and stigmas, elements that are attributed to the individual who is the intended recipient of the criminal law, under the conditions outlined by the *labeling approach*.

Stereotypes are beliefs imposed on other individuals based on a particular conception.

Prejudiced opinions about what that individual is, stemming from negative views about a particular person.

A person and their group are commonly identified based on race, gender, sexuality, age, profession, and the like.

Everything that differentiates one group from another is a preconceived common sense notion that a given group...

An individual will exhibit a certain behavior due to their characteristics.

In this context, a stereotype is an element attributed to a particular group or person, based on social preconceptions, as stipulated by Paulo Monteiro (2019, p. 05):

Although stereotypes can be considered a functional attitude, they are often misguided, especially due to the influence of the media, which frequently reproduces superficial views about people and groups.

This is where labels come in. A label consists of evaluating someone's personality based on their inclusion in a given stereotype.

The labeling process stems from the imposition of stereotypes on an individual, which consists of...

Applying characteristics to someone who has already been stereotyped reveals the common labeling of

people who have been defendants in criminal proceedings, suffered the execution of their sentence in establishments

After serving their sentence, this person returns to society with the desire to be...

Once reintegrated, however, the person in question will encounter obstacles in finding a new job or renting a place.



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a house and the like, given that the process of social labeling has already taken place, and this person is considered part of society. will always be liable to commit a new crime, which is why it will *perpetually* fulfill the nuances of a criminal conviction.

Regarding stigma, as illustrated by Erving Goffman (1891, pp. 4-6), it is a phenomenon socially constructed from assumptions about what is positive or negative, it is a historical concept, given that a given society, in a given period, marginalizes the individual who is not compatible with the desired personal characteristics, according to Goffman, it is "the situation of an individual who is unable to achieve full social acceptance" and refers to "a deeply derogatory attribute", leading to the dehumanization of people who are in social counterpart.

Thus, an individual who is routinely stereotyped, labeled, and stigmatized will be labeled, it is the "perfect target" for the application of criminal sanctions, since for social control whether formal or informal, that person is synonymous with negativity and is therefore subject to criminal malice.

Furthermore, it should be noted that the *labeling approach* is an American theory, which is why... whose content is not a framework for fully understanding Brazilian reality, for a better effectiveness and understanding of what has been said, there is critical criminology with a Latin American focus, which aims to understand the political reasons for criminalization (FLAUZINA, 2006), based on assuming that there is selectivity in the penal system, as explained by Thula Pires (2013, p. 242):

This period establishes a very different relationship between criminology and racism than had been manifested until then. Far from legitimizing racist discourses, critical criminology will point out the racial selectivity of the criminal justice system and unveil the positivist offensive of transforming the black person into the symbol of the criminal. The investigations that proved the racial bias of the Brazilian prison system were interpreted in a radically opposite sense to that undertaken by the defenders of criminal anthropology.

Regarding critical criminology, Alessandro Baratta (2002) understood it as a phenomenon entirely distinct from traditional criminology, based on the assumption that deviance is a social, not natural, construct of the criminalized individual, from the perspective of social reaction, in which the entire penal system is analyzed.

### **3.2 Public Security and the Federal Constitution**

In light of Article 144 of the Federal Constitution (BRAZIL, 1888), public security is the responsibility of... of seven institutions, which are responsible for ensuring the fundamental rights of the population, as well as the interests of the State, namely: the Federal Police, the Federal Highway Police, the Federal Railway Police, Civil Police, Military Police, and Fire Departments Military personnel, as well as the Federal, State, and District Penitentiary Police.

With regard to the Military Police, this institution is responsible for the "gateway" to security public, since it has the competence to carry out visible policing, as well as preservation.



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of public order. Upon the promulgation of the 1988 Federal Constitution, it transferred a new function, the Military police forces are state security agencies (article 144, §5), but they are also auxiliary forces of the Army

(art. 42), the so-called “right-hand man”.

Therefore, Chapter XI of the Code of Criminal Procedure provides for the types of searches and applicable seizures, among them, the one provided for in article 244 (BRAZIL, 1941) stands out, which states Regarding personal searches, popularly known as police stops:

Article 244. A personal search will not require a warrant in cases of arrest or when there is reasonable suspicion that the person is in possession of a prohibited weapon or objects or documents that constitute evidence of a crime, or when the measure is determined during a search of a dwelling.

In this vein, it can be inferred from the aforementioned rule that for a police intervention to occur, The element of reasonable suspicion is imprescriptible; the individual to be approached must be in a situation... that constitutes suspicion of a crime. Thus, in the absence of further grounds to support the In a personal search, it is up to the public official to decide what they consider to be the case. suspect.

That being said, it is stereotypes and labels that reinforce and subject a given individual to... police approach procedure, even without apparent evidence of an alleged crime, given that the The state apparatus is limited to conditions related to appearance, given the scarcity of criteria. Indications of what is suspicious.

#### **4. The Dual Role and Violence of the Military Police in Bahia**

In the meantime, considering the dual role of the Military Police, police actions will be discussed. violent acts attributed to the structural racism that plagues the population of Bahia, especially the capital. Salvador, which was the scene of several high-profile, brutal police raids: the The Cabula massacre, the possible summary execution of Ítalo Menezes, as well as the murder of Denilson Santana.

According to the dual function of the Military Police, a *priori*, there is the function of protecting society, carrying out visible policing activities directly on the streets, and when necessary, must perform the function of Army auxiliary, whose role is combatant, the training received by the military. It is for confronting an external war, mobilizing an enemy; thus, it is noticeable that There is a disparity in functions, as the Military Police must guarantee the safety of society, Dealing directly with citizens, the same police force receives training from a combatant of wars (REIDEL, 2014).



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This treatment is reflected in police approaches in their primary function: dealing with

In society, police actions are fraught with violence, such as the police operation on February 6th.

of 2015, in Bahia, which resulted in the death of 12 young black people, between 16 and 27 years old, and 6 injured,

Named the Cabula Massacre, and indeed, that is the most appropriate term *in this case*: a massacre.

It should be noted that, in dissonance with the much-preached *right to punish*, the nine police officers involved in the massacre

Those from Cabula were acquitted by the Bahia court in a monocratic decision by a substitute judge, the

which supported its premature judgment based on the Police Inquiry that concluded the police action as

legitimate self-defense, given that according to the autopsy reports, there was no evidence of executions.

which is why it was understood as legitimate self-defense. , cause excluding unlawfulness, notwithstanding

None of the police officers were injured in the massacre; however, the Public Prosecutor's Office of Bahia appealed.

from the sentence that acquitted the police officers and remains without trial (Chamber..., 2021).

The Cameroonian author Achille Mbembé (2018) masterfully and precisely conceptualizes acting.

State-run: necropolitics. The state not only chooses who can live, it chooses who must die, and the

Starting from this premise, their actions become apparent.

First , it is necessary to provide a brief overview of the concept of biopower, which discusses...

With necropolitics, Michel Foucault (1999) understands biopower as a management phenomenon.

of lives, which can be prolonged and maintained, regulated by state power,

manifested, among other measures, through public health and safety, basic sanitation and

In related terms, the provision of these services fundamental to survival would be the *modus operandi* of the state.

It manifests the power to sustain life, and in its absence, it would constitute "letting die," it deals with...

It is therefore a disciplinary and regulatory power, in which they are articulated with each other.

However, Achille Mbembé (2018) reverses the premise of state action regarding management.

Regarding lives, according to the aforementioned author, in truth, state power does not concern life itself, but rather the...

death, given that "the notion of biopower is insufficient to account for contemporary forms

"of the submission of life to the power of death."

On November 4, 2021, the Military Police of Bahia were involved in yet another case of...

Possible summary execution of a Black man. In videos released by the local press, in the Nordeste de Amaralina

neighborhood, on the outskirts of Salvador/BA, Ítalo Menezes de Almeida, a young Black man,

A delivery driver appears with another man, both behind a checkout counter in a small market, at which point a military

police officer "drags" Ítalo Menezes out of the premises where he was, given that there was a shootout at the location, and

Ítalo ran back inside the establishment, supposedly

shot.

It is noted that in the video Ítalo was fully conscious and showed no signs of injury.

bodily functions capable of causing his death, considering his apparently positive condition, but still

Thus, the young black man died. Minutes after being removed from the establishment and taken away by the police,



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Another video shows the moment when the military police officers allegedly killed Ítalo Menezes with two shots. In an interview, the PM captain claimed that Ítalo was carrying a weapon.

Fireworks broke out and a confrontation ensued with police action, and once again, no police officers were injured in the announced incident. Police approach (PM..., 2021).

Even if he were guilty, it is not up to the police to make value judgments and choose whether to kill or not. an individual, the law is unequivocal, formally Brazil is still a Democratic State of Law, There is legislation in place that prioritizes due process; it is not the police's role to carry out literal executions. according to Nilo Batista (1990, p. 158):

It is clear that if a man commits a crime – murder, robbery, rape, theft – he should be -, prosecuted and judged. Human rights documents also provide for this. That's right. But he can't be beaten. He can't be tortured. He can't be killed. His family can't be humiliated. His neighbors can't be harassed and embarrassed. The homes of innocent people can't be searched.

The State is increasingly showing itself to be selective: human rights for whites, but not for blacks. Summary execution. Police approaches in the favelas are marked by violence and ineffectiveness, generating Gradually, with social repression, the black and poor population no longer accepts police cruelty. disguised as state protection, as effective public security, the extermination of black people The masquerade of fighting crime is no longer socially tolerable.

On another occasion, which occurred on August 28, 2019, it generated great outrage among the population. Salvador residents, especially those in the São Marcos neighborhood, who held protests in Streets closed after military police executed a 15-year-old boy who was playing soccer with his friends. The young man, identified as Denilson Santana de Jesus, followed the advice of his family, already Accustomed to the heavy-handed police approach, and not to run when they saw the police, that's what It happened, the young man remained motionless; however, nine shots were fired at him. which obviously led to Denilson's death.

The young man's mother reported that she waited for about 10 hours until the body was finally brought to her. your son being taken away, as if the summary execution committed by the Military Police wasn't enough, without Despite plausible grounds for said gratuitous violence, a mother still had to endure hours of it. Having her son taken away without even receiving proper assistance, she tried to file a police report. However, the incident was met with brutality by the Civil Police.

The teammates who were playing soccer with Denilson chose to run from the police, but still Thus, Denilson chose to stay where he was, possibly believing that if he ran he would die, but Denilson's innocence was not taken into account; yet another young black man, a resident of the outskirts of the city, Executed prematurely, and with no element justifying the state's actions, Denilson died because of his... race and social status.

According to the Atlas of Violence, referring to the calendar year of 2019, in Bahia, the rate of



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In stark contrast, 94% of the homicide victims were Black (both Black and mixed-race).

dissonance with 6% of non-black people (white, yellow and indigenous) (CERQUEIRA, 2021),

Furthermore, as initially mentioned, 96.9% of black people were killed by the police in 2019.

despite the fact that the population of Bahia in that year was made up of 76.5% black people (IBGE, 2021).

The disparity in treatment afforded to blacks and non-blacks is clearly evident in police approach procedure. Bahia is one of the states that is predominantly composed of by black people, and is also among the countries that kill the most black people in the country, in especially young people who live in peripheral areas (CERQUEIRA, 2021).

These approaches, among others, are a result of the phenomenon known as racism. Structurally, approaching and assaulting Black people is not necessarily seen as racism, given that that Brazilian society was built on the rise of the white population to the detriment of the The black population has experienced state violence as a naturalized reality since colonial Brazil, which is why it is perpetuated. in contemporary times and are interpreted as appropriate.

## 5. FINAL CONSIDERATIONS

Throughout this article, social and legal issues have been addressed with a focus on... Structural racism that plagues the Brazilian population, with a focus on the state of Bahia, and from this The prism demonstrated the normalization of the inappropriate use of state violence, disguised as Protection and defense of social aspirations, using criminal law as a form of social control.

Thus, it is emphasized that structural racism has a strong foundation stemming from colonization. In Brazil, white people were introduced into the country as conquerors of the indigenous peoples. who already inhabited this land, the indigenous people, as well as the peoples who were forcibly brought to inhabit it, the black population from Africa, in the meantime, since 1500 the Brazilian population has been suffering with The phenomenon of racism, in a constant paradigm of dominated and dominator.

Despite affirmative action policies aimed at the Black and poor population, there is still apparent... Racial disparity, this fact is not solely linked to state actions, or the lack thereof. from them, but also from a society addicted to and with a low level of knowledge about racial issues. and class-based, which choose to subjugate the material reality of the black population instead of effectively to corroborate racial equity, invoking the *preamble* of article 5 of the Federal Constitution (BRAZIL, 1888) as a solution to social problems, without, however, analyzing what genuinely occurs with The black and poor population has been marginalized since the supposed abolition of slavery. of black people and everything that comes from them.

Furthermore, as has been so widely discussed lately, the racial struggle does not belong solely to... The Black and Indigenous population belongs to everyone; it is a fundamental human rights cause; it is up to...



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society and public institutions act in a manner consistent with national laws, which are violated daily.

Also, as mentioned, the institutions responsible for social control, especially the police.

The military police, responsible for visible policing, have been selective in their approach and treatment.

starting from stereotypes and labels attributed to a certain group, based on structural racism and its

a consequent policy of death, necropolitics, with the full support and approval of the executive authorities,

like the Cabula Massacre, in which Governor Rui Costa stated in an interview that *"having the necessary*

*coolness and calmness to make the right decision" is essential. "It's like a striker in front of the goal trying to*

*decide, in a few seconds, how he's going to put the ball in the net to score a goal. "*

as..., 2015) understanding the lethal force employed by police officers as fully viable in

The aforementioned approach resulted in 12 deaths.

Furthermore, as a way to potentially reduce summary executions, it would be interesting to consider...

if instead of quadrupling the police incentive for seizing illegal weapons (Government..., 2021),

The Bahia government opted to encourage police officers to reduce lethal force during stops.

police officers, as proposed by Amnesty International (NGO..., 2021), given that the constitutional function

The police's job is to preserve lives, not to fight against them.

Brazil, and the state of Bahia in particular, needs effective public policies.

and consistent with a democratic state governed by the rule of law, and with treaties and conventions on human rights.

Humans established so that the lethality of police approaches can be reduced, a State

Effective public safety is when the police reduce deaths and also don't die themselves: the police.

It neither kills nor is killed.

In this vein, the question arises: what is the solution to reduce selective approaches and

Primarily lethal?! In the researcher's view, a restructuring of the penal paradigm is necessary.

Brazilian, reimagined from Afro-descendant roots, so that the black population does not remain

being targeted by the social degradations that plague them, along with public inclusion initiatives.

effective, equitable and dignified, complemented by public measures to reduce

lethality in police encounters.

In this vein, as demonstrated throughout this article, state measures

The realities experienced in contemporary times are not consistent with a democratic state governed by the rule of law, given

the ineffectiveness and racial selectivity of public security, masked as protection and combat against

criminality, when in truth it acts in accordance with the politics of death constantly under

the black *corpus* .

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