

Process and Pattern in Institutional Reforms: A Case Study of the Police Pacifying Units (UPPs) in Brazil

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Summary. — This paper explores the importance of processes in institutional change and the relationship between processes and patterns of change. Using an ongoing case of police reform in Rio de Janeiro, the police pacification units (Unidades de Polícia Pacificadora) as an illustration, we develop two claims. First, the concept of reflective planning, developed by urban planning scholars, may help development scholars understand processes of institutional change. Second, some patterns, such as the institutional bypass, when combined with particular processes, such as reflective planning, may reinforce each other and further the objectives of reform processes.

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1. INTRODUCTION

The debate surrounding institutional reform and development has recently shifted its focus from an emphasis on *pattern* of reform to the *process* by which it occurs. Previously, questions surrounded what kind of institutional framework should be generated. Proposals for reforms often transplanted particular institutional configurations from developed to developing countries. This arrangement sought to bring about more efficient, responsive, and/or democratic forms of governance. Even today, much scholarship advances technocratic and top-down approaches to creating independent judiciaries, non-corrupt bureaucracies, and functional police forces, reflective of specific and perceived successful institutional *patterns*. In contrast, a new direction in the debate on institutional reform is shedding new light on the kinds of political dynamics that have led to meaningful institutional change—suggesting a nascent recognition of the *process* by which reconfiguration can take place.

This paper develops two claims that further advance this new focus. First, we argue that the literature on urban planning has developed a useful concept, *reflective planning*, that can be fruitfully incorporated in the development literature to help us understand *processes* of institutional change. Second, we argue that a focus on *processes* can lead to better understandings about the *pattern* of reform, since the process may shape the institutional pattern. Indeed, at a certain stage, process and pattern can be self-reinforcing. Thus, certain processes, when combined with particular patterns, have the potential to increase the likelihood of sustainable and long-lasting institutional change. More specifically, we use the concept of reflective planning to argue that an emphasis on process in some noteworthy reforms gave way to a distinct kind of pattern, the institutional bypass. Seen through the lens of the institutional bypass, reflective planning can bring about interesting trajectories in contexts with significant obstacles to meaningful reform.

To illustrate these two points, we analyze an ongoing case of police reform in Rio de Janeiro, Brazil: the police pacification units (*Unidades de Polícia Pacificadora*, UPP). Started in December 2008, the UPP project is playing out in interesting ways, even as it faces many legitimate questions about its direction and long-term viability. We argue that this is an effort from which lessons can be learned regarding the

relationship between *process* and *pattern*. The course that the UPP reform has taken is akin to a process of *reflective planning*, instead of a technocratic, prescriptive, or inflexible plan. This reflective *process*, which is defined by a consistent effort to learn and adapt to unexpected surprises—both good and bad—underscores the distinctiveness of the *pattern*: an institutional bypass that increasingly skirts a problematic and antiquated policing institution by creating a new one better aimed and more responsive in service provision.

It is not our intent to evaluate the UPP policy in this article. Others are doing so (Cano *et al.*, 2012; Frischtak & Mandel, 2012; LAV, 2012; Lemgruber, Soares, Musumeci, & Ramos, 2011; Oliveira, 2012; World Bank, 2013)¹. Nor do we advocate for the UPP “model” to be transferred widely. Our interest is not in the UPP *per se*, but in how the policy has evolved over time. More specifically, how the policy’s pattern and process may interact in ways that may be fruitful. This may be relevant to a series of development issues. For instance, the existence of slums and social violence in other developing countries, as in the Brazilian *favelas*, can be explained by demographic, economic, and institutional factors that are path dependent (Berenschot, 2011; Fox, 2013; Fox & Hoelscher, 2012). Attending to the complex interactions between pattern and process of reforms may not only provide insights into strategies to overcome these path dependence obstacles, but it may also suggest a new way around pitfalls commonly found in development efforts (Pritchett, Woolcock, & Andrews, 2013).

Our findings are based on interviews in both Rio de Janeiro and Brasília with police and policy makers at many scales of the state and federal hierarchy, as well as with policy makers directly and indirectly involved with the UPP project. In

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addition, one of the authors resided in a UPP community for 18 months, accompanying police, attending community meetings, following resident's perceptions of the project and tracking adjustments in the policy alongside police. We back up this primary evidence with media clippings and an analysis of legislative changes that have increasingly shaped and provided a clearer definition for the UPP as a public policy and an institutional reform.

2. INSTITUTIONAL REFORMS FOR DEVELOPMENT: FROM PATTERNS TO PROCESS

In the 1990s, an institutional perspective became prominent in development thinking. Based on the work of new institutional economists, this approach proposes that people respond to incentives and that institutions produce these incentives (North, 1986, 1990).² This perspective argues that developing and transitional economies struggle because their institutional incentives are ill suited for economic growth (North, 1990, p. 110). The thesis has found strong empirical support (Kaufmann, 2003, 2004; Kaufmann, Kraay, & Zoido-Lobaton, 1999; Rodrik, Subramanian, & Trebbi, 2004; World Bank, 2007), and prompted a massive surge in development assistance. Billions of dollars for institutional reform projects in developing and transitional economies have been allocated since 1990 under the rubric of "Rule of Law Reforms".³

Even with the scholarly consensus on the idea that institutions matter for development, we still do not have a firm understanding of *how* to transform dysfunctional institutions (North, 1995, p. 67). Indeed, attempts to promote reforms have seen mixed results so far (Andrews, 2013; Carothers, 1998, 2002; Dezalay & Garth, 2002; Trebilcock & Daniels, 2008). The inability to effect successful institutional reforms is now the main challenge confronting the development agenda.

The track record of failures has shown that there are three common obstacles to institutional reforms in developing countries: lack of resources, social-cultural-historical factors, and political economy problems (Sage & Woolcock, 2007; Trebilcock & Daniels, 2008). In addition, reformers—not only in developing countries—need to account for institutional interdependencies, as institutions neither operate in an institutional vacuum nor change without changing the institutional equilibrium in which they are immersed (Mahoney & Thelen, 2010; North, 2005; Pierson, 2000; Prado & Trebilcock, 2009; Thelen, 2004). Due to interdependencies, attempts to promote rule of law reforms by transplanting legal institutions from foreign systems are likely to fail (Berkowitz, Pistor, & Richard, 2003; Weingast, 2010).

Following the difficulties in transplanting pre-existing institutional frameworks to diverse socio-historical-cultural contexts, there has been increasing recognition that institutional arrangements are likely to vary from country to country (Hall & Soskice, 2001). Moreover, a new institutional arrangement may take a relatively long time to become stable. The lack of blueprints and the relatively long period of constant institutional flux are often not compatible with the short-timelines and metric-driven, number-crunching charts that often guide development cooperation institutions (Sage & Woolcock, 2007). Thus, incorporating these ideas into concrete reform strategies has proven to be a challenge.

One academic response to these two challenges—the lack of blueprint and the extended time frame—has been an increased interest in understanding *processes* of reform. For instance,

Milhaupt and Pistor (2008) argue that understanding how legal systems adapt to change is more important than a static analysis of the law. In line with that, they select cases of legal responses to corporate governance crises in six countries and analyze the *processes* through which interdependent institutions adapt to major crisis in different contexts. They conclude that reforms depend both on supply and demand, and the demand for law depends on affected constituencies' ability to participate in lawmaking and law enforcement.

Similarly, North, Wallis, and Weingast (2009) argue that the most common social order throughout history is the limited access order or natural state, which solves the problem of violence through rent creation, granting powerful individuals and groups valuable rights and privileges so that they have incentives to cooperate rather than fight. The resulting rents, limits on competition, and limited access to organizations hinder the long-term economic and political development of these societies. In contrast, open access orders use competition and open access to organizations and institutions to control violence and are characterized by rent erosion and long-term growth. The authors argue that the transition from a limited access order to an open access order is a difficult process, and only 25–30 states have successfully completed it. They divide the transition into two parts: the doorstep conditions and the transition proper. There are three doorstep conditions: (i) rule of law for elites; (ii) the perpetual state (the creation of perpetually lived organizations); and (iii) consolidated control over violence and the military. The transition proper occurs when sufficient numbers of people become citizens in the sense that the state treats a large category of people impersonally and identically. At the same time, processes must begin that afford citizens access to organizations in both politics and economics, granting them the ability to compete as they wish in either system.

In contrast to these historically grounded analyses of processes of institutional change, another stream of literature focuses on the process of reforms by arguing for experimentation. Sabel (2007; Sabel & Simon, 2011), for instance, suggest that reformers should engage in institutional experimentalism through trial and error. Banerjee and Duflo (2011), in contrast, argue that we should use randomized control trials to collect empirical evidence to determine the relationship between the design of certain policies/institutions and development outcomes (Banerjee & Duflo, 2011). While randomized control trials have been useful in helping reformers design specific policies, they are less likely to be helpful for larger scale reforms and very likely to raise logistical, ethical, and legal issues in the context of rule of law reforms and other structural efforts (Davis, 2010; Easterly & Cohen, 2009).

3. REFLECTIVE PLANNING: RECONCEIVING THE PROCESS OF DEVELOPMENT REFORMS

Urban planners have tripped over many of the same problems of reform described in the previous section for decades—if not centuries. Technocratic and centralized efforts to address perceived dysfunction and disorder in institutions and cities alike have rarely been successful (Holston, 1985; Gans, 1962; Trebilcock & Daniels, 2008). But if the shortcomings of failed institutional reforms in developing countries are measured in wasted money, corruption, and debt, the failures of urban planners can often be seen in brick and mortar.

Through the twentieth century, technocratic urban planners made liberal use of eminent domain to attempt to right the wrongs of cities and neighborhoods by "planning" them appropriately (Lofland, 1972; Boyer, 1983). Operating on a

now antiquated belief that a central and rational planning of streets and neighborhoods would necessarily lead to orderly and productive cities, planners bulldozed dysfunctional, unhygienic, and disorderly neighborhoods (Gans, 1962). Alternatively, they simply drafted and built new cities from scratch, to create new and modern cities that “worked”—the pre-planned capital of Brazil, Brasília, is one such example (Howard, 1965; Holston, 1985). Ultimately, though, most large-scale planning projects proved fruitless, exposed as modernist Utopian visions deeply out of touch with the complexity of the social relations (Gans, 1962; Rabinow, 1989).

The increasing focus on *process* in the institutions and development scholarship, and especially the recent support for experimentation, is reflected in some of the ways that planners grappled with the shortcomings of centralized city planning. A push toward pragmatism among planners brought a cold reckoning with the likelihood that plans would never get it right with the first shot. Plans, and more importantly those overseeing them, needed greater flexibility and the ability to adapt and revisit assumptions and surprises along the way. Much of this shift was captured by Schon (1983), who coined the term “reflective practice” to refer to the importance for planners to learn by doing, learn from doing, and learn while doing (Fischler, 2012). This new notion of planning encouraged professionals to revisit their own assumptions and normative positions particularly when exposed to unforeseen surprises during policy implementation, or in uncertain, culturally dissimilar and unstable environments (Fischler, 2012; Sanyal, Vale, & Rosan, 2012). Despite resulting in immovable brick and mortar, this new notion of urban planning has emphasized the importance of the processes of public engagement both before and after decisions have been made, and willingness to revisiting such decisions when necessary. The turn from tightly centralized and resistant to feedback to public consultation, deliberation, and consensus building is part of this decisive turn. No longer stoically prescriptive and unyielding, planners came to accept that public policymaking and implementation were entirely inseparable and continuous.

To be sure, similar ideas have also been considered in the more mainstream fields of public policy and decision-making. In 1959, Charles Lindblom has famously described the work of policymakers as “The Science of Muddling Through.” This was followed in 1979 by a widely cited book *Usable Knowledge: Social Science and Social Problem Solving*, co-authored by Lindblom and David K. Cohen. A more recent publication in favor of a more organic, decentralized, and improvised policymaking process is James Scott’s *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (1999). The book offers a series of case studies of failed centralized planning, ranging from a forest in Germany to Brasília. None of these important pieces have offered such a succinct and useful concept as “reflective planning”, but they were certainly pushing policymakers in the same direction. Unfortunately, these ideas have also not found their ways into the mainstream development debates and practices (Pritchett et al., 2013).

There can be little doubt that institutional reformers, urban planners, and policy makers are cut from the same normative cloth. We argue that both are public policy makers who have come to realize the value of the process as much as the results. Thus, it seems like these strands of literature should cross-pollinate. And while urban planners have grappled with making cities better since the nineteenth century, the debate about development was only born in the second half of the twentieth century. The focus on institutional reform is much newer by comparison, being only a couple of decades old. This may

suggest that the development field could learn from the accumulated experience of urban planners and its scholarship. More specifically, promoting development reforms and institutional change in developing countries can benefit from a greater focus on local decision makers and their *reflective planning*, including their adaptations and how they exercise their discretion to alter a policy direction in light of both pleasant and unpleasant surprises. Moreover, the concept provides a new way of considering why meaningful change to institutions comes about.

4. THE INSTITUTIONAL BYPASS: LINKING PATTERN AND PROCESS IN DEVELOPMENT REFORM

While the turn toward processes seems healthy for the development literature, there are complex interactions between processes and patterns. These are likely to be relevant to understand institutional change, and to better navigate proposals for reforms. In this context, it may be interesting to investigate if there are certain institutional arrangements that are more likely to either generate a process that will initiate change or make it sustainable.

Prado (2011) argues that institutional bypasses try to mitigate the obstacles to reforms, while allowing for institutional experimentation in the form of trial and error. The bypass has three characteristics: (1) it keeps the traditional institution in place; (2) it creates an alternative pathway through which to deliver government services or discharge governmental functions (which becomes an option to those using the services); and (3) it tries to be more efficient or functionally effective than the traditional institution. The institutional bypass, Prado argues, creates an alternative pathway—not a replacement—of the pre-existing institution. A bypass can start as a small project with a small budget. Keeping the pre-existing institution in place means that abandoning an attempted bypass in the early stages will not cause significant institutional or social upheaval. Thus, the bypass offers a tool to deal with unpredictable outcomes that are likely to be generated by institutional interdependencies and complex interactions that exist between formal and informal institutions and the historical legacies, norms, and sub-cultural modes of power that exist within them. According to Prado, this pattern of reform has the potential to reduce political economy problems since it does not alter the pre-existing institution in the short term. It does not constitute an immediate cost or threat for those benefiting from the status quo, and who may otherwise resist reform. Thus, it is a pattern of reform that attempts to make conceptually legible the difficulties and uncertainties that surround institutional reform in developing countries and tries to create space for an experimental process.

One example of an institutional bypass is a bureaucratic reform in Brazil called *Poupatempo* (“Time Saver”). In 1997, the government of the state of São Paulo created a one-stop shop for bureaucratic services like identity cards, drivers’ licenses, and criminal records. Contrary to the pre-existing system where government services are accessible only at multiple service points, offices of the federal, state and, in some cases, local administration were placed in one location in order to provide easy access to a variety of services. Because services were provided more quickly, *Poupatempo* became the main provider of governmental services shortly after its creation. In 2007, it served an average of 50,000 people a day. In that year, 18 units together serviced 23 million people. *Poupatempo* is an example of an institutional bypass because it created a new pathway for the provision of services that were being

provided by the existing bureaucracy, except that those services were provided in a more efficient fashion (Prado & Chasin, 2011).

Another example of an institutional bypass is the Debt Recovery Tribunals (DRTs) in India. DRTs were established by the Government of India under an Act of Parliament (Act 51 of 1993) as an executive arm of the government and fall under the purview of the Ministry of Finance, unlike civil and criminal courts, which are part of the judiciary. Nevertheless, the jurisdiction of DRTs partially overlaps with the jurisdiction of regular courts, offering an alternative pathway to those who want to recover their debts. Cases brought to the DRTs must involve debts of at least 1 million Rupees. While all the cases brought to DRTs fall under the jurisdiction of regular courts, the reverse is not true: DRTs do not have jurisdiction over all cases brought to regular courts. They only provide recovery of debts owned by banks and financial institutions. This means that they are partial bypasses: these tribunals change a specific point in the system, while keeping the pre-existing institutions in place. Indeed, “Debt Recovery Tribunals were established as the Indian government’s attempt to improve the legal channels for loan recovery, without overhauling the entire judicial system” (Visaria, 2006; Visaria, Lilienfeld-Toal, & Mookherjee, 2012).

An institutional bypass is closely related to two important concepts in political science: institutional layering and institutional displacement (Hacker, 2004; Mahoney & Thelen, 2010). Similar to a bypass, both concepts refer to modes of institutional change that graft a new pathway onto an existing system, generating gradual change that is able to overcome obstacles to reform over a long period of time. There are, however, important differences that situate these concepts apart from one another. Displacement may be the end result of a process of institutional change, whereas a bypass is the process by which actors will attempt to provoke a displacement or somehow change the system. Thus, after a certain period of time, an institutional bypass may lead to displacement.

Institutional layering, in turn, partially overlaps with the concept of institutional bypass. Layering involves “grafting of new elements onto an otherwise stable institutional framework” (Thelen, 2004, p. 35). By grafting a new pathway into an existing system, without eliminating the old institutions, layering is similar to an institutional bypass. Indeed, Thelen describes the changes in the German accreditation system as “a partial renegotiation of elements of a given set of institutions while leaving others in place” (Thelen, 2004, p. 225). The establishment of the alternate accreditation committee by Germany’s machine industry described by Thelen (2004) as layering, for example, could be characterized as an institutional bypass. Both the handicraft chambers and the new entity are institutions with the legal authority to issue skilled-worker certificates, and the latter was created with the object of reducing the artisanate’s control over the supply of skilled labor. It did so by bypassing the pre-existing institution, i.e., the new entity performed the same function (offering accreditation) as the handicraft chambers.

However, some types of layering cannot be classified as bypasses. Layering refers to any type of grafting, whereas the bypass requires the creation of an alternative pathway, while maintaining the old pathway in operation. A good example is the creation of budget committees in the United States. As Schickler describes this case of layering: “The Congressional Budget and Impoundment Control Act of 1974 superimposed the new budget committees on a decades-old structure of authorization, appropriations, and revenue committees. The budget committee task of integrating fiscal policy

was complicated because they had to work with committees that did not have a stake in the success of the new process.” (2001, p. 16). While the budget committee keeps certain elements in place, it also changes the way the system works. To be a bypass, one would have to imagine a system where the new budget committees operate independently and in parallel to the pre-existing committees, with both systems performing the same function. Thus, the budget committees are not bypasses because they do not keep the pre-existing institution in place. In sum, bypasses may be considered a specific type of layering.

According to Prado (2011), once an institutional bypass is implemented, it may generate broader changes to the institutional landscape. This means that a particular reform may start off as a bypass, but it may end up as the only institution providing a certain service or performing a particular function. Such an outcome depends on the impact the bypass has on the pre-existing institution and on how this original institution reacts to the bypass institution. The most important point is that by starting off as an institutional bypass, the reform has the potential to produce institutional changes that may not have been possible to implement in direct attempts to reform the bypassed institution.

The concept of institutional bypass seems useful to describe the structure of a myriad of distinct reforms in different countries, including Charter Schools in the United States. However, by focusing on how a particular *pattern* of reform can open up room for an experimental reform *process*, Prado (2011) fails to ask what kind of process could bring about a well-designed and sustainable institutional bypass. Focusing on the institutional bypass while ignoring the process that brings it about seems to be an intellectual move prone to the same traps and limitations encountered by the institutionalists in development circles. Thus, the question that we turn to is *how particular patterns, such as the institutional bypass, relate to the processes that generate them, and to the ones that succeed it?*

5. CASE STUDY: THE UPP PROJECT IN BRAZIL

Functional police forces are often seen as less important than other “rule of law” reforms (See Carothers, 1998; Garth, 2002; Golub, 2006; Trebilcock & Daniels, 2008), despite the fact that police agencies are state institutions that are particularly (and politically) salient to citizens, evocative of the tax for protection social contract binding the ruler and the ruled (Tilly, 1985). Moreover, police are the most visible emissaries of the state, whom we expect to be the gatekeepers of security as a redistributed public good. Arguably, one could say that police are the most vital channel of state (il)legitimacy outside of the ballot box.

Police in the developing world are characterized by extrajudicial violence, corruption, and a deep lack of transparency (Bayley, 2006; Brinks, 2008; Chevigny, 1999; Davis, 2006; Fruhling, 2009; Fuentes, 2004; Goldsmith, 2005; Marks, 2005; Ungar, 2002). Though the field is crowded with proposed models for change, the lion’s share of reforms tends to be superficial, widely dismissed by police themselves, or simply do not make it out of the police or scholarly academy. Many reforms focus too heavily on top-down understandings of the police, assuming that these institutions are both coherent and reasonable transmitters of innovation from top to bottom (Ball, 2001; Denyer Willis, 2014). As a result, recorded attempts to promote institutional reform in police organizations have an underwhelming and troubling track record of

success (Bailey & Dammert, 2005; Ball, 2001; Leeds, 2007; Trebilcock & Daniels, 2008).

Such failures pose a relevant challenge to promoters of the “Rule of Law”, upon which many reforms have been premised (O’Donnell, 2004; Méndez, O’Donnell, & Pinheiro, 1999). Also, there are empirical consequences: the lack of successful police reform has almost certainly perpetuated and deepened contemporary struggles with sub-state and urban insecurity throughout the developing world, which is now witnessing myriad alternative attempts to establish “order” via vigilantism, lynching, organized crime, and community justice patrols in the absence of effective police (Davis & Denyer Willis, 2011; Godoy, 2006; O’Neill & Thomas, 2011). This is very much the background for the UPP project in Rio de Janeiro, as in Mexico and other “Global” cities of the South.

6. THE GENESIS OF THE UPP: FROM TORTURE TO A NEW POLICE FORCE

Effectively, the UPP project began with an episode of torture that gained major prominence in the news. On May 14th, 2008, in a *favela* community on the far Eastern suburbs of Rio de Janeiro, a journalist, a photographer, and a driver were tortured by a para-police organization known as a *milicia*. The team had been sent to investigate this organized crime group, known to be operating in a community called *Jardim Batan*. After two weeks of detailed but quiet investigation the team was discovered by the off-duty police, prison agents, and army recruit *milicianos*.⁴ After hours of torture and debate about their “sentencing,” two were eventually let go. The driver, a native of the neighborhood, was never heard from again (Claudino, 2011). A major newspaper exposé soon followed, sending shockwaves through the public security system, into the Governor’s office and beyond (Barrionuevo, 2008). A sweeping public inquiry took place, which ultimately brought the dreadful condition of public security to the forefront of public discussion.

As a result of the sudden and unexpected state and media attention, most of the *milicianos* fled the community. The overnight departure of the *milicia*’s leaders left a stark security vacuum in the community. The *milicia* had not been just a collection of individuals. It was a system of securitized governance and revenue, in the same way that other drug-trafficking organizations have controlled many of Rio’s favelas since the late 1980s (Leeds, 1996). It operated much like a protection racket, charging for security while monopolizing the sale of propane cooking tanks, illegal cable television, and telephone hook-ups. Before the rise of the *milicia*, *Jardim Batan* had been governed by the *Amigos dos Amigos* (ADA)—one of Rio de Janeiro’s big three drug-trafficking organizations.

In light of the power vacuum, the Public Security Secretary, a man named Jose Mario Beltrame, created a new Community Police Post (*Posto de Policiamento Comunitario*) in early June 2008. Beltrame made it clear that this *posto* was different. It would be manned only by police living in the community and led by a Lieutenant from Rio’s revered and purportedly incorruptible swat-style police squad known as BOPE. For Beltrame, this effort, as he put it, would mark a decisive departure from a policing system that had allowed many of Rio’s informally built communities to be controlled by heavily armed drug-trafficking organizations, and, increasingly, these para-state militias (Cano, 2008; Freire, 2008).

Six months after the incident in *Jardim Batan*, similar initiatives had taken place in two other favelas. In October 2008,

traditional police fought their way into two well-known favelas, *Santa Marta* in the wealthy Botafogo neighborhood, and the globally-famous City of God (*Cidade de Deus*) on the West side. While following a similar pattern, and producing similar *postos*, the justification for each of these “occupations” (as they are known in Brazil) was different. *Santa Marta* was a medium-sized favela of roughly ten thousand residents with clear boundaries and exits flowing out of the steep terrain. It would be easy to contain and implement a program in this defined space with a clear and relatively small constituency. The occupation force of *Santa Marta* was comprised of a specialized “community police squad” retrained from the local Battalion’s troops that, from the beginning, were doing something experimental and unprecedented (Personal communication with DA, December 2012). In contrast, *City of God* had been entrapped in a spate of violence as the so-called “cradle of the *Comando Vermelho*,” Rio de Janeiro’s oldest drug-trafficking organization. The Battalion commander was growing tired of making regular incursions into the community to deal with the problem. Among police leaders, it was decided that the area would be permanently occupied as a means to deal with the chronic destabilizing influence of the area—a move that would also deflate the powerful international narrative of *City of God*’s violence (Personal communication with DA, December 2012).

In both cases, there was no coherent public message on why this was happening. References were made to the banishment of illegal economies—drugs, unlicensed motorbike taxis, the sale of unregulated propane, illegal television hook-ups, and slot machines—proliferating in both places. The incursion into *Santa Marta* was also presented as a new kind of community-based police. According to the commander of the operation, the intent was to bring order to the community, and to work together with the city to regulate illicit economies—drugs, guns, unlicensed sales of cooking gas, and pirated goods—while beginning a permanent occupation (Trindade, 2008).

Despite the lack of a coherent message, from the beginning, both of these operations were tagged as a different kind of police incursion into favelas. Both, police said, would depart from the routine in-and-leave-quick approach. This time the police would stay for an undetermined period. In interviews, Secretary Beltrame admitted that these efforts were a work in progress. In one such interview, done two weeks after the occupation in Botafogo, he laid out a conceptual, but nonetheless vague, vision for what was occurring:

“Dona Marta is a laboratory. It is an attempt to put in place something that will certainly succeed. We want to show what we believe about public security and how we want to do it. We’ve occupied the place and now we will be here indeterminately. Now, the other public services, NGOs and private initiatives can come into the community and install and offer their services.” (Freire, 2008)

But on the other hand, he noted, *Santa Marta* was different than the expansive *City of God*. *City of God* was home to an estimated 40,000 residents living in shanties, single story detached homes and Alliance for Progress Era apartment blocks built on a floodplain. But this was all somehow part of the planning process, to collect ideas and lessons in order “...to present the Governor with an idea for a citizen-based policing model.” (Freire, 2008)

While it was undeniable that the three experiences had much in common, they also had many differences. Three highly symbolic, previously polemic, spatially distant, and topographically distinct favelas were back under state control. In each the government had installed a rubric—if in rhetoric only—

of “community policing.” But the on the ground community policing efforts in these three spaces also had little in common. The training of their police was different; the rationale for their creation was different, as were their reasons for being part of a “new model.” And yet, in the span of three months from Beltrame’s first assertion, Jardim Batan, Santa Marta, and City of God would be united together under a new banner of police reform premised on one simple, flexible but powerful idea: building state legitimacy in marginalized spaces.

In sum, the nascent UPP project initially operated loosely around the aim to retake urban space, a model taken from Medellin, Colombia where Beltrame and other senior political figures visited. In February 2009, more than 10 months before Rio de Janeiro would be named the official host of the 2016 Olympics, these three communities became the first three units of the city’s new *Unidades de Policia Pacificadora* (UPPs) and the first instances of an institutionally novel kind of police. As of May 2014 there are 37 units, benefitting in excess of 1.75 million citizens, according to the UPP directory, with recent promise for 32 more (UPP., 2014).

7. THE PROCESS OF REFORM: UPPS AS REFLECTIVE PLANNING

While embraced by the government, the flexibility and “laboratory” approach described in the previous section was the subject of some suspicion from residents. The apparent *laissez faire* approach to where, when and why UPP units came to pass left it open to a common critique that it wasn’t a “policy.” To the everyday viewer, UPP units seemed to be nearly random, often reactive, and usually without much evidence of foresight or planning. They were, if nothing else, an unconventional approach to policing. This was true at least in part because there was much still falling into place for UPP policymakers, who spoke during interviews of having “no defined objective” in the early days (Personal communication with AR, November 2012). Thus, the biggest challenge facing the UPP project during its early years was that it lacked a definition and a defined agenda.

The fear was that UPPs would have the same fate as a failed reform project in the early 2000’s known as the Grupo de Policiamento de Areas Especiais (GPAE—Special Area Policing Unit). Based on the same idea of community policing, this internally initiated reform was initially successful (Silva & Cano, 2007), but the project lacked political support and its police were not specially trained for the distinct challenges of day-to-day interaction with distrustful favela residents. Within the first year, 70% of GPAE police were transferred to other battalions for inappropriate conduct (*desvio de conduta*) (Misse & Carvalho, 2007). Also, colleagues often ostracized the officers working on the project (Ferreira, 2011a). Under a different political administration and with little political support, the GPAE ended up a high-profile public disaster.

There was, however, an important difference between the GPAE project and UPPs. Though traditional police, the commanding UPP officers shared a willingness to incorporate new ideas, and pushed the opportunity to create something of their *own* while simultaneously embracing a shift to experimentation with policy (Personal Communication with AR, November 2012). This happened because in the early days many of these police found common ground for the UPP project in circles of the police that had done community police training with the Federal Secretary of Public Security. Initially, important roles in the UPP project were filled by police who had

these similar experiences and outlooks gained from these trainings. Not only did this openness serve as a receptor for change, it also became a medium to foresee who, within the police, would be a capable and sympathetic worker within this new system as it grew.

Another difference between the GPAE and UPPs was that, institutionally, the UPPs were informal. They were physically and administratively located inside the battalions of the traditional police force, and were subordinated to the same line of hierarchical command as any other police unit. This informal arrangement was formalized in January 2009, when the Governor of Rio de Janeiro enacted an executive decree that formally “created” the UPPs. In the decree, the UPPs were described as units within the structure of the military police in Rio de Janeiro subordinated to the same hierarchy of command but specialized in operations in low-income communities (Decreto No. 41.650 de 21 de Janeiro de., 2009, art. 1). Despite this formalization, there were still a series of informal organizational mechanisms that placed the UPPs outside of the traditional structure. Though technically subordinated to the Battalion heads, they received calls directly from a centralized dispatch and orders from superiors in the UPP command structure only. These superiors, in turn, were authorized to use a great deal of experimentation in directing their subordinates, without having to report directly or ask permission to do so from the head of the battalion (Personal Communication with DA, December 2012).

Bit by bit, pieces started to fall into place. By mid-2009, the Secretary of Public Security made it clear that there were two phases to every pacification effort. An initial occupation and removal of drug-trafficking groups, done by the tactical squad known as BOPE, was followed by the introduction of a new model of policing. This new model of policing was the crux of the reform: a new corpus of specially trained police defined largely in opposition to the old model. This emerged partly from a corpus of old police who had taken community policing courses with the Federal Secretary for Public Security, and who had seen, first hand, the failure of previous reform efforts (Personal Communication, with CV, November 2012). The introduction of this new model of police represents the beginning of a key analytical shift for the UPP project, where the primary goal of the policy changed from a broad focus on retaking of urban space from drug traffickers to a particular effort to reform the public security system with the creation a new, more democratic, and citizen-oriented police institution, separate from traditional police agencies.

The new model would become known as “proximity” policing, an approach based on the idea of having patrolmen and women walking the street, visible and serving as an open and accessible conduit for forming new state-society relationships (Personal communication with DA, December 2012; Stahlberg, 2011). Proximity denotes fewer patrols in vehicles, greater decentralization, and special training in community communication techniques. Most importantly though, it began to imply a new mission largely outside of the distrusted accountability structures, bureaucracy, and authority vested in the fiefdom-like policing of old. It did so not just in rhetoric, but also by distinctly altering training, strategies, pay, and introducing a new kind of accountability—to the citizen.

Once the new model was defined, the changes were fast and significant. In the early days UPP police were drawn from the traditional force, via local police battalions. By 2010, UPP police began to be recruited from scratch. They also began to be trained in a police academy that focused on community accountability, “proximity” to the public and prevention, while sidestepping the training methods of the traditional

police. UPP police officers began to work in units with smaller numbers and received a nominal salary top up, equivalent to a roughly 25% raise. More importantly, though, this new system turned its gaze toward enhancing trust between citizens and UPP officers, creating an orientation toward the public as consumers, incentivizing citizens to direct their emergency calls, or preventative concerns directly to the UPP station via email, telephone, or face-to-face contact.

As the UPP project gathered steam, it also began to find support from important political and economic actors. In 2010, five major companies came together to create an investment fund to be administered by government. These companies, Coca Cola, Souza Cruz (the Brazilian subsidiary of British American Tobacco), Bradesco Seguros, the Brazilian Soccer Federation and EBX, all paid to build new police headquarters in places like City of God. EBX, owned by Eike Batista (then known as the wealthiest man in Brazil but who has since gone bankrupt), committed 20 million reais (\$10 million USD) per year during 2010–14 and took to Twitter to promote more investment.

Despite these pleasant surprises, UPPs also faced some severe challenges and the response to these challenges shows the flexibility and adaptability of the project. In November 2010, Rio faced a security crisis when a series of violent attacks were coordinated by drug traffickers—supposedly as a reaction to the advancing UPP cause. For a period of days, drug traffickers set up roadblocks and burned buses on major streets and highways. Investigators traced the attack to the *Complexo do Alemão*, a group of favelas that have historically destabilized the city with violence. With around 65,000 residents, the Complexo was too big a task for the UPP project to tackle alone. To take control of the Complexo, political leaders sought Federal support. Police, navy marines, and army troops stormed the favelas and occupied them. For the next eighteen months, the army patrolled the streets of the Complexo as they waited for enough UPP police to be recruited, trained before taking over the policing role.

The malleability of the project is illustrated by the fact that federal support for the UPPs was not common before the Complexo incident, but it became important in future large-scale UPP efforts. Examples include the occupation of two important favelas adjacent to the wealthiest neighborhoods in the city, Rocinha and Vidigal in late 2011. Home to somewhere between 80,000 and 150,000 residents, the occupation of Rocinha had the capacity to throw the entire city into turmoil. The operation counted on amphibious armored vehicles, logistical and troop support from the Federal Navy.

The UPP has also managed to overcome a series of potentially lethal crises of legitimacy. On at least two occasions, UPP unit commanders have been removed following revelations of corruption and collusion with drug traffickers. But the response from UPP leaders has been decisive, with the perpetrators ending up as ignominious public examples, subject for the first time to civilian justice (Mello., 2013). More recently, the favela of Rocinha erupted in controversy after it was revealed that police tortured and killed a man from the community. In response, and after a detailed investigation, 25 police were charged with torture, murder, and associated crimes, including the UPP unit Commander—formerly a high-profile member of BOPE (Soares, 2013). These types of killings remain common with the “old” police, even today. But what differentiates the experience of Rocinha is that under the UPP citizens were active in voicing their dissent, and the state, via the UPP, showed itself to be responsive and decisive.

As the number of UPP units grew, there was a need to more decisively define the UPP project and its expanding scope. And those in charge increasingly sought greater independence from the old police. In 2011, a new decree from the Governor formalized and more fully enshrined the separation of the UPP units from the traditional police force. This new decree placed UPPs higher up in the hierarchy of the military police, and virtually eliminated their subservience to the local police battalion system. As of January of that same year the Coordination of the UPPs was made a subordinate to the Commander in Chief of the Military Police, who in turn reports directly to the Public Security Secretary and the Governor ([Decreto No. 42.787 de 06 de Janeiro de., 2011, art. 3, par. 1](#)). This decree effectively removed the UPP units from the long and obfuscating hierarchical chain where they were initially placed, giving them bureaucratic and moral distance from the unpopular old police. After this change, no official below the Commander in Chief of the police has legal authority to interfere with the UPP units.

In 2013, the separation of UPPs from the old police was further reinforced with the creation of a special accountability unit that investigates and prosecutes abuse and misconduct by UPP officers (Kopschitz, 2012). The government has announced its intention to create such a body in October 2012, and until its implementation UPP officers remain subject to the same accountability mechanisms as traditional police officers. This gradual separation of UPP units seems to reinforce the idea that despite not being a new police force, UPPs operate as a parallel institution to the traditional police in Rio de Janeiro.

As the project advanced, police leaders became increasingly vocal that the idea of “proximity policing” and the UPP Model, are actually two distinct things. The UPP project, they argue, is a spatial strategy to retake parts of the city from the openly armed domination of Rio’s drug-trafficking groups. In contrast, and more importantly for the long-term public security outlook of Rio, the “proximity policing” is about pacifying *the police* itself. In fact, the general strategy for the UPPs, which a recent strategic plan has scheduled to continue until 2016, is to institutionally overtake the “old” method of police. This will occur, they say quietly, both as a process of spatial expansion and in terms of the numbers of incoming police. According to these leaders, traditional police training—which is seen as a factory of violent methods and clientelistic relations—will slowly shrink in size. As this occurs, the numbers and model of proximity policing will expand spatially, reaching out of pacified areas and into places that have been (under) policed by the institution of old. This process has already begun to occur in some places, with the areas adjacent to Jardim Batan on the West side of the city serving as an early example (Personal communications with DA. December 2012 and AR, November 2012).

This objective of pacifying the old police, obtainable or not, was certainly never clear in the aftermath of torture in Jardim Batan or in the early days of Santa Marta’s “laboratory” occupation. Back then the only thing obvious about the effort was that the drug traffickers and the militia were gone—temporarily at least. That the UPP project has transformed itself into a reform of police in the midst of creating a new and independent police institution was certainly not expected. It is an outcome of a process of learning by doing, learning from doing, and learning while doing. But just as leaders fomented doubt with the way the UPP project has unfolded, they continue to foment doubt about what will happen to the project after

2016, after the Olympics, and when the project could—theoretically—come to a close.

8. THE PATTERN OF REFORM: UPPS AS INSTITUTIONAL BYPASSES

Police reform attempts have faced significant obstacles in Latin America and elsewhere due to path dependence and internal resistance. UPPs overcame these obstacles, at least in part, because the reform became structured as an institutional bypass, illustrating the argument by Prado (2011), discussed earlier. Instead of trying to change the institutional culture of the old police, and to fight against embedded self-reinforcing mechanisms that kept such culture in place, the UPP project created a parallel structure that performed the same function but operated in a different fashion.

As a bypass, the UPPs are trying to perform the same functions of the traditional police force in a more effective manner. One of the most important ways in which the project attempts to accomplish this is through experimentation. In this sense, experimentation was feasible because of the pattern of reform: this parallel structure secured a relatively autonomous space where officers could try new ideas, echoing in many ways Prado's (2011) argument. Since there was ample room for experimentation and the program is imbued with flexibility it can adapt to different circumstances and be more effective (Stahlberg, 2011). This openness to experimentation is complemented by the lack of effective use of formal mechanisms of hierarchical control of the traditional police over the UPPs. Moreover, the recently created governance structure for UPPs with its new hierarchical structure will be also subject to revisions every 24 months, allowing for continuous adjustments (Decreto No 42.787 de 06 de Janeiro de, 2011, art. 9). As a result of such experimentation, the UPPs have adopted strategies to create and renovate a respectful dynamic between police officers and members of the community. The strategies to create proximity in UPPs both comprised of specialized training and a system of financial incentives where police officers receive bonus payments if a certain region has reduced rates of crime and police abuse, but also of a greater concentration of police officers, more foot patrolling, and a push to have citizens communicate directly with the local unit (Stahlberg, 2011, p. 13–14, 27).

UPPs also offer a *de facto* alternative or an option to those using the services. The UPPs encourage citizens to direct their emergency calls or preventative concerns directly to the UPP station via email, telephone, or face-to-face contact, as opposed to contacting a central dispatcher. This optional way of communication with the police, which was not offered before, ensures that potential problems in the centralized communication system will not undermine the possibility of UPP units acting effectively within the communities where they operate.

The changes promoted by this arrangement are significant. While the UPPs are bypassing the traditional police force, they also seek to replace powerful localized forms of governance and security common under the drug-trafficking regimes of favelas historically (Gay, 1994; Leeds, 1996; Goldstein, 2003; Arias, 2006). They replace these decentralized forms of security with a security provided by central state authority. To do so, the UPP units are trying to reconfigure trust in the communities they operate, and the very notion of proximity tries to tame the initial suspicion against police forces that is commonly found in these communities. It is, in many ways, an urban example of the process of state formation (Tilly, 1985). As such, the choice for citizens, at this point, is not between the new and the traditional police, but between the

decentralized security of non-state armed groups and a more complete provision of public security by police. This underscores a more substantial shift for residents of these communities, who previously experienced police only as a fleeting and violent “force.” Under the UPP, the policy locates policing as a public service, unlike how policing has been administered historically.

While UPPs illustrate a *pattern* of reform that allows for an experimental reform process, the *process* that brought about this *pattern* seems to be also a relevant piece in this reform puzzle. Indeed, UPPs were initially created not as an institutional bypass. As indicated earlier, the first units were informal arrangements. During these times, reformers managed to overcome obstacles partially because of reflective planning, i.e., constant adaptation and an organic, incremental, and spontaneous elaboration of goals, objectives, and strategies. It was through reflective planning that the institutional bypass came about.

Mexico also illustrates the importance of the process. Similar to Rio de Janeiro, Mexico has tried multiple times to create new institutions and to purge old ones, both at the Federal and Municipal levels. Even with all of the right conditions in place—political and police support, acceptance of federal support, flexibility of funds, and availability of community police training, there has been no success. Top-down blueprints typically without feedback loops, these have invariably imploded (Sabet, 2012; Uildriks, 2009, 2010).

The contrast between UPPs and GPAE helps us understand that *patterns* should not be detached from *processes*. Similar to UPPs, GPAE was also a community policing effort concentrated in low-income neighborhoods (*favelas*). It also started with a pilot project. Thus, in both cases, a parallel structure was created. However, in the case of GPAE or other community policing programs in Rio de Janeiro, this was not enough to evade the kind of resistance often encountered in police reforms. For example, these reforms were often staffed with police officers that had been trained and acculturated within the traditional police force. As a result, these earlier community-based policing programs met fierce resistance within the police force (Ferreira, 2011b). The UPP units, by contrast, started off with officers that had gone through some different training, and were sympathetic to changes. These officers were invited to contribute and actively participate in the reform process, as opposed to being dictated a model of reform that had been previously defined by a technocrat and imposed top down. Today, UPPs are mostly staffed by new recruits that go through different training, receive higher salaries than the traditional police officers, use different uniforms, and adopt more preventive strategies to reduce crimes (Ferreira, 2011a, p. 309; Stahlberg, 2011). This and other innovations were only possible because the process of reform was reflexive—more by coincidence than by foresight—from the beginning.

The fact that the reflexive process created a particular pattern of reform, indicative of an institutional bypass, does not change the fact that reformers' success in further expanding the UPPs can at least partially be ascribed to the pattern of reform adopted, which did not rely on existing institutions. But the contrast with previous attempts to implement community policing in Mexico and Rio de Janeiro illustrate that such pattern and its strength cannot be dissociated from the process that brought it about.

9. CONCLUSION

Given the long-term nature of the UPP project, it is too early to make declarations about its sustainability, fiscal

durability, or ability to withstand successive and contrarian political regimes. But it is not too early to look at the way this project has developed thus far. Unlike past failed reforms, the UPP has found some traction. We have argued here that the explanation lies in the relationship between the *process* and the *pattern* of the reform.

The UPP experience echoes the notion of reflective planning, underscoring that reformers should focus not as much on *what* is implemented but *how* it is, via a number of lessons learned about where to garner resources, how not to implement the policy, what the demands of citizens are, how to respond to crises and how to expand on successes, the process ended up creating something distinct: an institutional bypass. This bypass was not just feasible. It was *reasonable* given the lessons learned in the process. Put more empirically, the reform started out with the “laboratory” goal to retake urban space, but became an institutional reform of the police, becoming more astute and confident of this goal, and the way it would come about, as it advanced.

In other words, the UPP project was not the brainchild of technocrats, foreign observers, or even the progressive and eager-to-help federal government of Brazil. The strategy grew directly out of the particular circumstances of insecurity and increasing global scrutiny faced in the city. As fissures appeared solutions were designed for that particular problem. Along the way the leadership took the surprises—both rude and pleasant—invited creative solutions from those involved and fed them back into the project to strengthen the positive

outcomes. As a result of such experimentation, UPP units started as informal institutional bypasses. They eventually evolved into a formally detached body distinct from the traditional police force, allowing for a continuation of the experimental nature of the project, despite its ongoing institutionalization. Indeed, the recent formalization of the bypass in a government decree reinforces our belief that such a structure was essential for the project’s advancement and expansion.

Conceiving of the UPP project as a reflective process culminating in a bypass may help us to rethink how it should be evaluated. Current modes of assessment rely on external examiners focusing on concrete policy outcomes, such as crime rates, police abuse, and community participation and approval (Cano *et al.*, 2012; Lemgruber *et al.*, 2011). UPPs success may be better measured by an assessment of “proximity,” i.e., how the project is changing, however slowly, the way that citizens in marginalized areas perceive, establish trust in, and connect with the police force. These may be positively reinforced with reduction in crime rates and effective prevention, but the change in perception may occur independently of such indicators -especially given the fact that the governance regimes of old (drug traffickers) and new (public police) are not on the same analytical or statistical playing field. Moreover, the project should be measured by the effects it may have on the traditional police force over time. How to measure these broader institutional implications is, to be sure, novel analytic terrain.

NOTES

1. The apparent successes of the UPPs can be measured in a number of ways, ranging from violence reduction—a 70% drop in homicides in UPP communities and zero killings by police (Laboratório de Análise da Violência, 2012), to the elimination of the openly armed non-state groups, and to the creation of a new model of policing that has been well received, on balance, by most UPP communities (Suska, 2011).

2. New institutional economists often adopt Douglass North’s definition of institutions: Institutions are the rules of the game of a society, or, more formally, are the humanly devised constraints that structure human interactions. They are composed of formal rules (statute law, common law, and regulation), informal constraints (conventions, norms of

behavior, and self-imposed codes of conduct), and the enforcement characteristics of both (North, 1995, p. 23).

3. The World Bank reports that it has supported 303 rule-of-law projects and spent \$2.9 billion on this sector since 1990 (Trubek, 2006, p. 74).

4. As the photographer, Nilton Claudino (2011) later wrote: “More police cars were pulling up all the time. After the beatings, they gave us electric shocks. They used a sort of instrument shaped like a pizza, with a pipe in the middle. I was stripped and shocked below the waist and on my feet. I can’t, I shouldn’t, I don’t want to go into the details of the brutality and the humiliations that we suffered.”

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