

POLICE APPROACH: The Economic Cost of Incarceration in the State of Paraná

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ABSTRACT

This article aims to address the economic costs of criminal drug policy and the consequential increase in Brazilian incarceration. To do so, it uses data regarding imprisonment in the state of Paraná as a study base. The issue is relevant because it requires the attention of government authorities, researchers and society in the search for results to minimize the effects of policies that result in the expansion of public and private spending and the increase in the fear of crime and urban insecurity. The article suggests, based on bibliographic research, empirical observation and professional experience, using the hypothetical-deductive method, that actions aimed at reducing crime, coordinated only through public security agencies, are palliative and lack effectiveness, especially regarding crime derived from drug use and trafficking. It concludes that overcoming the problem depends on changing the punitive paradigm that orbits around penalizing socio-legal practices, and prioritizing decriminalizing political-institutional alternatives that aim at the peaceful, restorative and non-incarcerative resolution of drug-related problems.

Keywords: criminal police; drugs; imprisoned youth; human rights.

ABORDAGEM POLICIAL: O CUSTO ECONÔMICO DO ENCARCERAMENTO NO ESTADO DO PARANÁ

RESUMO

O presente artigo tem como objetivo abordar os custos econômicos da política criminal de drogas e seu consequente aumento no encarceramento brasileiro. Para isso, utiliza como base de estudo dados referentes ao aprisionamento no Estado do Paraná. A temática é relevante porque a problemática requer a atenção das autoridades governamentais, pesquisadores e da sociedade na busca por saídas para minimizar os efeitos de políticas que resultam na expansão dos gastos públicos e privados e no aumento da sensação de medo e insegurança urbana. O artigo sugere, com base em pesquisa bibliográfica, observação empírica e experiência profissional, lançando mão do método hipotético-dedutivo, que as ações visando à redução da criminalidade, coordenadas apenas por meio dos órgãos de segurança pública, são paliativas e carecem de efetividade, sobretudo quanto à criminalidade derivada do uso e tráfico de drogas. Conclui-se que a superação do problema depende de uma mudança do paradigma punitivo que orbita em torno de práticas sociojurídicas penalizadoras, priorizando alternativas político-institucionais descriminalizadoras que objetivem a resolução pacífica, restaurativa e não encarceradora dos problemas relativos às drogas.

Palavras-chave: direitos humanos; drogas; juventude encarcerada; política criminal.

1 INTRODUCTION

The etymological definition of the word “cost” can, in general, adapt to anything related to economic spending or service provision, as it relates to price, to value or stipend. Products, in general, have a cost that can vary according to quality or type of service. Considering such propositions, this article aims to discuss the economic costs of drug criminal policy and the rise of incarceration in Brazil.

Nonetheless, violence is multiplying across the country in the past decades, and the impacts on the economy cannot be understated. In order to assure individual security, many precautionary services are offered and lots of goods are sold and marketed by commercial media as essentials. Among them, we can highlight life, jewelry¹ and car insurance; watchdogs, cameras and motion detectors; latches, grilles and padlocks; armored cars, and every other tool or service that can be commercially explored, thus fueling the economy, generating jobs and a skilled workforce.

At the same time, all these private apparatus against crime exposes an ineffective State in its social and public security policies regarding the distribution of investments as well as planning actions. Therefore, in this perspective, the size of a Welfare State is inversely proportional to the uses of private security.

In the Brazilian context, the State’s role as a public safety promoter faces challenges related both to the inefficiency of state security agencies and to its constitutional mission. These problems motivate the present research, justified by the need to understand the costs of crime in the country, both for the public purse and for society, and to propose alternatives that contribute to the increased efficiency of public security agencies.

Thus, this article defines as a problem the costs of crime in Brazil, with emphasis on drug trafficking and use, as well as the burden of incarceration policies as aggravation to an expensive reality of government spending, based on information extracted from Paraná state public security forces.

The general objective is to reflect on the economic costs of the criminal anti-drug policy and its consequent increase in Brazilian incarceration. The specific objectives are to analyze the actions aimed at reducing crime undertaken by public security agencies and the monetary costs of these actions; analyze data on crime and incarceration in Paraná; investigate the consequences of the increase in incarceration for the increase in costs for the Government and reflect on the use of narcotics and incarceration under the perspective of social issues and social control.

For that, the hypothetical-deductive method is used, whose hypothesis is the high cost of the crime due to the ineffectiveness of the anti-drug policy. The research approach is mixed, with a quantitative character in terms of data on the Paraná penitentiary system and qualitative in terms of analyzes and reflections on criminality in Brazil. The research technique is empirical, based on professional and bibliographic experience from primary sources – data on the Paraná penitentiary system extracted from sources in the competent bodies – and secondary – studies and reflections on the themes of crime, criminology, criminal legislation and human rights. The combination of this method, approach and technique make up the research’s methodological procedures, whose development is organized into three sections.

In the first section, the cost of crime in Brazil is analyzed using data from Paraná’s prison system, while in the second the developments on the rise of incarceration to the increase in government spending are investigated. In the third section, we reflect on the use of narcotics as a social issue and the selectivity of Brazil’s justice system as a tool of social control. In the end, the relation between drug policies and human rights protection is analyzed.

2 SOME CONSIDERATIONS ON THE COST OF CRIME IN BRAZIL

Although one research aimed at raising objective values requires the quantification, projections, and equated data, the crime event represents an enormous difficulty for these calculations, considering each case’s particularities, since each crime has its developments and consequences. This occurs due to the fact that the

¹ The premium spent on insurance can be accessed through the statistics of the Superintendence of Private Insurance (Susep), linked to the Ministry of Finance.

crime event – until it reaches the knowledge of the authorities – goes through a stratification process starting from the activation of the 190 (Brazilian Police hotline) when the first triage is performed by an attendant.

This responder, after gathering the information, owing to the scarcity of this public service, repasses the situation to the police team closest to the caller's location. This team, now in charge of the situation, will move to the location of the alleged offense. This action can take a considerable amount of time, for reasons such as distance, traffic, and so on. Considering all these aspects, it is unfeasible to quantify the real cost with the expenses applied, which include variables such as spending on fuel, travel time, hours worked and the number of agents and public agencies involved.

Thus, in events of crimes against physical integrity (such as, for example, bodily injury and homicide), a set of different public agencies will respond to the incident – a police car with two officers, an ambulance, a forensic, among others, at least. In the meantime, it is observed that there are already many elements involved besides the possibility of the perpetrator being arrested in flagrante delicto, resulting in the mandatory conduction of this individual to the local police station and the subsequent need to present himself to the judicial authority, involving other public officials, escorts and a whole range of legal, administrative or even, if necessary, medical assistance². That said, there is the possibility the perpetrator is injured while resisting arrest, carryand escort, if the individual is under the ward of the state.

All these variables generate a cost that, in practice, cannot be objectively tabulated, unlike what may occur in a simple damage crime of known authorship or crimes against honour, which do not require many actors involved. Added to this is the unavailability of accurate data on crimes in Brazil, which represents an obstacle to the investigation of issues related to crime (SANTOS; KASSOUF, 2008).

Teixeira and Serra (2007) present two executable approaches to measure crime costs, defined by the Inter-American Development Bank (BID – Banco Interamericano de Desenvolvimento): the partial and global. According to them, the partial approach is used when it's impossible to use the global approach either due to lack of data or complexity of the methodology, or when the aim is to highlight a specific impact of violence. The global approach, on the other hand, aims to estimate the total costs of violence.

To analyze the cost of crime and incarceration in Brazil, this article used the hypothetical-deductive method, which uses a general phenomenon to prove its developments in particular phenomena and then, reaches the hypothetical considerations presented, noticing problems, gaps, and contradictions on the prior existing knowledge (ROSA, 2005). The research sought to use the qualitative approach allied to the quantitative through the analysis of texts and statistics already explored in the most varied sources, primary and/or secondary, but with the main focus on secondary sources exposed by specialists on the subject (MINAYO, 2002).

As to the ends, this study is considered exploratory, in search to understand the criminalization process and its ramifications. This type of research “seeks to know the characteristics of a phenomenon to seek explanations of the causes and consequences of this phenomenon” (RICHARDSON, 1989, p. 281 – Our translation).

As for the means of investigation, it was opted for the documental case study (GIL, 2008) and bibliographical (LAKATOS; MARCONI, 2013), as well as by consulting the criminal statistical data of the Public Security Secretariat of Paraná – public access -, the Military Police Geoprocessing database – restricted access -, the database of the Brazilian Public Security Yearbook (2016), the National Register of Juveniles in Conflict with Law – CNJ (2015-2016) and, in particular, the National Survey of Penitentiary Information – Infopen, June 2016.

The research, however, is not concerned with quantifying data to corroborate numerically with mathematical formulas and considerations proposed from the perspective of economic sciences, but to analyze the triggering of the work in the face of the complex phenomenon of violence, criminal policy, and if the consequent criminal policy on drugs contributes to promoting prison growth.

² Authors' note: to exemplify this cost associated with the impact of crime: the costs of material losses resulting from violence; legal, judicial, and security apparatus costs; expenditures on medical care for victims of violence; and production losses associated with the impact of violence on the labor market, called indirect costs.

3 THE EXPANDING COST OF INCARCERATION IN BRAZIL

Although the Brazilian State has developed initiatives to mitigate incarceration policies in the country, as in the case of Law 9,099 of 29 September 1995³, it is necessary to overcome economic, legal, and cultural challenges to establish public policies to contain and control crime in line with the defense and promotion of human rights.

The current policies to fight crime are more focused on incarceration as a way to meet a public sentiment of punishment for the good of the convicted (GARLAND, 1999), relegating to a second plan the fight against crime at its roots. This approach is ineffective in effectively tackling Brazilian crime in its complexity of factors: the police repression measures must be accompanied by effective preventive measures, to curb the increase in violence, while preventive policies lead to a future decrease in the need for repressive methods (DUARTE, 2010). It's worth pointing out that deprivation of liberty as a punishing tool is a recent development. In the beginning, prison did not have a punitive feature, it served only as a tool to hold the arrested in custody during trial, to assure the sentence was properly served (BATISTA, 2005).

The following data, taken from the report on the survey provided by the National Bank of Prison Monitoring (BNMP – Banco Nacional de Monitoramento de Prisões) 2.0, from the National Council of Justice (CJN – Conselho Nacional de Justiça), show the rise of the incarceration policy in the country. The following table presents the number of people deprived of liberty in Brazil until August 2018:

Table 1 – People deprived of liberty in Brazil: reckoning of people in legal age*

LOCAL INMATE	TOTAL
Prison population	602.217*
Inmates sentenced in provisional execution	241.090
Inmates not sentenced	148.472

Source: Organized by the authors (2020), based on data from BNMP 2.0/CNJ – August 6th, 2018 (BRASIL, 2018b)

* Individuals being held in police stations were not computed.

After two years, the incarceration progress showed almost 100 thousand more inmates in the prison system, according to the following data in Table 2. The number of unconvicted prisoners has decreased, referred to below as “Inmates in provision detention”, but this decrease has not contributed to a reduction in the total contingent of incarcerated people.

Table 2 – People deprived of liberty in Brazil: reckoning of people in legal age, updated until June 2020 (*)

LOCAL INMATE	TOTAL
Prison units population (excluding police stations)	702.069*
Inmates in closed regime	344.773
Inmates in semi-open regime	101.805
Inmates in open regime	23.680
Inmates in provision detention ⁴	209.257
Safety measures (incapacitated)	2.696
Outpatient treatment	213

Source: Organized by the authors (2021), based on SISDEPEN – National Survey of Penitentiary Information database. Updated until September 30, 2020 (BRASIL, 2021). *Individuals being held in police stations were not computed.

³ Law Nº 9,099/95, sanctioned by the then President Fernando Henrique Cardoso (1995-2003) on 26th September 1995, is a normative instrument that institutes and disciplines the operation of the Special Civil and Criminal Courts.

⁴ Article 84 of the Penal Enforcement Law – Law Nº. 7219 of 11 July 1984. The provisional prisoner shall be separated from the prisoner convicted by the final sentence.

From this reckoning, the National Survey of Penitentiary Information from the National Prison Department (DEPEN – Departamento Penitenciário Nacional) points out that from the measured total, 97,01% of the inmates are men and 2,99% are women. It's worth noticing that adding the total of inmates held under the custody of the judiciary police in police stations, the reckoning becomes 749,792 inmates, still excluding inmates that are not in the custody of the prison system (held in the Military Police Battalions, for example).

It is important to highlight that the political-criminal machine of incarceration in Brazil, as shown by the data presented, seems to be indifferent to human rights violations since in the referred period the prison system had a deficit of 289,522 vacancies to meet the existing demand. The discrepancy between the number of prisoners and the availability of vacancies in the prison system in 2018 led to an average occupancy rate⁵ of 197,4%, according to the National Prison Monitoring Bank (BNPM) of 2018. By June 2019, this deficit rose to 312,125.

Currently, 50,959 people are deprived of liberty in Paraná state, excluding those not under the prison system custody, as shown in Table 3. Matching the reckoning of inmates with the available cells, a deficit of 33.3 thousand vacancies.

Table 3 – People deprived of liberty in Paraná: Regime

TOTAL INMATE POPULATION	50.959
Inmates in closed regime	17.788
Inmates in semi-open regime	1.470
Inmates in open regime	23.680
Inmates in provision detention	7.758
Safety measures (incapacitated)	258
Outpatient treatment	5

Source: Organized by the authors (2021) on the SISDEPEN – National Penitentiary Department Information System) database. From January 2020 to June 2020 (Brasil, 2021).

According to data from Depen (PARANÁ, 2014), the State Penitentiary in Piraquara (PEP I – Penitenciária Estadual de Piraquara I), in the metropolitan area of Curitiba, is able to detain 723 convicted inmates. According to the National Prison Department, the prison is installed in a total area of 72,000 square meters (m²), with 12,800 m² of constructed area and a garden area of 7,500 m², besides having 143 cells. Therefore, it would be necessary to construct 47 additional prisons⁶ of the size of PEPI in Paraná to fulfill the demand. Information extracted from the Gazeta do Povo newspaper in 2016 warned that:

The current budget available to the Department of Penal Enforcement of Parana (Depen), an agency linked to the Secretariat of Security and Penitentiary Administration (Sesp), is not enough to pay all the expenses generated by the prisons until the end of this year, on which weighs a considerable increase in maintenance costs per inmate. To be able to keep up with the payment of all service contracts, such as food, purchase of clothing, among others that will arrive from October (2016). The amount provided by the State for 2016 – R\$ 620.6 million – will need to be increased by 22%. That is, the folder's coffers will need to receive R\$ 136.2 million more (RIBEIRO, 2016).

If we consider that in 2018 about 14.6 thousand prisoners were awaiting sentencing in the state, this number would increase the approximate need for construction of 20 more prisons of the size of PEP I, totaling

⁵ The occupancy rate is calculated by the ratio between the total number of people deprived of liberty and the number of vacancies in the prison system. For purposes of calculation, persons deprived of liberty are also considered to be those in the police station jails. However, while these prisoners await transfer to the penitentiary system, custody in police stations is not counted.

⁶ Rounded value

an average of 67⁷ new prisons in the region. Report prepared by the Penitentiary Fund of Paraná (Funpen/PR), which follows the guidelines of the Penitentiary Department, regarding the accountability of the expenses committed⁸ and carried out in the Prison of Piraquara presents the following stratification of expenses in 2014, shown in Table 4. The costs raised concern that only the prison of Piraquara, the other prisons and police stations of the state were not computed, considering, also, the transfer of funds for the maintenance and custody of prisoners in public prisons.

Table 4 – Basic expenses at Piraquara Prison (PR)

EXPENSES	BRL (R\$)
Consumables	1,590,576.28
Third party services – Natural Person	1,579,425.96
Third party services – Legal Entity	542,175.13
Tax and contributive obligations	44,208.36
Gadgets, machines and equipment	137,357.69
TOTAL	3,893,743.42

Source: Organized by the authors (2019), based on Brasil (2017c); Paraná (2014).

For comparison purposes, according to data from Depen/PR, only by providing meals to the inmates held at the 14th Police Subdivision from the city of Guarapuava, from March 1st 2019, to February 29th 2020, the State spent an amount of R\$ 1,385,021.70. Notwithstanding the exemplary expenditure, the Public Power of Paraná bears such amounts even for the open and semi-open regimes: considering only the contracts for leasing electronic anklets (instrument capable of monitoring in real time the location of the inmate), in 2019, there was an expenditure of R\$ 21,312,000.00.

In the hypothesis of replication of the above financial expenditures with the averaged 67⁹ prisons that would need to be built to house the total number of convicts in the state of Paraná, it would be necessary an investment of approximately R\$ 257 million to meet this demand, not counting the costs related to the security apparatus, public servants, police officers involved in escorts, etc. It should also be noted that the approximate measurement of these calculations only accounts for inmates over 18 years old, excluding the additional expenses with adolescent offenders who are under state custody.

4 THE ECONOMIC COST OF POLICE APPROACH IN CURITIBA

Although the practice of crimes in contemporary societies is multifaceted, situations related to drug and arms trafficking signal the most visible face of violence and the functioning of the Brazilian State's criminal control apparatuses. From a military-military perspective, the rhetoric of organized crime serves as the basis for the approach to the problem and police action, given the existence of organized crime as a discourse engendered in unconstitutional practices that legitimize it (DIETER, 2005). Such practices are common among poor communities and their respective places of residence (SILVA; LEITE, 2007), which often make up the base of the pyramid of drug trafficking, which is not always the most organized part (SALLA; TEIXEIRA, 2020).

Although under the influence of the media apparatus, it is common to spread the idea that there is a "parallel power" acting against the State, such a statement is far from producing consensus because of the

⁷ Rounded value.

⁸ Purchases of materials for the maintenance of work sites, small expenses for repair and maintenance of movable property, and reforms in prison units.

⁹ It is a criminal offense for which the law punishes with simple imprisonment or a fine, or both, alternatively or cumulatively. If the danger of offence or injury is not severe and if the threatened asset or interests are not relevant, then they fall under the Law of Criminal Contraventions. Penalties are minor and are imposed through summary proceedings. Misdemeanours are considered to be criminal offences of lesser offensive potential.

complexity associated with the operating structure of the industry of crime control in urban reality. For Moraes (2006), the maintenance of drug trafficking conforms to a myriad of obscure interests, both of the State and the social classes that run it, for the maintenance of the status quo and social pacification, “especially if most of the retail drug trafficking remains illicit and circumscribed to the slums and poor neighborhoods of the cities” (MORAIS, 2006, p. 118).

In many situations, says Moraes (2006), contrary to what is produced by the media in the field of drugs, it is not possible to speak of a “parallel power” to the official State, but rather an intersection of interests between the two. Thus, the trend of naive legitimation of drugs can often foster practices of violence, arbitrariness and violations of human rights, coming from the state apparatus itself, against communities in need. In many of them, the control exercised by drug traffickers and their mandated actions create laws and enclaves, that is surrounded and almost autonomous territories, alien to the rules of the social contract and the Democratic Rule of Law, which operate outside the law and, not infrequently, with the connivance of agents of the Public Power (VIANA, 2017).

When a crime, contravention¹⁰ or even if a personal disagreement situation occurs, the Military Police (MP) is usually called to assist with the calls, under its constitutional mission¹¹. Daily, it is possible to state that the MP carries out most of the arrests in the units of the federation, since, according to article 144 of the Federal Constitution, it is up to the Military Police to carry out the so-called “preventive ostensive policing” (BRASIL, 1988). Therefore, police officers are closer to identifying a range of crimes precisely because of the street patrol work, allowing them greater visibility about the violation of the law and, consequently, greater participation in terms of arrests made, especially in cases involving crimes against property, against life and other special criminal laws.

Some of the common cases in which the police are called include the following: disturbance of the peace, domestic violence and the use and sale of drugs considered illicit, such as marijuana and crack. It is important to note that Law nº. 11,343/2006 of 23 August 2006, known as The Drug Law, established the National System of Public Policies on Drugs and gave differentiated treatment to the user of psychoactive substances. The current legislation states that there is no longer a provision for the incarceration of the user, although the so-called “un-confinement” is not synonymous with decriminalisation¹². Regarding the figure of the user, therefore, even though it remains linked to the notion of crime, it is no longer possible to impose prison sentences.

As a rule, it is the authority of the chief of police that initially establishes the legal classification of drug traffickers and users, observing the circumstances of the case¹³. The majority of police incidents involving users tend to identify and qualify them as retail traffickers, which in turn demands an expansion of costs and expenses for the public purse. An empirical survey resulting from the action of the Military Police shows the number of calls related to this type of criminal offense between the years 2018 and 2020 in the city of Curitiba:

Table 5 – Reckoning of calls per call nature

CALL NATURE	PERIOD	CITY	TOTAL
Drugs for personal use	January to December 2019	Curitiba (PR)	3.459
Drugs for personal use	January to December 2020	Curitiba (PR)	3375

Source: Organized by the authors, based on Paraná (2021). Statistical Report of the State of Paraná 2020.

¹⁰ Article 144 of the 1988 Federal Constitution, §5º, determines that the Military Police are responsible for ostensible policing and the preservation of public order.

¹¹ Decriminalization is characterized as the adoption of substitutive or alternative processes or measures, of a penal or procedural nature, which aim, without rejecting the criminal character of the conduct, to hinder, avoid or restrict the application of the prison sentence or its execution or, at least, its reduction (LIMA, 2016).

¹² Reference to art. 48, §3 of the Drug Law. If the judicial authority is absent, the provisions of the second paragraph will be taken by the police authority, and the police officer may not be led (BRASIL, 2006).

¹³ It should be noted that not all occurrences end in referrals, but it is necessary to consider such displacement as carried out.

It is necessary, however, to compare the years 2017 and 2018:

Table 6 – Reckoning of calls per call nature

CALL NATURE	PERIOD	CITY	TOTAL
Drugs for personal use	January to December 2017	Curitiba	2.981
Drugs for personal use	January to December 2018	Curitiba	3.529

Source: Organized by the authors, based on Paraná (2021). Statistical Report of the State of Paraná 2018.

The statistical data do not reveal significant differences over the analyzed years. The occurrences related to drugs, whether trafficking and association to trafficking or possession for personal use, have not suffered significant decreases at the same time that incarceration and costs have increased. Therefore, the policy to confront the use of narcotics has not attracted circumstances that make this conduct decrease.

5 PENAL SELECTIVITY AND SOCIAL CONTROL

The selective action of the official institutions of repression and control, associated with the fragility of the democratic mechanisms of defense of rights and control over the State, can cause serious violations of human rights, especially among people and social classes that are in situations of poverty and vulnerability, which experience daily processes of urban segregation, violence and social labeling. The greatest presence of police actions occurs in the neighborhoods inhabited by the poorest and most vulnerable classes in the city of Curitiba and the Metropolitan Region in the approach to illicit drugs, since the trafficking, use of drugs and alcohol show the perverse association between low schooling, low economic power and geographical configuration that shelter invasion areas and slums (PAULILO; JEOLÁS, 2000).

The trend of criminalizing the social question reflects on the increase of economic costs of crime. The Conjuncture Report of the Strategic Affairs Secretariat (Secretaria de Assuntos Estratégicos) (BRASIL, 2018c) states that the economic cost of crime in the country rose substantially between 1996 and 2015, from R\$ 113 billion to R\$ 285 billion during this time. The following table shows the stratification of economic costs of crime in Brazil in 2015:

Table 7 – Quantitative of the GDP related to economic costs of crime

COMPONENTS, SORTED BY RELEVANCE	% OF THE GDP (2015)
Public Security	1.35 %
Private Security	0.94 %
Insurance and Material Loss	0.8 %
Judicial Cost	0.58 %
Loss of productivity	0.40 %
Incarceration	0.26 %
Cost of medical and therapeutic services	0.05 %
Total of the GPD – Gross National Product	4.38%

Source: Organized by the authors (2019), based on Brazil (2018a).

Data presented by National Private Security Companies and Values Transportation (Federação Nacional das Empresas de Segurança e Transportes de Valores – Fenavist) point that, at the end of 2016, there were about 2,561 private security companies authorized by the Federal Police (PF – Polícia Federal) to operate in Brazil. They employed 598.4 thousand workers, including watchmen and other professionals. Because of the economic crisis, the number of companies dropped 9% from 2014, but, in 2015, grossed over R\$ 50 billion, a

nominal increase of 8.6% over 2014. In 10 years, the sector grew 230 %, according to data from the Fenavist itself (FENAVIST, 2017).

In parallel to the manpower employed in this sector, it is also important to emphasize that the contingent of workers inserted in the private sector of crime control demands the expansion of firearms, which also moves the war industry, training courses, instructors, and so on, also employing people directly and indirectly, as in the case of the textile industry in the making of uniforms.

The table below shows the approximate cost of a drug incident that requires the Military Police in the city of Curitiba, considering the moment when the police officer receives the call and begins the displacement and the average time of service of approximately three hours, from the beginning to the outcome of the operation.

Table 8 – Approximate value of a police intervention

The salary of a Military Policeman of Paraná, considering the lowest graduation in the year 2020, with approximately 15 years of duty, is R\$ 3,994.47.	Approximate hourly wage: R\$ 25*. Considering that the PM team is composed of an average of 2 police officers and the duration of an intervention is 3h. Total: R\$ 150.00
Cost with fuel considering the liter of the gas at R\$ 5.29 and an average consumption of 1 liter per 8km and an average itinerary of 50 km.	R\$ 35.75 – Average value considering a vehicle with a 2.0 motor.
Approximate total in 3 hours.	R\$ 192.00*

Source: Organized by the authors based on data from Paraná (2021). The Transparency Portal. *Rounded values.

The total amount of values accounted for does not represent a significant sum of money, but the quantity gains relevance when one observes, according to the statistical report of the Integrated Public Safety Areas (Aips) of the Parana State Secretariat for Public Security (Sesp) of 2021, a figure of 12,770 thousand occurrences related only to the nature of drug use/consumption in the year 2020. Considering the average cost of R\$ 192 until the approach and possible referral of users¹⁴, we arrive at an approximate value that can exceed the figure of R\$ 2.4 million spent on occurrences of this nature in the state of Paraná in 2020. This amount does not include the sequential administrative procedures such as the use of facilities, salary/hour of the civilian police officers on duty to receive the suspect, the referral of the psychoactive substance to the forensic, the 190 hotline attendant (Copom radio operator) and other values that will be added in the future, such as employees of the Judiciary.

This sum does not consider drug trafficking expenses, since such crimes require other specific measures, due to the complexity of those involved and the procedures, like lab exams. As an example, according to the report from Sesp/Aisp, the state registered, in 2017, 10.4 thousand drug trafficking incidents. Thus, considering the average cost of R\$ 185.75, based on the table of the approximate cost of police intervention, we reach the R\$ 2 million total just during attendance and moving towards drug trafficking incidents by the Paraná State Police.

Considering the year 2020, it is therefore concluded that Paraná spent, just with the Military Police, in the attendance of drug use incidents, which include the displacement of the police team to the closure of the occurrence, a figure of over R\$ 2.4 million only for primary care. It is important to highlight that, in many circumstances, there is no way to locate the users, which in police jargon is called a “non-verified fact”. The displacement of the police vehicle, however, also generated a cost, a factor that makes it difficult to accurately measure the statistical basis for gauging the economic costs of crime.

¹⁴ This value may contain variable data: more than two police officers in one vehicle, different salaries due to length of service, as well as higher ranks or grades, attendance time, fuel costs, and so on, which reinforces the difficulty of exact measurement. However, these values are close enough to adopt an average parameter, considering that, as a rule, the characteristics of Table 8 are the closest to reality for the year in question.

As an illustration, the Federal Highway Police (PRF), with the constitutional attribution of carrying out surveillance and ostensible policing of federal highways, conducted an economic study of the attendance of its occurrences. Among these values, the PRF measured the following results:

R\$ 6.77: cost per kilometer of displacement, considering a team of two police officers in a vehicle; R\$ 75.00: the value of the hour of work of a PRF; 800 thousand hours wasted in displacements and waiting to register flagrant; R\$ 3,363.32 is the cost that the PRF has with a flagrant drawn up in the current model; 673 million – cost to register the 200,000 flagrants in judicial police stations (PRF *apud* FOGAÇA, 2018, p. 72).

The measurement of the above costs corroborates the similarity of the values related to the approach of the Military Police in the case of illicit drugs, to plead the urgency of the equation of public resources, aiming at greater efficiency and economy of the costs related to the approach and management of the crime.

6 ANTIDRUG POLICY AND HUMAN RIGHTS PROMOTION

In face of the expansion of the economic cost of crime and of incarcerative criminal policies and, in many situations, violators of human rights, the United Nations Organization (UNO) has been pressuring countries like Brazil to direct public investments that prioritize conflict prevention solutions and more democratic, participatory and humanizing political-institutional alternatives (IZSÁK, 2016), as is the case of Restorative Justice practices¹⁵. This model of conflict resolution is configured as a set of practices that avoid establishing a division between academic knowledge and common sense and calls for dialogue and participation of all those involved in the conflict situation as a strategy to avoid the repressive and costly intervention of the police state.

Such a model takes into consideration the relations between criminality and social issues, considering the dimension of social vulnerability in the composition of the populations most affected by criminality. Concerning vulnerability, there is the concept taken from the human rights movement developed by Mann *et al.* (1992) in the context of the HIV epidemic in Public Health during the 1980s and 1990s. Despite its original conception, the concept of vulnerability has been applied in recent decades to expand the field of reflection beyond individual behavior, which is understood as a product of the interaction of multiple social, economic, cultural and political factors (PAULILO; JEOLÁS, 2000). In other words, ‘vulnerability’ refers to certain conditions and circumstances caused by marginalization, exclusion, lack of access to education and health, which prevent individuals from gaining resources to make choices for their own lives (PAULILO; JEOLÁS, 2000).

In this sense, an approach centered on the understanding of the vulnerability of an individual implies recognizing the use of narcotics as a social, not only criminal, question, since psychoactive substances “are not illicit themselves, they are put in the illicit category based on programs and policies created by those in power” (CERQUEIRA JR., 2016, p. 127 – Our translation). Therefore, it is important to reflect on the relationship between antidrug policy and human rights.

To achieve this, the understanding of human rights is taken in the Western scope of the agreements and conventions established after the World Wars, being understood as rights of everyone, recognized by all as such, and protected by the character of universality, inalienability, inviolability, irrevocability, imprescriptibility, historicity and limitability (CUNHA JÚNIOR, 2014).

Thus, an approach to drugs and criminality that encompasses respect for human rights does not include the current system of “war on drugs” based on mass incarceration. In this system, both user and trafficker are dehumanized in a prohibitionist criminal control that reaffirms “an inhuman conception of social control that fills the country’s prisons with young people, mostly black and poor” (OLIVEIRA; RIBEIRO, 2016, p. 18). In the Brazilian criminal justice system, the incarceration policy is even more evident when considering the

¹⁵ It is presented as an alternative and complementary method to traditional Justice regarding the resolution of conflicts between parties, especially in the field of Criminal Law, through restorative circles, in compliance with the evolution of the purpose of punishment. Its main objective is the pacification of social relations, promoting democracy based on dialogue, in a multidisciplinary process, in a non-interventionist and non-formal way, corroborating for the resolution of the controversy without the consequent labelling caused by the common criminal process.

large contingent of individuals imprisoned for non-violent crimes: about half of the incarcerated population is composed of people arrested for drug trafficking, theft, receiving stolen goods, illegal possession or carrying firearms and gang formation (BRASIL, 2017e).

Inserting the issue of human rights violations, however, is still a point of controversy in public opinion – as the fight for the protection of the human rights of incarcerated people – is confused with an alleged defense of impunity, as highlighted by Siqueira Junior and Oliveira (2007):

The expression “human rights” is perhaps one of the sentences that carries the most negative connotations and even a pejorative sense of injustice. This proposition is identified with impunity, restricted to those who defend criminals. It is common in the media to criticize the ‘human rights group’, always identified with the group of people who only defend the ‘rights of criminals’. This concept seems to be erroneous since these rights are inherent to all of society. Every man, regardless of his social condition, possesses the aforementioned list of protection (p. 40 – Our translation).

At the same time, the creation of a prohibitionist system, with strict criminal control over illicit drugs imposed by the International Conventions, has not led to the eradication of illicit drug production or reduction in consumption, although incarceration rates for drug crimes are high and growing (BOITEUX, 2015). Without achieving the expected results, it is worth questioning such repressive antidrug policies based on prohibition and incarceration.

7 CONCLUSION

The expansion of the cost of crime is an expression of the dramatic and criminalizing situation that falls upon many adults and young people in the country, due to criminal selectivity, the punitive culture and also, in the case of the police approach to drugs, the absence of objective criteria to distinguish dealers from users. The combination of these factors favours the criminalizing State to preferentially target vulnerable socioeconomic and racial sectors, whose effect is to legitimize prohibitionist discourses and practices and strengthen the police conviction that the only way to fight crime and drugs is through criminal repression.

Decriminalization approaches challenge society and crime prevention and control institutions to seek political and institutional alternatives favorable to socially inclusive, educational, participatory and deliberative processes as a way to mitigate not only the reduction of the state cost of crime and incarceration to reverse the perverse logic of political-legal structures that criminalize and violate human rights, especially when these structures and their criminalizing agents direct their actions and select their target audience among the precarious social strata, converting these vulnerable lives into objects of the repressive and imprisoning action of the State. The change of the punitive paradigm that orbits around knowledge and social-legal penalizing practices and that operates based on the binomial prohibition-prison, as is the case with drugs, demands that we think and treat this question as a social and public health issue.

Decriminalising political-institutional alternatives could open up space for the crossing of knowledge and practices in dialogue and sensitization between police authorities, adults and young people suspected of trafficking or recreational drug use, their families and the affected community, aiming for a peaceful, restorative and non-incarcerative resolution to drug-related problems. The constitution of this expanded community of knowledge and practices of conflict resolution would help to avoid that many adults and youth directly involved, and the community of reference itself, are interpreted and submitted to the monopoly of abstract penal rules and their respective experts and bureaucratic institutions as if this set of rules, knowledge, and centralizing official institutions constituted the only way to deliver justice, almost always accompanied by reprimands, prohibitions and retributive actions.

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