



The Impact of Political Changes over the Brazilian and Portuguese Police Systems

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Declaração de Integridade

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Universidade da Beira Interior, Covilhã 07/10/2023.



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“A polícia é uma criação da Civilização... evoluindo com ela e adquirindo novas formas de desenvolvimento, como um órgão que se vai especializando para o melhor desempenho da função, dentro do organismo cada vez mais complicado do Estado moderno.

Estudar a Polícia é, pois, quase estudar o país a que pertence, sendo certo que é estudar o governo a que serve, porquanto são muito poucos os fatos políticos que deixam de ter repercussão dentro das atribuições policiais, pois não é a Polícia somente o órgão de repressão às atividades criminosas, mas, principalmente, o aparelho de defesa do Estado e da sociedade.” (Ferreira, 1942, pp. 11–12)

Resumo

Estudo comparado, descritivo e analítico sobre o estabelecimento e evolução do sistema policial português e brasileiro com base em suas tipologias originárias, e os possíveis efeitos nelas decorrentes de eventos políticos marcantes ao longo da história política dos dois países. Analisa-se, mais especificamente, as mudanças ao modelo do sistema de polícia originário de ambos os países quando submetidos a mudanças de sistema e/ou regime político no decurso da história e a sua tendência à permanência ou mudança institucional diante de momentos ruptura política e/ou reorganização administrativa-territorial com efeitos na autonomia das unidades constituintes do Estado.

Foram utilizadas principalmente fontes primárias constituídas pelas diferentes leis que organizaram e regulamentaram as forças policiais no período considerado, as quais foram acessadas através de sites governamentais ou sites de fundações e universidades que disponibilizam esta legislação histórica. Além disso, foram também utilizadas fontes secundárias relacionadas à Ciência Política, aos Sistemas Policiais e à História dos dois países.

Os resultados revelam uma tendência à permanência das características básicas dos sistemas policiais considerados diante de eventos políticos disruptivos, ao passo que, revelam também, uma tendência à mudança no modelo de sistema policial quando ocorrem alterações na estrutura administrativa-territorial dos países. Os sistemas policiais considerados, apresentaram forte tendência a manterem-se estáticos no eixo que se refere à orientação da atividade policial, movendo-se substancialmente somente no eixo referente ao seu nível de centralização de comando, com qualquer das variáveis observadas. Por fim, são apresentadas, descritivamente, algumas características dos sistemas policiais destes dois países que os diferenciam, até certo ponto, das características dos sistemas policiais comumente encontrados no resto mundo ocidental.

Palavras-chave

Sistema Policial, Polícia, Eventos Políticos, Portugal, Brasil.

Abstract

Comparative, descriptive, and analytical study on the establishment and evolution of the Portuguese and Brazilian police systems based on their original typologies, and the effects that major political events may have exerted over them throughout the political history of both countries. More specifically, changes to the model of the police system of both countries when subjected to shifts of system and/or political regime over the course of history are analyzed, and their tendency towards institutional permanence or change in the face of moments of political rupture and/or administrative-territorial reorganization is determined.

Primary data, consisting of the different laws that organized and regulated the police forces in the period considered, was the main source of this research. These were accessed through government, foundations, and universities websites that make this historic legislation available. In addition, secondary data from bibliographic sources related to Political Science, Police Systems and History of both countries were also used.

The results revealed a tendency for the basic characteristics of the police systems considered to persist in the face of disruptive political events, while also revealing a tendency towards change of the police system model when rearrangements occur in the administrative-territorial structure of countries. The police systems considered showed a strong tendency to remain static on the axis that refers to the orientation of police activity, moving substantially only on the axis related to their level of centralization of command, with any of the observed variables. Finally, some characteristics of the police systems of these two countries which, to a certain extent, differentiate them from the characteristics of the police systems commonly found in the rest of the Western world are presented descriptively.

Keywords

Police System, Police, Political Events, Portugal, Brazil.

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LIST OF ACRONYMS

GNR – Guarda Nacional Republicana

PC – Polícia Civil

PF – Polícia Federal

PJ – Polícia Judiciária

PM – Polícia Militar

PRF – Polícia Rodoviária Federal

PSP – Polícia de Segurança Pública

Chapter 1. Introduction

Research in political science on police forces and police systems should be an important part of the study of institutions. In any country, during periods in which the political establishment goes unchallenged the police is the most visible face of the government to the common citizen. In times of political crisis, or disruptive political events, despite not attracting as much interest of researchers as the Military Forces, the police are always a major player to be taken in account. In several critical political events, in different countries, the siding of the police forces to one group or another has been determining to the final political outcome. It is therefore an institutional actor not to be neglected in political studies.

The Portuguese and Brazilian original police systems were established in the early 19th century and evolved through time into different configurations. Being an important part of any country's main structure, police systems suffer and exert influence over the institutional organizations in which they are inserted. On this premise, we examine to what extent major political events, in both countries, exerted influence over the configuration and structure of their police systems, while examining simultaneously the impact also brought by geopolitical rearrangements (attached or not to political ruptures) within each country that were related to changes in the direction of greater or lesser autonomy of its constituent units.

The dissertation starts by addressing the view of Political Science over the matter, presenting the reasons why it is an important subject to the discipline. It then presents the growing tendency of comparative studies and the major accepted typologies of police systems with their defining constructs. The object of study is the police systems of Portugal and of Brazil and the typology used to classify the models on this work was the one developed by the Italian political scientists Calaresu and Tebaldi (2020), which utilizes the intersection between two axes, one representing the activity orientation and the other the level of centralization of the police system analyzed to determine its position within four ideal model types: Soviet Colonial, Anglo-Peelian, Continental Napoleonic, and Continental Federal.

On chapter 3, we introduce the methodology used and the proposed hypothesis, then on chapter 4, we make a brief review over the development of the modern police forces justifying the categorization of the Brazilian police system within the Western police systems.

Based upon the adopted framework, on chapter 5, we classify the founding original police systems of Brazil and Portugal

On the following chapters, we describe and then analyze the impacts, changes, and/or complete police system shifts, and if they have occurred attached to critical major political events in the countries, or if other circumstances were more influential than these disruptive political occurrences.

As will be demonstrated, and contrary to what common sense might predict, the police system is capable of maintaining its basic features even when faced with large ruptures and changes in the country's political regime and/or system. This resistance to change is probably worthy of a study of its own and may be related to tradition and customary practice within societies and/or also to how long living institutions with more permanent features, like the police, exercise their influence over the everyday life and public service expectations of the people within a country.

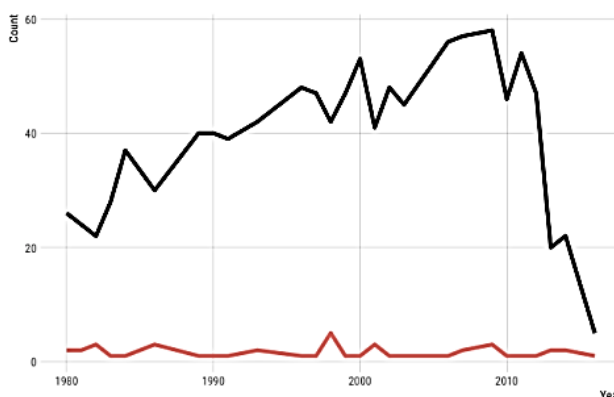
Chapter 2. The Police as Subject of Interest in Political Science

The average citizen in any given country, democratic or not, will most certainly interact with their government or State most likely through the police. The police represents the personification of the state's coercive power in which, every year, hundreds of millions of citizens often come in contact in their respective countries (Crabtree, 2018). This is especially true (but not limited to) in economically underdeveloped countries, where the police are usually responsible for a large array of services to the public.

If we are to consider the state as the entity that is characterized by the legitimate monopoly of the use of violence, as has been defined by Weber (1922), and if power is a central subject in the studies of political science, police systems and institutions cannot be neglected as important research topic since it is through them that the state exercises most of its legitimate use of violence. However, as Crabtree (2018) puts it:

Given the core constitutive role that the police play in the functioning of the state, as well as the frequency of, and interest in, citizen-police interactions, we might expect the politics of policing to occupy a prominent place in the social sciences. However, this is not the case. The politics of policing remains relatively understudied across the social sciences, and in political science in particular (p. 3).

Crabtree (2018) draws our attention to the fact that, on average, only forty articles on police and policing are published each year in political science worldwide. His conclusion is illustrated on figure 1, below.



Note: Figure presents the number of political science articles published on policing over time. The vertical axis indicates the count of articles, and the horizontal axis indicates the year. The black line represents the number of articles published in all political science journals, while the orange line represents the number of articles published in the *American Journal of Political Science*, the *American Political Science Review*, and the *Journal of Politics*.

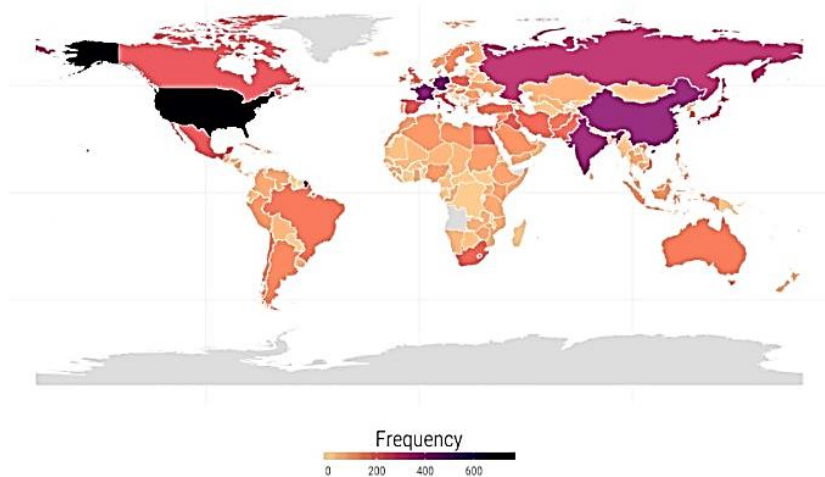
Source: Crabtree (2018, p. 6)

Figure 1 - Number of Policing Articles Published in Political Science Journals

This disregard for the subject in political science is clearly noticeable in Portugal, and to a lesser extent in Brazil, where the matter is usually left to be researched by scholars dedicated to law or criminology, leaving thus, a gap of knowledge that remains largely unfulfilled by the instruments and perspective of trained political scientists. This can be observed in the map presented on figure 2, as it was based on a study that summed up articles from 1980 to 2018 in specialized journals and shows the geographical distribution of political science research on policing and police.

It is possible that some scholars come to use the argument that this field of research is better fit to what is known as “Police Science”. Interestingly though, Police Science is a field of study born within political studies in France and Germany, and later on absorbed by Criminology and Criminal Law in North American publications until it resurfaced again in the late 20th century (Roché, 2017). It is clearly on its mainstream research branch, a “science for the police”, in a sense that its primary goal resides in the search for innovative, efficient and cost effective solutions that enhance police practices (Boer, 2017; Roché, 2017).

Police science has the principal task to analyze, scrutinize and review usual or traditional, and sometimes well-proven, practices, routines, or patterns on the basis of theoretical perspectives and scientific methods. The intention of police science is to guarantee or accelerate progress in policing, police training, and police organization. (Fehérváry, 2007, p. 11)



Note: Figure maps the mentions of country names in policing articles published in political science journals. Darker values represent more frequent country mentions.
Source: Crabtree (2018, p. 6)

Figure 2 - The Geographic Distribution of Political Science Research on Policing

The main role of a “science of the police” (Roché, 2017) has much stronger ties to Political Science research than those related to Police Science.

Even having an important role on the functioning of the state, the police does not attain a larger interest as subject of research by political scientists, especially in countries with society structures highly hierarchized such as Portugal and Brazil (Fragoso et al., 2000). For, despite its importance in the affairs of any given state, the police are, by no means, a component of the elite or have any ruling function, not attracting, therefore, the necessary attention by researchers in political science.

It is, though, a fact that only in a small number of countries political science focus its interest on matters related to police or policing, being the United States the country where, by far, there is the greatest number of articles published by political scientists on the subject (Crabtree, 2018).

On the importance of police and policing for the understanding of the State's or government's actions, the exercise of power, and its relationship with society, which are core themes in political science, Nanos (2018) addresses the visibility of the police as an unique and important feature of the institution and its personnel when he states the following:

Compared to legislatures, executives, and the military, the police are characterized by frequent direct interactions between rank-and-file officers and civilians, and by officers' visibility as they carry out their duties. (...) Citizens may go years without seeing their congressperson, but it is unlikely that they would go more than a few days without observing a police officer (p. 52).

The unjustifiable lack of interest of Political Science on police and policing seems strange when we acknowledge the police as of being one of the largest street-level bureaucracies and the one especially responsible for the core function of the Weberian state, as is the exercise of legitimate violence. The study of crime and violence have recently become subject of greater interest to political scientists, but police and policing remain neglected (Flom, 2018)

Renowned American political scientist David Bayley, who dedicated his life to the studies of police and policing, puts the importance of the interrelation between police and democracy in the following terms:

Police are the most public manifestation of governmental authority. When they use that authority primarily to serve the interests of government, they belie the democratic promise of government for the people. The most dramatic contribution police can make to democracy is to become responsive to the needs of individual citizens. (Bayley, 2001, p. 13).

Furthermore on the matter, Bayley (1971) addresses the neglect of political science towards the studies of police and policing when he states:

The subject of the police is a neglected issue among political scientists. The police are rarely viewed from perspectives natural to political science, nor are they studied comparatively among countries. The few studies that have been done are written largely from the point of view of public administration; they tend to be wholly descriptive and to deal largely with matters of formal organization and management. (...) The neglect among political scientists is particularly curious considering the attention that has been given to other aspects of rule-enforcement in society. The judicial system, for example, has long preoccupied many political scientists. Moreover, students of comparative politics have developed perspectives into which police might fit. Students of comparative political development have lavished considerable time and energy on the study of bureaucracies, armies, courts, and many kinds of interest groups. Yet they have not asked whether the police might be at least as worthy of study. (pp. 91–92).

The “Democratic Theory”, on regarding its relation to various aspects and impacts on the state structures and society, has been an important and proficuous field of interdisciplinary research that has come to the attention of a number of gifted scholars whose works have

influenced different fields along our time, surprisingly though, very few of this research has been directly addressed to the police (Sklansky, 2005).

For the reasons so far presented, it is awkward that almost every single essay about topics involving the police, including this one, has included a part where it must defend the police system or police institutions and policing as an important subject of research in political science. This should not be necessary but will continue to be the reality until more political scientists acknowledge the importance of the matter and its influence on the outcomes and design of governments and on democracy itself.

When looking into the perspective brought by Historical New Institutionalism in political science (March & Olsen, 1983) the neglect suffered by police studies is even more incomprehensible since, within the vision of institutions being themselves political actors, there is hardly a situation that could be brought to think of the police in a manner that it would not have importance in shaping society and, by feedback and interactions, the political establishment as a whole.

This concern about the neglect on police research is not new but remains to our days. Back in 1969 David Easton and Jack Dennis have said that police studies: “have fallen into a position so peripheral to the core of political science that it is virtually impossible to find a sustained theoretical discussion of the functions they fulfill in political systems” (Easton & Dennis, 1969, p. 210).

As puts Bayley (1971) on the importance of the subject in the sphere of political science:

The creation of police forces is to be understood in political terms; police forces are the creatures of politics. (...) The discovery of persistence in police forms over considerable periods of time and of congruence between police institutions and the encapsulating political system contains an implicit lesson. One cannot explain contemporary police systems without becoming involved in exploration of political development into remote reaches of history. (p. 100).

In later years, when trying to understand this phenomenon, Bayley (1985) presents four factors that may have led to the scholarly neglect on the police. The first is that the police are rarely main actors in great historical events. The second is that policing is not “glamorous”, being more of a routine like activity and bound to be more directed to ordinary people, and that, unlike the upper hierarchy of the military, the police upper hierarchy personnel are not regarded as socially important or even distinguished in any way. Third, the need to constrain, control and the repression applied by police forces on society, although necessary, are unpleasant to say the least, or even seen as morally repugnant by

some. And finally, number four, are the problems associated with the lack of systematic cataloged material or the difficulties to have access to them in most countries, which makes research an uncertain and difficult task.

Although we acknowledge that the interest in police studies on the sphere of political science is on the rise, it still has a long road ahead until the works and proposed theories match the importance of the subject as a vital structure to the political organization of any given state.

2.1. How Police Systems, Institutions, Police Problems and Policing are Mostly Addressed in Political Science

One of the main questions when studying police institutions or police systems of any given country is: what aspect or what issues are most important for valuable research? Putting aside the pure operational aspects of police work, that in themselves, are not on the direct interest of political science, there remains a large array of themes related to the police institutions that are of great interest to understand the influence of political regimes on the institutional designs and attributes given to the police on different countries. How and by what influence did they end up on a certain given configuration? To what extent the current political regime upon the origin of the police institution or system determined its design and attributions? In the line of time, with the various political regime change throughout history, how did the police system adapt and change on the different countries? To what extent is a police system bound to suffer substantial changes or to retain its basic features when, for example, a political dictatorship evolves on to a full established democracy? There is a need, on this case, to determine what features are transient and what tends to permanency.

Overall, the main challenge seems to be grasping what aspects of political change are most influential in determining the institutional changes suffered by the police on its evolution and how and to what extent this reconfigured the relations between political power, society, and the police. And, by what method? Based on what theory? With what framework?

Other questions rest upon the relation between the police and the government, mostly over control, accountability and mutual influence over the procedures and directives, and on the influence of the police over the perceptions that a given society has on its government. Police reform and the barriers for its implementation on existing different stages of democratic development on different countries are also an issue addressed on many studies.

On the pursuit of these and other answers, some political scientists have dedicated their lives and come up with important insights as to what to look for and what to measure on the interest of a better understanding of the police by the view of political science.

In an essay published in 1971 and intended to present findings between police and political change, David Bayley raised some hypothesis on this relation. He focused on six countries: Great Britain, Germany, Italy, France, India, and the United States, trying to answer two main questions: 1. what is the political context of police development? 2. What is the influence of police upon political change? (Bayley, 1971).

Methodologically, for the first question he explains that the police are the dependent variable, and the pursuit is to determine the factors that influence on its institutional design, as for the second question the political events are the dependent variable and the objective of the research in trying to answer this question is focused on the influence of the police on determining certain outcomes, or denying others, to these political events. (Bayley, 1971).

The dimensions which Bayley selects to examine are three: “(1) structure of the national system; (2) manner of exercising accountability over the police; and (3) professional image.” (Bayley, 1971). These are, up to this day, considered as essential aspects to be taken in account when studying the matter. But even when narrowing the research to only these three dimensions there is still a great variety of models, types of control and different ways in which the police institutions are perceived by the society of the various countries. (Bayley, 1971)

In this article, although there is a clear methodological approach to the matter, when Bayley analyzes the relations and structures of the chosen countries explaining and describing thoroughly their differences and similitudes, their relations to central and local government, and to some extent, their categorization into common groups, there is not an effort in creating ideal types or general categories that can be referred to and used in further research. His work is, none-the-less, very detailed in its descriptions and gives important hints to future possibilities of categorization of police systems, that he will propose and improve in his later works.

Furthermore, when describing the influence of police on political matters that lead to change or to the permanency of the political situation “as it is”, Bayley describes the police as being mostly instrument of other political forces and rarely independent political actors. He emphasizes though, that police activity influences politics both openly and clandestinely through its actions and street judgements on the various situations they encounter on the

job (Bayley, 1971). Although he does not claim this in his early studies, the situation he describes appears to fit the Principal-Agent Theory.

In considering the police as a formative factor in politics and society Bayley foresees four mechanisms of influence:

(1) by their activity directly upon political or politically related events; (2) by socializing citizens through their activity as authoritative governmental agents; (3) by the example the organization sets, the symbol it becomes, and the demands it makes on other parts of society; and (4) by socialization of individual policemen to fit within the political community. (Bayley, 1971).

Again, on this topic, Bayley goes through a series of examples of his thesis on different countries and periods, describing and explaining the factors involved, although not yet, at this time, categorizing measurable types.

Courteney R. Conrad approaches the police and policing using a Principal-Agent framework to study police violence. On this relation he considers the judicial courts as the principals and the police as the agents, arguing the existence of a considerable asymmetry of information between them, allied with high costs of oversight due to the nature of police work with its high possibilities of exercising discretion in their decision-making process (Conrad, 2018). On the defense of this kind of approach to study the matter, he makes the following remarks: “As “street-level bureaucrats” (Lipsky, 1980), policing is subject to a classical agency problem in which principals must determine how to motivate officer compliance with directives under incomplete information (Brehm and Gates, 1999; Miller, 1993).” (Conrad, 2018, p. 19).

Another research path has been studying police violence and police action through the ethnic representation of its officers. Although this type of research appears to be more sociological in its roots, the claimed objective of the authors is in the results of the structural design and effect on the actions of police institutions and even on political stability, thus relating with political science.

On that research path, Adam M. Butz et al. (2018), use an equation that is built to define a “Disproportionality Index”, focusing on the ethnic representation of police forces in the United States of America and its effects on the institution’s actions, particularly through its tendency to the use of violence. Their main question is if the variation in racial representation among police officers and the communities in which they work relate to incidents involving excessive use of force by the police and they also claim that their work

may help empirical studies that relate demographic representation and policy outputs, particularly in United States policing.

Considering also demographic inclusion on police institutions, Nanes (2018) argues that even the broader citizen-state relations are influenced by the group identity recognition that occurs when inclusiveness is considered as a factor in police recruitment, and that it occurs regardless of any change in the police officer's behavior. The importance of this is linked to the fact that the perceptions of society towards the police are in direct relation to its perception of the state or government. "Citizen's behaviors, and the perceptions that determine those behaviors have broad implications for governance, violent conflict, and political stability." (p. 57).

In a similar approach but addressing autocratic countries as his subject, Travis Curtice (2018) focuses in the developing of a theory on which, by his words is: "(...) a theory of ethnic policing that argues that ethnic politics plays an important role in how leaders structure their security forces, which in turn affects the way individuals cooperate with the police." (p. 24).

Based on a Principal-Agent framework he argues that the police, and not the military, are the key agents of repression in ordinary times in any given country, which puts the ruler in what he calls the "Autocrats Dilemma" when considering the ethnic composition of his police forces. He explains this "Autocrats Dilemma", as the problem dictators face when ruling multiethnic societies, for, if they favor filling the police forces with loyalists or coethnics in the intention of preventing coups and ensuring repression, they also create for themselves a potential lack of information problem along with less civilian cooperation with the police which results in less control over society (Curtice, 2018).

Being both a scholar and a political actor in Argentina, Hernán Flom (2018), while acknowledging the police as a key state actor, proposes an economic approach as a useful and new conceptual framework to address its relations with other state actors and society. In this approach he states the need for a deep understanding of the policy making process taking in account that, especially in less developed democracies, the police system is commonly under the influence of political interference. He explains that such a political economy approach starts by the definition of the incentives available to the actors involved and the understanding of the arenas where the policy implementation will take place. The policies that results are determined by:

the distribution of political power shapes the availability and attractiveness of different policy interventions and political strategies for decisionmakers. It also

models policy formulation as a repeated game in which the players know they will have future interactions, perhaps under a different distribution of power (Flom, 2018, p. 36).

This political economy framework can allegedly contribute to the study of police politics in three aspects: a better view of the various duties performed by police institutions, besides the classic crime fighting role; a more precise description of the policy making process on thinking upon actors and arenas; and the incorporation of new actors to the studies, by not isolating the police institutions but taking in consideration the actors that work closely with them, such as judges and even organized crime actors, when thinking over the policy making process (Flom, 2018).

There is yet another set of studies in political science that focuses on police reform implementation issues. This type of literature is mainly descriptive, but proposes some hypothesis in its conclusions by addressing the relations between the police and other political actors, giving attention to the incentives that, many times, politicians and pressure groups have to maintain the present “status quo” of police institutions and put obstacles to police reform and improvement, counting on the benefits of a corrupt, violent, or inefficient police system for the forwarding of personal non-republican interests (Davis, 2006; Eaton, 2008; Ungar, 2009).

Working on this type of approach, Eaton (2008) suggests three hypotheses for the difficulties faced on the implementation of police reform. The first is that federalism, as opposed to what happens in unitarist countries is a complicating factor for police reform, and that can be perceived when taking in regard all negotiation necessary to accommodate the diverse and strong local and national interests on a given federalist country. The second is that the formal politization of police officers by being elected as politicians, generates what he calls “party-police networks” that raise obstacles for police reform from inside the very political-electoral system. And the third is that, as growing insecurity is perceived by the society, police reform sees its possibilities and range weakened by the strengthening of pro-order pressure groups.

Addressing police reform and security policy implementation in Latin America, Ungar (2009) draws attention to the incapacity of the state agencies to cope with the task, due to the fact that they are, in general, challenged by three common features: institutional chaos, biased internal processes, and vulnerability to external pressure.

Also addressing police reform, but with focus on the Iberian Peninsula, specifically in the period after the end of the dictatorships that ruled Portugal and Spain, Palacios Cerezales

(2010) describes the obstacles for reform and the characteristics and practice of the police in their transformation from this period towards their consolidation to democratic police institutions. On these processes he draws attention to the under-enforcement of the law and social conflict in Portugal generated by the new democratization and its distaste for the police as an institution and any use of force, even when clearly justified, during the early periods of the new democracy. Meanwhile in Spain, the authority of the police was not undermined, even with the more extensive reforms that came upon them.

During the aftermath of democratization, the main organizational features of the Portuguese police remained the same having (apart from the PIDE¹ that was extinct), with a centralized police system the three major police institutions of the predeceasing period (PSP, GNR and PJ)² remained as they were, with changes affecting mainly the nature of their missions. Whereas in Spain there was an effort on decentralization with the creation of regional and local multi-purpose police forces. Common to both countries was the shift in the police mission, from the defense of the state to the defense of the citizens in a democratic society (Cerezales, 2010).

Still on the subject of police reform, but viewed in a broader perspective, David Bayley on his most recent works such as: *Democratizing The Police Abroad: What to do and How to Do It* (2001); *Changing the Guard: Developing Democratic Police Abroad* (2006); *The Police in War: Fighting Insurgency, Terrorism, and Violent Crime* (2010); and *Governing the Police: Experience in Six Democracies* (2016), concentrated his efforts on the research and building of structures within police systems that could contribute to the construction of a more efficient policing, hand in hand with the imperatives and demands of democratic political regimes (Cordner et al., 2021).

2.2. Comparative Policing

“Existing research on police development is built on single-society studies. The absence of a reasonably general cross-national database on democracy and policing has impoverished both policy and science.” (Sung, 2006, p. 360).

Since Sung pointed that out, back in 2006, a growing and promising perspective in the police studies forwarded by political science has been by the use of the comparative toolbox,

¹ The PIDE (Polícia Internacional de Defesa do Estado) was the political police of the Portuguese dictatorship having a large array of intelligence duties, and powers beyond those attributed to normal police institutions.

² PSP reads for “Polícia de Segurança Pública” and is a civilian police force; GNR is the “Guarda Nacional Republicana” and is a military police force; and the PJ is the “Polícia Judiciária”, a civilian police force responsible for main investigations.

which is already widely known and used on other research subjects. This perspective allows for a scientific approach on the perception of main similarities, common traits and differences of police systems and institutions in different countries and, by doing so, besides leading to a better understanding, shows us paths for the improvement of these systems by comparison and adoption of the methods or designs that bring better results.

The benefits of a comparative perspective in the study of police systems and policing comes through the knowledge of the different national systems to recognize what they have in common and what differentiates them. This comparison of police systems, forces, and policing styles, provides us with an instrument that sorts out what is singular to one given country and what are the general characteristics that present themselves in the majority, if not in all police systems around the world (Maillard & Roché, 2022).

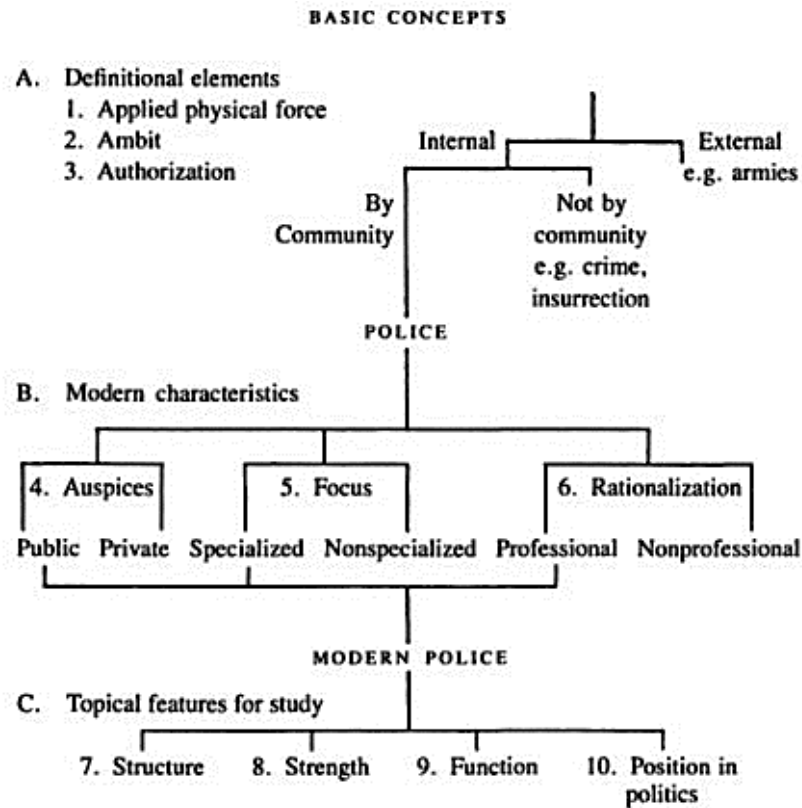
It is important to point out though, that the improvement by comparison has been a common occurrence that resulted from the growth of direct contact between police institutions of different countries, regardless of any academic studies. This has been a reality since the 1980's and may have led to the reform of police systems in countries such as Italy, Spain, Greece, and Austria among others (Maillard, 2022), which have tended to make changes in the internal hierarchy organization of the institutions and on the territorial and nature of their scope, simultaneously with changes in operational practice of their police institutions.

Bayley has advocated the usefulness of adopting a comparative policing perspective in the study of the police throughout his work and specially in his book: *Patterns of Policing: A Comparative International Analysis*. The effort brought by this work goes in the direction of creating a theory of policing that presents general propositions that can be applied on the explanation of police functioning using comparative contemporary and historical information (Bayley, 1985).

According to Cordner (2021): "The book was quintessential Bayley, demonstrating what happens when a comparative political scientist applies his craft to understanding the police." (p. 240).

On this endeavor, the topics Bayley considered in classifying and comparing the police systems were structure, strength, function, and position in politics. He starts by stating what he understands as being the police, which he defines as being basically a public national force with a wide mandate of missions whose personnel have the authorization to use physical force and are characterized modernly by a certain degree of professionalization and

of specialized duties. With that he lays the basis for the comparative study in countries within Europe, Asia, and North America. The basic framework he adopted can be viewed on figure 3, and it is important here to point out that he also was responsible for establishing the most used police system typology, as will be presented in the next chapter of this essay (Bayley, 1985).



Source: Bayley (1985, p. 14)

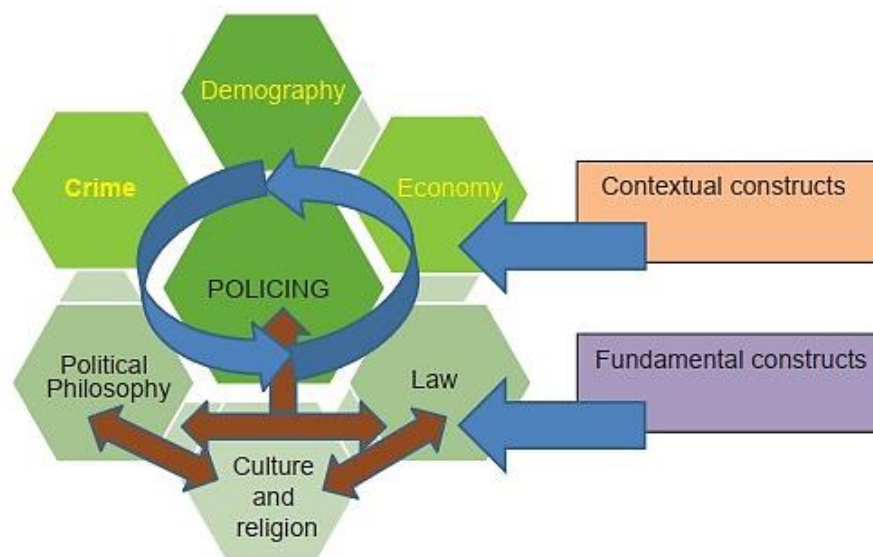
Figure 3 - Bayley's Basic Framework

More recently several scholars have worked with, and proposed ways and theories for studying the police and policing in a comparative manner.

Cornelis Roelofse, a South African scholar proposed the use of what he calls Fundamental Constructs in relation to what he defined as Contextual Constructs, to determine the type of policing in a particular country. The Fundamental Constructs being the political philosophy, the culture and religion, and the structure of the law; and the Contextual Constructs being the characteristics of crime, demography, and economy of the country. Figure 4 displays his Diagram as a view of the interrelations that would influence on the type of police system that resulted and, consequently, the type of policing would be adopted by the countries at

scrutiny. “As a general rule one can assume that the fundamental constructs of policing will dictate the policing philosophy and the strategy of a country and the contextual constructs the operational aspects” (Roelofse, 2015, p. 250).

The way to make the comparative studies viable is attained by using these constructs within two analytical theories, the Systems Theory (French & Bell, 1999), to select variables for comparisons, and the Reciprocal Moral Dualism (Roelofse, 2012), to relate how the interaction between society, the police, and the individual police officer takes place in an open social system. The understanding of the process of mutual influence among the different constructs is critical for the comparative studies (Roelofse, 2015).



Source: Roelofse (2015, p. 249)

Figure 4 - Roelofse's Scheme

In the book *Comparative Policing*, Maillard points to the importance of determining the objects, the level (in terms of governmental scales), the level of analysis, and the type of comparison when attempting to make comparative research of police systems or policing. As for the objects, there is the need to differentiate between the police as a public institution and policing as an activity; in terms of governmental scales to distinguish between national, transnational and local; when referring to the level of analysis to determine if it is Micro, Meso or Macro; and finally, if the type of comparison is going to be an approach that is made by the of pooling national experiences in a series of monographs preceded by a general introduction that puts the subjects in perspective or by an approach that isolates a series of

variables that produce simplified representations of police forces in a model building perspective (Maillard, 2022).

Calaresu and Tebaldi (2020) on reviewing the literature over police studies in political science, conclude that they mostly analyze the roles, functions, and activities of the police as dependent variables on exogenous factors. They acknowledge the importance of these approaches but insist on the consideration of other structural variables that can condition the development of police systems along the passage of time on a theoretical base rooted on an Historic Neo-institutionalist evolutionary path type process. Focusing on Europe, they advocate the development of an approach that include factors beyond those that influence the police from the outside to include, historical, endogenous, and structural factors which determine their common and diverse characteristics. This comparative analysis proposal is to be organized upon two complementary dimensions:

The first dimension is theoretical in nature: it determines the long-term organizational characteristics able to shape the original model of the various national police systems, (...) The second dimension is methodological in nature: it consists of the formulation of a typological tool able to classify the various cases of European national police systems and identify their organizational and functional features, as well as their evolutionary characteristics, within a comparative analytical framework. (Calaresu & Tebaldi, 2020, p. 643).

With these tools and using a new proposed typology for police systems (shown on the next item), the aim is to compare European National police systems in spatial-latitudinal and temporal-longitudinal dimensions based upon the historically original models of the respective national police systems and their presumed influence on the subsequent development over time and degree of change. They consider the independent variable to be the original model of the organizational field, and the hypothesis of their work is centered on the power of the original models to determine the main characteristics of the police systems in Europe, in their structure, functions, legitimacy, and costs (Calaresu & Tebaldi, 2020).

2.3. Typology of Police Systems

The typology or taxonomy of police systems is by no means an established matter in which only one system type is referred to as unanimous consensus between scholars. The variables that are used as reference to establish the different models of typology though, are pretty much the same in all studies that attempt to build a typology model. They all orbit around themes related to degree of centralization, historical origins, territorial divisions, attributions, and main objective of the police system in the exercise of the monopoly of violence inside the political apparatus of a given country. The earliest classifications

attempted made their distinctions based on the characteristics and differences of the English and the French Systems and evolved from there on.

Again, on this topic over police studies, political science owes to David Bayley (1985) the richest classification of police systems. It is based on three criteria: centralization, number of police forces within the system, and coordination (Maillard, 2022).

By centralization he refers to the geographic level of control of the police forces within the system, if mainly local, regional, or national; by the number of police forces he differentiates monist systems (with only one police force) from pluralist systems (with more than one up to a variable number of police forces); and in coordination he refers to the formal attributions that is established among the police forces, if well organized and divided, or if subject to confusion and competition in determining which does what (Maillard, 2022).

Within these three criteria Bayley developed a typology that consisted of five categories being: “monist (Ireland); coordinated centralized pluralist (France); uncoordinated centralized pluralist (Italy); coordinated decentralized pluralist (UK); uncoordinated decentralized pluralist (US)” (Maillard, 2022, p. 40).

Following a different path but relying on to some of Bailey’s (1985) conclusions, Emsley (1999), focusing on 19th century England and France as parameters, lines out three types of police that can be generalized as ideal types. His typology is not concerned with function but rather with accountability, control and form and results in the following general categories: 1. State Civilian Forces, commanded by government agents and mostly independent of local authority; 2. Civilian Municipal Police, mainly under local authority control; 3. State Military, under the authority of a central government ministry.

This type of typology leaves out some important police institutional features and even disregards some broader political organizational features adopted by different countries such as federalism, rendering it a limited value in a broader comparative perspective of police institutions and not concerning itself with police systems as a whole.

There are other classifications, such as seen in Choi (1996), Varghese (2010), Roché (2017), that set categories in which they evaluate police systems by comparison based on the degree attained to opposing characteristics found on a particular country, such as centralization, coordination, legitimacy, fragmentation of the police forces, geographical size, political organization, etc. These categorizations, however, do not make an effort on the creation of ideal types of police systems on the intent of furthering broader and more standardized

comparative studies, so, despite its many merits in comparative policing studies, they do not compose a typology of the police systems in the sense we are using on this essay.

Suggesting a typology based on Bayley's (1985), but with the suppression of the coordination criteria, Maillard distinguishes four main types³ of police systems to further comparative studies of western countries, these are: "Anglo-American (England and Wales, Scotland, Ireland, Canada, United States, etc.), Napoleonic (France, Spain, Italy, Portugal), Scandinavian (Denmark, Finland, Norway, Sweden) and Continental European (Austria, Belgium, Germany, the Netherlands, Switzerland)" (Maillard, 2022, pp. 12, 13). However, he acknowledges the imperfection of these created categories in terms of the internal heterogeneity that some of its constituents have on degrees of centralization or in terms of internal organization while still considering them as valid types for comparison (Maillard, 2022).

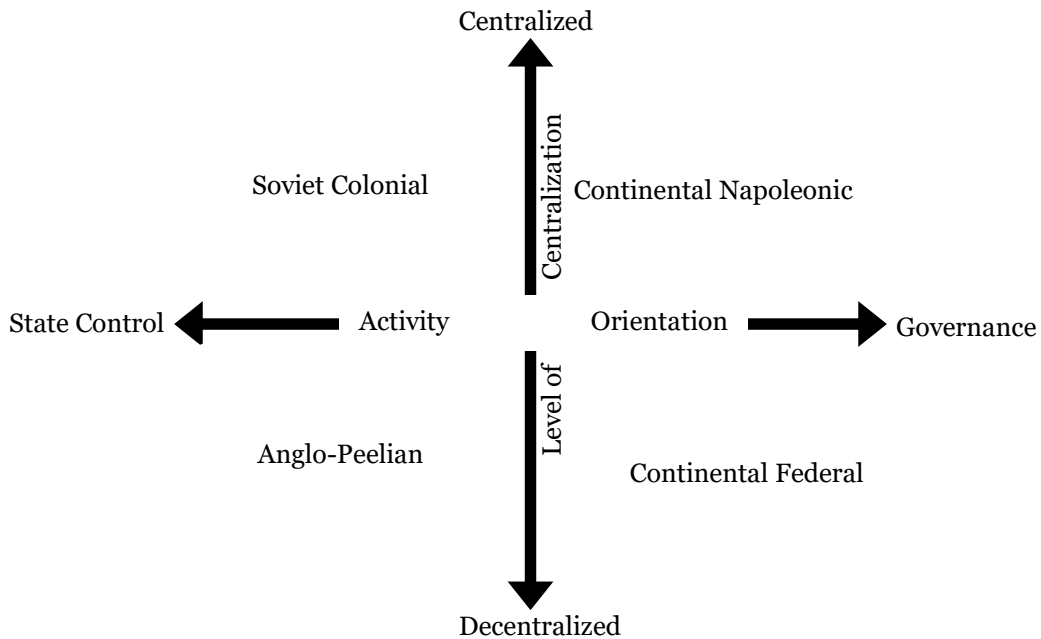
Calaresu and Tebaldi (2020) have proposed a police system typology based on the cross-referencing of two analytical dimensions of the police system at its time of foundation: the structural level, referring to the level of centralization (high or low) of the police system, that is, if it is organized on national or local hierarchical lines, and the functional level, which accounts for if the orientation of police activity, through its set of norms, rules, and measures, is mainly used to control governance, and, therefore, all public services of interest to the state or, on the other hand, if it is focused in criminal law enforcement. In the first case we have an orientation towards governance and in the second case an orientation towards state control.

Better explaining these concepts: the level of centralization is referred to as the parameter by which police activity is organized on basis of a national or of a local hierarchical line, independently of whether it is at the charge of one or various forces, and orientation of police activity relates to whether the police mandate is composed also by administrative responsibilities that regulate society or if it is oriented exclusively towards the maintenance of public order and criminal investigations.

Under these parameters their police system typology, regarding the European territory, takes the following configuration: Continental Napoleonic, Continental Federal, Soviet Colonial, and Anglo-Peelian, as can be better viewed on figure 5 (Calaresu & Tebaldi, 2020).

³Maillard does not refer to these main types in the Weberian sense of ideal types but as being a set of categories that share common characteristics (Maillard, 2022).

This is the typology that will be used on this dissertation in order to forward our proposed comparative analysis. Using the concepts brought by Calaresu & Tebaldi (2020) and applying them to be composed as presented on Fig. 5, we are able to attribute numeric values to the variables of Centralization Level and Activity Orientation and, in this way, determine by interpolation the relative position of any given country Police System in relation to the four ideal types proposed on a graphic representation.



Source: Based on Calaresu & Tebaldi (2020, p. 647)

Figure 5 - Typology of original models of European national police systems

Chapter 3. Methodology and Hypothesis

Having gone through some of the defining features and research paths related to our subject, it is now time to detail how the typology adopted will be used and what will be the focus of this proposed empirical and explanatory study.

The research here undertaken is aimed to uncover if shifts on political regimes (mainly towards or away from democracy or from monarchy to republic) were by themselves a determining factor to provoke substantial changes in the police systems established in Portugal and Brazil and/or if the occurrence of changes to the systems were more strongly

linked to geopolitical factors, such as a redistribution of power between the units (provinces, states, districts or cities) that form the country.

It relies mainly on primary sources consisting of the Portuguese and Brazilian legislations and Constitutions throughout time, thus beginning with the establishment of their original police systems and going onwards to describe and subsequently analyze their conformity to the ideal types proposed. These sources can be found in several official and university research internet sites as listed and referred to in the bibliography at the end of this dissertation.

Considering both countries shared common institutions during certain historical periods, our approach will take this in account to look into the origins of their police systems and in to what factors influenced on their permanence or change to different features or to even an entirely different model on a comparative perspective using the Calaresu and Tebaldi framework (2020), on the version as shown on figure 5.

Regarding the framework in use, it is important to point out that, although its design was developed by Calaresu and Tebaldi (2020) to be used on comparative policing studies of European countries such as Portugal, on this present essay, we find it suitable and adequate for the comparative analysis also of the major South American country as is Brazil. This suitability is presumed due to the reasons, history, and characteristics further detailed and explained on chapter 4, item 4.2.

3.1. Research Object and Contextualization

When studying issues related to the police, we need to determine what aspect and to which specific meaning the use of the term “police” is being referred to. Three differences on addressing the subject are readily noticeable: the first, when we are referring to individual police forces as institutions; the second, when considering the system in which these institutions or police forces exist on a given country; and finally, when using policing as a verb, meaning the activity related to police forces (Maillard, 2022).

Our concern on this work will be focused on Police Systems, here understood as being a system that is composed by the police forces that operate on a determined country. To clarify, characteristically Police Systems may be composed by a single institution or by various police forces depending on the country’s adopted institutional design. Over this topic, our subject will be the police systems of Brazil and Portugal, each considered as a unit, and not any of the isolated police forces that compose their respective systems.

Another concept worthy of a clear definition, as used on this research, relates to the meaning we have in mind when referring to territorial rearrangements. They are here referred to as being changes in the political organization of territorial government units within a given country, for example, as when a certain part of the territory is given a new autonomy status or when a federation is created by division or annexation on what was once a unitary country. Therefore, the concept is related to a change on the autonomy of the units, regions, states, or provinces that constitute a given country.

Finally, since this research will check the historical political regime shifts and the geopolitical rearrangements that may have occurred in Brazil and Portugal with focus on their impacts on the architecture of their original model of police systems, the origin of the police systems of both countries and the developments from there on will be, for instrumental reasons, identified and then presented on a historical timeline.

Before going ahead in the reading, a final remark. For this research to be possible only the mainstream organization type forces that composed the police systems were considered. This is because both countries had conflictual moments in their history in which divisions between former provinces and districts, institutional organization, and even separatist movements, implemented short-lived police system innovations and some “sui generis” configurations that would be impossible to look upon in details in this modest work. Institutions that are dedicated to State Intelligence, although may in some countries be referred to by the name “police,” were also not addressed in this dissertation.

3.2. Hypotheses

Although political regime change on a given country will presumably have decisive impact on police activity and police model design, we are here working with the counter intuitive assumption that regime change (as in from dictatorships to democracy) plays a smaller role on changing the design and features of police systems when compared to political territorial rearrangements that result on decentralization of the police system. In simple terms (figure 6):

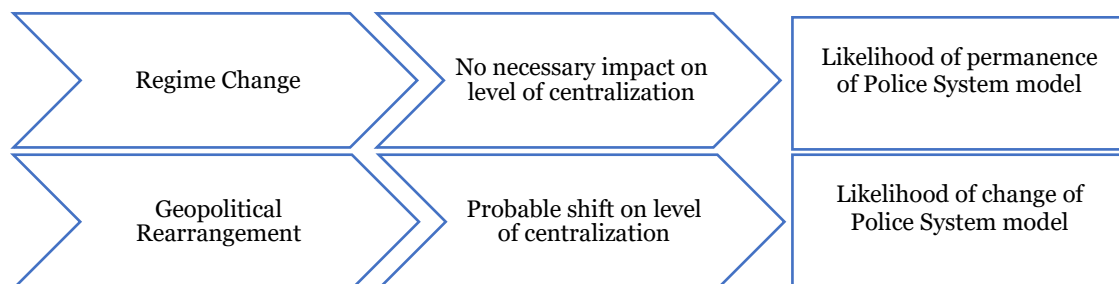


Figure 6 - Graphic representation of the hypotheses

On this assumption, and based on the historical changes that occurred over time on Brazilian and Portuguese police systems, we propose the following general hypotheses:

1. Police systems have a strong tendency to uphold their original features regardless of regime changes between dictatorship and democracy.

This hypothesis is linked to the interests of politicians and parts of society towards the permanence of consolidated features of the police system, and consequently, to resistance towards change or improvement for the sake of their personal societal or political position and advancement, regardless of any urge there might be for institutional change (Davis, 2006; Eaton, 2008; Ungar, 2009). It also relates to the influence of the historical, endogenous, and structural factors that determine the characteristics of a police system, and that are less affected by conjunctural political factors (Calaresu and Tebaldi, 2020).

Based on these assumptions, this hypothesis suggests that even political disruptive events have limited influence over the consolidated structure of a police system.

2. Police systems tend to change when the country is submitted to geopolitical rearrangements.

In this case, the hypothesis relates itself to the distribution of power among the territorial units that form a country. The autonomy given to the units when a country shifts, for example, from a unitarist into a federalist form of organizing politically its territory, are a determining factor for change of the police system when taken in account all the necessary negotiations to accommodate the differences between the local and national interests in regard to the organization and command of the police forces (Eaton, 2008).

This hypothesis suggests that the police system tends to respond and adapt its features to compose an even entirely different model when pressed by issues of political redistribution of power between the territorial units, thus, being the variable related to level of centralization instrumental on these shifts.

Chapter 4. Development of Contemporary Police Forces, a Brief Review

The first accounts in human history referring to an organized force under the control of civilian officials and responsible for the armed enforcement of the law date back to 1500 BC, in Egypt and Mesopotamia (Adamson, 1991). In the time of the Roman Empire there were no recognized institutions solely responsible for law enforcement and to the official use of violence to maintain public order, policing existed though, as a role played by a variety of civilian and military groups, but most commonly by the Roman soldiers tasked with this mission (Fuhrmann, 2012). Later, in the Medieval Era, European Knights and on the far East the Japanese Samurai are examples of code oriented warriors that, besides involvement in foreign wars, were responsible for the maintenance of public order by the use of violence when necessary (Bayley, 1985). As a matter of fact, viewed in a broader sense: “Police exist whenever the application of physical constraint can be shown to be regarded as legitimate by the community.” (Bayley, 1985, p. 9).

Those primitive forces have appeared on the subsequent historical periods based upon the need to control society and to fight crime in whatever form it took place on the different civilizations and cultures while, at the same time, maintaining the power of the rulers and states by the use of sanctioned violence and in some cases even with the monopoly of that applied violence.

Although these forces can probably be used as a good representation of a classic “foundational myth” on institutions that stand by the motto: “To Protect and Serve” (still referred to on many police forces even nowadays), they were not quite what we describe modernly as “the Police”.

4.1. The Modern Police Era

The birth of the type of police institution that came to ultimately compose what we refer to as “police force” is thought to have been originated somewhat between the late 17th and the early 20th century (Maillard, 2022).

The exact origin of the first modern police force, though, is not completely agreed upon. Maillard (2022) on a Continental European perspective, puts it in the creation of the “Lieutenance de police de Paris” on 1667 by Louis XIV, later renamed “Lieutenance Générale” on 1674. Viewing the matter on a diverse perspective, the English based literature

usually considers its origin as more recent in time and of being an English or Irish foundational institution⁴. They consider its origins to be English when they refer to the Metropolitan Police Act of 1829, and Irish when they refer to the earlier Irish Peace Preservation Force Act of 1814, both of which were engendered by one of the most important personalities to the establishment of what became to be known as modern policing and the police, Sir Robert Peel, who was the person responsible for both acts, first as Irish Secretary in 1814, and then as England's Home Secretary in 1829 (Brogden, 1987).

After discussing the “when”, let us focus on the possible reasons that led to the emergence of modern police forces. Over this subject, there are a series of attempted explanatory theories as to what factors were of major influence on the establishment of police institutions with the functions and characteristics that mostly define them today. None of them are satisfying in providing a convincing and complete explanation, but their merit lies on the presentation of different factors that combined may have contributed to forming the features of our modern police forces.

The first attempted explanations as to their emergence on the United Kingdom and the US focus their efforts on the “mob factor.” On this perspective riots and social unrest were the central precipitating factor, meanwhile, at the same time period, alternative explanations viewed the fear of crime as responsible for the organization of a type of government agency that could face this perceived crime threat. Besides this mob and riot, and the crime factor explanations, there were those that centered their concern on “people control” as a catalyst of the police emergence in a sense of the need to control potentially dangerous classes and the social unrest that could result from the effects of immigration for example, especially in the US. Another explanation, this one best related to a Continental European tradition but also applied to the UK and the US, concerns itself on the administration of the State affairs and an administrative structure proliferation that took place on modern history and ultimately gave origin to Police institutions responsible for a large array of governmental tasks. Finally there are the explanations with their roots on Marxism, these view the emergence of the Police in terms of the economical struggle of classes and the need of the ruling classes to regulate and control the working classes within the early industrial capitalism's conjunctural crisis (Brogden, 1987).

⁴ For further deepening on the matter, an interesting essay that unravels the evolution of policing in England and America, starting with the primitive types that existed from 900 AD and that evolved on until modern days is: “The Development of The American Police: An Historical Overview”, written by Craig D. Uchida in 2004.

After this brief look into the matter of “why” they were formed, let us try to explain as to “what” defines a modern police institution. On a “common sense” perspective, Police is what Police does. To better understand how these institutions perceive themselves and are presented to society, we have listed on table 1, mission statements from some police forces around the world:

Table 1 - Mission statements from some police forces around the world

POLICE FORCE	COUNTRY	MISSION STATEMENT
UK Home Office Website at 2009 (according to Varghese, 2010)	United Kingdom	“The modern police service is a varied, multi-layered, responsive institution working to ensure the safety of Citizens”
New York City Police Department (2023, accessed at 27/01/2023)	United States of America	“The mission of the New York City Police Department is to enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, protect the people, reduce fear, and maintain order”
Los Angeles Police Department (2023, accessed at 27/01/2023)	United States of America	“It is the mission of the Los Angeles Police Department to safeguard the lives and property of the people we serve, to reduce the incidence and fear of crime, and to enhance public safety while working with the diverse communities to improve their quality of life”
Polícia Militar do Distrito Federal (2023, accessed at 27/01/2023). ⁵	Brazil	“Promover a segurança e o bem-estar social por meio da prevenção e repressão imediata da criminalidade e da violência, baseando-se nos direitos humanos e na participação comunitária”
French Gendarmerie and Police (Code of Ethics of the Police and the Gendarmerie in France, 2014).	France	“The police and gendarmerie are internal security forces under the authority of the Minister of the Interior. They act in accordance with the rules laid down by the Criminal Procedure Code. They are tasked with defending national institutions and the national interest, upholding the rule of law, maintaining law and order, safeguarding people and property.”
Polícia de Segurança Pública (2023, accessed at 27/01/2023) ⁶	Portugal	“A PSP tem por missão assegurar a legalidade democrática, garantir a segurança interna e os direitos dos cidadãos, nos termos da Constituição e da lei.”

⁵ “To promote safety and social wellbeing by means of criminal prevention and immediate repression of crime and violence based on human rights concepts and community participation”. Translated by the author.

⁶ “The PSP upholds the mission of enforcing democratic legality, guaranteeing homeland security and citizens’ rights as mandated by the Constitution and the law”. Translated by the author.

The first three mission statements on table 1 are from the UK and the US, which have established their police systems based on similar institutional objectives. It is noticeable the emphasis on the service to the citizens and the aspiration to ensure a better quality of life along with the importance of law enforcement against crimes and safety of the people. The statement brought by the police force shown as example for Brazil, country whose police system origins differ far from those of the UK and US, presents similarities with them on its aspirations for the social wellbeing of citizens and emphasis on law enforcement against crimes. On a slightly different perspective, the statements brought about from the French and Portuguese examples, although also referring to the safety of citizens and law enforcement against criminality, have a very noticeable bias regarding the defense of the State and its institutions.

Regardless of any differences in their main focus on the various countries, what brings this type of institution to common grounds in terms of their missions and features is the fact that they are state institutions characterized by a mandate related to the safety of citizens and (in the matters of internal security issues) of the state itself, being empowered with the ever present possibility to resort to the use of violence in order to attain their institutional objectives.

According to Klockars (1984), the police exercise this domination to overcome actual or potential resistance to the accomplishment of their missions through four general types of control: authority, power, persuasion, and force. Other institutions also use these type of controls, but the possibility of the use of force on a variety of different and unpredictable situations, not all possible to be detailed in law prescriptions or written rules, is a defining feature of police forces (Monjardet, 2003).

Examining how modern police forces came to be as they are today, we come across a series of processes that together resulted on this readily identifiable and world widespread institution. On Bayley's perspective (1985), the phenomena which led to shaping what we now quite clearly identify as a police force resulted through the combination of three processes that interacted in the construction and development of these state institutions, being: monopolization, specialization, and professionalization.

The first, monopolization, consisted of the process in which police functions gradually turned themselves more and more into an exclusive state matter until its full establishment as the responsibility of a public or State institution became their predominant characteristic. Specialization, in Anglo-Saxon countries, took primarily the form of the substitution of the military by civilian forces on policing functions. On Continental Europe

and Latin America, the process took place within the civil administration of the state by the differentiation of functions, generally not accompanied by the demilitarizing of the existing forces. Over these differences on degree and types of specialization, Bayley points to the historical institutional characteristics of the countries related, as he claims: “Differences in specialization in Europe, clearest at middle levels of state management, are associated with the contrasting traditions of Roman Law and Common Law. A heritage of Roman Law retards the development of specialized police agents.” (Bayley, 1985, p. 46). And finally the third process, professionalization, is considered the process that is most characteristically associated to modern police and is identifiable by the existence of four minimum attributes: recruitment based on specific standards; career type remuneration values and structure; formal training; and systematic supervision by superior officers (Bayley, 1985).

Closing this topic, we can conclude that, besides having different architectures and distribution of interinstitutional functions, the basic reasons to exist and roles to be played by police are similar in the whole world today. It is also noticeable that among those roles, the criminal law enforcement duties constitute a common feature in every police system, force, or model.

4.2. Police Organization on European Colonies, and why Brazil must be Categorized within the Western Police Systems.

The establishment of police forces on European colonies followed a pattern that rested on the assurance and safeguarding of the economic, political, and social interests of the commanding power from the metropolis, mostly to the disadvantage of the indigenous population of the colonies. This is true to most of the European countries that possessed colonies, from the British to the French and from the Spaniards to the Portuguese.

On the British colonies professional policing was shaped to be at the service of capitalist interest on its search for new markets being inspired by the model established by the Royal Irish Constabulary on control mechanisms, physical location of the police (which was segregated from the civilian population), and close link to the military forces (Brogden, 1987). They were organized in an attempt to establish institutional procedures that normalized metropolis-colony relations on basis of racial segregation theories (Kalman, 2020). This was instrumentalized by the attempted convincing of the indigenous population of their natural inferior condition as to their capacity to adopt their own law enforcement practices until they had internalized the colonial construction being imposed (Brogden, 1987). There is, however, an exception to this kind of police system established by the British

on their colonies. This exception, on which was established a police system much more like the one applied on England was to become the country now known as the United States of America.

In Colonial North America the British type sheriff and constable model was imported and easily adapted to work within the new environment (Uchida, 2004), which consequently resulted on a police system based upon completely different institutions and philosophy than those of the other British colonies.

On the French colonies, unlike the English, not only the top management of the police was in the hands of French nationals, but also on the unit level, they kept Europeans in charge and the locals occupying subordinate positions. Also here, the colonized were considered racially inferior, and the French colonial police system was designed to protect the colonial project enforcing a racial repression system put in place to ensure French interest and European hegemony (Kalman, 2020).

The Spanish were possibly the less prone to institutionalize police forces composed of indigenous people of the entire metropolis-colony system of the time. Truth be said, there was not a particular concern by Spain toward their colonies other than the economic perspective in which they were viewed solely as a material source to be depleted without any consideration for the indigenous locals. To past scholars, despite harsh criticism to all European colonizers, Spain established a colonial system set on institutions and rules designed to isolate and maintain in perpetual ignorance the indigenous people they dominated (Aldridge, 1968). In fact, to support the plantation economy regime established, they institutionalized a white supremacy policing system through the “Spanish Black Codes”, a legal instrument of domination (Jiménez & Cancelav, 2021). The “Black Codes” can be viewed as a clear statement of Spanish policy towards colonial policing.

Policing held a central role in the black codes; it was, in fact, the political lifeblood of the Spanish plantation regime. For instance, the third section of the 1784 black code of Santo Domingo was explicitly titled “The Police” (Salmoral 1995). There, slavery was justified under the premise of being a humanistic mission, a necessary evil that would bring civilization to savages. Policing there equated with regulating every aspect of the slave’s individual and collective life, from alimentation to marriages to culture, and everything related to punishments and repression—that is, a fully developed police biopolitical order. (Jiménez & Cancelav, 2021, pp. 374–375).

As for Portugal, there is a very clear distinction to be made between how their colonial policing in Africa and Asia was organized, and how the whole police system to be applied in Brazil developed itself along and together with that of Portugal.

On the Portuguese colonies of Africa and Asia, although the subject is very under researched and the design varies from one colony to another, it is possible to say that until the end of the 19th century “the police problem” remained as either an extension of military matters or something to be treated as a local affair. Eduardo Costa, a Portuguese army official and once governor of the colony of Mozambique, distinguished the need for three types of police in colonial administration: the first would be the “Alta Polícia”⁷, responsible for guaranteeing the colonial domination and for the repression of any possible indigenous rebellion and criminal activity, a duty to be assigned fully to the Portuguese army; the second would be a police force appointed to ensure order and public security on urban areas; and the third would be a police force with powers limited to the indigenous population that should be composed of indigenous personnel under the command of the Portuguese military (Gonçalves, 2023).

The colonial police system ultimately established by Portugal was, however, not so well organized. It was formed by different types of forces with different composition of its personnel, very much linked to the particular local situation of the specific colony, not possessing a solid defining “criteria”. It is though, safe to say that the majority of the personnel of their police forces was composed by indigenous locals, at least on the subordinate positions (Gonçalves, 2023).

Similarly, to the United States, Brazil is an even greater exception when it comes to the establishment of its colonial police system. If it may, at all, even be called a colonial police system.

Brazil has a unique history among all countries that were originally former European colonies, having been home to the kings and queens of Portugal between 1808 and 1821, with the city of Rio de Janeiro being the capital of the Kingdom during that time (Guimarães, 2016). In fact, Brazil was never referred to, by Portugal, as a colony (Brandão Ferreira, 2022).

Even Brazil’s independence from Portugal is “sui generis”, being Brazil’s first emperor, Dom Pedro I, son, and heir to the king of Portugal (Dom João VI) and having reigned in Brazil from 1822 to 1831. In 1831, on a historical twist, he then renounces to the Brazilian throne in favor of his son, Dom Pedro II of Brazil, and travels to Portugal to be crowned king as Dom Pedro IV.

⁷ “Alta Polícia” translates to “high police”, as in meaning a police force for the tasks of top importance.

Regarding institutional matters it is crucial to acknowledge that the Portuguese Royal Family brought with them all the Portuguese State structure when they moved to Brazil urged by the Napoleonic invasion of the Iberic Peninsula, having this defined the type of state apparatus that was established on the future independent country. During this period, the decision center of all important political and economic matters related to Portugal, its colonies, and Brazil, shifted from Lisbon to Rio de Janeiro. One other curious and institutionally relevant issue to perceive about the original structure of both countries state institutions, here included their police systems, is that the Constitutions of Brazil and Portugal of the time resemble each other because they were elaborated by the same man, Dom Pedro I of Brazil (afterwards Dom Pedro IV of Portugal). He was the one responsible for the elaboration and imposition of the Brazilian Constitution of 1824 and of the Portuguese Constitution of 1826, besides being the composer of both countries national anthems (O. Ramos, 2007).

Rest assured; Brazil is not a European country. Geographically it is situated in South America, but it is a country of western cultural values and was the only known former colony, anywhere in the world, to be established after its independency as a monarchy with a direct European Royal family lineage. And even before that, it had been a United Kingdom with this same European country in ways far beyond the mere formality that the title may have been applied when referring to any other Portuguese colony.

At this point we must clarify that it is not the objective of this work to entail a deep discussion regarding the interpretation brought by successive generations of historians on the very complex colonial relations between Portugal and Brazil and the consequences that resulted on the influence on the designing of state institutions in Brazil, or the influence that Brazil's importance to Portugal may have exercised on modifications of Portuguese state institutions. We sought to solely shed light on the reasons as to why the relations between both countries justify the use of a research framework designed originally to be used with European countries.

For the sake of this research, the important point to be considered is that Brazil did not have from the perspective of the origin of its police system, a system designed to exercise colonial control and domination but rather, similarly to other Brazilian State institutions, one which it shared with Portugal as a common police system (Oliveira Marques, 1995).

Chapter 5. The Origins of the Portuguese and Brazilian Police Systems

The framework proposed by Calaresu and Tebaldi (2020) uses degree of centralization as one of its' axis in order to determine the taxonomy of the police system, but centralization and decentralization of a police system appears to be linked with the political-territorial organization of the countries. On this perspective it is but a logical assumption that we will tend to have a more centralized police system on unitary countries and a more decentralized police system on federalist countries, this probably occurs on the basis that the degree of autonomy of local sources of power tend to influence the architecture and chain of command of the public services as a whole, and consequently influences also on the type of police force and police system that results as established directly in accordance with the level of centralization adopted by the country on its political-territorial organization. The purpose of this brief explanation was to provide to the reader a better understanding as to why Brazil (even though having a territory many times larger than Portugal), by the sharing of a common political organization with Portugal, and as so, a common level of state centralization, had its police system initially established as one of a Unitary State.

As a matter of fact, Brazil was for a long period a Unitary State, it shared this Unitarianism with Portugal along with the establishment of the United Kingdom of Portugal, Brazil and Algarves in 1815, and continued with this type of political-territorial organization even after its independence from Portugal (1822), as prescribed on the Brazilian Imperial Constitution of 1824. Federalism in Brazil would only come to exist (imperfectly) with the end of the Monarchy, after a military coup d'état, and the founding of the Republic as The United States of Brazil (1889), later the Federative Republic of Brazil (Chacon, 2001).

5.1. The Progressive Forming of the Portuguese Police System

Portugal suffered a deep rearrangement of its institutions that started at 1760, these reforms took place under the firm and powerful administration of the “Marquês de Pombal⁸”, a major political actor on both Portugal and Brazil alike.

⁸ Marquis of Pombal, Sebastião José Carvalho e Melo, a Portuguese nobleman and minister of the king.

The royal edict brought by the “Alvará de 25 de Junho de 1760” created the “Intendência Geral da Polícia da Corte e do Reino⁹”, with it, the police system in Portugal started to take shape through what we can consider as a transitional period that lasted until at least 1801, with the creation of the second police force that completed the system, the “Guarda Real da Polícia de Lisboa”¹⁰ (Alvará de 25 de Junho, 1760).

This relatively long period during which the Portuguese original police system was formed is characterized by adjustments and shifts that led to the original Portuguese police system as we understand it. The tasks under the responsibility of the “Intendência Geral da Polícia” were mainly related to criminal control as it was assigned to the following duties: crimes related to forbidden weapons; control over the unwanted ethnic or cultural minorities and the poor population; homicide; aggression; robbery; and other likewise related crimes. The chief of the “Intendência Geral da Polícia” was responsible for keeping the peace and the public security through coordination of the criminal judges and police officers¹¹ tasked with the routine policing of the cities and villages (Faria, 2007).

At the beginning of this transitional period, the incomplete Portuguese police system had a configuration in which its primary duties, or Activity Orientation, was focused on State Control alongside with an ever-present centralized Territorial Organization administration. If we were to consider the system as complete at the time, and not as a just as a mere stage on the institutional construction of their police system, its position on the Calaresu and Tebaldi (2020) framework would be nearer to the Soviet Colonial than the Continental Napoleonic model which it finally adopted at the end of the transitional period.

To clarify this point: although, at its beginning, if we look at the main characteristics only from a graphic perspective (Fig. 5, page 29), it fits the State Control orientation and highly Centralized organization that characterize the Soviet Colonial model, but this model cannot be used as a reference on the particular case, for the Soviet Union did not yet exist at the time Portugal adopted this State Control oriented and highly centralized initial phase of their police system, and also by the fact that the police force initially established was a civilian one and that Portugal was not under occupation of any foreign military force at the

⁹ General Police Intendancy of the Court and Kingdom.

¹⁰ Royal Lisbon Police Guard.

¹¹ These civilian officers responsible for the enforcement of the law and policing were commanded by an officer in charge named “Quadrilheiro” that had 20 men under his command and was to be established on every city and village. The origin of this operational organization dates to the 1603, with the law established by the “Ordenações Filipinas” (Almeida, 1870, p. 166 M. - liv 1 t.54 pr §§1 e 2).

time. Therefore, naming it a Soviet Colonial model just by its traits, as described on Calaresu and Tebaldi (2020) framework, would be a conceptual mistake or even impossibility.

Continuing its institutional development, by a royal edict passed in 1780, the “Alvará de 15 de Janeiro de 1780”, the chief of the “Intendência Geral da Polícia” besides the police power to arrest, gained typical judicial powers such as those to prosecute and even sentence anyone who was accused of breaking the law (Alvará de 15 de Janeiro, 1780).

The conceptual confusion between judicial and police powers and duties, with ties to the Portuguese past, forms a long tradition that still influences, to this day, the Brazilian police system where the civilian police forces are commanded by legal career professionals named “Delegados”¹², that also have the final word on the criminal occurrences brought in by the military police forces. The misconception influences even on the basic training of today’s Brazilian police officers, as the basics of criminal law learned on the different police academies are oriented towards a legal career professional perspective and not one of the duties and demands of a police officer (Magalhães, 2019).

Within the development of the Portuguese police system, between 1780 and 1801, new social control responsibilities were added to the assignments of the “Intendência Geral da Polícia”. By a decree issued in June of 1780, the “Real Casa Pia” institution created to promote the social and professional integration of the youth with irregular or wrongful activities came under the responsibility of the police force (DGARQ, 2023).

Other acts and laws put the “Intendência Geral da Polícia” in charge of the sanitary inspection of prostitutes, labor offer regulation of the poverty stricken population, violent death statistics compilation, and for the planning of the construction of public cemeteries (Faria, 2007). This represented a clear shift towards Governance on its Activity Orientation.

On December the 10th of 1801 the “Guarda Real da Polícia de Lisboa” came to exist through a royal decree (Decreto de 10 de Dezembro, 1801). This newly created police force was, unlike the other forces under the control of the “Intendência Geral da Polícia”, a military police force under the disciplinary command of the “General das Armas da Província”¹³ while having, at the same time, its police functions kept under the command of the chief of the “Intendência Geral da Polícia”, thus being accountable to both and also to the State

¹² For more information on this topic see Magalhães Junior (2007) and Prado Junior (2011)

¹³ General at Arms in Charge of the Province.

Minister of Finance, who was put in charge of overseeing the policing functions of the kingdom.

Its personnel were to be composed by the recruiting of the best and strongest soldiers of the army, as the police duties were, according to the decree, more painful and difficult than even those of warfare. They were to be organized in patrols on foot and by horse as to enforce public security and uphold the law in the maintenance of the order.

The duties assigned to the “Guarda Real da Polícia”, were those typical of administrative or preventive French inspired police functions. The very word of the decree refers to resembling the institutions existent on the other main capital cities of the world. The Force was in charge, among other tasks, of preventing disorderly conduct, scatter any useless crowd, see to the fluidity of the traffic of vehicles on the streets, arrest all suspects encountered, inspect the compliance of shops, bars, and other public places in respect to their determined closing hours, and help with any fire emergency (Decreto de 10 de Dezembro, 1801).

And so, to summarize the constitution of the Portuguese police system here briefly described, its initial developing mark starts at 1760 with the “Intendência Geral da Polícia” at first responsible only for State Control functions, functions which shifted in 1780 with a change on Activity Orientation towards Governance and was consolidated with the founding of the “Guarda Real da Polícia de Lisboa” in 1801. This institutional development conducted the Portuguese police system into finally assuming a full Continental Napoleonic Model, with two police forces (one civilian and the other military) that had distinctive characteristics and duties within the system.

The creation of the “Guarda Real da Polícia” was the last great adjustment that Portugal made on its police system before the Royal Portuguese Court made its journey to Brazil, the experience accumulated would be brought with them to the new capital of the kingdom, Rio de Janeiro (Zulli, 2018).

That was our starting point on the origin of the police system in Portugal, shortly after, the Brazilian police system would come to be, first as a transposition of the Portuguese system, then as one only and united system with the advent of the United Kingdom of Portugal, Brazil and Algarves, into finally becoming a police system of its own on the years that followed Brazil’s independency on 1822.

5.2. Birth of the United Kingdom of Portugal, Brazil, and Algarves Police System

On 1808, the coming of the prince Regent (later King D. João VI), and Royal Portuguese family and Court to Rio de Janeiro, Brazil, due to the Napoleonic threat, triggered a series of institutional foundations and modifications that led to the establishment of a United Kingdom with Brazil in the year of 1815.

Resembling the English model, this United Kingdom was created by promoting equality of rights and duties between the two territories. Furthermore, legislation was adjusted putting an end to the colonial type relations and tending to establish in Brazil a copy of what characterized Portugal as an independent country (Oliveira Marques, 1995).

It is among the institutions that emerged or were modified at this time, that we will find the origin to the Brazilian police system. According to (Bretas & Rosemberg, 2013), the historicity of the police in Brazil is more profoundly marked by the arrival and settlement of the Portuguese Royal Family on Rio de Janeiro than by any other possible influential factor of the 18th century.

Although we refer on the title as “the birth” of the United Kingdom of Portugal, Brazil and Algarves police system, it is more of a transposition and adaptation of the Portuguese police system established less than 8 years before, than an actual institutional “birth”. This transposition was not a singularity of the police system, as describes Raymundo Faoro when referring to the administrative organization put forth upon the arrival of the Royal family in Brazil: “Organizar o Império, para o ministério, seria reproduzir a estrutura administrativa portuguesa no Brasil (...) O governo do Brasil – escreve Hipólito – arranjou-se exatamente pelo Almanaque de Lisboa, sem nenhuma atenção ao país em que se estabelecia¹⁴” (Faoro, 2008, p. 289).

The first step was taken with the “Alvará de 10 de Maio de 1808” in which the prince Regent, now already based on the city of Rio de Janeiro, created the “Intendência Geral da Polícia da Corte e do Estado do Brasil¹⁵” with the same functions, jurisdiction and composition that, in the words of the edict, “had the one on Portugal¹⁶” (Brasil, 1891a). The second step had naturally to be the reinstating of the other police force that would have complementary

¹⁴ Organizing the Empire, on the view of the ministry, was to reproduce the Portuguese administrative structure in Brazil (...) The government in Brazil – describes Hipólito – was arranged exactly by the Textbook of Lisbon, with no attention whatsoever to the country in which it was being established. Translated by the author.

¹⁵ General Police Intendancy of the Court and of the State of Brazil

¹⁶ “(...) da mesma forma e com a mesma jurisdição que tinha o de Portugal, segundo o Alvará de sua criação de 25 de Junho de 1760, e do outro de declaração de 15 de Janeiro de 1780”. (Brasil, 1891a, p. 26).

functions to the “Intendência Geral da Polícia”, as it was in Portugal. This was put forth in May of 1809 by a decree, the “Decreto de 13 de Maio de 1809” created the “Divisão Militar da Guarda Real da Polícia do Rio de Janeiro¹⁷”. This newly formed police force had the same uniform and the exact same attributions of those of the “Guarda Real da Polícia de Lisboa”. The decree also made the same recruiting recommendation of picking the best soldiers on the army, only now, with preference given to any personnel who had already made part of the “Guarda Real da Polícia de Lisboa”. As a matter of fact, the words employed on this decree are almost the same that were used on the decree that created the “Guarda Real da Polícia de Lisboa”, back in 1801 (Brasil, 1891b).

Similarly, as in Portugal, the “Divisão Militar da Guarda Real da Polícia” had its police functions put under the direction of the “Intendência Geral da Polícia” with its commander answering to the “Governador de Armas da Corte¹⁸” thus being accountable to both and to the State Ministers of War, and State Minister of Finance (Brasil, 1891b).

An important remark to be made is that on the establishment of both the Portuguese and the Brazilian police systems, the military branch of the system represented by the “Guarda Real da Polícia” in Portugal, and the “Divisão Militar da Guarda Real da Polícia” in Brazil, did not have investigating police duties and were obliged to direct any crime relating activity and criminals they apprehended to the respective “Intendência Geral da Polícia”, that would, from there on, be responsible for any further investigation, criminal persecution or forwarding to the judiciary system. On this described institutional design, the military police force was created as an auxiliary force to the system, being basically arms and muscle for the needs of these police systems that were characterized, from their very birth, with a conceptual mixture between policing and judiciary functions.

Analyzing the police system established on Brazilian territory under the reign of the United Kingdom of Portugal, Brazil and Algarves, we reach a very plausible conclusion of its classification type as a Napoleonic Continental Model from the very beginning. It had two police force types, one civilian and one military (established in a one-year period), the police functions were activity oriented to execute an array of tasks other than just criminal related ones, better said, their activity orientation was towards governance, and finally, it was a highly centralized system in which any local power was under the authority of the central government and the established central institutions.

¹⁷ Military Division of the Royal Police Guard of Rio de Janeiro.

¹⁸ Governor at Arms of the Court, highest military grade on a determined territory

The police system here described is considered to be the first structured Brazilian police system by the major literature (Bretas & Rosemberg, 2013; Faoro, 2008; Faria, 2007; Sousa & Morais, 2011; Zulli, 2018). As a transposition of the Portuguese police system, established shortly before, it shared the same institutional and functional characteristics.

For our comparative analysis, this will be considered the “original model” (Calaresu & Tebaldi, 2020) of Brazil, likewise, the Portuguese police system consolidated in 1801 will be the “original model” of Portugal, being both of the Continental Napoleonic model type. It is based on these original model types that we will examine the impact of historical events on the institutional change or permanence of the police systems in Portugal and Brazil.

Having the founding marks of the original police systems of both countries been established (aside from the fact that they were both, during a certain historical period, only one unified country), in the next chapters we will consider the main historical facts characterized by major political events such as changes from monarchic to republican governments, from dictatorships to democracy and vice-versa, and marked by revolutions and coups that would have had the potential to promote modifications on the institutions, particularly, as is our matter of interest, on their police systems and describe them to later analyze if the eventual changes put forth on legislation and procedures led to changes on the relative position of the level of Centralization and/or Activity Orientation tendencies of their police systems.

Chapter 6. Brazil’s Police System Description Through the Political Event Timeline

The following political events in Brazil will be considered chronologically and the modifications that they brought by the creation, extinction and remodeling of police forces and policing practices will be described and briefly analyzed. On the following chapters we will then analyze the police system thorough these events in respect to their position on the ideal types considered in the (Calaresu & Tebaldi, 2020) framework.

- Brazil’s Independency from Portugal (1822)
- Brazil’s Emperor Abdication and the Early Regency Period (1831-1835)
- Brazil’s Late Regency Period (1835-1840)
- Coronation of Dom Pedro II as Emperor, and the Second Reign (1840-1889)

- “The First Republic” (1889-1930)
- Getúlio Vargas, the Coup and the “New State” period (1930-1945)
- The Democratic Experience (1945-1964)
- The Military Regime (1964-1984)
- The “New Republic’s” Transition to Democracy (1985-1988)

6.1. Brazil’s Independency from Portugal (1822)

During the years that followed the landing of the Royal Portuguese Family in Brazil a lot was happening also in Portugal and Europe on behalf of the Napoleonic invasions and its aftermath.

The French General Junot and his invading army arrived at full force on Lisbon in December the 1st of 1807, two days before, the Portuguese Royal family and Court had set sail to cross the Atlantic Ocean towards Brazil.

Six months after the invasion of Lisbon, the man ultimately responsible for the final defeat of Napoleon on the battle of Waterloo of 1815, arrives in Portugal with 15.000 British soldiers to lead the Portuguese resistance. Sir Arthur Wesley, an Irishman, later named the Duke of Wellington, in three weeks’ time defeated French General Junot and his army on the Portuguese city of Vimeiro. The following four years resulted in the total defeat of the French army on the whole Iberian Peninsula (Portugal and Spain) (Gomes, 2007).

With the final defeat of France, in 1815, and the consequent end of the Napoleonic threat, the reasons that had brought the Portuguese Royal family to Brazil were no longer present. A series of new political developments and pressure from antagonist political views would force decisions on the rulers that ultimately resulted on the end of the United Kingdom and the independency of Brazil as a separate sovereign country.

The date that marks Brazil’s independency is September the 7th of 1822, when the son of King Dom João VI of Portugal and Prince Regent of Brazil declares, at the shores of the Ipiranga River in São Paulo, Brazil as a sovereign and independent country. On the 1st of December of the same year, he is crowned as emperor of Brazil with the title of Dom Pedro I, and Brazil remains as a Monarchy among Republics in the New World. The resistance of the Portuguese troops was ultimately defeated by the Brazilians in November of 1823 (Fausto, 2014).

On the first years after the independency nothing really changed on the Brazilian Police System. An effort was made for the expansion of the presence of the two already established

police forces on some other more important provinces and cities of the country. This way, corps with the same uniform, functions and chain of command of the “Divisão Militar da Guarda Real da Polícia” were established on the capital cities of the provinces of Bahia and Pernambuco¹⁹, meanwhile the “Intendência Geral da Polícia” was to designate a representative on each province of the country, maintaining its centralizing power and feature (Faria, 2007).

6.2. Brazil’s 1st Emperor’s Abdication and the Early Regency Period (1831-1835)

A while after Brazil’s independency, an initial movement towards decentralization started to take place on all State institutions. There were strong claims of local economic and social powers demanding greater political power for themselves under the influence of liberal thought (Faoro, 2008). As a result, despite the still unitary territorial organization maintained by the monarchy, laws were passed giving larger autonomy to local powers and rearranging the institutions within the cities and provinces. This decentralizing movement had comings and goings during the following years which affected the institutional architecture of the newborn country and consequently of its police system.

The law that started this process for the police system was sanctioned five years after the rupture with Portugal, in October of 1827 (Lei de 15 de Outubro, 1827). It brought new concepts to the police system with the creation of a local police authority, the “Juiz de Paz²⁰”, a public function filled by means of local election that would acquire greater powers with the subsequent legislation. The new police organization started by this law created institutions and functions that resulted on a complete change of the established original police system.

At the time, the political forces that led to Brazil’s independency under the rule of Dom Pedro I were not entirely satisfied with the political arrangement adopted. The emperor safeguarded some privileges to Portuguese officials within the military and the government that were not well looked upon by the Brazilians.

¹⁹ Determined by the following Decrees: 17 de Fevereiro de 1825; 11 de Junho de 1825; e 25 de Julho de 1825 (Collecção de Decretos, Cartas Imperiais e Alvarás Do Império Do Brazil de 1825, 1885)

²⁰ This “Peace Judge” had a mixture of policing and judiciary functions. This confusion between functions will persist in the Brazilian police system through history until present times.

Meanwhile, in Portugal, the king Dom João VI died in 1826, bringing the possibility, feared by Brazilians, that there could be a movement towards the reestablishment of the United Kingdom of Portugal, Brazil and Algarves, for Pedro I, was also heir to the throne of Portugal (Fausto, 2014).

The problem of Portugal's succession would be resolved momentarily through the arranged marriage between the Brazilian born princess Maria da Glória (later Queen Maria II of Portugal), daughter of Dom Pedro I, and the emperor's younger and problematic brother, Dom Miguel, who at his first chance, would start a struggle to regain absolutist powers in Portugal (Lima, 1925). This political movement towards absolutist powers by Dom Miguel ultimately led Dom Pedro I to abdicate the Brazilian throne in favor of his younger son in April of 1831 (Fausto, 2014), travelling to Portugal and waging war until finally taking back the throne of Portugal from Dom Miguel in 1834, and reestablishing the powers of his daughter as Maria II, queen of Portugal.

Dom Pedro I, former emperor of Brazil, king of Portugal as Dom Pedro IV, died shortly after in that same year of 1834 (Lima, 1925).

Since the abdication of the Brazilian throne took place in 1831, the country was ruled by a Regency until the child emperor, Dom Pedro II, would come to an age when he would be judged capable of ruling the country, occasion which happened only in 1840. This regency period would come to be one of the tumultuous of the Brazilian political history, with the country's territorial integrity being constantly under challenge, along with debates around centralization and decentralization, level of provincial and municipal autonomy and the role and organization of the military forces (Fausto, 2014).

Under the Regency, a law sanctioned in 1831: the "Lei de 6 de Junho de 1831", determined that the "Juiz de Paz", the public function created by the 1827 law, would have his police and judiciary prerogatives greatly widened. In the meantime, although stripped of its real powers, the centralized "Intendência Geral da Polícia" would continue to exist, having, at least according to the article 8 of the 1831 law, cumulative police functions along with those of the "Juiz de Paz" (Lei de 6 de Junho, 1831).

In 1832 the "Código de Processo Criminal"²¹ (Lei de 29 de Novembro, 1832) was sanctioned and with it, the "Intendência Geral de Polícia" would be finally extinguished (although this extinction was not explicitly written in the new law). The authority reinforced as in charge

²¹ Criminal Processual Code sanctioned in November 29 of 1832.

of directing the primary policing functions was the local elected official, the “Juiz de Paz” of the 1827 law. A function that came to be mostly occupied by men attached or belonging to the local economic powers and whose job was basically oriented at safeguarding the interest of the local and powerful men of the time. This “Peace Judge” would be the operating center of the whole police system, with the prerogative to nominate the “Inspetores de Quarteirão²²” that would have their approval voted for by the City Council (Faoro, 2008).

The overseeing of the whole police system was put in charge (Lei de 29 de Novembro, 1832 art 6) of an imperial appointee, the “Juiz de Direito”, or Judge of Law, a judge with formal law education and practice, non-elected, and chose by the emperor in each District to accumulate the function of maximum police authority of his circumscription, being theoretically responsible, on a restricted territorial basis, to a similar role as the chief of the extinct “Intendência Geral de Polícia” had on a national level (Faria, 2007). This Judge of Law, appointed as Police Chief, did not have any real-world powers though, the police system remained centered on the elected “Peace Judge”: “A autoridade de eleição popular era tudo, a única nomeação do governo nada²³” (Faoro, 2008, p. 353).

At this period, the judiciary police functions were under the duties of an actor of the justice system and not of someone from inside the police system, it was a period in which police power and duties were attributed to judges’ (Faria, 2007).

So, while it may be said that the police system was still theoretically centralized due to the national government having retained for itself the power to appoint a Judge of Law as police chief in each city, for practical effects, the appointed police chief had no real influence on the policing matters that were decided and executed by the municipally elected “Peace Judge”.

As to the fate of military branch of the police system, still in 1831, as consequence of a short-lived military rebellion among them, a law sanctioned on July, the “Lei de 17 de Julho de 1831”, would extinguish the “Divisão Militar da Guarda Real da Polícia” and dismiss their personnel (Zulli, 2018). In August of the same year, a municipally based military police force formed by the obligatory recruitment of citizens would be created, the “Guarda Nacional” or National Guard, a citizens militia type force with military commanding officer’s posts put

²² Quarter Inspector. A strict police commanding function, initially not mixed up with judiciary type functions such as those of the Peace Judge. This function was named on the 1827 legislation first as “Oficiais de Quarteirão” or Quarter Officer, then in 1831 as “Delegado” or Deputy (this denomination is adopted by the local chiefs of the civil state and federal police presently in Brazil, although they translate it improperly as commissioner), until the Criminal Process Code of 1832 named them finally as Quarter Inspectors.

²³ The authority chosen by popular election was everything, the only government appointee, nothing”. Translated by the author.

under the simultaneous authority (as was with all civilian and military police forces) of the “Peace Judges”, the Criminal Judges, the Presidents of the Provinces, and the Minister of Justice (Lei de 18 de Agosto, 1831 art 6). The law that created this National Guard also extinguished all other forms of local militia (Lei de 18 de Agosto, 1831 art 140) and put it in charge of defending the Constitution and of being an auxiliary force to the Brazilian Army (Lei de 18 de Agosto, 1831). According to Fausto (2014) it was a copy of a French law issued on the same year.

In the complicated political struggle of the time, the National Guard would be created with the intention, not only of partially exercising the functions of the extinct “Divisão Militar da Guarda Real da Polícia”, but also to oppose the armed political strength of the Brazilian Army. Its members were recruited among citizens that could vote (in Brazil, at the time, this would mean only males with a determined amount of annual income) with the military intermediate commanding posts being filled through elections presided by the “Peace Judge”, while the top commanding posts (colonels and majors) would be given by appointment of the national government to the local and powerful landowners (Sodré, 2010). It was, as analyzed by foreign professional military of the time, a militia intended to keep the Army and Navy under pressure and to guarantee the political will of the Regency (Faoro, 2008, p. 348).

Still on this same year of 1831 (Lei de 10 de Outubro, 1831), another military municipally based police force would be created, this one with less political intentions attached to its existence and with clear policing functions. It was composed by voluntary joining and not obligatory recruitment and was named “Corpo de Guardas Municipais Voluntários²⁴”. Its role was better defined on the following years, as to not be confused with the ones of the National Guard.

In time, it became the main military police branch of the system and came to be known as the “Guarda Municipal Permanente²⁵”, while the National Guard retained a more political and army like function (Decreto de 22 de Outubro, 1831). It is important to make a remark that, on the institution’s conceptual chaos of the time in Brazil, this force was, in the years coming, also employed on conventional warfare, besides its policing functions (Leal et al., 2010, pp. 69–71; Pessoa, 2015).

²⁴ Volunteer Municipal Guard Corps.

²⁵ Permanent Municipal Guard.

One thing to be kept in mind, regarding Brazil, is that the military branch of the police system is always just an auxiliary force to the civilian branch, and that it has limited police prerogatives not being allowed to function as a full police force with investigating or judiciary police prerogatives. Its functions are always restricted to administrative or preventive policing as understood by the French conceptual classification, as in Monet (2002).

This new adopted arrangement of the police system resembles, on some ways, the highly pulverized police system of the modern United States of America, with an elected police officer in charge, and with the municipal or the city's authority being at the center of the police system. The states (or provinces in Brazil of those days) and the national (or imperial) powers having kept just residual policing functions.

On Faoro's perspective about the system: "O salto era imenso: da centralização das Ordenações Filipinas à cópia do localismo inglês²⁶". (Faoro, 2008, p. 352).

While these laws made great innovations, the Constitution of 1824, from which they should have to follow the basic principles, was one of a unitary and not federative State type constitution and was driven by a highly centralized ethos. The Portuguese tradition of Unitarianism allied with municipalism, representing the two extremes of government level, both resisted to the rise of the new intermediate level between them, represented by the provinces, on the initial attempts of the establishing federalist type institutions in Brazil (Chacon, 2001). As a result, the police system brought by these laws shifted the highly centralized power of the original police system, into a highly decentralized police system in which the major players with policing responsibility were now the municipalities, having the provincial government level been disregarded and the police tasks passed directly from the national level onto the local government level.

The result, as may be foreseen, was the rising of political conflicts between government levels and an even more dysfunctional police system leading to new reforms on the following years.

6.3. Late Regency Period (1835-1840)

As seen on the previous item, shortly before the abdication, the police system was driven to a strong decentralization between the years of 1827 and 1832. This radical change on the

²⁶ It was an immense leap: from the centralization of the "Ordenações Filipinas" to copying the English localism. Translated by the author.

institutional architecture would not remain for long, though. The Regency period, which had started in 1831, continued the previous direction of decentralizing the State institutions until 1834, when the tendency started to reverse towards a recentralization.

As a matter of fact, when the decentralization started to make effect, for the better or the worse, the political recentralization took place by the rising of a movement that became known as “O Regresso²⁷”. It was characterized by a conservative review that, step by step, drove the institutions away from the localist and liberal design and back towards a greater power concentration on the hands of the national government level (Faoro, 2008).

Regarding the police system, the main laws that resulted on modifications worth mentioning were the following: “Lei N° 16 de 12 de Agosto de 1834” known as “Ato Adicional²⁸” (Lei N° 16, de 12 de Agosto, 1834), and “Lei n° 105 de 12 de Maio de 1840” known as “Interpretação do Ato Adicional²⁹” (Lei N° 105, de 12 de Maio, 1840).

The first law, the “Ato Adicional” of 1834, was so freely and differently put in practice by the provinces in Brazil that six years later, another law, the “Interpretação do Ato Adicional” of 1840, would be sanctioned just to clarify how the 1834 Law was meant to be applied.

The 1834 Law made a clear shift towards centralization, tough initially not in favor of the national government level, but rather in the strengthening of the provincial government level which had been neglected on the former legislation by the distribution of power only to the municipal governments, which had generated problems around the power being captured by local powerful man, resulting on the strengthening of the “Mandonismo” (Faoro, 2008).

The Provincial Assemblies were now granted with a series of new attributions whose amplitude would be differently interpreted by the provinces, the imperial government and the political “conservatives³⁰”, thus generating new conflicts over the police and judiciary systems organization and administration only partially solved by the interpreting law issued afterwards, in 1840 (Magalhães Júnior, 2007).

The understandable confusion was made because, in accordance with Article 10, paragraph 4 of the 1834 Law (Lei N° 16, de 12 de Agosto, 1834), it fell under the competence of

²⁷ The Comeback.

²⁸ Additional Act of 1834, referring amendments to the Criminal Process Code of 1832.

²⁹ Additional Act Interpretation Law of 1840, referring to the how the Additional Act was to be applied.

³⁰ As in opposed to “Liberals”.

Provincial Assemblies to propose, discuss, and deliberate the legislation over the police and over the municipal economy. This article led many Provincial Assemblies to understand that they were now in charge of organizing the model of the police forces freely within their provinces, leading some of them to even having created a new police chief function, the “Prefeito³¹”, appointed and dismissed freely by the President of the province, and in substitution to the imperial and powerless appointee, as was the “Judge of Law”, and the powerful and elective local “Peace Judge” (Lei Estadual de São Paulo de 11 de Abril, 1835). That kind of interpretation made by the provinces was also reinforced by the article 7 and article 11 of the 1834 Law (Lei Nº 16, de 12 de Agosto, 1834), as these articles empower the Provincial Assemblies with the possibility to suspend and even dismiss imperial appointed judges of their function.

Problems arose because this was not the way the national government, represented by the Regency, understood that the law should be applied. As a result, ultimately, any dismissed or suspended judges was reintegrated to their functions and the new public functions created by the provinces would not be recognized by the national government (Lei Nº 105, de 12 de Maio, 1840 art 8).

The conflict of interpretation would be addressed through the Additional Act Interpretation of 1840, were its article 1st explicitly deauthorizes the Provincial Assemblies of creating public functions related to judiciary police typical activities and restricting their legislating capacity only to administrative police functions within the province’s municipalities. Regarding the power of the provinces to suspend or dismiss magistrates, the articles 4 and 5 of this law would limit their reach to lower instance judges and restrict their discretionary capacity to suspend or dismiss even those (Lei Nº 105, de 12 de Maio, 1840).

6.4. The Coronation of Dom Pedro II as Emperor, and the Second Reign (1840-1889)

In July of 1840, by a forced interpretation of the law, Dom Pedro II, only 14 years old at the time, was considered capable and therefore crowned as Emperor of Brazil. This would put an end to the Regency period and would reinforce the ethos of recentralization of the governmental powers, including the recentralization of the police system that had already begun previously (Fausto, 2014). Dom Pedro II would become the longest lasting ruler in

³¹ Mayor, on a direct translation. Initially created by provincial law in São Paulo in 1835, followed by similar laws on the provinces of Alagoas, Ceará, Maranhão, Paraíba, Pernambuco, and Sergipe.

Brazilian history, having reigned from 1840 till 1889, when he was then deposed by a military and republican Coup D'état.

During his reign, in 1841, the Criminal Processual Code would be reformed (Lei N°261, de 3 de Dezembro, 1841; Regulamento N°120, de 31 de Janeiro, 1842) and the whole administrative and judicial government organization, apart from the "Peace Judges" (who, however, lost much of their police powers), was put back into the hands of the national government (Fausto, 2014). There would be yet, some decades after, in 1871, a second reform (Lei N° 2033 de 20 de Setembro, 1871) to the Criminal Processual Code of the Empire.

The first reform of the Code, in 1841, would impact the police system especially by the changes it promoted upon to which public office would be put responsible for the judiciary police duties. While in the previous period (before the "Regresso"), the political Liberals had succeeded in putting the local and elected "Peace Judge" at the head of the policing functions, the political Conservatives reaction, fueled by criticism upon the local repression against any political opposition by the police, came thorough a recentralization of the whole police system by changes in the law.

The Police Chief now would be an imperial appointee, not in the powerless sense that previous legislation (Lei de 29 de Novembro, 1832 article 6)³² had established for the "Judge of Law" of each district that theoretically supervised the "Peace Judge", but with clear police attributions and structure to cope with the given duties at the provincial government level and with appointed subordinates under his command on the district and municipal government levels.

The reform established that for each Brazilian Province there would be an appointed Chief of Police to be chosen by the Emperor, or the President of the Province, among Chief Judges or Judges of Law. Under the Chief of Police of the Province, each District was put in charge of a "Delegado" or a "Sub-Delegado"³³ that would command the local police officers named "Inspetores de Quarteirão"³⁴ (those officers that on the previous legislation were under the command of the "Peace Judge"). For that matter, the locally elected "Peace judges" were stripped of all their previous policing functions which were now attributed by the reform to the "Delegados" and "Subdelegados" (Lei N°261, de 3 de Dezembro, 1841 art 6). These "Delegados" and "Subdelegados" were to be chosen preferentially among Judges of Law

³² Article 6 of the 1832 Criminal Processual Code.

³³ Police Deputy or a Substitute Police Deputy.

³⁴ Quarter Inspectors.

(although distinguished citizens could also occupy the post) and would be the ones responsible for the judiciary policing functions of the Brazilian police system. They had also the powers to request and put under their orders, whenever deemed necessary, the military branch of the police system as were the Permanent Municipal Guards and, in greater needs, even the National Guard (Regulamento N^o120, de 31 de Janeiro, 1842 art 20).

Again, in Brazil, we notice the division between a civilian force with judiciary and administrative policing functions and a military police force with only administrative policing functions, this former force, under the indirect command of the civilian police within the system.

The Chief of Police and the “Delegados”, besides their judiciary policing and administrative policing functions, were also granted with typical judicial functions such as the prerogative to judge minor criminal cases, to impose fines and lesser prison sentences, to make the indictment of the defendants, and to determine bail to the arrested suspects (Lei N^o261, de 3 de Dezembro, 1841 art 4).

The frontiers between the police system and the judicial system are at this time noticeably vague, or even mixed up. The police chiefs at the province and district government level were actors that belonged to the judicial system, being chosen amongst the “Judges of Law”. If in the previous legislation made by the political liberals there were what is sometimes called the “policeman judge”, with the reform of 1841, made by the political conservatives, we will have the “judge policeman” (Faria, 2007).

As Faoro describes it: “Ao judicialismo policial, radicado na eleição, sucederia, na hora do retorno centralizador, o policialismo judicial”³⁵ (Faoro, 2008, p. 353)

The military branch of the Brazilian police system remained pretty much the same as in the previous period, the “Guardas Municipais Permanentes” continued as a municipally based military type police force within the country’s capital city and within the different provinces, always at the disposal of the civilian judiciary police branch. They suffered some changes on their denomination being renamed in the country’s capital in 1858 (Decreto N^o 2.081, de 16 de Janeiro, 1858) as “Corpo Policial da Corte”³⁶ and being further divided and renamed, in 1866 (Decreto N^o 3.598 de 27 de Janeiro, 1866), into two distinct police organizations: the first would form another civilian force directly under the command of the Police Chief

³⁵ In substitution to the “police judicialism” based on elections, the centralizing comeback would establish the “judicial policialism”. Translated by the author.

³⁶ Court Police Corps.

named the “Guarda Urbana”³⁷, and the second remained as a military type police force, only indirectly under the command of the Police Chief, named “Corpo Militar de Polícia da Corte”³⁸ (Pessoa, 2015)(Brasil, 2023). On the different provinces, as a rule, they maintained the same military municipally based organization, having though, adopted various denominations in each province throughout the Imperial period.

As to the second reform to the Criminal Processual Code, in 1871, it had the main objective of putting an end to the overlap of attributions between those of the judicial system and those of the police system.

The perception of this problem caused by the legislation is well described by a speech given by the Minister of Justice, Zacarias de Goes e Vasconcelos, in 1864:

“Este ramo da administração pública, incumbido de manter a ordem e segurança dos cidadãos, não teve, como sabeis, até 1841, uma organização regular. Sendo o pensamento dominante da política, que preponderava no referido ano, fortificar o princípio da autoridade, sob esse ponto de vista foi promulgada a lei de 3 de dezembro. A Polícia foi organizada de tal forma que compreendia no âmbito de suas atribuições o poder de julgar. Confundiram-se o administrativo e o judiciário.”³⁹ (Barreto Filho & Lima, 1942, pp. 271–272)

This second reform limited the judiciary police functions, withdrawing their powers of judging, establishing fines, and indicting defendants, besides explicitly limiting their attributions to police investigations and the related judiciary policing functions. The only judicial type of power that remained with the police after this reform was the possibility to determine bail, only now, it was only a provisory bail to be reviewed by a judge (Lei Nº 2033 de 20 de Setembro, 1871 art 9-10).

6.5. “The First Republic” (1889-1930)

In November 15 of 1889, by means of a coup d’état carried out by the military and politics with close ties to the previous monarchic regime, Brazil is transformed (without any

³⁷ Urban Guard.

³⁸ Court Military Police Corps.

³⁹ “This Branch of the public administration, which is tasked with the duty of maintaining the order and the safety of the citizens did not have, as all know, a regular organization until 1841. As strengthening the rule of authority was the primary political concern of that year, and while under this point of view, the Law of December 3rd was sanctioned. The Police was organized in such a way that the power to judge was put among its attributions. The administrative and judiciary functions got mixed up.” Translated by the author.

significant popular or institutional resistance) into a Republic. The now former emperor, Dom Pedro II, is sent in exile with his family to France (Lyra, 1940).

The founding of the Republic did not derive from an institutional crisis of the Empire, the imperial government institutions were not under any risk of collapsing. The emergence of the Republic in Brazil was more of a political adventure that did not face any serious resistance from the monarchic regime that it had put down. Because of its unexpectedness and unplanned occurrence its first years, for the lack of political routines and for the abandonment of the institutional mechanisms that were in use in the previous period, were ones of institutional and political chaos (Lessa, 1999).

The first republican Constitution was sanctioned in 1891. It reflected, in its institutional architecture, the power struggle between the former provinces (now turned into states of the federation) for greater autonomy while at the same time the effort to maintain the country as one and undivided. The now officially named “República dos Estados Unidos do Brasil”⁴⁰ would, after the two military presidents and the first civilian president, Prudente de Moraes, watch the consolidation of the federative states as main instances of political power and action through the institutional design of power put in place by President Campos Sales, the fourth president of the Republic. This came to be known as the “Política dos Governadores” or “Política do Café com Leite”⁴¹, in which the local oligarchies in each state would have a greater political control over their territory, and with the states of São Paulo and Minas Gerais as main actors in determining the politics of the whole country while taking turns on the indication for the major elections of the state representative that was to occupy the presidency of Brazil (Lessa, 1999).

As for the police, the basic characteristics of the system modified in the last days of the monarchy will see only non-determining changes (in what refers to the model type) from now on. The main shift that will occur will be in terms of the government level responsible for the policing, mainly upwards from the municipal into the state level, but there will be no great shifts in the whole republican period. As an example of the permanence of the previous basic structure, the decree that organizes the police in Brazil’s now republican capital district maintains the same name for the police posts as before. These were: “Chefe de

⁴⁰ Republic of the United States of Brazil.

⁴¹ “Governor’s Politics” or “Coffee and Milk Politics”. The first referring to the power given to the state governors, and the second to the main products produced by the states of São Paulo and Minas Gerais that were the major players in this political design.

Polícia”, “Delegados”, “Subdelegados”, and “Inspetores de Quarteirão” (Decreto N° 463 de 07 de Junho, 1890 art 66)⁴².

Despite the first republican Constitution of 1891, faithful to its liberal and decentralizing orientation, having left to the states the freedom to organize their police forces as they saw fit, there was hardly any change on the organization of the civilian police branch, which was responsible for the judiciary policing functions and was already on the state level government sphere.

As to the military branch of the police system, there is a clear change on the government level in which they were now to be organized. The former military municipally based police forces are transformed, in time, to state military police forces.

These military police forces, besides their natural administrative policing functions, would also serve as a guarantee of the state governor’s powers in opposition to the national government as they were organized with military warfare capabilities, especially in the states of São Paulo, Minas Gerais and Rio Grande do Sul. Aware of these intentions of using the state military polices as a potential threat against interests of the Union, a law is issued in 1908 (Lei N° 1860 de 04 de Janeiro, 1908) defining the state military polices as auxiliary forces to the National Guard, a force which was under the command of the national government (Cabral Ribeiro, 2011). This law, however, only had effect if the state governor agreed to put his military police force available to the Union, thus leaving room for a possible refusal and therefore being a still weak control of the national government over the state forces (Lei N° 1860 de 04 de Janeiro, 1908 art 32).

6.6. Getúlio Vargas, the Coup and “New State” Period (1930-1945)

At the late 1920’s the “First Republic” in Brazil was in crisis. Economic difficulties generated by the international low price of Brazil’s primary exporting commodity at the time (coffee) caused cracks to the political arrangement that determined the alternance of power in the presidency of the country between the two most powerful states of the time (São Paulo and Minas Gerais).

The president that won the elections after the pact was broken was Júlio Prestes. He was later deposed by the military leadership of the country (October 24th of 1930) after they had foreseen the grave consequences when several rebellious states were already on the move

⁴² Police Chief, Deputies, Auxiliary Deputies, and Quarter Inspectors.

to invade the President's native state of São Paulo. The military leadership tried to remain in power, but in face of the popular pressure, Getúlio Vargas, who had won the second place on the last national elections of March 1st of 1930 assumed the presidency of Brazil in November the 3rd of 1930 as a dictator (Fausto, 2014).

The period in which Vargas would govern as a dictator would start in 1930, but in 1937, through an internal political move to further increase and centralize his power, the "New State" phase of the regime initiated (Fausto, 2014).

The changes over the police system in Brazil, differently than in Portugal, are usually not regulated by common laws or decrees, being mainly treated as constitutional matters with repercussions to the way the states of the federation are allowed to organize their police forces. Because of this characteristic, the examination over the different Constitutions of the Brazilian Republic is a rich source to determine the configuration and the changes to the police system each time the country goes through a shift on its political regime. In these fifteen years of dictatorship two different Constitutions were sanctioned, affecting the organization of the police forces mainly for the safeguarding of political interests of the Union (National Government) over the constituent states of the federation. These changes though, as we will see, had low impact to the police system model type already established at the time.

The 1934 Constitution, the first sanctioned by the new regime, reinstated the Union with the powers to determine the organization and legislation to be applied to the police forces in the country. The states would no longer have the freedom to legislate over the organization and utilization of the police forces as the previous Constitution of 1890 had allowed.

The 1934 Constitution left clear this central grip over the limits of the states in configuring their forces when it states, in its article 5th, that it is incumbent exclusively to the Union to legislate over national defense, police, border security, and the armed forces. The article goes further into determining that these exclusive legislative powers involve the organization, instruction, justice and guarantees of the police forces of the states, and their general conditions of utilization in events of mobilization or war (Constituição Da República Dos Estados Unidos Do Brasil de 16 de Julho, 1934 art 5).

The 1937 Constitution, which inaugurated the "New State" period, amplified even more the grip of the national government over the states in determining the design and functions of their police forces. It determines furthermore, as exclusive of the Union, the power to create

and provide the port and maritime police services and to legislate over the public peace and security whenever uniform regulation was necessary and also over the organization, instruction, justice and guarantees of the state police forces, besides their utilization as reserve forces to the National Army (Constituição Da República Dos Estados Unidos Do Brasil de 10 de Novembro, 1937 art 15 e 16). It's important to remark that, at this period, this legislative and organizational design control covered the whole police system, including the civilian and the military branches of the system.

Despite this national control over the legislation and organization as to how the architecture of police in the states had to be set, the Brazilian police system finds itself organized at the state government level, both for the civilian and the military branch that form the system.

As an ongoing characteristic, the state civilian police forces continue to be the ones responsible for all the judiciary policing duties, being the military state polices responsible for only ostensive and administrative policing duties auxiliary to the civilian branch. Every criminal or suspect apprehended in *Flagrante Delicto* by any state military police is always handed to the respective state civilian police for further imprisonment, accusation, and prosecution. The system organizes itself around the only lawfully named “police authority” as being the “Delegado”, a police chief whose function is to confirm the prison made by both the civilian and military police officers (even these not belonging to the same police force as this “Delegado”) and provide the initial criminal charge before sending to the Public Prosecutor, besides being the one in charge of any criminal investigations.

This “Delegado” (or deputy) as explained before, is a legal career professional and the civilian police chief, being this public post an inheritance of the Brazilian mix-up between judicial functions and judiciary policing functions that date back to the monarchy.

6.7. The Democratic Experience (1945-1964)

The dictatorship initiated by Vargas, and the “New State” that institutionalized it, was meant to be a long-lasting modernizing and authoritarian type State, it did not, however, live up to these expectations.

With the end of WWII, a war in which Brazil played in active part in sending Army ground troops and its Air Force to fight in Europe against the Nazi Germans, Brazil saw a change to its international importance and faced the dilemma of being a dictatorship that fought and won a war side by side with Western democracies against other dictatorships. This contradiction opened a path in which the internal political opposition was able to question the dictatorship. The result was that, in February of 1945, Vargas himself, issued a law

ordering that within 90 days be issued further legislation to organize general elections. The elections for president and for a Constitutional Assembly were established to occur on December 2 of 1945, the states elections dated to occur on May 6 of 1946, however, even before those dates, in October of 1945, after dismissing the Chief of Police of the Federal District to name his own brother to the post, Vargas faced military resistance and was forced to resign. The military would then hand the power to the president of the Brazilian Supreme Court who would confirm the dates to the elections and hand over the power, in the beginning of this democratic period, to the newly elected President Dutra, in January of 1946 (Fausto, 2014).

The Constitution sanctioned afterwards defined the country as a Federative Republic with a presidential government. This period lasted until the year of 1964, when a military coup d'état would initiate another period of dictatorship (Fausto, 2014).

In this democratic period, the 1946 sanctioned Brazilian Constitution would limit the Union's power to legislate only over the military police forces of the states. It's Article 5th practically repeats the text over the matter of Article 16th of the preceding 1937 Constitution, substituting "state police forces" (which included all) for "military polices", leaving the civilian police forces organization at the discretion of the federative states (Constituição Dos Estados Unidos Do Brasil de 18 de Setembro, 1946 art 5). It also reinforced the Union's power to oversee the frontier's, maritime, and now the new airports police services.

6.8. The Military Regime (1964-1984)

In October of 1960 Janio Quadros would be elected president of Brazil and João Goulart his Vice-President. Quadro's presidency was marked by erratic measures that interfered with topics not related to the high office he had been elected for. He governed the country without political support from the Congress and, in a miscalculated political maneuver aimed at increasing his power in a future comeback, resigned from the presidency in August 25 of 1961. The comeback would never occur, and the country was left in doubt as if the different influential political groups and the military would allow the succession to follow the Constitution with the Vice-President assuming the office (Fausto, 2014).

After a period of uncertainty, Goulart assumed the presidency with his power reduced by an orchestrated change to Brazil's political regime that became a parliamentary republic. In a plebiscite held in January of 1963, by vast majority of votes, the political system returned to presidentialism and Goulart started a populist government with ties to left wing groups that faced such opposition from the conservative elite that this ultimately led to a military coup

d'état in 1st of April of 1964, marking the beginning of the military dictatorship in Brazil (Fausto, 2014).

During this military regime, a centralization occurred upon the names indicated to oversee the police forces within the states. There was also a firmer grip upon the state military polices having them been subordinated to the Army commander of the military region in which the state was inserted. The key commanding posts of the police system were put under the control of the army and the legislation upon the police duties and organization was modified to meet the objectives of what the Army expected of the police in fulfilling their national view of priorities. This centralization however did not modify the police system in its core. Despite this process sometimes called “federalization” of the police system, it continued to be structured at the state government level, in most of its operational aspects, and through state police forces (Civil and Military polices) under state governors (Pia Guerra, 2016).

The military regime sanctioned a constitution in 1967 that referred to the police system, in its article 8, by determining that crimes related to drug trafficking, frontier, airport and maritime policing duties were attribution of the Union through the newly instituted “Polícia Federal”⁴³, which was also put responsible for the investigation of crimes related to national security, social and political order, and interstate criminal actions. This new, and main federal police force with judiciary policing functions, would add up to another previous existing federal police force created in 1928 that had only limited ostensive and administrative policing functions, the “Polícia Rodoviária Federal”⁴⁴ (PRF). These federal forces, however, had only specific functions and numerically limited personnel, not producing a changing impact over the Brazilian state government level police-based system.

This 1967 constitution, as the two previous ones, limited the Union’s attribution to legislate over the state military police forces (Constituição Da República Federativa Do Brasil, 1967 art 8), leaving out the state civilian police forces. Although, again, nothing changed to the organization of the state civilian police forces at this time.

6.9. The “New Republic’s” Transition to Democracy (1985-1988)

Ten years after the military coup of 1964, the President in office, Brazilian Army General Ernesto Geisel, presents the project that intends to gradually loosen the grip of the political

⁴³ Federal Police.

⁴⁴ Federal Highway Police.

regime over the country and reestablish the path to democracy. The first half of the 1980s would be characterized by popular demonstrations and advances in the pro-democracy struggle that would finally result, in 1985, in the first civilian president (elected indirectly by the National Congress) to be in office in 21 years, and subsequently in the new Brazilian Constitution of 1988 that reestablished direct elections to all government levels (Bernardes, 2021).

The following years in Brazil would be ones of increasing institutionalization of the mechanisms of democracy, political practices, and development of the State institutions. The police system, however, would not change. The police forces would evolve into better operational procedures, small legislative changes to their organization, and development of a human rights orientation to their duties, but overall, the police system would remain with its governance-oriented activity and its decentralization at the state government level.

Chapter 7. Portugal's Police System Description Through the Political Event Timeline

Repeating the method used previously for Brazil, we will now concentrate on the political events in Portugal with the modifications that were brought by the creation, extinction and remodeling of police forces and policing practices, which will be described and briefly analyzed. Again, on the coming chapters, we will then analyze the police system thorough these events in respect to their position on the ideal types considered in the Calaresu & Tebaldi (2020) framework.

- Portugal, and Brazil's Independency (1822)
- The Early Constitutional Monarchic Period and the 1828/34 Civil War (1820-1834)
- The Post-Civil War Constitutional Monarchic Period (1834-1910)
- "First Republic" (1910-1926)
- Military Dictatorship (1926-1933) and "New State" Period (1933-1974)
- The "Carnation Revolution" and the Democratization of Portugal (1974-1982)

7.1. Portugal and Brazil's Independency

In Portugal, the return of King Dom João VI to Portuguese territory in 1821, now also a Constitutional Monarchy by the inevitable acceptance of the returned king, had strongly contributed to the events that resulted on the independence of Brazil, one year later, in 1822 (Gomes, 2007).

While the economic impact of Brazil's independence was tremendous to Portugal, the immediate political consequences initially did not lead to any changes on their police system, it remained with its two police forces with a national centralized control and the same activity orientation as before this disruptive event.

Major changes would occur only after the political unrest that led ultimately to a civil war, between 1828 and 1834 (Brandão Ferreira, 2022).

7.2. The Early Constitutional Monarchic Period and the 1828/34 Civil War (1820-1834)

With return of King Dom João VI to Portugal in 1821 and all the succession problems that occurred after his death in 1826, until the final victory of the liberal forces under Dom Pedro IV, Portugal will live tempestuous times in which the State institutions will (similarly to what happened in Brazil) face a series of challenges and radical modifications to their original design.

When the struggle between the absolutists led by Dom Miguel and the liberals led by Dom Pedro IV saw its end, in 1834, the victory of the Civil War by the former and the liberals, put them in the position of having to design State institutions that allowed the constitutional monarchy to function based on a liberal institutional architecture that was strange, or even contrary, to the tradition and ways of part of the Portuguese population, especially the ones that lived in rural or remote areas. In the aftermath of the Civil War, Portugal had a clear deficit of State institutionalization that had to be addressed by the winners, who were now in charge of the new government (Palacios Cerezales, 2011).

Regarding the police system, the institutional design imposed (as had occurred in Brazil) was one towards the decentralization of the system.

The decentralization begun even before the end of the Civil War, having started in 1832 with a Decree issued on May 16th, where Portugal was territorially divided into "Províncias⁴⁵",

⁴⁵ Provinces.

“Comarcas⁴⁶” and “Concelhos⁴⁷”. This Decree determined, on its article 4, that there would be a “Prefeito⁴⁸” (a similar public office as was the one of President of province in Brazil) named to be the main administrative authority of the provinces (Decreto N^o 23 de 16 de Maio, 1832 art 30).

The “Prefeito” would be responsible for the election of the “Juiz de Paz” or “Peace Judges⁴⁹” (Decreto N^o 23 de 16 de Maio, 1832 art 36, item 2), and was also the main police authority within his province (Decreto N^o 23 de 16 de Maio, 1832 art 45, items 1-10). On the district government level there would be a delegate of the “Prefeito” named “Subprefeito,” and on the municipal government level the “Provedor” was the authority responsible for the city’s administration.

It was mainly by the actions of this “Provedor” that the policing functions would be executed (Decreto N^o 23 de 16 de Maio, 1832 art 51 and 60), being put under the responsibility of this municipal authority, all preventive policing functions of a large spectrum of governance police activity type (Decreto N^o 23 de 16 de Maio, 1832 art 68, item 3, art 71, items 1-12).

The new administrative rearrangement led to the extinction of the centralized civilian branch of the police system, this way, the “Intendência Geral da Polícia” ceased to exist by a decree issued shortly after, in 1833 (Decreto de 8 de Novembro, 1833). Likewise, the centralized military branch of the system represented by the “Guarda Real de Polícia”, was extinct one year later, in 1834, and replaced by municipal guards (Decreto de 3 de Julho, 1834) in the cities of Lisbon and Porto, these were: the “Guarda Municipal de Lisboa” and the “Guarda Municipal do Porto”.

These municipal guards were allegedly inspired, in the time of their creation, by the English police system. The minister that proposed the new institutions admitted afterwards⁵⁰ that he had based the organization of these Municipal Guards upon copying and adapting the structure of the London Metropolitan Police to compose a purely civilian police force. In time, the development of these institutions, aligned with the Portuguese tradition, ended

⁴⁶ Districts.

⁴⁷ Municipalities.

⁴⁸ Mayor, on a Brazilian Portuguese direct translation, note though, that his governing powers and authority over a Province characterizes them as more of a state Governor like function as we understand today. Appointed by the King to the office. Not to be confused with the public function of the same name created by some provinces in Brazil (after the 1834 Law) and that were only head of a municipality.

⁴⁹ Distinctively from the public office with the same name in Brazil, the Portuguese “Peace Judge”, although also filled office by means of election, had no power over the police, being his sole function the conciliation between the demands of opposing parts (Decreto N^o 23 de 16 de Maio, 1832, p. 125 art 17).

⁵⁰ Rodrigo da Fonseca Magalhães, in 1855.

up shaping them not as initially intended, but as military type police forces (Gonçalves, 2023).

The Municipal Guards came to be the main administrative police force and were to report their actions, and act on the demands, of the “Prefeito”, “Subprefeito” or the “Provedor” besides also, when appropriate, attend to the demands of the judiciary police authorities.

In Portugal, as in Brazil, the two branches of the police system are better understood upon a functional perspective and not by the organizational perspective (as in civilian or military) usually adopted to differentiate police forces, but rather as if they exercise administrative type police functions or judiciary type police functions regardless of being civilian or military.

The continuing characteristic of both systems here analyzed is the absence of clear a division between judiciary police functions, such as the investigation of crimes and the apprehension and submission of suspects with the necessary proof collected by the police to the justice system, and real judicial functions such as prosecuting, judging, fining, and making justice in accordance with the law.

It is important to note that the administrative police functions of law enforcement and the governance type police services are always clearly granted to the police forces, the criminal investigation duties, however, were, in some historic periods, put under the direct responsibility of judicial authorities in both countries. This period is one of such occasions in which we will find the investigative police powers present, not on the legal texts that organize the executive branch of the government, but on the ones that organize the judicial branch.

On this spirit, the legal documents that organize the judicial power creates, on the major cities of Lisbon and Porto, the so called “Magistrado de Polícia Correccional”⁵¹, an appointed public office with the responsibility over the judiciary police powers who was granted with the same social distinction as had a first instance judge of law. He was not, though, put responsible for any administrative police duties (Decreto de 12 de Dezembro, 1833, p. 84 art 1, par 1), having only judiciary police attributions.

Two types of elective judges were also created, first the “Juiz Ordinário”⁵² charged with the responsibilities of judging smaller disputes and to determine all the preparatory processual

⁵¹ On a direct translation: Correctional Police Magistrate.

⁵² On a direct translation: “Ordinary Judge”.

acts of civil and criminal causes, and the other, the “Juiz Pedâneo”⁵³ an elective public office specifically granted with judiciary police powers and minor arbitrating powers on small rural villages. The disputes or crimes that involved graver consequences on smaller towns were to be brought to the judge of law of the district as he would have the cumulative function of “Magistrado de Polícia Correccional” of the area (Decreto de 12 de Dezembro, 1833, p. 88 art 19).

The law enforcement duties were executed thorough elected civilian police officers (Decreto de 12 de Dezembro, 1833, p. 88 art 18) under the supervision of these three types of judges described named, “Comissários”⁵⁴ and “Cabos de Polícia”⁵⁵, in each town or district, who, besides being judiciary police officers were also considered administrative police officers, taking orders, whenever necessary, from the “Prefeito”, Subprefeito” or “Provedor”, on administrative police affairs (Decreto de 12 de Dezembro, 1833, p. 85 art 6).

Apart from the above-described police institutions, the liberals also recreated the citizen’s National Guard in 1834. Its function, however, much similarly with the institution of the same name in Brazil, had limited policing functions, being much more of a guarantee of civilian supremacy over the military, than a real police force. In 1838, the National Guard was withdrawn even from its residual policing functions (Gonçalves, 2023).

As had occurred in Brazil, there was here also a radical change of the original police system in Portugal. A very vast decentralization took place upon the liberal’s rearrangement of Portugal’s organization upon the territorial self-government autonomy given to the units that composed the country (provinces, districts, and municipalities).

7.3. The Post-Civil War Constitutional Monarchic Period (1834-1910)

The Constitutional Monarchic Period lasted until the founding of the Republic in 1910. During this period, a series of changes were made to the administrative organization of the country, some, just a few years after what had been established by the legislation of 1832 that had determined the territorial units in which the Portuguese territory would be divided in and the titles of the ones in charge of their government. By a law sanctioned on April 25 of 1835, the territorial organization of Continental Portugal would no longer be divided in eight “Províncias” or Provinces, and the various “Comarcas”, and “Concelhos”, as had been

⁵³ On a direct translation the term would mean “judge on foot”, a local elective authority.

⁵⁴ Commissioners.

⁵⁵ Police Corporals.

established previously, but in seventeen smaller units called “Distritos”⁵⁶ that would be composed of “Concelhos”⁵⁷. The title of “Prefeito” was extinct and the districts were to be under the administration of a “Magistrado”⁵⁸ appointed by the national government (Carta de Lei de 25 de Abril, 1835). There would be yet another adjustment by order of a decree issued in September 11 of 1836 until a law, issued in March 18 of 1842, would establish a more permanent administrative structure and denominations, determining that the “Distritos” would be under the responsibility of a “Governador Civil” (meaning governor), and the “Conselhos” under a “Administrador de Conselho” (meaning city administrator). This city administrator, with the help of non-professional police officers named “Regedores” and “Cabos de Polícia,” would oversee the administrative policing duties within their territorial circumscription.

As for the police system in a stricter perspective, a law sanctioned in 1838 created a district based military police corps, the “Corpo Militar”, to assist each district with its administrative policing duties (Carta de Lei de 22 de Fevereiro, 1838). The creation of this institution can be understood as a movement towards a higher centralization, since the previous military police forces of the system (that continued to exist simultaneously at this time) were all municipally based.

In the year of 1867 a police reform would create institutions named as “Polícia Civil”⁵⁹ in the two most important districts of Portugal, as were Porto and Lisbon, and “Guardas Campestres”⁶⁰ in all cities of the rest of the country, except for the city of Lisbon. In its article 32, the law also determines, without further detail, the establishment of the Civil Police in the capital city of each district of Portugal.

The Civil Police, as the name suggests, would be a district based professional civilian police force with double attributions of both judiciary and administrative policing functions. The Countryside Guards would also be a professional civilian police force, but municipally based and with only administrative policing functions. Both institution types would be formed by professional police officers, with the Countryside Guards answering to their respective city administrator and with the Civil Police under the direct command of an appointed General Commissioner that would answer to the District Governor (Lei de 2 de Julho, 1867). This 1867 reform would start to give a professional aspect to the Portuguese police system, and

⁵⁶ “Distrito” as the previously translated “Comarca”, is also translated as District.

⁵⁷ Municipalities.

⁵⁸ Magistrate.

⁵⁹ Civil Police.

⁶⁰ Countryside Guards.

would also, momentarily, end the entanglement between the powers and duties of the judicial and the police systems, characteristically observed in different periods of both the Portuguese and Brazilian systems.

On December 21st of 1876, nine years after the reform, a new regulation for the Civil Police would be issued. This regulation would determine that the circumscription of the Civil Police of Lisbon and of the Civil Police of Porto was to be limited geographically by the respective city's limits, while the Civil Police forces of the rest of the country were to be limited by the respective district territorial limits⁶¹ (Decreto de 21 de Dezembro, 1876 art 1). It also determined that the police force was to be composed by six different organic hierarchic levels: "Comissários Gerais, Comissários, Chefes de Esquadra, Cabos e Guardas" (Decreto de 21 de Dezembro, 1876 art 5)⁶². Besides leaving clear that the District General Commissioner could request the help of the Municipal Guards when deemed necessary (Decreto de 21 de Dezembro, 1876 Item 16)⁶³.

Another change to the laws that regulated the police system would occur in 1886. The new Administrative Code would allow the cities (except for the capital cities of each district) to attribute to the Countryside Guards and city's "Zeladores"⁶⁴, under the authority of the city administrator, the same judiciary and administrative policing functions as those of the District Civil Police (Decreto de 17 de Julho, 1886, p. 384 art 178). This legislation, in theory, created an overlap of attributions since these policing responsibilities were also duties of the District Civil Police. It is probable that this did not pose much of a problem due to the distances of the other towns to the capital city of the districts, and due to the logistics problems involved for the District Civil Police to cope with these duties.

There was yet another defining reform during this Constitutional Monarchic period. This one aimed at the Civil Police of Lisbon, but that impacted the entire Portuguese police system (Gonçalves, 2023). A law issued on August 28th of 1893 (Decreto de 28 de Agosto, 1893)⁶⁵ would recreate, under the misguided understanding of its legislators, the entanglement between the police system and the judicial system, by confusing judicial functions with judiciary police functions (such as investigations and the search for evidence

⁶¹ "Regulamento do Corpo de Polícia"

⁶² General Commissioners, Commissioners, Police Station Chiefs, Corporals and Guards. "Art. 5º do Regulamento do Corpo de Polícia de 21 de Dezembro de 1876".

⁶³ "Item 16º do Art. 31º do Regulamento do Corpo de Polícia de 21 de Dezembro de 1876".

⁶⁴ Watchmen.

⁶⁵ "Lei de 28 de Agosto de 1893 – Reforma dos Serviços Policiais de Lisboa".

and proof of crimes) and placing the judiciary policing functions under the command of an actor of the judicial system, a judge of law.

After the reform, the Lisbon Civil Police was divided into three sections with distinct personnel, separate budgets, and distinct functions. The first was the “Polícia de Segurança Pública” or Public Security Police, with the responsibilities of: general vigilance; keeping the order; traffic policing, and general security of persons and property. This section was to be put under the command of a senior army officer. The second was the “Polícia de Inspeção Administrativa or Administrative Inspection Police. Its responsibilities were attached to inspection of public places, sanitary measures and general governance policing duties, its chief was to be chosen among Law graduates or judges. Finally, the third was the “Polícia de Investigação Judiciária e Preventiva” or Judicial Investigative and Preventive Police, with all the judiciary policing functions and the vigilance of known suspects (in what they refer as to “preventive policing”), besides the judgement of some transgressions by its top chief, who had mandatorily to be a Judge of Law.

Although the law does not explicitly create three new police forces by means of calling them “sections” of the same Lisbon Civil Police, the separations between their personnel, duties, chiefs, and budgets, characterizes them as being no longer the same police institution.

From a modern perspective of the duties and the professionalization of the personnel that define a police force, by the remixing of the judicial system with the police system, and by the defining of some unique policing categories, this law was a step backwards compared with the previous legislations of 1867 and 1876.

Also, by bringing into the police system actors and duties that belonged to the judicial system, this reform ended up facing internal resistance from both systems (Gonçalves, 2023).

An important remark to be made is that, despite this misguided reorganization of the Lisbon Civil Police having exerted influence over the whole country’s police system, the second most important district and city of the country, Porto, did not change the basic configuration of its Civil Police, maintaining the same organization and hierarchical structure that had been established by the 1867 law, in which there was a separation between the judicial and

police systems. This aspect remained even after a reform that occurred in 1898 (Decreto de 22 de Junho, 1898)⁶⁶.

A new aspect brought by this 1898 reform however, probably under the influence of the 1893 Lisbon police reform law, was that differently than the previous general police law of 1867 and general regulation of 1876, now Porto's Police General Commissioner had to mandatorily be a Law graduate, a requirement that did not exist before.

The last police reform of this period occurred in 1902 (Decreto de 19 de Setembro, 1902)⁶⁷. This last reform granted the Judicial Investigative and Preventive Police section of the Lisbon Civil Police with the powers to investigate some type of crimes in the entire Portuguese territory.

Those crimes were the ones especially related to threats or attacks to the State, government, and royal family, that is, politically related crimes.

Although limited in the types of crimes (political or State related crimes), this reform represents a step of a specialized area of a Portuguese police force in the direction of an increased centralization. It cannot though, be considered a centralization of the police system, for the judiciary policing duties of this force were restricted in nature and just complementary to the duties of the other police forces of the system within the districts and cities.

Roughly six years after this last reform, the political assassination of the Portuguese king and crown prince (in 1908) would lead to the end of the Monarchic Period and the beginning of the First Republic, in 1910.

7.4. “First Republic” (1910-1926)

Resulting from a completely different process than the one that had occurred approximately ten years before in Brazil, the shift from Monarchy to Republic in Portugal derived from a very complex political struggle involving Portuguese colonial interests, British international pressure over African colonies, commercial deficit, governmental instability, social unrest, and the advancement of the Portuguese Republican party in the benefiting of its agenda by this multiple crisis. So, when a revolutionary secret society known as “Carbonária”, through an act of political terrorism assassinated the king of Portugal (Carlos II) and his son, the crown prince in 1908 at the city of Lisbon, the succession of 18-year-old Manuel II as king

⁶⁶ “Decreto de 22 de Junho de 1898 – Nova Organização dos Serviços Policiais do Porto.”

⁶⁷ “Decreto de 19 de Setembro de 1902 - Regulamento de Polícia Judiciária e de Investigação”

of Portugal did not have enough popular or institutional support to detain the republican revolutionary movement in progress. The so called “First Republic” in Portugal had started by a coup d’état which found support to turn into a full revolution that saw victory on October 5th of 1910 (Fernandes et al., 2003).

This new political period lasted until 1926 and was characterized by a great instability of the parliamentary cabinets (45 different governments in 16 years), institutional disarrangement, assaults on political enemies, pillages of public and private property, assaults upon the police forces and officers for political reasons, accusations of different political factionist positions made against the different police forces, political assassinations, and even counterrevolutionary attempts (Gonçalves, 2023). In short, a less than ideal environment for serious and more permanent institutional change.

Despite this turmoil amongst the Portuguese society and institutions, important changes to the police system occurred in the period. On August 21st of 1911 the first Republican Constitution is sanctioned in Portugal, establishing Portugal as a Unitarian Republic, and not bringing on its text any mention, whatsoever, as to the organization of the police system.

It would be through a decree issued in this same year, though, that important changes would start to take place over the police system. This decree, issued on October 12 of 1910 (Decreto de 12 de Outubro, 1910), declared the extinction of the Municipal Guards of Lisbon and Porto while creating a temporary Republican Guard in those cities and forming a commission assigned to organize a National Republican Guard, this national military police force would become an official part of the institutional environment of Portugal with the name of “Guarda Nacional Republicana” (GNR) by means of another decree issued in May 3rd of 1911 (Decreto de 03 de Maio, 1911). This was a big move towards the centralization of the police system, from municipal government level directly to the national government level, what had occurred in the previous period just with the civilian investigative branch of the police restricted to matters only involving political crimes, now becomes the new configuration to the whole military branch of the police system.

The civilian branch of the system would also be affected. A decree issued on October 17th of 1910, would rename the “Policia Civil de Lisboa” as “Policia Cívica de Lisboa”, that is: from Lisbon Civil Police to Lisbon Civic Police, while naming a commission to reform the institution. On the coming years, the other Portuguese districts would also rename their forces from “Civil” to “Civic” Police, a redenuation meant to erase the monarchic past of the civilian police forces (Gonçalves, 2023).

In 1915, the civilian branch of the system would be (at least formally) fully centralized to the national government by the law nº 443 (Lei Nº 443, 1915). This law states in its 1st and 2nd articles that the different services provided by the Civic Police are to be unified, coordinated and distributed in order to accomplish their missions under the overseeing of the Ministry of Interior, and also that the police services are to be undertaken by personnel that only the central government recruits, instructs and supervises, assigning them territorially in accordance to the needs of the urban centers. This does not mean that there was a single civilian police force, though. On a Decree issued in 1918 (Decreto Nº 4.166, de 29 de Abril, 1918) six police departments were created, these were: the Security Police Department, the Investigative Police Department, the Administrative Police Department, the Preventive Police Department, the Immigration Police Department, and the Municipal Police Department. These police forces would be under the command of a commissioner in each district capital, on other cities (that were not district capitals) there would be a municipal police commissioner. All this police structure would be subordinate to the Ministry of Interior through the “Direção Geral de Segurança Pública⁶⁸”, a public agency also created by this 1918 decree.

When another decree is issued later, in 1922, its article 61 (Decreto 8435, de 21 de Outubro, 1922 art 61), states that the Civil Governor of the respective Portuguese District (except for the districts of Lisbon and Porto) oversees all police services in his circumscription, although this was while still under the subordination of the national government through the Public Security General Directorate of the Ministry of Interior (Decreto 8435, de 21 de Outubro, 1922 art 3).

So, summarizing, despite the civilian branch had not yet been structured to one unified civilian police force, as far as the police system is concerned, the overseeing and control attributed to the national Ministry of Interior already places the system in the centralized spectrum.

As for the investigative police duties, faithful to the institutional tradition of both Portugal and Brazil, the judiciary policing functions would see comings and goings as to which actor was to be in charge, if one from within the police system or a judicial system actor. In 1917 (Portaria Nº 1015, de 14 de Julho, 1917) the judiciary policing responsibilities were put under the command of the Chief of the Civic Police, at this time, reunified under his command the entire Civic Police. Shortly after, however, in 1922 (Decreto 8435 - Rectificação, de 31 de Outubro, 1922), judges would again be at the head of the investigating section of the police

⁶⁸ Public Security General Directorate.

as the Decree nº 8.435 (Decreto 8435 - Rectificação, de 31 de Outubro, 1922) would divide the Civic Police, into four sections: “Polícia de Segurança Pública”, “Polícia de Investigação Criminal”, “Polícia Administrativa”, and “Polícia Preventiva e de Segurança do Estado”⁶⁹. At this period, all four sections of the Civic Police, besides the military National Republican Guard (GNR), would be under the authority of the Ministry of Interior.

7.5. Military Dictatorship (1926-1933) and “New State” Period (1933-1974)

The constant political and social instability that characterized Portugal’s “First Republic” would charge its toll when mobilized military forces, in the successful coup of May 28th of 1926, dismantle the “democratic” republic and establish (initially) a military dictatorship. A necessary remark to be made is that democratic, as we use the word today, is hardly a defining word for Portugal’s “First Republic”. According to Rui Ramos:

“A ditadura militar de 1926 não derrubou uma «democracia» no sentido actualmente corrente do termo. Destruiu o império daqueles que se consideravam os únicos «democratas» e que, na prática, se traduzia no monopólio do Estado por um partido político, o Partido Republicano Português, e num tipo de governo que os seus críticos, em 1926, não hesitavam em classificar como «um governo de ditadores»⁷⁰ (R. Ramos, 2023, p. 1062).

This coup d’état would initiate one of the longest lasting dictatorships of the Western World. It started with the military in 1926 and transitioned to the civilian dictator and former Finance Minister, Ant6nio de Oliveira Salazar, who would be the head of the Portuguese government in a period known as “Estado Novo”, or “New State”, from 1932 till 1968. Due to health issues, he was eventually replaced in 1968, while the regime managed to maintain itself until a new military coup d’état, in 1974, puts an end to more than four decades of dictatorship (Rezola, 2007).

The “New State” would lay its foundations upon the strict maintenance of the order against the known and undesired disorder that had characterized Portugal’s political history. The State was to be organized in a corporatist manner, in which the general interest of the Portuguese nation, as viewed by Salazar, would be the key to recover the country’s prestige

⁶⁹ Public Security Police, Criminal Investigation Police, Administrative Police, and Preventive and State Security Police.

⁷⁰ “The military dictatorship of 1926 did not take down a “democracy” in the current meaning of the word. It destroyed the empire of those who considered themselves as the only true “democrats” and that, in fact, was characterized by the monopoly over the State by a single political party, the Portuguese Republican Party, and by a type of government that its critics, in 1926, did not hesitate to classify as a “government of dictators.”” Translated by the author.

and strength. A strong State and strong central government going by the motto: “Deve o Estado ser forte para que não precise ser violento⁷¹” (Rosas, 2013).

During the military phase of the dictatorship there were no major changes to the forces that composed the police system, it would be only with Salazar that the organization of the police system would shape itself through a further unifying of various police forces that ended up characterizing them through the whole dictatorial period and beyond (Gonçalves, 2023).

In 1927 (Decreto Nº 14.657, de 5 de Dezembro, 1927) the Criminal Investigation Police (PIC) would be transferred from the Ministry of Interior to the authority of the Ministry of Justice and in 1929 (Decreto Nº 17.640, de 22 de Novembro, 1929) would reach full status as an independent and unified police force. Later, in 1935 (Decreto Nº 25.338, de 16 de Maio, 1935), the Public Security General Directorate was extinct, giving place within the Ministry of Interior to the “Comando Geral da Polícia de Segurança Pública⁷²” where the existing civilian police forces of the country were unified as one, leading towards the development of the national civilian “Polícia de Segurança Pública⁷³” (PSP) (Gonçalves, 2023).

The last defining legislation over the police system of this period would be issued in 1945 (Decreto-Lei Nº 35.042, de 20 de Outubro, 1945) when the Criminal Investigation Police (PIC) would lose its improper judging functions and would be renamed as “Polícia Judiciária” (PJ), “Judiciary Police”, tasked with Portugal’s main judiciary policing duties and now, despite the loss of its small cases judging attributions, even more structured as a part of the judicial system⁷⁴. The PJ would be the main institution for the judiciary policing functions, with exclusive powers to investigate crimes related to counterfeit money and documents, human trafficking, and drug trafficking (Decreto-Lei Nº 35.042, de 20 de Outubro, 1945 art 16). The PSP and the GNR, however, could still be put responsible for other judiciary policing functions besides their normal administrative and ostensive policing functions.

7.6. The “Carnation Revolution” and the Democratization of Portugal (1974-1982)

After a very long period in which the “New State” instituted by Salazar had hold of the Portuguese government and political life, the calling for a change started to take place in the

⁷¹ “The State must be strong so as to it must not have to be violent.” Translated by the author.

⁷² General Command of the Public Security Police.

⁷³ Public Security Police (PSP).

⁷⁴ This is intention is made clear by the reading of the second and last paragraphs of the preamble to the law of 1945 that defines its attributions.

first half of the 1970s with the rise of three preponderant factors that led to the “Carnation Revolution”⁷⁵: the Colonial wars, the economic crisis (in part due to the wars), and popular demonstrations showing dissatisfaction with the government (Cabreira, 2019). What started at April 25th of 1974 evolved into a transition from dictatorship to democracy that was characterized by two distinct phases. First, the military coup that rapidly subdued and ended the authoritarian right-wing political regime replacing it for a military and revolutionary left-wing joint, and second for a transition that gradually established a democracy thorough the disengagement of the military from governing functions, the consolidation of civilian State institutions, and the removal of key revolutionary obligations from the Constitution. The semi-democratic regime to which the 1976 Constitution gave birth was made possible by a countercoup perpetrated by politically moderate military officials in November of 1975, and finally resulted into a full democracy with the abolishment of the Revolutionary Council and the consolidation of the democratic institutions in 1982 (Gunther & Cabral, 2002).

Chapter 8. Analyzing the Model Types Through Political Shifts

Having the changes to the police systems linked to major political events been described in both countries on the previous chapters, we will now concentrate on the analysis of these changes in relation to the categories that define the police systems within the adopted framework (Calaresu & Tebaldi, 2020). For this, we will use figures 7 and 8 as guides for a better understanding of the events considered and the ideal type related at the time to Portugal and to Brazil respectively.

8.1. Portuguese Police System, distancing and return to the Continental Napoleonic Model

⁷⁵ “Revolução dos Cravos”.

Event	Original Police System (1801)	Brazil's Independence (1822)	Early Constitutional Monarchy and Civil War (1820-1834)	Post-Civil War Constitutional Monarchy (1834-1910)	First Republic (1910-1926)	Military Dictatorship and "New State" Period (1926-1974)	The "Carnation Revolution" and Portugal's Democratization (1974-1982)
Nature of the Event	X	Political Rupture	Political Rupture	X	Political Rupture	Political Rupture	Political Rupture
Police Model Type	CN	CN	CF (Mixed Provincially/Municipally based)	CF (District based)	CN	CN	CN

Political Rupture refers to events in which there was a major change in the political system or regime of the country in relation to the previous period; CN refers to the Continental-Napoleonic model; CF refers to the Continental-Federal model.

Figure 7 - Graphic representation of the developments to Portugal's police system related to eventful periods.

Original model (1801)

The starting point is the Portuguese original police system model as described and analyzed in 5.1. It originated in 1801 as a Continental Napoleonic police system, being centralized in its command, composed by two police forces, one civilian and one military, and having a widespread array of duties beyond criminal repression. Its position on the centralized/decentralized axis is at the most centralized position possible since the national government was in direct control and administration of the whole police apparatus. In relation to the activity orientation axis, its position is also near the topmost defining characteristics of a governance-oriented system model, including among the police forces duties a series of activities related from control of undesired parcels of the society to sanitary issues, among others.

Portugal and Brazil's Independency (1822)

The separation between Brazil and Portugal, with Brazil's independency and the end of the United Kingdom of Portugal, Brazil and Algarves, did not, by itself, had influence enough to induce modifications over the police system in Portugal.

At this time, it retained the same characteristics of its original system, maintaining the same police institutions with the same functions and names as they had before. It remained therefore, a system composed by two types of police forces, one civilian and the other military, with centralized national control and governance-oriented activity. Thus, remaining a typical Napoleonic Continental police system.

The Early Constitutional Monarchic Period and the 1828/34 Civil War (1820-1834)

Analyzing the many, and somewhat radical changes, over the axis of the level of centralization that came in this period, we can notice a strong movement towards the decentralization of the whole police system which strides away from the fully centralized in the national government feature it had before into a mixed provincial but mostly municipally based level decentralized police system.

The system continued to have two distinct police forces, one of them civilian (only now with some of its members chosen by election), organized, and commanded as if it were part of the judicial system but with judiciary policing functions and limited administrative policing functions; and the other, a military type police force (although it was not the initial intention) with administrative policing functions only. Both now municipally based for their main operational aspects, although nominally the main police authority of the administrative police functional branch remained at the provincial government level with the “Prefeito,” and the judiciary police functional branch was under the command of the “Magistrado de Polícia Correccional” on the district government level.

An aspect of the Portuguese police system that sees no change in this rearrangement is the activity orientation of its forces. The system continues to be tasked with governance type activities, despite its changes on the centralization/decentralization axis.

The classification in the Calaresu & Tebaldi (2020) framework is, at this period, not very precise, but it goes nearer in many aspects to the Continental Federal model of police and away from the Napoleonic Continental model.

The fact the province level government retained the main administrative police authority with the “Prefeitos,” puts the system even nearer to the Continental Federal model regarding the type of territorial unit in ultimate charge of the police authority. The name “Federal” however, given to the model type on the framework, if taken literally, leads to a misconception, since Portugal was not a Federation, but a Unitarian territorially organized type of country.

Regarding the Anglo-Peelian model, although it was considered as an inspiration to the liberal legislators that organized the police system at the time, the permanence of two types of police forces and the activity orientation towards governance, despite the municipally based operational police organization, drives the Portuguese system away from this model’s characteristics.

The Post-Civil War Constitutional Monarchic Period (1834-1910)

At the end of this period and after all the reforms, the Portuguese police system ends up composed by police institutions of both civilian and military types now in the district and municipal government levels along with one, special crime oriented, centralized police force brought by the last reform of 1902.

A continued characteristic of the Portuguese police system, very similarly to its Brazilian counterpart, is that the position of the military branch of the system is restricted to administrative policing duties besides being auxiliary forces at the request of the civilian branch, which always has both administrative and judiciary policing functions.

At this period, the characteristics of the police system remains, like in the previous period analyzed, with the activity orientation towards governance and with a low level of centralization. However, its main civilian and military branch are now at the district government level (and no longer in the municipal level), having moved one step up in the centralization direction.

This configuration puts the system, as before, near to the ideal model type defined in the Calaresu & Tebaldi (2020) framework as Continental Federal, despite the somewhat inadequate nomenclature adopted by the framework when we use it for the particular Portuguese case.

“First Republic” (1910-1926)

Although there is always a gap of time (and sometimes even an incomplete policy implementation) between what the legislation determines and what or when it comes to turn into real life full functioning institutions (as prescribed by the law), once the legislation is sanctioned the institutions tend to follow its prescriptions sooner or later. For our analyzing purposes, despite the many difficulties of the governments in shaping the institutions in this turbulent period, the direction set by the legislation points unequivocally towards a strong centralization of the police system.

In Portugal, aside from the various small local police forces that continued to exist, the police system, as determined by the republican legislation and despite the authority of the Civil Governors over their districts, shifts into a centralized system while maintaining governance as its activity orientation. Over this matter, the activity orientation of the system can be clearly perceived by reading the preamble to the Decree nº 8435 of 1922, that organizes the Civic Police, as it states:

“Com efeito, nos Estados modernos, será impossível a administração sanitária, a de obras públicas, a comercial, a pedagógica, e até mesmo a administração militar e a política, se todos estes ramos administrativos não forem superiormente auxiliados e até mesmo orientados pela administração policial, que é a da segurança pública⁷⁶”.

In short, on this period, the system makes an almost full comeback to its original founding police system and can be again classified as a Continental Napoleonic model (Calaresu & Tebaldi, 2020), with its centralized national forces (a military National Republican Guard and a civilian Civic Police or polices, depending on the perspective, if systemic or not) and a continued activity orientation towards governance.

This comeback to the original police system model may be an indication of the failure that comes when institutions are created without having ties to the traditions of the country by being partially transplanted from the experience of foreign societies. In what regards to the police system, the inspiration that the political Liberals in power on the previous periods had on the Anglo-Peelian police system generated a mixed-up police system with characteristics that did not fully resemble the one they had been inspired by, and partially dismantled the traditional and original Portuguese police system. The comeback to the Continental Napoleonic model was a step towards a known model and probably was an alternative easily acknowledged by both government and society when the political decision to change was made.

Military Dictatorship (1926-1933) and “New State” Period (1933-1974)

The police institutions in Portugal were, at this time, very much defined in the same configuration as they are in the present time. As for the police system, it would remain with the same classification as it had with the comeback of the previous period and would not change any further from now on.

The system was now composed by the civilian branch, represented by the PSP, and the military branch, represented by the GNR, in a completely centralized police system.

The main difference to most other police systems would be that one of the civilian institutions that form the police system, the “PJ” or Judiciary Police, was considered a part of the judicial system, this, probably due to the early misconception and mixing of judicial

⁷⁶ In effect, on modern States, the sanitary, public works, commercial, pedagogic, and even military and political administration are impossible to manage if these referred administrative branches are not supervised or even oriented by the police administration, which manages the public security. Translated by the author.

functions with judiciary policing functions that we observe in the past of both Portugal and Brazil. Nonetheless the PJ is a civilian police force for all that it is characterized, and as so, is here considered as a component of the police system.

Summarizing, the Portuguese police system in this political period that ends in 1974, with its centralized command in the national government level, and its governance-oriented activity attributions, remains even more consistent with the Continental-Napoleonic model type (Calaresu & Tebaldi, 2020).

The “Carnation Revolution” and the Democratization of Portugal (1974-1982)

The transition from dictatorship to democracy had hardly any impact on the already established police forces in what is related to the system structure. The police system continued, as during the dictatorship, composed by a civilian branch, represented by the PSP, and a military branch, represented by the GNR, besides the civilian PJ with responsibility over complex and specific investigations, forming a completely centralized police system.

The laws and decrees that referred to the police forces in this period (and afterwards) established some operational procedures, modified hierarchical paths within the forces, besides better defining policing functions and attributions to each force, without changing the police system’s characteristics.

With its consistent activity orientation towards governance and its centralized feature reestablished in the “First Republic”, being composed by one main civilian and one main military police force in the country, the Portuguese police system is, at this time, consolidated as a Continental Napoleonic model system (Calaresu & Tebaldi, 2020).

8.2. Brazilian Police System, from Continental Napoleonic to Continental Federal

Event	Original Police System	Brazil's Independence (1822)	1 st Emperor Abdication and Early Regency (1831-1835)	Late Regency Period (1835-1840)	Coronation and the Second Reign (1840-1889)	First Republic (1889-1930)	Getúlio Vargas, the Coup and "New State" period (1930-1945)	Democratic Experience (1945-1964)	Military Regime (1964-1984)	New Republic Transition (1985-1988)
Nature of the Event	X	Political Rupture	X	X	X	Political Rupture	Political Rupture	Political Rupture	Political Rupture	Political Rupture
Police Model Type	CN 1809	CN	CF (Municipally based)	CF (In centralization process)	CF (Provincially based)	CF (State based)	CF (State based)	CF (State based)	CF (State based)	CF (State based)

Political Rupture refers to events in which there was a major change in the political system or regime of the country; CN refers to the Continental-Napoleonic model; CF refers to the Continental-Federal model.

Figure 8 - Graphic representation of the developments to Brazil's police system related to eventful periods.

Original model (1809)

In Brazil, the starting point, as described and analyzed in 5.2, is marked by the transposition of the Portuguese police system during the existence of the United Kingdom of Portugal, Brazil, and Algarve.

The institutions that formed the Portuguese police system were merely transplanted to Brazil consisting of the same two types of nationally centralized police forces, one civilian and the other military, with activity orientation directed to governance related duties.

That is, the Brazilian original police system was one of a centralized position in the level of centralization axis and a governance-oriented system in the activity orientation axis, being a Continental Napoleonic model type, as is to be expected since the process that generated it had been a mere institutional transplantation from the Portuguese original police system model into the Brazilian territory.

Brazil's Independency from Portugal (1822)

As being the first major disruptive political event here analyzed, an important remark to be made is that, regardless of its independency in 1822, Brazil maintained its political regime as a monarchy (now Constitutional) with a member of the Portuguese royal family as king, and its territorial organization as unitary, therefore, the impact this event could have on the police system was minimized by the permanence of the main lines of its previous institutional arrangement.

The police system of now independent Brazil, initially remained as was before, of a Napoleonic Continental Model type, centralized at the national level and with its activity orientation towards governance.

Changes would start to take place shortly after though, with the new Constitution of 1824, and a regular law that focused on the matter and was passed on the year of 1827.

Brazil's 1st Emperor's Abdication and the Early Regency Period. (1831-1835)

In this period, we can visualize a clear shift on the original model towards a significant decentralization that forcibly results on a new classification for the Brazilian police system, this arrangement was though, short lived, since reforms in coming years would lead to a softening in the initial radical decentralization of the system.

The institutional design, brought by the decentralizing forces of liberal thought along with the local "Mandonismo⁷⁷", configured a police system that had still with two police type forces, one civilian and the other military, both now municipally based.

It is important to notice that the decentralization that led to the change of the police system was not necessarily brought in by the political event of the independency or the emperors' abdication, but rather by a change in the distribution of power between the territorial entities that composed the country.

Better explained, a redistribution of power among the imperial center, the provinces and the municipalities that came by adjustment of a legislation inspired by liberal thought and the power struggle of the politicians of the time. It was, therefore, not an immediate consequence of a political breakthrough, but a reorganization of territorial power inspired by political currents within the country's political system.

In a territorially big country as is Brazil, the high centralization level of its original police system was bound to become inviable with the growing of the population and the expansion of its territorial occupation. The territorial reorganization of power that started in this period was a natural response to those demands, and resulted initially in a radical

⁷⁷ Defined by the existence of local oligarchical structures based on personal power of an influent personality that controls a strategic resource, usually farms, and exercises a personal and arbitrary dominance over the local population (Carvalho, 1997).

decentralization of the system that would eventually step up some levels to better reflect the more centralized tradition of the society that formed the newborn country.

The classification within the established ideal types of the Calaresu & Tebaldi (2020) framework though, is here a hard task to achieve. On this configuration, the police system would be something classified in between the ideal types considered without a clear definition as to being any of them on this historic period.

If it were to be graphically represented on the scheme, the point would be drawn nearer to the Continental Federal model type, since its activity orientation did not change, but that would not be entirely precise since the decentralized units of the system were composed by municipalities and not by “Lander”, provinces, or states. Although some authors view it in that direction (Faoro, 2008), it could not be classified as Anglo-Peelian system, mainly because its activity orientation and its two police type forces (civilian and military) do not fit the ideal type. As so, the classification puts it in a broad sphere of a transitioning Continental Federal model of police system.

Late Regency Period (1835-1840)

The police system along with all Brazilian State institutions were, at this time, on a transitional and confusing stage of development, not easily classifiable, but clearly tending to a recentralization of its features, first by stepping up the power from the municipal level to the provincial level, and then stepping up, on some degree, to the national (or imperial level) with the Additional Act Interpretation Law of 1840, which limited the provinces power on legislating over the police.

So, the radical decentralization of the previous period would now start to enter a process of incomplete centralization. On what legislating powers were concerned, the national government level would take back its prerogatives which had been suppressed in the previous period and would retain to itself the power to establish the way in which the provinces were allowed to organize their police forces, as to the administrative and operational control and command of the police forces, especially in what regards the civilian branch of the system, would now step up from the municipal level government to the provincial level government.

With its centralization level point moving a step up in the axis, but remaining in the decentralized quadrant, its activity orientation not having changed from governance, and the by permanence of civilian and a military police type, its features now put it undoubtedly in the fringes of a true Continental Federal model police system.

The Coronation of Dom Pedro II as Emperor, and the Second Reign (1840-1889)

Despite the interpretation shared by most Brazilian historians and political scientists about the strong centralization upon the institutions that occurred on this period, in what it refers to the police system the recentralization would not reach a full extension in a manner to which there would have been a rewinding of the system to its “status quo ante”. The Brazilian police system would remain a partially decentralized one as was established by the former liberal legislation, only now, the existing decentralization would not be through an elective local actor and would also climb up on its government level from the municipalities to the provinces.

If in the original police system, there was a fully centralized institutional architecture in which the national government exercised its control through the “Intendência Geral de Polícia” along with the centralized military branch represented by the “Divisão Militar da Guarda Real da Polícia”, passing on to the next period where there was a very strong decentralization in which the locally elected “Peace Judge” was in full charge, under the theoretical command of the “Judge of Law” (named by the Court as police chief of the districts), and the municipally based “Guardas Municipais Permanentes” were the military branch of the system, we now reach a design of the police system in which the national government (or alternatively the President of the province) chooses among judges, the Police Chief for each province and the “Delegados” and “Subdelegados” for each district. The system at this point is no longer decentralized to the municipalities, it is however, decentralized to the provinces, for the Police Chief (although named by the national government), is the main authority for everything related in his province area, answering only indirectly to the national government level.

Another argument to defend an incomplete recentralization of the police system is that the military branch of the system remains, in this period, municipally based.

Analyzing the characteristics brought by the reforms we can notice a shift on the axis related to the level of centralization. Here, its position moves some measures up in the centralization direction, not reaching, though, the quadrant where it could be considered a centralized system, if using the parameters of the Calaresu & Tebaldi (2020) framework as we understand it. As for the activity orientation of the system, there is no change whatsoever, being governance like duties the permanent orientation of the police system.

The territorial units responsible for the civilian judiciary and administrative policing functions are now consolidated in the provincial level government. The military branch,

with its administrative policing duties, remains with its personnel and direct command decentralized at the municipal government level, while its indirect high command is (as in the periods before) kept under the umbrella of the civilian police branch of the system, thorough the Police Chief of the respective province and the “Delegados” and “Subdelegados” in the districts.

Due to these characteristics, an effort to classify the Brazilian police system within the ideal model types adopted would put it even nearer than in the previous period to the Continental Federal type.

“The First Republic” (1889-1930)

The police system in Brazil had its characteristics consolidated in the previous period. With the advent of the Republic, the provinces would be renamed as states and the governors of these states would be reach the historic top of their power and administrative autonomy in relation to the Union and of authority in relation to the municipalities. This would start a process among the states of taking direct control over the military branch of the police system which would change, as already had already happened to the civilian branch previously, from the municipal government level to the state government level. In some cases, the state military police formed real state army like troops that represented a veiled threat to the national forces.

The centralization level axis position of the system was now at the state level decentralized quadrant, and the position on the activity orientation axis, as in all previous periods, remained at the governance-oriented quadrant.

So, on the so called “First Republic” in Brazil, a careful analysis puts the police system within the same classification type as it had in the last years of the empire, only this time, as being Brazil now a federative republic and by having both civilian and military branches of the system at the state government level, along with its activity orientation maintained towards governance, its classification approaches the nearest possible to the ideal type defined as Continental Federal (Calaresu & Tebaldi, 2020).

Getúlio Vargas, the Coup and the “New State” period (1930-1945)

There is here, in this period, some degree of centralization of the police system as the national dictatorship concentrates power to diminish the threat over the Union represented by the most powerful states of the federation, consequently, the state governors lose their power in what concerns to legislating over the architecture, now of both types of police forces (civilian and military).

The Union also attributes to itself the exclusiveness of legislating over the state polices on matters over instruction, justice and guarantees to better make for uniform police procedures throughout the country, and the power to create police institutions that deal with maritime and port security, not allowing the states to be directly involved in these security matters. By these measures, the dictatorship naturally reduces the great autonomy that the federative state governors had acquired in the previous period in all fields of political and institutional choice.

The activity orientation of the police system remains as governance oriented during the “Vargas Era” as it was before. The range of activities attributed to the police forces were even amplified to the control over hotels, casinos and common products price control, besides the ongoing repression over mendicancy and the control over prostitutes and minors (Campos & Silva, 2018).

It is important to notice that despite the concentration of power promoted by the dictatorship, Brazil had at each state of the federation one Civil Police and one Military police that (although the states didn't have the power to determine their organization type and functions) had their operations controlled directly by the governor of each respective state. Consequently, the police system remained a decentralized, at the state government level, system.

With the activity orientation axis being put even in a furthermore governance-oriented position, and the centralization axis just moving a bit higher due to an exclusively legislative centralization, Brazil's police system maintains its features as of being characteristically a Continental Federal model type system.

The Democratic Experience (1945-1964)

In this period, with the end of the dictatorship, the Union would now restrict its own legislative powers only to over the organization and functions of the state's civilian police, leaving the state's military police organization at the respective federative state discretion. There was a redistribution of power granting the federative states with more autonomy, but it would never again be set in the high level that was achieved during the period of the “First Republic” in Brazil.

The more internationally sensitive police matters, such as the ones related to frontiers, maritime, ports and airports would remain centralized under the direct responsibility of the Union. The main architecture of the Brazilian police system, though, was already

established and saw no change in this period as it too had not been changed in the nearest previous ones.

So, as far the police system was concerned, the federative states continued to have one Civil Police and one Military Police each, with the federal government being active only on subsidiary police matters that involved interstate or international implications.

Summarizing, with the police institutions already established in a more permanent configuration within the states, the police system would not be changed despite this new political transition from dictatorship to democracy. The activity orientation would still be focused on governance and the centralization level axis would remain decentralized at the state level government, thus characterizing the Brazilian police system, on this period, as remaining stable as a Continental Federal model type (Calaresu & Tebaldi, 2020).

The Military Regime (1964-1984)

Analyzing the changes to the police system that came with the military regime, we perceive that the measures taken had the intention of a natural overall stricter control over the institutions as would be expected of a dictatorship. The changes to the police system however, as far as the model type is concerned, were not significant and did not change its previous classification, regardless of the regime change, this time from a democracy into a dictatorship.

Here again we can spot a pattern of immutability of the police system despite going through political disruptive events and periods. The police system continued in the same position as before in both axes of the framework, that is, there was no change, nor in the level of centralization, nor in the activity orientation of the system.

The police system continued decentralized at the state government level and composed basically of two types of police forces (a military and a civilian), with its activity orientation towards governance, continuing in the same quadrant as before a characteristically Continental Federal model type (Calaresu & Tebaldi, 2020).

The “New Republic’s” Transition to Democracy (1985-1988)

The democratizing political process that took place and gave origin to Brazil’s “New Republic” was marked by the institutionalization of democratic principles that were consolidated thorough the 1988 Constitution and the laws that followed.

During this period, the police forces in Brazil, continued, as before, composed by two main police institutions in each federative state (one military and one civilian), and two national

police forces with specific and subsidiary policing duties. The main policing functions were kept, by the 1988 Constitution, under the responsibility of the state governments. In fact, the 1988 Constitution would bring in its third chapter, article nº 144, the entire organization of the police system and the attributions of each type of police force in the country (Constituição Da República Federativa Do Brasil, 1988).

This political event, in which Brazil is transitioning into a full-blown democracy, reinforces the notion of stability of the major features of the police system when facing table-turning political events. This time, the transition is in the direction of a democratic regime, but this hardly had any effect on the structural features of the Brazilian police system.

So, by maintaining its features, the Brazilian police system, as determined by the 1988 democratic constitution, continued structured in the same configuration and composed by the same institutions as in the dictatorship that preceded this democratic period. A governance activity oriented and decentralized at state government level police system, consistent with its stable Continental Federal model classification (Calaresu & Tebaldi, 2020).

Chapter 9. Conclusion

After the last critical regime changing political events that occurred in both countries, one consisting of the democratization of Portugal in the 1974-82 period, and the other the democratization of Brazil in the 1985-88 period, their police forces have been through advances in operational procedures, a legal consistency process and a stricter delimitation of their duties, development of matters related to the accountability of their actions, and the emergence of independent societal and governmental institutions to audit the police procedures, especially when related to the use of necessary force.

These changes were driven by the incorporation of the multiple concerns natural to democratic societies when related to institutions with the power to restrict individual rights and to the use of lethal force when deemed necessary, as is the police. The improvement of the accountability within the police forces is a matter not to be taken lightly among democratic societies, and this has been the case, so far, in Portugal and in Brazil, besides the ever-present flaws to this continuous process. But, as to the structure of the police

system and to the organization of the police forces there has been no change since these last political events referred.

Portugal's police system continues to be formed by the PSP (a civilian police force) and the GNR (a military gendarmerie type police force), with a special investigations civilian police force, the PJ, being all three centralized and attached to the national government, with also a multiple number of municipal police forces, which however, are limited in duties and power.

One characteristic to be noted is that, besides being both the PSP and the GNR "complete cycle" police forces, that is, forces with administrative and judiciary policing duties, Portugal's police system reserved some special types of investigations to be under the responsibility of a singular police force, the PJ⁷⁸, that differently from the other two, which belong to the structure of the Ministry of Interior, belongs to the structure of the Ministry of Justice and is driven by a magistrate, and not a police officer. This is probably a reminiscent feature from the days in which the borders between the police system and the judicial system were not clear in Portugal and that resulted in various institutional mix-ups throughout their institutional development.

As to Brazil, the system maintains itself as based on the state government level with each state having a PM⁷⁹ (military gendarmerie type police) and a PC⁸⁰ (civilian police), with the distinct characteristic that the only police force authorized to do investigations at the state level are the Civil Police forces. That is, while the state Civil Police forces have full administrative and judiciary policing attributions the state Military Police forces have only ostensive patrol and administrative policing duties having to direct every criminal event that they detain for further processing, investigation, and presentation for criminal prosecution to the Civil Police. From this it results that, at the state level government, only the Civil Police is a "complete cycle" police institution.

These characteristics are replicated on the national government level, were the Federal Highway Police (PRF), like the state military polices, has only ostensive patrol and administrative policing functions, thus having to direct their criminal detainees, drugs, and other apprehensions either to the state Civil Police or to the Federal Police (PF⁸¹), depending on the nature of the crime. Resulting that, at the national or federal level, there is one

⁷⁸ "Polícia Judiciária".

⁷⁹ "Polícia Militar".

⁸⁰ "Polícia Civil".

⁸¹ "Polícia Federal".

“complete cycle” police, the PF, with full administrative and judiciary policing functions, and another force, the PRF, that has only administrative policing functions.

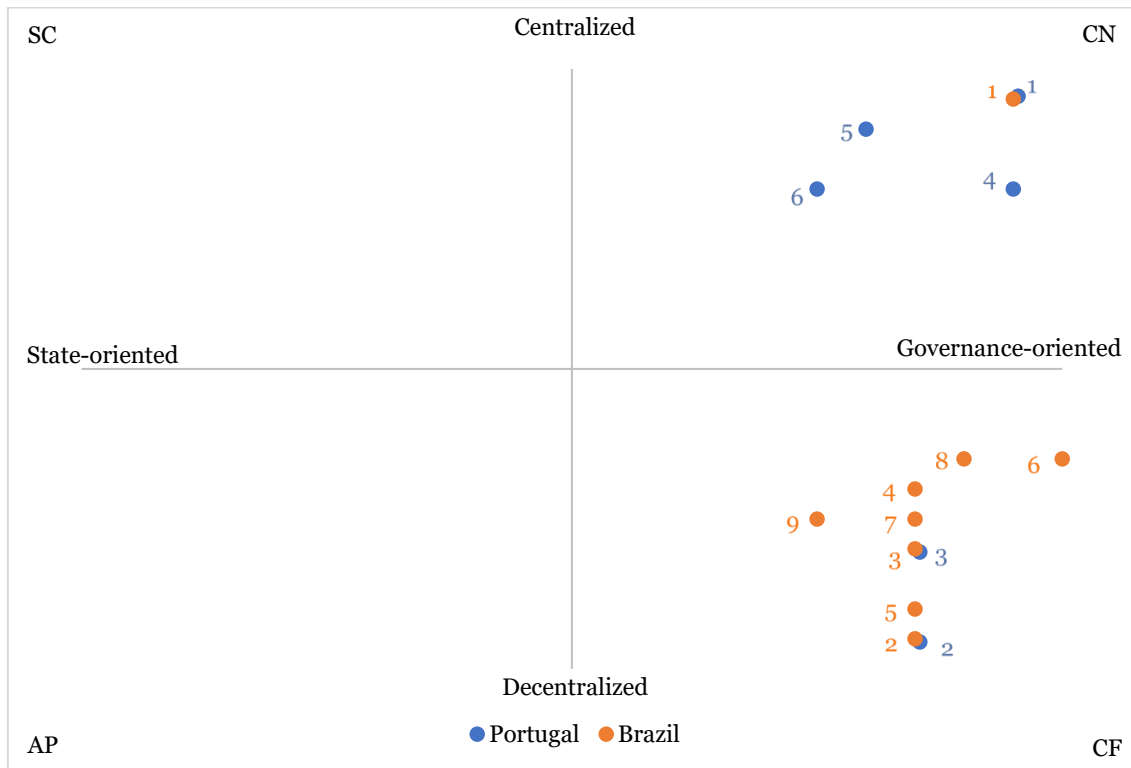
There are also, composing the Brazilian police system, a large number of “municipal guards” with limited powers and functions, but that are in an ascending tendency towards becoming full administrative municipal police forces.

The influence of the conceptual confusion between judicial functions and judiciary policing functions, that came from the early development of the Brazilian system, is even more pronounced than in Portugal. The mix-up between the judicial and the police system that was in the origin of the civilian police forces resulted in a type of “market reserve” for legal professionals to oversee the whole policing in the country, as they are the only ones with credentials to be put in charge as “Delegados” of the state’s Civil Police forces and of the Federal Police.

Summarizing, despite their unique characteristics and the relatively long time elapsed since the democratization of both countries, Portugal’s system remains as a Continental Napoleonic model, and Brazil’s police system remains as a Continental Federal model till this day (Calaresu & Tebaldi, 2020).

This research directed itself by the analysis of political events with potential to impact State institutional designs and with the results, if any, to the police systems of Portugal and Brazil. On this endeavor we started with the founding original police systems of these countries and described the impact they may have suffered through revolutions, regime changes and coups. The starting point was Brazil’s Independency (which was a major event for both countries), and afterwards we examined chronologically while Portugal and Brazil both transitioned, in their own particular periods, from monarchy to republic and also through regime changes that alternated between incomplete democracies into dictatorships, and then back to democracies throughout their history. Some of these political events were accompanied by a territorial reorganization in terms of the division of power among the administrative units by which the two countries were composed. These reorganizations were not necessarily attached to severing political events that implied in regime change but showed to be decisive factors upon police system changes within the centralization/decentralization axis.

On figure 9⁸² we can see a graphic representation of the developments to the police systems related to periods marked by political events that resulted, or not, in movement within the two axes of the framework determining the model in each period.



SC: Soviet Colonial; AP: Anglo-Peelian; CN: Continental Napoleonic; CF: Continental Federal.
 1: Original System/Brazil's Independency; 2: Civil War; 3: Constitutional monarchy; 4: First Republic; 5: Military dictatorship and the New State; 6: Carnation Revolution and democratization; 1: Original System/Brazil's Independency; 2: Emperor abdication; 3: Late Regency; 4: Second Reign; 5: First Republic; 6: Vargas Era; 7: Democratic Experience; 8: Military dictatorship; 9: New Republic.

Figure 9 - Graphic representation of the police systems displacements in relation to periods marked by political events.

The research clearly showed a tendency of stronger stability on the activity orientation axis, which's relative position was not affected through the examined period in neither country. On the other hand, the centralization/decentralization axis showed a larger tendency to

⁸² Based on the Calaresu and Tebaldi (2020) framework, this figure illustrates the subjective view of the author on the trajectory between the axes of level of centralization and activity orientation during the events timeline.

The furthestmost point on the activity orientation axis shown is marked in the direction of increased governance when activities include, for example, price control by the police. The nearest to the center in the direction of decreased governance, when the governance activities are restricted to transit monitoring and expedition of documents, for example.

The furthestmost point on the level of centralization axis in the direction of centralization is marked when the national government level holds control of all aspects of the command and operation of the police system, and in the direction of decentralization when the control and operation is municipally based with minimum interference from other government levels.

move within its axis, although not necessarily related to political ruptures between regimes. Within the events examined, there were six in Brazil and five in Portugal that can be classified as ruptures to the current political regime of the period.

In Brazil, although there were changes to the police forces and, in some cases, to governmental level responsible for the policing, changes to the model of the police system were absent in all six disruptive events. The police system that started as a Continental Napoleonic model transitioned to Continental Federal during the early regency period. This was not a disruptive political event but was one characterized by a reorganization of power between the composing units of the country that resulted initially in a radical decentralization that was later partially recentralized to the province/state government level, even better fitting the ideal model classification.

In Portugal, the second disruptive period, marked by the Civil War of the 1828/34, brought a strong governmental decentralization that resulted in a change to the police system from Continental Napoleonic to one more resembling the Continental Federal model (bearing in mind the obvious remark that Portugal is not a federation). In the next political disruptive event, with the ending of the monarchy and the founding of the “First Republic”, the Portuguese police system would experience a comeback to its original Continental Napoleonic model, which would from then on establish itself as the model adopted till the present time, despite the country having gone through two more political disruptive events after its adoption.

As the initial hypothesis foresaw, regime change provoked by disruptive political events was not necessarily linked to shifts in the police system model. Geopolitical rearrangements, however, characterized by centralization or decentralization of power between government levels were a determining factor to the changes that occurred in the police systems of both countries.

This is easily noticeable if we draw our attention to Portugal into these events of the Civil War period and First Republic period described which, besides being disruptive political events, had as main factor influencing over the police system the redistribution of power between the center and the peripheral government levels. In the first event, by the decentralization of power to the provinces and municipalities which shifted the original Continental Napoleonic model into something similar to a Continental Federal model, and in the second event, the centralization of power to the national government level, taking back the Portuguese police system to its original model as a Continental Napoleonic type

that, although subsequently having the country passed through a series of political ruptures, remained within the same classification.

In Brazil this is even clearer since in the Early Regency period, when we acknowledge that the radical redistribution of power among the geographic units that composed the country took place, resulting in the shift of the police system model from Continental Napoleonic to Continental Federal, was not a disruptive political event, and that the disruptive political events that followed throughout country's history did not change the system model any longer, thus allowing to the conclusion that the geopolitical power rearrangement was far more influential than the regime ruptures.

Future research can compare historical data of other countries regarding regime change and centralization/ decentralization to determine if the findings related to Brazil and Portugal are possible to be generalized.

A last remark to be made is that we find important to point out that an observed flaw on the categories and police system typologies so far proposed for comparative studies on the subject seems to be the disregarding of some internal organizational characteristics of the institutions that compose the police systems and that have potential to pose a very important role on the determination of the style of policing, the effectiveness, and even on the relation between police and society.

There are two here we find worth mentioning: the hierarchical architecture of the police and the complete or incomplete police cycle process of criminal investigation and prosecution of the police institutions within a given system. The creation of categories based on these trends, and comparative studies of countries that adopt one or other of their characteristics, may enlighten our understanding towards the effectiveness of the police based on institutional designs not yet taken in account by major research.

Finally, an interesting point to notice regarding the Brazilian police system, is that the major institutional design flaw of its original system has been perpetuated throughout all the reforms that occurred in time. The characteristic of its institutional architecture that differentiates it from all police systems presently adopted on the West is the existence of police forces of incomplete "police cycle", that is, since the founding of its original police system, only one of the two police forces adopted at national, municipal, or state level, through time, had full policing functions.

So, till this day, the Brazilian police system is composed by two or more distinct police forces on each government level (except the municipal, where theoretically there is no police

force), in which only one of them has complete police attributes that include the investigation of crimes.

This results that, when using the known police model classifications, the division between two police forces (military or civilian) that characterize the ideal types cannot fully resemble that of the Brazilian police system, because in Brazil, all police matters related to investigation that will lead into a criminal persecution have to forcibly go through the state civil or federal civil police forces, while in other countries that adopt two types of police forces, one civilian and the other military, both have investigative duties and their circumscription is divided, not on administrative or investigative restrictive attributions, but generally on a geographic based circumscription or on crime type based attributions.

References

- Adamson, P. B. (1991). Some comments on the origin of the police. *Police Stud.: Int'l Rev Police Dev.*, 14(1).
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/polic14&div=8&id=&page=>
- Aldridge, A. O. (1968). Las ideas en la América del Sur sobre la ilustración española. *Revista Iberoamericana*, 34(66), 283–297.
<https://doi.org/10.5195/reviberoamer.1968.2302>
- Almeida, C. M. de. (1870). *Codigo Philippino, ou, Ordenações e leis do Reino de Portugal: recopiladas por mandado d'El-Rey D. Philippe I* (14th ed.). Typographia do Instituto Philomathico.
- Alvará de 15 de janeiro, 255 (1780).
http://www.governodosoutros.ics.ul.pt/?menu=consulta&id_partes=109&id_normas=33989&acao=ver&pagina=281
- Alvará de 25 de Junho, 731 (1760).
http://www.governodosoutros.ics.ul.pt/?menu=consulta&id_partes=105&id_normas=30779&acao=ver
- Barreto Filho, M., & Lima, H. (1942). *História da Polícia do Rio de Janeiro - Aspectos da cidade e da vida carioca*. A Noite.
- Bayley, D. H. (1971). The Police and Political Change in Comparative Perspective. *Law & Society Review*, 6(1), 91–112. <https://doi.org/10.2307/3052914>
- Bayley, D. H. (1985). *Patterns of Policing: A Comparative International Analysis*. Rutgers University Press. <https://books.google.pt/books?id=XTafwgEACAAJ>
- Bayley, D. H. (2001). Democratizing the Police Abroad: What to Do and How to Do It. In *Issues in International Crime, US Department of Justice*. National Institute of Justice.
- Bernardes, B. S. (2021). Da Ditadura Militar brasileira à Nova República: o conceito de

- democracia sob disputa. In P. M. S. Merlo, P. E. Fagundes, A. C. Batista, F. S. C. V. Junior, L. M. Scheiner, & M. A. R. Soares (Eds.), *Anais do XIII Encontro Estadual de História da ANPUH-ES: negacionismo, verdade e fazer histórico. Volume 2* (pp. 79–98).
- Boer, M. den. (2017). European police science: connecting practice, education and research. *European Police Science and Research Bulletin - Police Science and Police Practice in Europe, Special Co(2)*, 21–26.
- Brandão Ferreira, J. J. (2022). De como Portugal se tornou independente do Brasil e suas consequências. *Revista Militar*, 12(dez), 1045–1066.
- Collecção de decretos, cartas imperiais e alvarás do Império do Brazil de 1825, 111 (1885). Brasil. (1891a). *Collecção das Leis do Brazil de 1808*. Imprensa Nacional.
https://www2.camara.leg.br/atividade-legislativa/legislacao/colecao-anual-de-leis/copy_of_colecao1.html
- Brasil. (1891b). *Collecção das Leis do Brazil de 1809*. Imprensa Nacional.
https://www2.camara.leg.br/atividade-legislativa/legislacao/colecao-anual-de-leis/copy_of_colecao1.html
- Brasil. (2023). *Memória da Administração Pública Brasileira*. <http://mapa.an.gov.br/>
- Bretas, M. L., & Rosemberg, A. (2013). A história da polícia no Brasil: balanço e perspectivas. *Topoi (Rio de Janeiro)*, 14, 162–173.
<https://www.scielo.br/j/topoi/a/DHMRHs7m6cVjgrpqYzN8NYh/?lang=pt>
- Brogden, M. (1987). The emergence of the police - the colonial dimension. *The British Journal of Criminology*, 27(1), 4–14.
<https://doi.org/10.1093/oxfordjournals.bjc.a047651>
- Butz, A. M., Kennedy, B. A., Lajevardi, N., & Nanes, M. J. (2018). Race and Representative Bureaucracy in American Policing: New Data, New Opportunities. *Comparative Politics Newsletter*, 28(1), 11–18.
- Cabral Ribeiro, L. (2011). História das polícias militares no Brasil e da Brigada Militar no Rio Grande do Sul. *Anais Do XXVI Simpósio Nacional de História*, 1–21.

- Cabreira, P. P. (2019). Revolução dos Cravos e a democratização no Portugal contemporâneo (1973-1975). *Revista de História Da UEG*, 8(1), e811916.
<https://www.revista.ueg.br/index.php/revistahistoria/article/view/9071>
- Calaresu, M., & Tebaldi, M. (2020). The comparative analysis of European national police systems: a theoretical and methodological proposal for a new research agenda. *Police Practice and Research*, 21(6), 640–654.
<https://doi.org/10.1080/15614263.2019.1677231>
- Campos, G. de A., & Silva, F. M. S. P. da. (2018). Polícia e Segurança: o Controle Social Brasileiro. *Psicologia: Ciência e Profissão*, 38(spe2), 208–222.
<https://doi.org/10.1590/1982-3703000213541>
- Carta de Lei de 22 de fevereiro, Pub. L. No. Diário de Governo nº48 de 24 de fevereiro de 1838, 59 (1838). <https://legislacaoregia.parlamento.pt/V/1/19/25/p90>
- Carta de Lei de 25 de abril, 132 (1835).
<https://legislacaoregia.parlamento.pt/V/1/16/84/p143>
- Carvalho, J. M. de. (1997). Mandonismo, Coronelismo, Clientelismo: Uma Discussão Conceitual. *Dados*, 40(2), 229–250. <https://doi.org/10.1590/S0011-52581997000200003>
- Chacon, V. (2001). Federalismo no Brasil: Balanço de Poderes e Idéias. *Brasil. Modernização e Globalização: Congresso Da Associação Alemã de Pesquisas Sobre América Latina (ADLAF), de 7 a 9 de Outubro de 1998, Na Universidade de Tübingen*, 35–50.
- Choi, K. M. (1996). A study on Development of National Police System Under Local Autonomy. *The Korean Journal of Policy Studies*, 11, 231–255.
- Conrad, C. R. (2018). Why do Courts Protect Human Rights? Investigating the Mechanisms by Focusing on the Police. *Comparative Politics Newsletter*, 28(1), 19–23.
- Constituição Da República Dos Estados Unidos Do Brasil de 10 de novembro, (1937).
https://www.planalto.gov.br/ccivil_03/constituicao/constituicao37.htm

- Constituição da República dos Estados Unidos do Brasil de 16 de julho, (1934).
https://www.planalto.gov.br/ccivil_03/constituicao/constituicao34.htm
- Constituição da República Federativa do Brasil, (1967).
https://www.planalto.gov.br/ccivil_03/constituicao/constituicao67.htm
- Constituição da República Federativa do Brasil, (1988).
https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm
- Constituição dos Estados Unidos do Brasil de 18 de Setembro, (1946).
https://www.planalto.gov.br/ccivil_03/constituicao/constituicao46.htm
- Cordner, G., Maguire, E. R., & Shearing, C. (2021). Policing, politics, and democracy: David Bayley's enduring contributions. *International Journal of Comparative and Applied Criminal Justice*, 45(3), 239–244.
<https://doi.org/10.1080/01924036.2021.1916972>
- Crabtree, C. (2018). Introduction: The Comparative Politics of Policing. *Comparative Politics Newsletter*, 28(1), 3–11. <http://comparativenewsletter.com/>
- Curtice, T. B. (2018). The Autocrat's Dilemma: The Politics of Ethnic Policing. *Comparative Politics Newsletter*, 28(1), 24–29.
- Davis, D. E. (2006). Undermining the Rule of Law: Democratization and the Dark Side of Police Reform in Mexico. *Latin American Politics and Society*, 48(1), 55–86.
<https://doi.org/10.1111/j.1548-2456.2006.tb00338.x>
- Decreto-lei nº 35.042, de 20 de Outubro, Pub. L. No. Diário do Governo n.º 233/1945, Série I de 1945-10-20 (1945). <https://dre.tretas.org/dre/101399/decreto-lei-35042-de-20-de-outubro>
- Decreto 8435, de 21 de outubro, Pub. L. No. Diário do Governo n.º 220/1922, Série I de 1922-10-21. (1922). <https://dre.tretas.org/dre/2418364/decreto-8435-de-21-de-outubro>
- Decreto 8435 - Rectificação, de 31 de outubro, Pub. L. No. Diário do Governo de 31 de outubro de 1922 (1922). <https://files.dre.pt/1s/1922/10/22500/12551262.pdf>
- Decreto de 03 de maio, (1911).

<https://files.diariodarepublica.pt/1s/1911/05/10300/18131820.pdf>

Decreto de 10 de dezembro, 759 (1801).

http://www.governodosoutros.ics.ul.pt/?menu=consulta&id_partes=110&id_normas=35758&acao=ver&pagina=789

Decreto de 12 de dezembro, 84 (1833).

<https://legislacaoregia.parlamento.pt/V/1/15/107/p107>

Decreto de 12 de outubro, Pub. L. No. Diário do Governo nº7, de 18 de outubro de 1910, 4 (1910). <https://legislacaoregia.parlamento.pt/V/1/5/10/p20>

Decreto de 17 de julho, Pub. L. No. Diário do governo n.º 161 de 21 de julho (1886).

<https://legislacaoregia.parlamento.pt/V/1/60/68/p393>

Decreto de 19 de setembro, Pub. L. No. Diário do Governo nº214 de 23 de setembro de 1902, 915 (1902). <https://legislacaoregia.parlamento.pt/V/1/87/136/p948>

Decreto de 21 de dezembro, Pub. L. No. Diário do Governo nº 295, de 30 de dezembro, 448 (1876). <https://legislacaoregia.parlamento.pt/V/1/51/3/p469>

Decreto de 22 de junho, Pub. L. No. Diário do governo n.º 138, de 27 do junho, 265 (1898).

<https://legislacaoregia.parlamento.pt/V/1/83/118/p296>

Decreto de 22 de outubro, 48 (1831).

<https://www2.camara.leg.br/legin/fed/decret/sn/1824-1899/decreto-37891-22-outubro-1831-565404-publicacaooriginal-89182-pe.html>

Decreto de 28 de agosto, Pub. L. No. Diário do Governo nº194 de 30 de agosto, 592 (1893).

<https://legislacaoregia.parlamento.pt/V/1/78/125/p626>

Decreto de 3 de julho, 238 (1834). <https://legislacaoregia.parlamento.pt/V/1/15/107/p261>

Decreto de 8 de novembro, 15 (1833).

<https://legislacaoregia.parlamento.pt/V/1/15/107/p405>

Decreto nº 14.657, de 5 de dezembro, Pub. L. No. Diário do Governo n.º 268/1927, Série I de 1927-12-05 (1927). <https://dre.tretas.org/dre/2435740/decreto-14657-de-5-de-dezembro>

Decreto nº 17.640, de 22 de novembro, Pub. L. No. Diário do Governo n.º 269/1929, Série

- I de 1929-11-22 (1929). <https://dre.tretas.org/dre/2440454/decreto-17640-de-22-de-novembro>
- Decreto nº 2.081, de 16 de Janeiro, (1858).
<https://www2.camara.leg.br/legin/fed/decret/1824-1899/decreto-2081-16-janeiro-1858-556736-publicacaooriginal-76857-pe.html>
- Decreto nº 23 de 16 de maio, (1832).
<https://legislacaoregia.parlamento.pt/V/1/73/116/p108>
- Decreto nº 25.338, de 16 de Maio, Pub. L. No. Diário do Govêrno n.º 111/1935, Série I de 1935-05-16 (1935). <https://dre.tretas.org/dre/294849/decreto-lei-25338-de-16-de-maio>
- Decreto Nº 3.598 de 27 de Janeiro, (1866).
<https://www2.camara.leg.br/legin/fed/decret/1824-1899/decreto-3598-27-janeiro-1866-554213-publicacaooriginal-72693-pe.html>
- Decreto nº 4.166, de 29 de abril, Pub. L. No. Diário do Govêrno n.º 91/1918, 1º Suplemento, Série I de 1918-04-29 (1918).
<https://dre.tretas.org/dre/242203/decreto-4166-de-29-de-abril>
- Decreto Nº 463 de 07 de Junho, (1890).
<https://legis.senado.leg.br/norma/387768/publicacao/15771454>
- DGARQ, D.-G. de A. (2023). *Intendência Geral da Polícia*. Arquivo Nacional Torre Do Tombo. <https://digitalq.arquivos.pt/details?id=4205425>
- Easton, D., & Dennis, J. (1969). *Children in the Political System: Origins of Political Legitimacy*. McGraw-Hill. <https://books.google.pt/books?id=ToKDAAAAMAAJ>
- Eaton, K. (2008). Paradoxes of police reform - Federalism, Parties, and Civil Society in Argentina's Public Security Crisis. *Latin American Research Review*, 43(3), 5–32.
- Emsley, C. (1999). A typology of nineteenth-century police. *Crime, Histoire & Sociétés*, 3(1), 29–44. <https://doi.org/10.4000/chs.934>
- Faoro, R. (2008). *Os donos do poder - formação do patronato político brasileiro* (4th ed.). Globo.

- Faria, R. H. M. de. (2007). *Em nome da ordem: a constituição de aparatos policiais no universo luso-brasileiro (séculos XVIII e XIX)* [Universidade Federal de Pernambuco]. <https://doi.org/10.1590/s0102-33061996000200016>
- Fausto, B. (2014). *História concisa do Brasil* (2nd ed.). Editora da Universidade de São Paulo.
- Fehérváry, J. (2007). *Preface*.
- Fernandes, P. J., Meneses, F. R. de, & Baiôa, M. (2003). The Political History of Nineteenth Century Portugal. *E-JPH*, 1(1), 1–13.
- Ferreira, F. B. (1942). Prefácio. In M. B. Filho & H. Lima (Eds.), *História da Polícia do Rio de Janeiro - Aspectos da cidade e da vida carioca* (pp. 9–16). A Noite.
- Flom, H. (2018). Police, Politics, and Political Science. *Comparative Politics Newsletter*, 28(1), 34–38.
- Fragoso, J., Gouvêa, M. de F. S., & Bicalho, M. F. B. (2000). Uma Leitura do Brasil Colonial - Bases da materialidade e da governabilidade no Império. *Penélope*, 23, 67–88.
- French, W. L., & Bell, C. H. (1999). *Organization Development: Behavioral Science Interventions for Organization Improvement*. Prentice Hall.
<https://books.google.pt/books?id=De8JAQAAMAAJ>
- Fuhrmann, C. J. (2012). *Policing the Roman empire: soldiers, administration, and public order*. Oxford University Press USA.
- Gomes, L. (2007). *1808: como uma rainha louca, um príncipe medroso e uma corte corrupta enganaram Napoleão e mudaram a História de Portugal e do Brasil*. Editora Planeta do Brasil.
- Gonçalves, G. R. (2023). *Fardados de azul: polícia e cultura policial em Portugal, c. 1860-1939* (1st ed.). Tinta da China.
- Guimarães, L. M. P. (2016). A elevação do Brasil a Reino Unido e a historiografia Luso-Brasileira. *Revista Do Instituto Histórico e Geográfico Brasileiro*, 177(470), 47–58.
[https://doi.org/10.23927/issn.2526-1347.rhgb.2016\(470\):47-58](https://doi.org/10.23927/issn.2526-1347.rhgb.2016(470):47-58)

- Gunther, R., & Cabral, R. (2002). A democracia portuguesa em perspectiva comparada. *Análise Social*, 37(162), 91–119. <http://www.jstor.org/stable/41011573>
- Jiménez, A., & Cancelav, E. (2021). Surveillance punitivism: Colonialism, racism, and state terrorism in Spain. *Surveillance and Society*, 19(3), 374–378. <https://doi.org/10.24908/ss.v19i3.15009>
- Kalman, S. (2020). Introduction: Policing the French empire: Colonial law enforcement and the search for racial-territorial hegemony. *Historical Reflections*, 46(2), 1–8. <https://doi.org/10.3167/hrrh.2020.460201>
- Klockars, C. B. (1984). Blue Lies and Police Placebo - The moralities of police lying. *American Behavioral Scientist*, 27(4), 529–544. <https://doi.org/0803973233>
- Leal, A. B., Pereira, Í. S., & Munteal Filho, O. (2010). Sonho de uma polícia cidadã: Coronel Carlos Magno Nazareth Cerqueira. In *Rio de Janeiro: NIBRAHC*. NIBRAHC.
- Lei de 10 de outubro, 129 (1831). https://www2.camara.leg.br/legin/fed/lei_sn/1824-1899/lei-37586-10-outubro-1831-564553-publicacaooriginal-88479-pl.html
- Lei de 15 de outubro, 67 (1827). https://www2.camara.leg.br/legin/fed/lei_sn/1824-1899/lei-38396-15-outubro-1827-566688-publicacaooriginal-90219-pl.html
- Lei de 18 de agosto, 49 (1831). https://www2.camara.leg.br/legin/fed/lei_sn/1824-1899/lei-37497-18-agosto-1831-564307-publicacaooriginal-88297-pl.html
- Lei de 2 de julho, Pub. L. No. Diario de Lisboa nº150 de 9 de julho de 1867, 450 (1867). <https://legislacaoregia.parlamento.pt/V/1/42/79/p470>
- Lei de 29 de novembro, (1832). https://www.planalto.gov.br/ccivil_03/leis/lim/lim-29-11-1832.htm
- Lei de 6 de junho, 1 (1831). https://www2.camara.leg.br/legin/fed/lei_sn/1824-1899/lei-37207-6-junho-1831-563560-publicacaooriginal-87651-pl.html
- Lei estadual de São Paulo de 11 de abril, (1835). <https://www.al.sp.gov.br/repositorio/legislacao/lei/1835/lei-18-11.04.1835.html>
- Lei nº 105, de 12 de maio, 5 (1840). <https://www2.camara.leg.br/legin/fed/leimp/1824-1899/lei-105-12-maio-1840-532610-norma-pl.html>

- Lei nº 16, de 12 de agosto, 15 (1834). <https://www2.camara.leg.br/legin/fed/leimp/1824-1899/lei-16-12-agosto-1834-532609-norma-pl.html>
- Lei Nº 1860 de 04 de Janeiro, (1908). <https://www2.camara.leg.br/legin/fed/lei/1900-1909/lei-1860-4-janeiro-1908-580934-publicacaooriginal-103780-pl.html>
- Lei nº 2033 de 20 de setembro, (1871).
https://www.planalto.gov.br/ccivil_03/leis/lim/lim2033.htm
- Lei nº 443, (1915). <https://files.dre.pt/1s/1915/09/18800/10081008.pdf>
- Lei nº261, de 3 de dezembro, (1841).
https://www.planalto.gov.br/ccivil_03/leis/lim/lim261.htm
- Lessa, R. (1999). *A invenção republicana: Campos Sales, as bases e a decadência da Primeira República brasileira* (2ª). Topbooks Editora e Distribuidora de Livros Ltda.
<https://books.google.com.br/books?id=RxgTvgAACAAJ>
- Lima, O. (1925). *Dom Pedro e Dom Miguel: a querela da sucessão (1826-1828)*. Comp. Melhoramentos de São Paulo.
- Los Angeles Police Department. (2023). *Our Commitment to the People of Los Angeles*.
<https://www.lapdonline.org/our-motto-mission-statement-core-values/>
- Lyra, H. (1940). *História de Dom Pedro II (3): Declínio*. Companhia Editora Nacional.
- Magalhães Júnior, A. F. (2007). *A formação da hierarquia interna das polícias judiciárias no Brasil*. Universidade de Brasília.
- Magalhães, L. C. (2019). *Educação Policial - Escola e formação profissional: entre a teoria e a prática* (1st ed.). PoD Editora.
- Maillard, J. de. (2022). *Comparative Policing*. Routledge.
https://books.google.pt/books?id=J%5C_PvzgEACAAJ
- Maillard, J. de, & Roché, S. (2022). Introduction: challenges and promises of comparative policing research. In J. de Maillard & S. Roché (Eds.), *The Rise of Comparative Policing* (pp. 3–31). Routledge. <https://doi.org/10.4324/9781003052418>
- March, J. G., & Olsen, J. P. (1983). The New Institutionalism: Organizational Factors in Political Life. *American Political Science Review*, 78(3), 734–749.

<https://doi.org/10.2307/1961840>

Monet, J. C. (2002). *Polícias e Sociedades na Europa* (M. A. L. de Barros (trans.); 2nd ed.). Editora da Universidade de São Paulo.

Monjardet, D. (2003). *O que faz a Polícia: Sociologia da Força Pública* (M. A. L. de Barros (trans.)). EDUSP.

Nanes, M. J. (2018). Policing in Divided Societies: The Importance of Perceptions. *Comparative Politics Newsletter*, 28(1), 51–58.

New York City Police Department. (2023). *Mission - NYPD*.

<https://www.nyc.gov/site/nypd/about/about-nypd/mission.page>

Oliveira Marques, A. H. R. de. (1995). *Breve história de Portugal* (11th ed.). Editorial Presença.

Palacios Cerezales, D. (2010). Repressive Legacies and the Democratisation of Iberian Police Systems. *South European Society and Politics*, 15(3), 429–448.

<https://doi.org/10.1080/13608746.2010.513603>

Palacios Cerezales, D. (2011). *Portugal à Coronhada - Protesto popular e ordem pública nos séculos XIX e XX* (R. Noronha (trans.)). Tinta da China.

Pessoa, G. T. de A. (2015). *Corpo de Guardas Municipais Permanentes da Corte*. Arquivo Nacional - Memória Da Administração Pública Brasileira.

<http://mapa.an.gov.br/index.php/menu-de-categorias-2/307-corpo-de-guardas-municipais-permanentes-da-corte>

Pia Guerra, M. (2016). *Polícia e Ditadura: a arquitetura institucional da segurança pública de 1964 a 1988*. Ministério da Justiça / Universidade de Brasília.

Polícia de Segurança Pública. (2023). *Polícia de Segurança Pública*.

<https://www.psp.pt/Pages/sobre-nos/quem-somos/o-que-e-a-psp.aspx>

Polícia Militar do Distrito Federal. (2023). *Polícia Militar do Distrito Federal - Identidade Estratégica*. <http://www.pmdf.df.gov.br/index.php/institucional/identidade-estrategica>

Portaria nº 1015, de 14 de julho, Pub. L. No. Diário do Governo de 14 de julho de 1917

- (1917).
- Prado Junior, C. (2011). *Formação do Brasil contemporâneo*. Editora Companhia das Letras.
- Ramos, L. A. de O. (2007). *D. Pedro, Imperador e Rei: experiências de um príncipe (1798-1834)* (2nd ed.). Imprensa Nacional - Casa da Moeda.
- Ramos, R. (2023). O fim da República. *Análise Social*, 34(153), 1059–1082.
<http://www.jstor.org/stable/41011408>
- Regulamento nº120, de 31 de janeiro, (1842).
https://www.planalto.gov.br/ccivil_03/Regulamentos/R120.htm
- Code of ethics of the police and the gendarmerie in France, 1 (2014).
- Rezola, M. I. (2007). *25 de Abril: Mitos de uma Revolução*. Esfera dos Livros.
- Roché, S. (2017). Police Science: Science of The Police or Science for The Police? — Conceptual Clarification and Taxonomy for Comparing Police Systems. *European Police Science and Research Bulletin - Police Science and Police Practice in Europe, Special Co(2)*, 47–74.
- Roelofse, C. (2012). Theoretical reflections on police behaviour, an expansion of reciprocal moral dualism. *Acta Criminologica: CRIMSA Conference: Special Edition 2, January 2012*, 136–154.
- Roelofse, C. (2015). Comparative Policing: Theory and Praxis. *Internal Security*, 7(2), 245–265. <https://doi.org/10.5604/20805268.1212127>
- Rosas, F. (2013). *Salazar e o Poder. A arte de saber durar*. Tinta da China.
- Sodré, N. W. (2010). *História militar do Brasil* (2nd ed.). Expressão Popular.
<https://doi.org/10.1215/00182168-48.1.171>
- Sousa, R. C. de, & Morais, M. do S. A. de. (2011). Polícia e Sociedade: uma análise da história da segurança pública brasileira. *V Jornada Internacional de Políticas Públicas*. http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-07072016000200312&lng=pt&nrm=iso&tlng=en
- Sung, H. (2006). Police effectiveness and democracy: shape and direction of the

- relationship. *Policing: An International Journal of Police Strategies & Management*, 29(2), 347–367. <https://doi.org/10.1108/13639510610667709>
- Uchida, C. D. (2004). The development of the American police: an historical overview. *Critical Issues in Policing: Contemporary Readings, August*, 1–34. https://books.google.com/books?hl=en&lr=&id=nqW3BgAAQBAJ&oi=fnd&pg=PA11&dq=related:M2m5zZlI3-oJ:scholar.google.com/&ots=CDkERJBir6&sig=gHAo_xKAxy4S5g0KDOPrDsFw25M
- Ungar, M. (2009). Democracy, law and order. *Latin American Research Review*, 44(3), 235–246.
- Varghese, J. (2010). Police Structure: A Comparative Study of Policing Models. *SSRN Electronic Journal*, 2. <https://doi.org/10.2139/ssrn.1605290>
- Weber, M. (1922). *Economy and Society*. University of California Press.
- Zulli, A. L. C. A. (2018). *Guarda Real da Polícia do Rio de Janeiro: um estudo sobre as atribuições da primeira instituição policial ostensiva brasileira* [Universidade Federal do Estado do Rio de Janeiro]. <http://www.repositorio-bc.unirio.br:8080/xmlui/handle/unirio/11626>