

CRIME OF RAPE OF VULNERABLE: AN ANALYSIS OF POLICE REPORTS AND INVESTIGATIONS

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ABSTRACT

The present study has as objective to analyze police reports on crimes of rape of vulnerable, registered at police stations in the city of Belém – PA (Brazil), in order to evaluate the flux of conversion of police reports into investigations and the conversion of police investigations into court lawsuits, as well as identifying the demand of such crime. For such, the data used has been provided by the platforms of Secretaria Pública Adjunta do Estado do Pará (Assistant Public Secretary of State of Pará)(SIAQ/SISP) and the Tribunal de Justiça do Estado do Pará (Court of Justice of State of Pará), through the system of management of court lawsuits (LIBRA). The main focus was to demonstrate the number of incidence of this offense type, and at the same time, to ascertain, inside an universe of police reports how many are, indeed, investigated by the police unities, in other words, how many police reports are converted in police investigation. The results indicated that the number of occurrences registered was decreasing during the period analyzed. A concentration of 67,10% of the police reports was found in only 11 neighborhoods of Belém, from the 32 (thirty two) that make up the capital of Pará. Besides that, it was concluded that 92% (ninety two) of the reports registered were converted into Police Investigations.

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INTRODUCTION

Violence can be described under different perspectives, however, the point of view from the World Health Organization is highlighted, because it is the most widely used and comprehensive used in different areas of knowledge, as it is also used to base the creation and implementation of public policies, which have as objective to decrease the criminality indexes (EASTMAN, 2002). For the World Health Organization, violence is described as:

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The intentional use of physical force or power, real or through threatening, against the own person, another person, a group or community, that can result or has high probability of death, lesion, psychological damage, development troubles or privation (NUCCI, 2014, p. 12). Inside the multifaceted concept of violence, there are several types of manifestation of such phenomenon, through the use of force or power, with the aim of embarrassing, causing suffering or forcing someone to do something that affects his/her dignity, as in the case of sexual violence, which affects negatively the life of an individual (RIBEIRO *et al.*, 2004). Sexual violence, as well as physical and patrimonial violence, is also widely present in society, most frequently affecting women and children, from all ages (NUCCI, 2009), therefore it is of high importance to

investigate said phenomenon in profound manner. Changes occurred in Brazilian Law, in 2009, gave special attention to this type of violence, even innovating the nomenclature in the title of the special part of the *Código Penal Brasileiro* (Brazilian Penal Code), which before treated sexual crimes with the title denominated *DOS CRIMES CONTRA OS COSTUMES* (OF CRIMES AGAINST CUSTOMS), becoming, after legislative alteration, *DOS CRIMES CONTRA DIGNIDADE SEXUAL* (OF CRIMES AGAINST SEXUAL DIGNITY), this demonstrates the concern of the Brazilian law in offering due importance to sexual crimes, sheltering the human being dignity. With the changes occurred in the penal code text in 2009, a new species of crime was created, a new penal type, denominated “Rape of Vulnerable”, established in the Article 217A from the *Código Penal Brasileiro* (Brazilian Penal Code)(CPB), and it is on this type of crime that the present study leans over. The Article 217A, from the CPB, therefore defines the Rape of Vulnerable:

Art.217-A To have carnal conjunction or to practice other libidinous act with underage of 14 (fourteen) years old:

Penalty-imprisonment, from 8 (eight) to 15 (fifteen) years.
 §1st Incurs in the same penalty who practices the same actions described in the caput with someone, who, because of illness or mental disability, does not have the discernment for the practice of the act, or that, for any other reason, is not able to offer resistance.

The Article 217-A, in addition to creating a new modality of crime, amplified the concept of “vulnerability” beyond the age criterion, which was used in the former legislation, namely:

In such manner, vulnerable, for the objectives of this dispositive, are, in any hypothesis, the “people under fourteen years old”, or those that, independently of age, are found in the condition of illness or mental disability, without the necessary discernment for the practice of libidinous act”, or yet those, at any age, who are in situation of “inability to offer resistance” (GENTIL, MARCÃO, 2015).

It is possible to infer that the concept of vulnerable has been expanded in order to achieve people that independently of age were in situation of illness or mental disability at such degree of not having conditions, in the moment of the violence, to offer resistance to the attempts of offense to their sexual dignity (ESTEFAN, 2009).

Another innovation brought by the penal dispositive of rape of vulnerable was the unification of the once known crimes of indecent assault and rape in a single crime, ending the obligatoriness of the occurrence of carnal conjunction to configure the rape crime. With the new legislation, the simple existence of libidinous acts (corporal touching, lascivious kissing, etc.), the victim being female or male, configures the crime of rape (PAMPLONA, 2015).

In the face of the occurrence of a criminal act, whatever it is, there is a legal procedure in order to investigate and transform it into a lawsuit. The criminal events become known to the State through a report, which is normally formalized inside the police stations through the Police Report. After the register of the police report, the State, through the Judiciary Police, investigates the report, and posteriorly, there existing indications of the existence of the crime and its authorship, the

authority responsible will transform it into proper police procedure, which in this case is the Police Investigation, so that it is posteriorly forwarded to Justice, where it will be examined through a Process, with the preservation of every legal guarantee for both parts involved in the possible crime (LIMA, 2015).

For Garcia (2007) the Police Report can be described as the documentation or register of penal infraction news, being verbal, in proper book or report card. About the concept of Police Investigation, main procedure used to investigate crimes in the Brazilian legislation, Lima (2015) refers to it as:

Inquisitorial and preparatory administrative procedure, presided over by the police authority, the Police Investigation consists of a group of diligences performed by the investigative police with the objective of identification of proof sources and the acquirement of elements of information about the authorship and the materiality of the penal infraction, in order to make possible for the titular of penal action to go to court (LIMA, 2015, p. 109).

This way, this study had as objective to investigate the flux of conversion of police reports into police investigations and the conversions of the latter into court lawsuits of crimes of rape of vulnerable in the years 2014 to 2016. It was also aimed to identify which is the demand of said crime inside the Police Stations of Belém, during the same period.

MATERIALS AND METHODS

Nature of the study

The nature of the present research is Documental, for its main objective is to extract information and perform crossings between the documents analyzed (SILVA, ALMEIDA, GUINDANE, 2009). The approach will be quantitative, which according to Lima (2008), is the one when the study is reasoned in the search for the relation of variables, trying to identify if certain correlation exists, using for such, specific mechanisms, such as statistical procedures and other.

Sources

The documents used were the police reports of rape of vulnerable, registered police investigations in the police stations of Belém (other districts excluded) between the years of 2014, 2015 and 2016 and the court lawsuits, which were processing in Justice, in the same period.

Context of the research

The research took place in the city of Belém, State of Pará, taking in consideration all the 32 (thirty two) existent neighborhoods, excepting the Districts. According to Pamplona (2015), in 2004, the State of Pará Government released the *Programa Por Uma Cultura de Paz – PROPAZ* (Program for a Culture of Peace), which aims to establish together with several partners from society, being them governmental and non-governmental, public policies aimed at the children, teenagers and young people well-being, guaranteeing their rights, the struggle and prevention of sexual violence, and spreading a culture of peace. However, even with such objectives and the restructuring that the program passed sue to change of government, it was not able to fight

the growth of rape crime index in the State of Pará.

Data collection

The data on the quantity of police reports on Rape of Vulnerable were obtained with the *Secretaria Adjunta de Inteligência e Análise Criminal – SIAC* (Assistant Secretary of Intelligence and Criminal Analysis), through the *Sistema Integrado de Segurança Pública– SISP* (Integrated System of Public Security) (both in Belém-Pará/Brazil) and the data on the quantity of Court Lawsuits, in other words, those police investigations, which were forwarded by the police authority to justice, was obtained through the LIBRA, system of management of court lawsuits of the *Tribunal de Justiça do Estado do Pará* (Court of Justice of State of Pará). The universe of the research brings the registers of police reports on rape of vulnerable with the discreet quantitative variable, once that police reports and investigations and criminal lawsuit are variables that can only be presented in the form of integer numeric values.

Data analysis

The data analysis was performed through descriptive statistic. The data were interpreted from the construction of tables and graphics generated through the compilation and crossing of information obtained in the two sources consulted, aiming to identify measures of central tendency such as mode, simple frequency, percentage and arithmetic mean to demonstrate the level of conversion of police reports into Police Investigations. About mode, specifically, it is a measure of central tendency, which shows values of a variable in a series, for having a higher simple frequency in relation to the values of a variable, they are put in evidence (COSTA, 2011). In this work, mode will be used to evaluate, in the stratified universe by neighborhoods, the number of registers of reports of rape of vulnerable distributed in several neighborhoods in Belém, aiming to demonstrate which neighborhood presents the highest incidence of crime of rape of vulnerable.



Source: Data from SISP and LIBRA. MARCH/2017.

Figure 1. Evolution of Quantity of Registers of Police Reports between the years 2014 to 2016

RESULTS AND DISCUSSION

Demand of Crime of Rape of Vulnerable – Belém – Pará/Brazil: From the data selection together with the responsible bodies, graphics and tables were built to demonstrate the evolution of the quantity of registers of reports in the City of Belém between the years of 2014 and 2016, variation of indexes in the respective years, the distribution of occurrences by neighborhoods and the percentage of conversion of police reports into Police Investigations. In Figure 01 it was observed that in the evolution of the quantity of occurrences in the years 2014, 2015 and 2016, there is a

tendency of decrease of registers, mainly between the years 2014 and 2015, when a more evident decrease was identified (from 284 to 224), and less evident from 2015 to 2016, decreasing slightly to 214 registers. After that, it will be shown the variation of the index of register of occurrences in the years researched (Table 01). In Table 01 it was verified that in the interval studied, there has been a decrease of registers of police reports in the triennium, being more evident in the interval between the years 2014 and 2015, achieving a 21,12% reduction in the totality of registers in 2015 in relation to the quantity of registers in 2014, a tendency of decrease that persisted from 2015 to 2016, achieving a rate of 4,4% of reduction of the number of registers in 2016 in relation to the total of registers in 2015. It was also analyzed the quantity of registers of report distributed by neighborhoods (Figure 02).

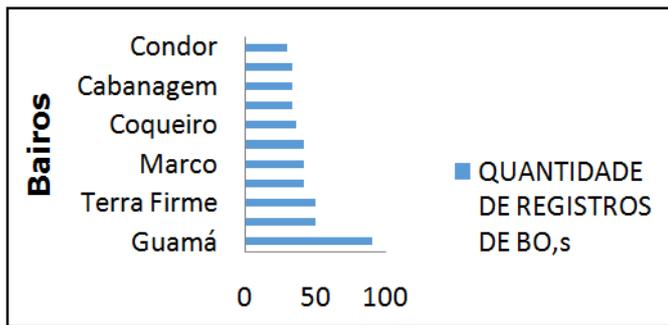
Table 1. Index variation of Reduction of Registers of police reports between the years 2014 to 2015 and 2015 to 2016

Year	Reduction of Registers of P.R
2014 -- 2015	21,1%
2015 -- 2016	4,4%

Source: Data from SISP and LIBRA. MARCH/2017.

Based on the data provided by the *Secretaria de Segurança Pública* (Secretary of Public Security), in the period studied, there were registered 722 (seven hundred and twenty two) occurrences of crime of rape of vulnerable, distributed in 32 (thirty two) neighborhoods of the city of Belém. From these data, it was possible to observe that only 34,38% of the neighborhoods (11 neighborhoods) concentrated 67,17% of this type of crime, accumulating a total of 485 (four hundred and eighty five) registers. Figure 02, as it follows, identifies the 11 (eleven) neighborhoods with more registers in the period studied were: Guamá with 90 occurrences; Pedreira with 50 occurrences; Terra Firme with 50 occurrences; Marambaia with 42 occurrences; Marco with 42 occurrences; Jurunas with 42 occurrences; Coqueiro with 36 occurrences; Bengui with 34 occurrences; Cabanagem with 34 occurrences; Parque Verde with 34 occurrences and Condor with 30 occurrences. Totalizing 485 occurrences of rape of vulnerable. The neighborhood of Guamá alone encompassed 12,4% of the total of occurrences of Rape of Vulnerable, considering this neighborhood of highest incidence between the 32 neighborhoods analyzed in the city of Belém, clearly being constituted in the mode of the universe of registers of Police Reports registered in the city of Belém in the period researched. The results found referring to the place of occurrence of the crime went towards to what Pamplona (2015) concluded in his work, when affirming that the sexual violence is found in the class of low income, for the neighborhoods mentioned with higher concentration of the crime are considered peripheral neighborhoods in the city of Belém. From Figure 03, it is possible to notice a total of 722 occurrences of rape of vulnerable in the period of 2014 to 2016, from which 662 were registered/converted into police investigations, in other words, a conversion of 91,6% of police reports into police investigation, which denotes, without questions, a high rate of conversion. In 2014, 284 police reports were registered and from this quantity, 257 became police investigations, configuring, therefore, a conversion of 90,5%. In the year 2015, the quantity dropped to 206 reports registered, generating a conversion of 91,9%. In 2016, the quantity of registers slightly increased to 214 reports, from which 199 became Investigations. Thus, it is understood that

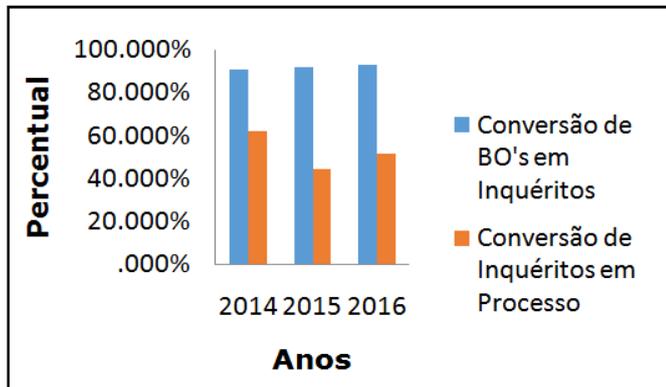
the conversion has little variance, remaining in a high landing around 91%.



Source: Data from SISP and LIBRA. MARCH/2017.

Figure 2. Quantity of Registers of Police Reports for crime of rape of vulnerable, by neighborhoods, registered in Belém without the Districts between the years of 2014 to 2016

Evolution of police reports



Source: Data from SISP and LIBRA. MARCH/2017.

Figure 3. Percentage of conversion of Police Reports into Police Investigations

Finally, for the rate of conversion of Police Investigations into Court Lawsuits, there are presented more modest quantities in relation to the rate of reports that became Investigations, varying in an interval of 62,2% to 51,5%.

Final Considerations

Violence against vulnerable and, more specifically, the rape crime is a phenomenon that deserves political, social, academic attention, among others. This subject is considered of great social relevance, for this variable as object of study leads to the academic debate of indexes, which might characterize the evolution of such phenomenon, those indexes for their turn might contribute to think about possible programs of prevention or even the care for victims and their families. In analyzing police reports of crimes of rape of vulnerable, registered in the police stations of Belém – Pará (Brazil), it has been possible to build a brief evaluation on the flux of conversion of police reports into police investigation and the conversion of police investigations into court lawsuits, as well as identifying the demand of this crime. It has been noted that the number of registers of occurrences on case of rape of vulnerable in the context investigated has decreased in the period studied, as for the rate of conversion of police reports into police investigations, it has been observed that it presented a high and increasing landing, with mean around 91%, however, with the low variation between 90% to 92%.

This fact, which is surprising given the elevated rate of conversion, leads to an understanding that the models of police reports have little information codified in order to facilitate their processing, which normally make hard the Judiciary Police to obtain necessary information for the establishment of police investigations, taking many reports to be possibly filed in the police stations before becoming proper Investigations. A factor that could help to explain this high rate of conversion is the fact that not necessarily the Police Investigations are not established in the same year in which the crime occurrence at study was registered, in other words, there is a possibility of facts registered in previous years to the studied period, being converted into investigation procedures only in the triennium object of this research. Therefore, for example, a police report registered in 2013, might have become Police Investigation only in 2016, for the data provided by the Judiciary do not allow identifying the exact date of establishment. On the other hand, in what concerns the rate of conversion of Police Investigations into Court Lawsuits, the values have a drop during the period studied, varying between 51,51% and 62,25%, achieving a mean a lot lower than the conversion of Police Reports into Investigations, around 56,88%. About the distribution of the Frequency of Police Reports Registers in the city of Belém by neighborhood, it has been noted that Guamá neighborhood is the geographic region with higher incidence of Rape of Vulnerable with 12,46% of the Registers, this could be explained, in part, by the sociodemographic context of the area, which is characterized as an environment propitious to the constitution of vulnerability situation. This article has some limitations such as the choice of the period, which was limited to the study of 2 years only. It is suggested for future researches to expand this temporal limit to make possible a more clear sizing of the evolution of the phenomenon in the timeline. It is also suggested the performance of field researches in order to collect information with individuals involved in the context presented.

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