

What is Visual and What is Evident About Racial Definitions in Media Representations? Journalism rhetoric, crimes reports and racial profiling practices. Two Cases Involving Brazilians.

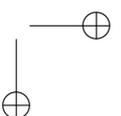
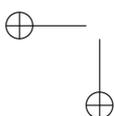
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The polemics of the “shoot-to-kill” policy and practices of racial profiling

MUCH has been said recently about Scotland Yard’s “shoot-to-kill” policy, but very little attention has been given to the fact that such a policy relies fundamentally on someone’s ability to assess another person’s racial or ethnic profile.

In this paper, I will exam two cases in which Brazilians were mistakenly killed by police forces. The first case took place on the 22nd of July, 2005 in the city of London, England, and involved a police attack against a suspected suicide bomber in the city metro, which lead to the death of Jean Charles de Menezes. The second case took place on the 3rd of February, 2004 in the city of São Paulo, Brazil, and reveals unofficial racist procedures currently being employed by Brazilian police. Such procedures resulted in the death of Flavio Ferreira Sant’Ana.

What did these two victims have in common? Besides being Brazilian citizens, they were also victims of a “biase” visual framework that connects “visual evidence” to “suspicious behavior”. In the first case, De Menezes, a 27-year-old electrician, was mistaken for a Muslim kamikaze. In the second case, Sant’Ana, a Black 28-year-old dentist, was mistaken for the robber of a grocery store. In both cases, the circumstances under which the police shootings took place remain highly controversial, raising serious questions about the reliability of the corresponding official police accounts. Moreover, both events were being reported in the Brazilian media at almost the same time,



since the trial of Sant'Anas' murderers was initially set to take place at the beginning of August 2005, that is, a few days after Menezes' death.

In addition to exposing to public scrutiny current practices of racial/ethnic profiling by police forces in different countries, such cases help us to raise questions about racial frameworks embedded in any multicultural society's everyday life. In the two cases involving Brazilians, police forces were called upon to give public explanations and they provided explanations that ranged from "human failure" in a legitimate shoot-to-kill situation, in the first case, to "self-defensive shooting" in the second. In the De Menezes case, the shooting promptly raised public protests of indignation and national pride. In the Sant'Anas case, the shooting, though extensively exposed through media coverage, was primarily polemicized by human rights groups and other movements concerned with racial minorities.

My main argument is that these two events - and the corresponding Brazilian public reactions they produced in Brazil and elsewhere - give expression to:

1. the problem of uncertainty inherent in any racial profiling system, especially in multicultural or highly mixed societies;
2. the specificity of Brazilian popular reactions and claims for justice in the cases above.

An overall analysis of certain media procedures at play in both cases may provide us with valuable clues with which to tackle the current Brazilian racial debate.

Bearing witness

Media accounts here and elsewhere have provided viewers and listeners with details about the "visual evidence" that prompted police officers to react as they did and have suggested possible interpretations of the ways in which such evidence was connected to supposedly "suspect behavior".

But let us firstly recall what has been "officially" said so far about De Menezes' death.

According to an official statement released three days after the incident by Radio Canada, De Menezes, a 27-year-old electrician,

“[...] left his house on Tulse Hill on the morning of July 22nd to go to work. Plainclothes police officers followed him to the Stockwell Station, where he was ordered to stop. Refusing to stop, De Menezes continued on his way, allegedly running. At the moment he was shot, De Menezes was immobile, lying down on the metro floor”¹.

However, this plain, “impartial” statement hides from much of the controversy over the circumstances under which the victim was killed. Moreover, it says little about the victims’ appearance and attitude *before* being approached by police forces, or why he was identified as suspicious. Because the police officers rarely report their own perception of what is considered to be “suspect behavior” directly to the media, much of what is known or considered to be the “suspect behavior” is not found in the officers’ testimonials, but is to be inferred from the *eyewitness* reports.

In De Menezes’ case, many testimonials of face-to-face encounters with the victim were put into circulation by Reuters Press Agency and promptly disseminated elsewhere by media such as Sky News TV (UK), *Le Devoir* (Quebec) and *Folha de São Paulo* (Brazil) the day after the incident. One witness, Mark Whitby, “who was sitting on the Tube at Stockwell when the man ran into the carriage”², describes De Menezes as an “Asian guy”³ who “looked like a Pakistani”⁴ and was wearing a baseball cap and thick coat. Mr. Whitby, who says De Menezes was “no more than five yards away”⁵ from where he was sitting, and who reported a self-confident “I saw it with my own eyes”⁶ to Sky News TV on the 24th of July, adds: “he was quite large, big build, quite sort of a chubby guy”⁷.

The same Asian origins were attested to by another witness, Teri Godly, who was also in the carriage when De Menezes boarded the metro. Accor-

¹<http://radio-canada.ca/nouvelles/acces/suite.asp?lien/nouvelles/International/nouvelles/200507/24/001-Londres-Ordre-Tuer.shtml>

²<http://www.sky.com/skynews/article/0,,30000?13391824,00.htm>

³http://en.wikipedia.org/wiki/Jean_Charles_de_Menezes#Controversy_over_police_procedure

⁴<http://www.bbc.co.uk/portuguese/reporterbbc/atory/2005/07/050723alexri-cardoml.shtml>

⁵http://en.wikipedia.org/wiki/Jean_Charles_de_Menezes#Controversy_over_police_procedure

⁶<http://www.bbc.co.uk/portuguese/reporterbbc/story/2005/07/050723reacao-comunidade.shtml>

⁷http://en.wikipedia.org/wiki/Jean_Charles_de_Menezes#Controversy_over_police_procedure

ding to Godly, De Menezes looked like a “tall Asian man with a beard and a rucksack”⁸. Another eyewitness, Anthony Larkin reported to BBC that De Menezes was wearing a “bomb belt with wires coming out”, whereas Vivian Figueiredo, a cousin of De Menezes, claimed that she had been told by the Metropolitan Police that De Menezes was wearing a denim jacket⁹. Another cousin of De Menezes, Patricia Armani, told BBC that she does not remember ever having seen Charles with a denim jacket. “He has almost never felt cold. He even used to go out in a t-shirt during winter time,” she argued. It is worth noting that all these testimonials were partially or completely challenged later on in various print media.

Moreover, there seems to be an abnormal amount of disagreement between eyewitness perceptions of De Menezes’ appearance and the police records. Though he was mainly perceived as Asian-like by some eyewitnesses, a full Internet report on De Menezes’ case published by Wikipedia, an online encyclopedia, argues that the officers implicated in the shooting “were watching three men who they claimed were Somali or Ethiopian in appearance”¹⁰, who were believed to be implicated in a failed bombing the day before the shooting.

But the controversy lies not only in De Menezes’ appearance but also in what was meant by “suspicious behavior.” According to the police statement published by BBC¹¹, De Menezes was running and did not stop for the police.

However, the victim’s cousin, Alex Alves Pereira, 27, challenged the official version of events, explaining to the BBC that he believes his cousin’s death “was the result of police incompetence”¹². “Why did they let him get on a bus if they are afraid of suicide bombers?” He could have been running, but not from the police. When the Underground stops, everybody runs to get on the train. That he jumped over the barriers is a lie¹³. According to the Wikipedia report, “police have refused to release CCTV footage, even to the family.” Yet, a theory put forth by the journal *The Scotsman* a few days af-

⁸<http://www.sky.com/skynews/article/0,,30000'13391824,00.htm>

⁹http://en.wikipedia.org/wiki/Jean_Charles_de_Menezes#Controversy_over_police_procedure

¹⁰http://en.wikipedia.org/wiki/Jean_Charles_de_Menezes#Controversy_over_police_procedure

¹¹<http://www.bbc.co.uk/portuguese/reporterbbc/story/2005/07/050723reacao-comunidade.shtml>

¹²*idem*.

¹³http://en.wikipedia.org/wiki/Jean_Charles_de_Menezes#Controversy_over_police_procedure

ter the incident suggests that the person eyewitnesses may have actually seen jumping over the turnstile was one of the pursuing officers:

The way De Menezes was shot was another matter for discussion. Eyewitnesses attested that De Menezes was shot five times, whereas official records admitted later on that he had in fact been shot eight times¹⁴. In this matter, De Menezes' cousin Alex Pereira himself became an eyewitness. He says: "I pushed my way into the morgue. They wouldn't let me see him. His mouth was twisted by the wounds and it looked like he had been shot from the back of the neck"¹⁵. In any case, Metropolitan Police Commissioner Sir Ian Blair stated in a press conference that a warning was issued prior to the shooting and that a shoot-to-kill approach aimed at overall protection is still the current policy¹⁶.

Now, let us move to our second case, the death of Flávio Ferreira Sant' Ana. The 28-year-old dentist was stopped by two police officers on his way home. The first official records say that Sant' Ana was driving a car in his own neighborhood, Higienópolis, in the city of São Paulo. After being identified as the robber of a nearby grocery store, Sant' Ana resisted and tried to shoot at the police. The police reacted and shot Sant' Ana twice in the chest. The wallet of the grocery store's owner was later found in one of Sant' Ana's pockets¹⁷.

Unlike the De Menezes case, Sant' Ana's shooting has no eyewitnesses to challenge the first police records. However, this initial version was challenged a few days after the shooting by one indirect witness, Antônio dos Anjos, 29, the grocery store's owner. The witness denied the police statement according to which he had identified Sant' Ana as the actual robber.

Lacking veracity, the police version of a dentist robbing a grocery store fell definitively apart seven days after the shooting due to claims by none other than the General Commissioner of São Paulo's police, Colonel Alberto Silveira Rodrigues. In an interview with the *Journal Folha de São Paulo* on the 10th of February, 2004¹⁸, Rodrigues states that according to recent disclosures, the police officers' version of events is untrue because "a confession by one of them suggests that a wallet was later put in the victim's pocket." And he

¹⁴<http://www.bbc.co.uk/portuguese/reporterbbc/story2005/07/050726blair-meetsfn.shtml>

¹⁵http://en.wikipedia.org/wiki/Jean_Charles_de_Menezes#Controversy_over_police_procedure

¹⁶<http://www.bbc.co.uk/portuguese/noticias/story/2005/07/050726blairmet-sfn.shtml>

¹⁷<http://www.mundonegro.com.br/noticias/index.php?noticiaID=265>

¹⁸<http://www1.folha.uol.com.br/folha/cotidiano/ult95u89837.shtml>

adds: “We will by no means support the actions of bad police officers”. This bombastic statement was made public right after a visit to the victim’s father, Jonas Sant’Ana, himself a retired police officer.

According to the pronouncement of Judge Marco Antonio Martins Vargas on August 10th, 2005 – almost one year after the incident – seven officers directly implicated in Sant’Ana’s case were required to face the judgment of a jury within a month. Final sentencing was not actually handed down until October 19th, 2005. Two officers directly implicated in the crime were sentenced to 17 and 1/4 years imprisonment for double qualified homicide, fraudulent representation and illegal possession of weapon. Three officers received shorter sentences; one each for fraudulent representation, illegal possession of weapon and homicide.

No decisions were taken in regard to the seventh guilty officer who had been killed in a police confrontation prior to sentencing¹⁹.

In the De Menezes case, the Independent Police Complaints Commission’s (IPCC) court verdict made known on November 1st, 2007, the Metropolitan Police was found “guilty of charge of breaching health and safety laws”²⁰. However, the circumstances surrounding both his shooting and the police procedures employed remain largely obscure. According to a national campaign launched by De Menezes’ family and the Fathers 4 Justice Association, none of the officers implicated in the shooting were individually censured or submitted to discipline of any kind. The IPCC’s report remains secret and there has been no further explanation given concerning the purpose of Operation Kratos; neither publicly nor to De Menezes’ family. Despite the sad episode, the “shoot-to-kill” policy was not discontinued²¹.

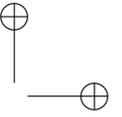
Blaming-the-victim strategy

“Blaming the victim” seems to be the first self-defensive strategy used by the police in similar cases. However, as the investigation goes on, new evidence may turn up and shed new light upon the previous statements. Inasmuch as eyewitnesses’ reports may be discredited, it is curious to note a second device

¹⁹http://www.ovp-sp.org/exec_flavio_santana.htm

²⁰http://news.bbc.co.uk/2/hi/uk_news/7073347.stm

²¹<http://www.justice4jean.com/news.html>



being used in media reports: namely, the release of new versions of events based upon documents leaked from the official inquiry.

The following extract was taken from *The Times*' online edition of August 17th, and presents a revised police version of the death of De Menezes:

Friday, July 22

(...)

9.30am: Officers see De Menezes walking to a bus stop and boarding a bus heading to Stockwell Tube station. He is wearing a light denim jacket and not the heavily padded coat capable of hiding an explosives belt that was initially claimed. A surveillance officer at Tulse Hill checks the photographs of the terror suspects and decides "it would be worth someone else having a look" to see if Mr. de Menezes matches them. He himself has mis-seen Mr. de Menezes's departure as "I [he] was in the process of relieving myself [himself]", and was thus unable to transmit his observations and turn on his video camera. Officers assume that de Menezes's "description and demeanour" match one of the terror suspects, including Hussain Osman, the alleged Shepherd's Bush bomber. Gold Command instructs them to stop de Menezes from getting on the Tube (...)

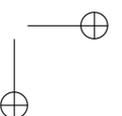
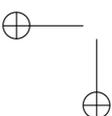
10am: CCTV footage shows de Menezes entering the station at a normal walking pace, picking up a free Metro newspaper, and slowly descending on an escalator. (...) Hearing a train pulling in, he runs across the concourse, gets into the train and sits down on the first available seat. (...) At that point, armed officers were "provided with positive identification", the document says.

The officers start to shout, including the word "police". De Menezes got up and advanced towards the CO19 officers, according to one surveillance officer.

Another member of the surveillance team grabs him and holds him down in his seat. "I grabbed the male in the denim jacket by wrapping both my arms around his torso, pinning his arms to his side. I then pushed him back on to the seat where he had been previously sitting ... I then heard a gun shot very close to my left ear and was dragged away on to the floor of the carriage."²²

Let us now move to the recent developments in Sant'Ana's case. In August, 2005, the Brazilian newspaper *O Estado de São Paulo* reported the latest statements of the police defense in the trial of Sant'Ana's killers:

²²<http://www.timesonline.co.uk/tol/news/uk/article556227.ece>



Police officers insist on the thesis according to which the dentist was killed because of a sudden reaction during the police approach and not because he was black. In their records, they state that after leaving the dentist in the hospital emergency service, they went to the 13th Police Station Office, where they presented the false version of events, fearing “administrative sanctions”.

Five officers have already admitted in their statements to the Civil Police that they fabricated the crime’s evidence and omitted information while the occurrence was being registered, but they deny acting out of racism.

The defense’s strategy is now to say that it is a matter of a blameless homicide. Moreover, three out of the five police officers are themselves Black.

The officer Ricardo Arce Rivera acknowledged he had placed the crime weapon next to the dentist with the aim of simulating resistance on the part of the victim. According to the defense, it is also Rivera who put Antonio Alves dos Anjos’ wallet in the dentist’s pocket - Anjos was said to have mistaken Sant’Ana for a robber²³.

Although the means by which armed officers were provided with “positive identification” remain open to speculation in De Menezes’ case, much of what was initially said about his “suspect behavior” is being called into question. In contrast with Sant’Ana’s death, which took place outside the reach of public means of surveillance, Menezes’ case now has the benefit of another source of visible evidence: the CCTV footage. However, despite the lack of visual support in Sant’Ana’s case, the addition of new information has led to a new version of events, one which reinforces the thesis that police acted based on racial bias.

Who else can be blamed?

The following statement is credited to Sant’Ana’s father: “If he [his son] had written I am a dentist’ on his face, would he be alive today?”²⁴ What is intriguing about Sant’Ana’s father’s statement is that it suggests that there is nothing new about Black and colored people being killed by police forces and that this is a standard procedure. Furthermore, it suggests that there is only

²³<http://conjur.estadao.com.br/static/text/36475,1>

²⁴<http://observatorio.ultimosegundo.ig.com.br/artigos.asp?cod=264FDS003>

one way out of this pattern of treatment for colored people: getting a university education. If possible, one should write evidence of an education on his/her own face.

Sant'Ana's father's statement is reinforced by statistics that were released around the time of his son's shooting: according to a DataFolha survey, 91% of young black men between 17 and 24 years old have already been questioned by police²⁵. There also seems to have been an increase in the number of killings committed by police forces, and a very upsetting one, it must be said. In 2001, the police of Sao Paulo committed 385 "acts of resistance". "Acts of resistance" is the Brazilian official terminology for deaths resulting from police confrontation. In 2003, this number rose to 868, for an increase of 225%²⁶ and, by 2005, the number of "acts of resistance" had reached 1.098 in the state of Rio de Janeiro. At the time of Sant'Ana's death, sociologist Julita Lemgruber, in a polemic interview with *Época Magazine* in Brazil, expressed the same opinion as the victim's father: "the victims of such police violence are mainly poor, Black and live in the outskirts"²⁷, she argues. "Police forces state that most of these people die during confrontations [with the police]. But we know, as much research has indicated, that in most of these deaths, people were shot in the back or in the head"²⁸. And she concludes: "it seems evident to me that these deaths do not result from confrontations. These are actually executions".

In a text published on the *Media Watch Brazil* website on February 17th, 2004²⁹, Alexandre Cruz Almeida raises another intriguing question: "why has the media been insisting so much on the fact that he was a dentist," if Sant'Ana had graduated only five days before his killing? To which he adds: "Let's be sincere: you see a newspaper hanging on the newsstand as you pass by, late for work. You see in the headlines: "Young man in the outskirts is killed by police officers." "Would you stop to read? Surely not!" He argues that neither this, nor a phrase like "Black male is killed by the cops" merits attention in the news. "The only way to be in the news is to render the young man more

²⁵<http://www.educafro.org.br/noticia/Infos/inform050304.html>

²⁶http://www.ucamcesec.com.br/md_part_texto.php?cod_proj=1

²⁷<http://revistaepoca.globo.com/Epoca/0,6993,EPT678129-1666,00.html>

²⁸<http://revistaepoca.globo.com/Epoca/0,6993,EPT678129-1666,00.html>

²⁹<http://www.sobresites.com/alexandreacruzalmeida/artigos/dentista.htm>

important than he actually is. Which means that his intrinsic relevance as a Human Being, a citizen and a son is worth absolutely nothing.”

And if De Menezes had written “I am a Brazilian,” on his forehead would he now be dead? Well, probably not. Sir Ian Blair’s decision to keep the “shoot-to-kill” policy, despite the tragedy, suggests that De Menezes’ death fit in with his plan to give the world an exemplary demonstration of the U.K.’s determination to fight against terrorists. Furthermore, English public opinion seemed to support the police force and its shoot-to-kill policy, even in the immediate aftermath of the shooting. In a survey published only three days after the shooting, 71% of British citizens supported shooting aimed at the head, rather than at the torso or anywhere else, as a means of killing a suspected suicide bomber³⁰. One wonders if they still support this in light of the new evidence being turned up during the De Menezes investigation.

But what if De Menezes had actually been Arabic? Would this make a difference? Well, maybe for a “white” Brazilian middle class, which is not used to seeing itself as a potential racial target for police officers. As the Black militant and journalist Eloisa Helena has argued: “Global society is shocked by the murder of the young Brazilian in London and ignores the fact that many Flavios [Sant’Anas] are being executed daily, without being considered important enough for the newspaper headlines”³¹.

In any case, what seems evident is that the shoot-to-kill policy both reinforces and renders explicit a society’s underlying visual racial biases, which are inherently contextual and socially constructed in character. But what role does the media play in this type of situation?

Certainly, the media is not responsible for the crimes themselves, but it may inflict a secondary form of violence on the victims. That is, in cases in which the “visual evidence” related to the crime was not immediately available to the audience (whether because the killing occurred outside of public scrutiny and the technical means of recording, as in Sant’Ana’s case, or whether the access to such information was highly controlled by police forces, as in De Menezes’ case), the media does play an active roll by forging a “truthful version” of what might have occurred outside the reach of the media cameras. In this sense, the narratives concerning the murder of De Menezes

³⁰Le Devoir, July 26th 2005 : section “Le Monde”, page 3.

³¹“Preto parado é suspeito e correndo é ladrão”.

<http://br.groups.yahoo.com/group>

presented by the English news, especially those given by the eyewitnesses, were very much inflected by the same racial bias we found in the police action towards the victims.

However, it is important to note that both Sant'Ana and De Menezes were what we might call "the wrong victims," the former being an educated dentist and the son of a retired policeman, and the latter, a (non-Arabic and non-Muslim) Brazilian immigrant. Such "evidence," though not immediately recognized at the time of their respective murders, came out in the news and called for police forces and political representatives to give further public explanations. In light of newly released information, media also acted more reflectively, finding itself forced to revise the narratives released previously. After being confronted with its own racial bias, media was able to enhance the public debate and call for more public scrutiny.

To conclude, it is worth making a few brief comments regarding the Brazilian media's coverage of both crimes. Broadly speaking, De Menezes' death merited more extensive coverage in the news than Sant'Ana's. But there is another subtle difference between the two. As suggested by the General Commissioner of the São Paulo Police's statement, Flavio Sant'Ana was killed largely as a result of the way in which his Blackness was perceived, that is, as visual evidence of his being a bandit or a robber. De Menezes, conversely, not only was not Black, but was also a good example of how racial visual codes may be highly contextual.

My sense is that much of the controversy surrounding his killing, and all the nationalist protests it raised, were a consequence of the fact that, according to Brazilian racial codes, De Menezes would be more likely to be considered White (even though he might have had an afro-ascendance in the last four generations). Due to this, Brazilian media were more pro-active than English ones, casting the official police records under suspicion from the very beginning. What many people have failed to note is that the Brazilian media, the same media that fights racism abroad, is unable to perceive how racist it can be when it comes to national matters.

Montreal, August 20th, 2007.

