



The Connection Between Legal and Illegal Firearms Markets: How the Change in Gun Control Policy in Brazil Intensified This Link

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RESEARCH



ABSTRACT

In recent decades, the global debate on gun control has been prominent, with many countries adopting more restrictive policies. Brazil followed this trend by implementing stringent measures in 2003; however, the presidency of Jair Bolsonaro in 2019 introduced normative changes aimed at facilitating public access to firearms and ammunition. Throughout his term, the legal firearms market doubled, allowing access to weaponry previously restricted to the general public. The analyzed hypothesis suggests that these normative changes, especially those related to the quantity and authorization of acquisition of previously restricted firearms, altered the types of firearms in circulation, strengthening the interaction between legal and illegal markets. Using data from the mandatory firearms re-registration, a total of 962,782 firearms were analyzed. The assessment of the increase in circulation of these firearms in the illegal market was conducted through the analysis of seizures in the states of Rio de Janeiro and São Paulo, revealing a significant growth in seizures of these types of firearms, possibly correlated with the increase in their circulation. Three police investigations were selected to exemplify how the connection between markets intensified, allowing criminals to obtain firearms in the legal market that were previously only accessible through international trafficking or diversion from state agencies.

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The debate on the policy of controlling the circulation of firearms has become increasingly prominent in various countries over the last few decades. Klare (1997) was one of the pioneers in arguing that firearms were the true weapons of mass destruction. In light of this scenario, several countries have enacted legislative changes with the aim of exerting greater control or even restricting the circulation of firearms within their societies. Some, like England and Australia, have implemented legislation to limit access and even ban certain types of weapons, such as assault rifles or pistols (Bueno 2001).

Brazil followed suit, creating the so-called Disarmament Statute in 2003 (Brasil 2003). This legislation introduced a new firearms control policy in Brazil, significantly more restrictive and considered by some to be one of the most modern (Santos 2021). However, with the election of Jair Bolsonaro as President of Brazil in 2018, several normative changes were implemented with the aim of facilitating public access to firearms and ammunition, drastically altering the policy in place for nearly 20 years.

During his four-year term, from 2019 to 2022, dozens of norms were published that created conditions for a veritable arms race in the country. Firearms that were previously restricted to security agents and military personnel became accessible to the general population, the maximum limits of firearms that could be acquired were considerably increased, and the segment of CACs (hunters, sport shooters, and collectors) was particularly catered to, with permission to carry firearms in urban areas with few restrictions.

Despite numerous studies indicating that higher circulation of firearms in a society is associated with an increased number of lethal incidents, such as homicides and suicides involving legally acquired firearms (Anglemyer, Horvath & Rutherford 2014; Cook & Goss 2014; Donohue & Ayres 2022; Donohue, Aneja & Weber 2019; Siegel & Rothman 2016; Stroebe 2013; Studdert et al. 2022), the Brazilian government maintained that easing access to large quantities of firearms and ammunition would enhance societal safety.

The demand for firearms steadily increased during this period, and if, in 2018, there were 1,320,582 firearms in the possession of private individuals, by the end of 2022, this number more than doubled, reaching 2,965,439. Concurrently, the number of individuals registered as CACs also increased, but at an even higher rate, rising from 117,467 in 2018 to 783,385 by the end of 2022, representing an almost sevenfold increase (Marques & Santos 2023).

However, it was not only the general population that took advantage of the eased regulations and permission for the acquisition of previously restricted firearms. In recent years, numerous reported cases have highlighted the diversion of legal firearms. The methods of diversion varied, including the use of intermediaries (Pagnan 2022), the utilization of forged documents (Lopes 2022), acquisition for subsequent resale to criminals (Araujo & Marinatto 2022), irregular sales of firearms by stores (Brasil 2023), and direct acquisition by criminals (Soares 2023).

The diversion of legally acquired firearms to illegal markets is not a novelty and has been the subject of studies both in Brazil (Alerj 2015; Bandeira 2019; Langeani 2022; Santos 2021) and in other countries (Andrade et al. 2020; Braga et al. 2002). The connection between legal and illegal firearms markets has always existed, and with more permissive legislation, it tends to intensify (Fleegler et al. 2013; Grinshteyn & Hemenway 2016; Kalesan et al. 2016; Kleck & Kovandzic 2016; Lanza 2014; Santanella-Tenorio et al. 2016).

In light of the absence of studies concerning the effects of the change in gun control policy that occurred during the Bolsonaro administration, the objective of the present study is to comprehend how this change has affected the connection between legal and illegal firearms markets. The hypothesis under investigation posits that the regulatory changes implemented, particularly concerning the quantities of firearms that could be acquired and the authorization for citizens to obtain previously restricted firearms, have altered the types of firearms circulating within the markets.

After the discussion on the methodology used in the study, the presentation of the main research on the connection between legal and illegal firearms markets in Brazil and how this has occurred over time follows. It is essential to understand how criminals were able to divert

legally acquired weapons and thus comprehend the effects that the changes promoted by the Bolsonaro government have had on these dynamics.

Following this presentation, the discussion shifts to the main changes in gun control policy and the effects this has had on the markets, especially on the types of weapons that have become available to the population and also reached criminals. This part involves the analysis of data obtained from the federal government and data obtained by the Sou da Paz Institute from the governments of the states of São Paulo and Rio de Janeiro.

To exemplify how legally acquired weapons were being diverted to criminals, after researching cases of repercussion in the Brazilian media, three police investigations that were no longer under secrecy and presented dynamics considered by some police officers as the most used to divert weapons to the illegal market were selected.

METHODOLOGY

The present study, of a descriptive nature, primarily focused on the utilization of quantitative techniques; however, by incorporating qualitative approaches, it became possible to adopt a holistic and comprehensive perspective for investigating the complex phenomenon of policy change and its consequences. The integration of numerical data analysis with content analysis enabled a deeper understanding of the study subject.

In order to contextualize the firearms market in Brazil prior to changes in firearms control policy and to investigate the diversion of legally acquired firearms for criminal use, a bibliographic review was conducted. The results highlighted the scarcity of studies on the subject in the country, with only reports from the Sou da Paz Institute and some works published by researchers in the field.

Subsequently, various legislative measures implemented during the Bolsonaro government were analyzed, including decrees, normative instructions, and ordinances. In total, 29 norms that impacted firearms control policy in some way were examined. The measures that had the greatest impact on the circulation of firearms were listed to facilitate understanding in a comparative framework showing the situation before the change.

To obtain a comprehensive and quantitative overview of the phenomenon and to investigate whether changes in firearms control policy influenced the types of firearms acquired, data was requested from the Brazilian federal government through the Access to Information Law. These data included the quantity, type, and caliber of firearms acquired in the legal market from the beginning of the relaxation of firearms control policy in May 2019 until the end of 2022. Because of difficulties in accessing such specific information due to issues with the Army and Federal Police databases, data from the mandatory re-registration of firearms acquired by CACs during the mentioned period was utilized, totaling 962,782 firearms with the necessary details.

Data analysis revealed that firearms previously restricted in caliber represented the majority of those acquired by CACs during the period, with the 9 mm caliber pistol standing out, accounting for nearly 40% of the total. Additionally, over 30,000 semi-automatic rifles, historically attractive to organized crime, were sold. Their access was facilitated for the first time, as they were previously prohibited from sale.

To investigate whether there was an increase in the circulation of these firearms in the illegal market, firearm seizure data was analyzed, a technique widely used in the literature on the subject (Braga & Pierce 2005; Collins et al. 2018; Cook et al. 2009; Laqueur et al. 2023). For this, data from the Sou da Paz Institute obtained from the governments of the states of São Paulo and Rio de Janeiro was used to produce a report on the increase in seizures of more potent-caliber firearms in these locations.

To illustrate how this connection intensified as a consequence of changes in firearms control policy, media research was conducted, and prominent cases were selected. Among them, those no longer under secrecy and with allowed access to their respective processes were chosen. These included an investigation leading to the arrest of a CAC acquiring firearms to supply to the Red Command, Rio de Janeiro's largest criminal faction (Araujo & Marinatto 2022), a case where members of a militia, also CACs, were arrested red-handed engaging in criminal

activities with legally acquired firearms (Soares 2023), and the case of a store that, despite its authorization being suspended, continued to sell firearms and ammunition, including to criminals (Brasil 2023). Despite no longer being under secrecy, it was decided not to disclose the names of the individuals involved for ethical reasons.

Through the analysis of investigations and the dynamics used by criminals, as well as the type of weaponry they sought to divert, it was possible to verify an intensification in the connection between legal and illegal firearms markets. As a result of changes in firearms control policy, criminals began to seek firearms in the legal market that they previously could only obtain through the international market or by diverting government institutions.

THE HISTORICAL CONNECTION BETWEEN LEGAL AND ILLEGAL MARKETS IN BRAZIL

The firearm undeniably plays a significantly relevant role in violent crimes committed in Brazil. According to data from the Brazilian Public Security Yearbook 2023 regarding intentional violent deaths that occurred in 2022 in the country, firearms were used in 76.5% of cases. However, until the beginning of the 21st century, few pieces of information had been produced regarding the weapons used in crimes, making it challenging to improve control and violence prevention policies. According to Bandeira (2019), the first study, conducted by the NGO Viva Rio in 2001, focusing on firearms seized by the Civil Police of Rio de Janeiro, marked a turning point in research on the subject.

The digitization of records for nearly 800,000 firearms has allowed for a more accurate understanding of the country's reality. Analyzing the profiles of 223,584 of these seized firearms revealed that 76.59% had a domestic origin. These were firearms that had been legally acquired and, in some way, were used in criminal actions. This research debunked the myth that crime-involved firearms originated solely from smuggling. Since then, other studies have been conducted to uncover the origins of firearms used in crimes in the country.

Over the past 12 years, the Sou da Paz Institute has conducted research that has allowed for a better understanding of the origin of firearms used in crimes. In one of these studies, titled *Where Do Crime Guns Come From* (ISP 2013), researchers examined the set of weapons seized in São Paulo between 2011 and 2012, totaling 14,000. The main objective was to trace all firearms with fully or partially identified serial numbers to better understand the origin of these weapons.

The research revealed that the most commonly used firearms in crimes were handguns (93%), mainly revolvers and pistols, and the majority of them were domestically manufactured (78%). Taurus, a Brazilian company that holds a large share of the legal firearms market in the country, is also responsible for the majority of firearms seized from criminals (61%). A relevant finding is that the majority (50.5%) of seized firearms had their serial numbers removed, highlighting criminals' attempts to hinder the identification of the weapons' origin and accountability for the diversions.

Another study (ISP 2016) expanded the scope of the analysis of firearms and territories. This time, the objective was to discover the origin of firearms seized during the year 2014 in the Southeast region of Brazil, which includes the states of São Paulo, Rio de Janeiro, Minas Gerais, and Espírito Santo, representing approximately 42% of the Brazilian population. The region accounted for 48% of the 118,379 firearms seized in the country that year. The analysis involved more than 49,000 firearms seized in the region during the specified period.

The analysis of firearm categories revealed that almost half of the firearms seized in the Southeast region were revolvers (49%), followed by pistols (21%), and shotguns (13%). Among more powerful firearms, carbines and rifles were more frequent (3%). Regarding the brand of seized firearms, Taurus was the most common (39%), followed by Amadeo Rossi (16%), a brand acquired by Taurus in 2000. The Brazilian Company of Cartridges (CBC) ranked fourth (2%) in seizures. It is noteworthy that CBC became the main shareholder of Taurus in 2014, meaning that the three brands now belong to the same national group (57%).

The most recent research conducted by the ISP (2022) provided a more comprehensive overview of the relationships between legal and illegal firearm markets. The study, titled *Fatal Diversion:*

Leakage of Firearms from the Legal to the Illegal Market in the State of São Paulo, aimed to present data proving that legal firearms are used by criminals and the consequences thereof. To achieve this, an extensive analysis of police reports on thefts, robberies, and diversions of firearms registered in the State of São Paulo from 2011 to 2020 was conducted.

A total of 23,709 occurrence records were analyzed, allowing the identification of where the diversions occurred. Regarding locations, residential environments had the highest number of cases (46.2%) among the recorded occurrences. This is attributed to both the large number of firearms in households and the lack of security and surveillance in these environments. Following this, companies and rural units also showed significant representation in the occurrences (22% and 11%, respectively).

In most of the occurrences analyzed in the study, the number of diverted firearms per occurrence was small. According to the report, in the majority of occurrences (90%), the reports recorded one or two diverted firearms. There were about 22,000 occurrences, accounting for 25,000 diverted firearms. However, some occurrences involved a large number of diverted firearms, such as those of private security companies, public agencies, and collections of CACs (hunters, sports shooters, and collectors). There were approximately 50 cases where more than 2,000 firearms were stolen or robbed.

A study conducted by Cook and Ludwig (2002) in the United States analyzed the effects of the presence of firearms in households. The aim was to assess the effectiveness of the pro-gun argument that the presence of guns deters criminals. The study's results showed that this effect did not hold in practice. In fact, neighborhoods with a higher number of guns had a greater risk of burglaries and home invasions. Instead of deterring criminals, the presence of guns attracted them due to their high value and ease of resale.

Santos (2021) presented data that also confirms the movement of legal guns into the illegal market. According to the study, between 2005 and 2017, 356,622 firearms were acquired by individuals and legal entities in Brazil, and during the same period, 117,463 firearms were stolen.

With the changes promoted by President Jair Bolsonaro since taking office in 2019, the acquisition numbers have increased significantly, and cases of firearms being diverted to the illegal market have also risen.

THE CHANGE IN GUN CONTROL POLICY AND ITS EFFECTS

Since the enactment of the Disarmament Statute in 2003, numerous attempts have been made to relax the legislation, but most initiatives have failed due to either a lack of political support or opposition from civil society. With the inauguration of Jair Bolsonaro as President of the Republic, this situation changed. His first significant action upon taking office was the signing of Decree No. 9,685/2019.

As he stated during the signing ceremony, he intended to guarantee people's right to legitimate defense through his pen, something for which the population had longed and was his campaign promise. In one of his most criticized statements on the topic, Bolsonaro stated, 'Everybody has to buy a rifle, come on! Armed people will never be enslaved,' and immediately followed with, 'There's the idiot saying, "oh, you have to buy beans." Dude, if you don't want to buy a rifle, don't bother those who want to buy' (Simões 2021).

To achieve his goal, Bolsonaro decided to direct most of the legal changes to favor the CACs. According to Santos (2021), a group composed of people with a conservative profile offered significant support to Bolsonaro. Even his son, Eduardo Bolsonaro, a federal deputy, has strong connections with CAC leaders and frequently attends demonstrations and events organized by them.

The aforementioned decree was the first, but it wasn't the only one. Since the beginning of his term in January 2019 until its end in December 2022, a total of 14 decrees, 11 ordinances, and 4 normative instructions were implemented by the federal government, all aimed at facilitating the acquisition of firearms and ammunition by the population. The numerous changes ultimately led to normative chaos.

With a large number of norms produced and cases where a new norm was edited solely to revoke the previous one and make some specific modifications, after analyzing the various norms, the decision was to focus on the main changes promoted in the gun control policy that had a significant impact on the markets (Table 1).

PREVIOUS	AFTER
Individual analysis of each firearm acquisition request with subjective evaluation by the police officer regarding the necessity and quantity to be permitted.	Individual analysis of each firearm acquisition request focuses solely on verifying the presented documents without any analysis regarding the actual necessity of the request or the quantity of firearms requested.
Certain specific calibers of firearms were restricted to members of law enforcement and military personnel due to criminal organizations' interest in these weapons. The restriction aimed to hinder access to firearms with more potent calibers in the domestic market. Examples include 9 × 19 mm (9 mm), .40 S&W (.40), and .45 ACP (.45) pistols and carbines. Similarly, the sale of rifles was prohibited.	Pistols and carbines of calibers 9 × 19 mm (9 mm), .40 S&W (.40), .45 ACP (.45) that were previously restricted became allowed, as well as semi-automatic rifles of calibers 223 Remington and 5.56 NATO, which had their sale prohibited. The semi-automatic rifle caliber 7.62 NATO, which was also prohibited, now falls under restricted status.
The validity of the firearm registration was 5 years, requiring that practical firearm handling tests, as well as psychological evaluations, be conducted at each renewal.	The validity of the firearm registration has been extended to 10 years, with practical firearm handling tests and psychological evaluations only required after this period.
Quantity of firearms and ammunition that could be acquired by CACs: Sport Shooters: Up to 16 firearms, with up to 8 of them being of restricted calibers. Annually, up to 20,000 new cartridges or components, and an additional 40,000 specifically for .22 caliber firearms. Collectors could have one firearm of each type, brand, model, variant, caliber, and origin. Hunters could possess up to 12 firearms, with up to 8 of them being of restricted use. Annual limit of 500 rounds of ammunition per firearm.	Quantity of firearms and ammunition that could be acquired by CACs: Sport Shooters: Up to 60 firearms, with up to 30 of them being of restricted calibers. Annually, up to 5,000 new cartridges or components for each allowed firearm and 1,000 for each restricted firearm. Total limit of 180,000 new cartridges. Collectors could have five firearms of each model. Hunters could possess up to 30 firearms, with up to 15 of them being of restricted use. Annually, up to 5,000 new cartridges or components for each allowed firearm and 1,000 for each restricted firearm. Total limit of 90,000 new cartridges.
Collectors, sport shooters, and hunters must transport their firearms unloaded and stored in their respective cases in a suitable location within the vehicle while traveling between their residence and training, instruction, competition, maintenance, exhibition, hunting, or culling sites.	Collectors, sport shooters, and hunters are allowed to carry a loaded, chambered, and holstered handgun (revolver or pistol) that belongs to them during the journey between their residence and training, instruction, competition, maintenance, exhibition, hunting, or culling sites.

Table 1 Main changes in the gun control policy.

These changes created the perfect scenario for a new arms race in the country, and by the end of 2022, Brazil recorded a total of 2.9 million firearms in the possession of private citizens. This represents more than double the 1.3 million private firearms in the country in 2018, before the changes introduced by the government of former President Jair Bolsonaro (Table 2).

YEAR	PRIVATE FIREARMS OF MILITARY PERSONNEL	FIREARMS FOR PERSONAL DEFENSE	CACs	TOTAL
2018	625.510 (47.1%)	344.389 (26.2%)	350.683 (26.7%)	1.320.582 (100%)
2019	618.513 (41.1%)	457.700 (30.4%)	433.246 (28.5%)	1.509.459 (100%)
2020	604.408 (33%)	652.917 (35.5%)	569.748 (31.5%)	1.817.073 (100%)
2021	739.094 (32%)	810.830 (34%)	794.958 (34%)	2.344.882 (100%)
2022	728.287 (25%)	976.152 (33%)	1.261.000 (42%)	2.965.439 (100%)

Table 2 Private Firearm Inventories by Individuals in Brazil.

Source: Instituto Sou da Paz (2023).

It is noteworthy to observe in **Table 2** the significant increase in the participation of CACs as the main group holding private firearms. In 2018, approximately 26.7% of the firearms in the possession of the population belonged to CACs, while by the end of 2022, this proportion had increased to 42%. Throughout this period, the percentage of firearms in the possession of the general population increased from 53% to 75%, while the percentage of firearms in the possession of military personnel decreased from 47% to 25%. Additionally, while firearms acquired for personal defense showed an increase of 25.95%, those acquired by CACs recorded a growth of 57.3%.

In absolute numbers, it is possible to understand the growth in the number of individuals registered as CACs in Brazil. At the end of 2018, there were 117,467 active registrations with the Brazilian Army, the institution responsible for controlling registered firearms in this category. In 2022, this number reached a total of 783,385 registrations, representing an increase of nearly 700% over four years.

In addition to the increase in the number of firearms in circulation, which doubled the legal market in size, there was also a change in the profile of firearms in circulation. With the legal changes promoted by Bolsonaro, firearms that were once restricted to law enforcement or the military became accessible to the general population, and this seems to have caused changes in the types of firearms in circulation in both the legal and illegal markets.

In 2019, there was also an expansion, through decrees, of the firepower of firearms released for civilian acquisition, increasing it fourfold. Calibers such as 9 × 19 mm (9 millimeters), .40 S&W (.40), and .45 ACP (.45), which were previously restricted, became allowed for anyone who met the requirements to own a firearm. If the individual had a CAC registration, the limits extended to up to 60 firearms. Another change was the permission for CACs to acquire long firearms of restricted calibers, such as rifles. These firearms, which have always been of interest to criminal organizations, previously reached criminals mainly through smuggling or diversion from state institutions due to their more restricted circulation in the legal market.

From the analysis of the data¹ provided by the Federal Police regarding the re-registration of firearms acquired by CACs between 2019 and 2022, it was possible to verify the quantity of firearms sold with specifications regarding type and caliber (**Table 3**). This confirmed that previously restricted firearms were the most acquired, especially by CACs, who currently possess almost half of the firearms in circulation in the country.

TYPE OF FIREARM AND CALIBER	QUANTITY	CALIBER RESTRICTION UNTIL 2019	CALIBER RESTRICTION FROM 2019
.22 caliber rifle	140.142	allowed	allowed
.38 caliber revolver	48.212	allowed	allowed
.380 caliber pistol	59.076	allowed	allowed
12-gauge shotgun	106.528	allowed	allowed
9 mm caliber pistol	380.836	restricted	allowed
.40 caliber pistol	31.547	restricted	allowed
.45 caliber pistol	9.880	restricted	allowed
.357 caliber revolver	83.132	restricted	allowed
5.56 caliber rifle	22.467	prohibited	allowed
7.62 caliber rifle	8.428	prohibited	restricted
others	72.534		
Total	962.782		

Table 3 Firearms acquired by CACs since the changes made by the decrees of 2019. Source: Compiled by the author based on data obtained through the Access to Information Law.

As it can be seen in **Table 3**, out of the 962,782 firearms acquired by CACs since May 2019, when changes in caliber and permitted quantities were made, the majority (55.7%) of them were previously restricted. A total of 538,290 firearms acquired by the civilian population were

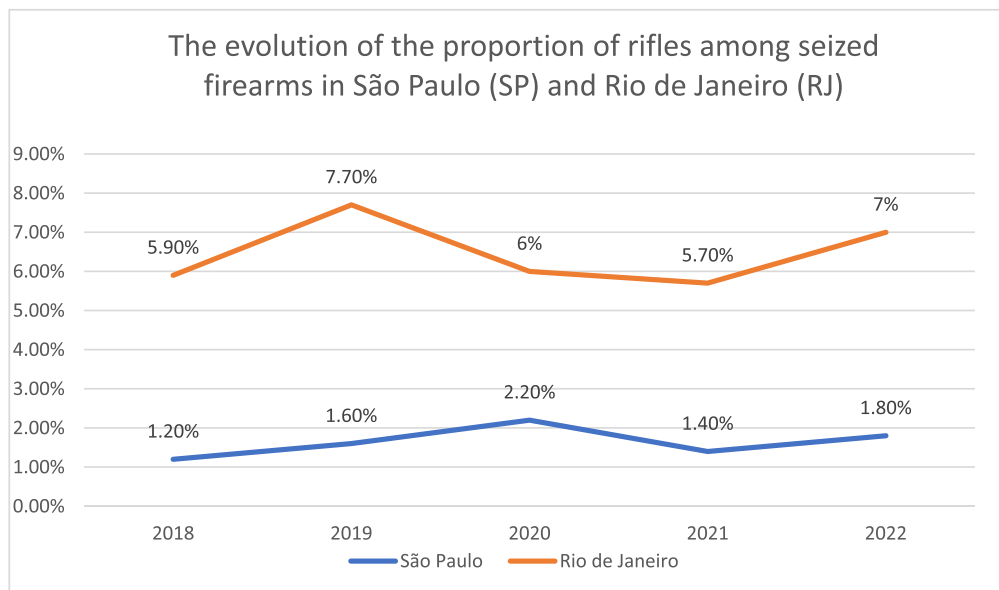
¹ The data that support the findings of this study are openly available in <https://buscalai.cgu.gov.br/PedidosLai/DetailthePedido?id=5917552>.

previously restricted due to their firepower. Additionally, only one of these firearms, the 9 mm caliber pistol, accounted for almost half (39.56%) of the total firearms sold and the majority (71.01%) of the restricted firearms. Notably, historically, this specific caliber was restricted solely to the Armed Forces and the Federal Police, with even more controlled access.

The number of rifles in the hands of the civilian population also highlights the magnitude of the impact that the legislative changes have had on the legal firearms market. If access to this type of weapon was prohibited before, since 2019, civilians have been able to acquire them, and during this period, 30,895 rifles were purchased, including 8,428 of caliber 7.62, commonly used by military forces in armed conflict scenarios.

These weapons have always been of interest to criminal groups. However, due to their restricted circulation in the legal market, access to them was primarily achieved through international firearms trafficking or the diversion of public arsenals. Nevertheless, with the increased circulation of large quantities of such weaponry and facilitated access, it was predictable that criminals would take advantage of this to gain access to these arms.

Similar to the legal market, the change in the illegal market has also been significant, especially when examining firearm seizures in some states. According to data collected by the Sou da Paz Institute and generously shared for this study, there has been a modernization of weapons in the hands of criminals in recent years, which likely had a direct connection with the changes promoted by the Bolsonaro government. In **Graph 1**, it can be observed that between 2017 and 2022, the proportion of rifles among seized weapons increased by 50% in São Paulo and 16% in Rio de Janeiro.



Graph 1 The evolution of the proportion of rifles among seized firearms in São Paulo (SP) and Rio de Janeiro (RJ).

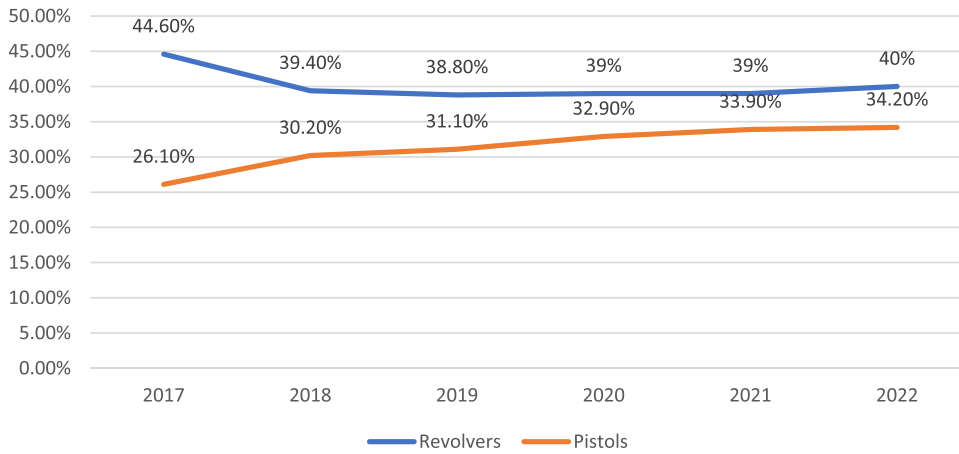
Source: Prepared by the author based on data shared by the Sou da Paz Institute.

In **Graphs 2** and **3**, it is possible to observe that simultaneously, the proportion of pistols among seized weapons increased by 31% in São Paulo and 32% in Rio de Janeiro.

The quantity and capacity of firearms in circulation experienced a substantial increase, which may have been exploited by organized criminal groups. A notable example is observed in the case of the 9 mm caliber pistol, which became permitted. In **Graph 4**, it is possible to see that in 2017, only 2.7% of the seized firearms in São Paulo were pistols of this caliber. However, starting in 2019, with the change in caliber permissibility, there was a notable increase in the number of seizures. It reached the mark of 7.6% of confiscated firearms in 2022, representing more than three times the value recorded in 2017. In Rio de Janeiro, despite the 9 mm caliber already being among the most seized firearms in 2017, there was also an increase in the number of seizures.

Completely eliminating illegal trade is an unattainable goal. Therefore, generally, authorities seek to act to limit the availability of higher-powered weapons on the market and establish barriers that make it difficult for the clandestine transfer of firearms. The objective is to increase prices for weapons on the black market. The notable situation in the Brazilian context is that the change in control policy went exactly in the opposite direction.

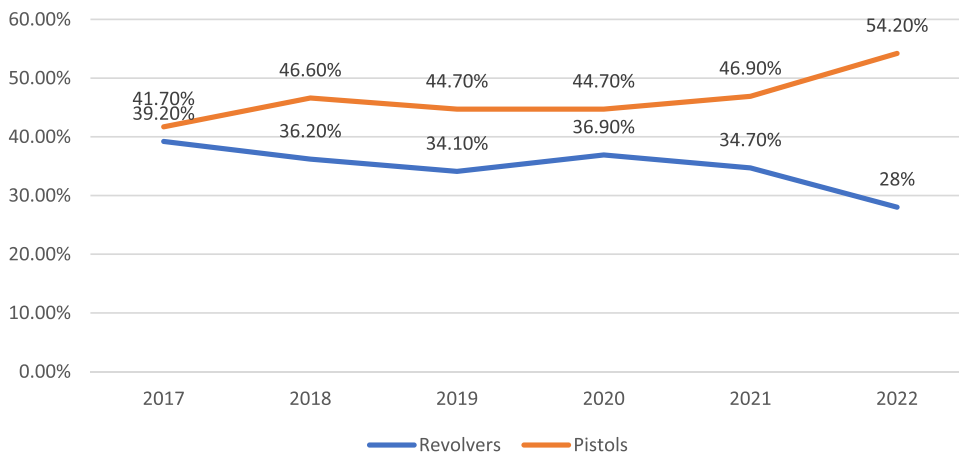
Evolution of the share of revolvers and pistols among seized weapons in São Paulo (SP)



Graph 2 Evolution of the share of revolvers and pistols among seized weapons in São Paulo.

Source: Prepared by the author based on data shared by the Sou da Paz Institute.

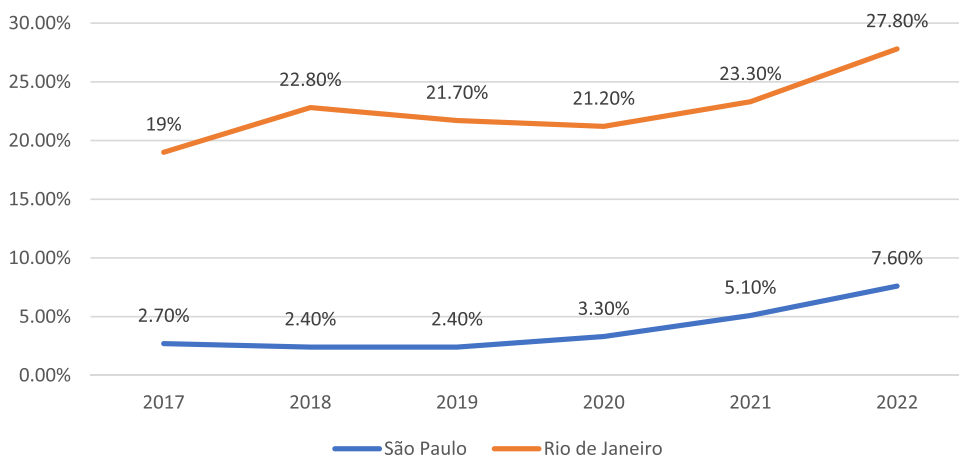
The evolution of the share of revolvers and pistols among seized firearms in Rio de Janeiro (RJ)



Graph 3 The evolution of the share of revolvers and pistols among seized firearms in Rio de Janeiro (RJ).

Source: Prepared by the author based on data shared by the Sou da Paz Institute.

The Evolution of the share of 9mm caliber pistols in the seizures of firearms in São Paulo (SP) and Rio de Janeiro (RJ)



Graph 4 The Evolution of the share of 9 mm caliber pistols in the seizures of firearms in SP and RJ.

Source: Prepared by the author based on data shared by the Sou da Paz Institute.

THE PATH TO THE ILLEGAL MARKET

To understand the diversion of legal firearms into the illegal market, three police investigations were selected among high-profile cases in the Brazilian media that were publicly available,

allowing access to case files and analysis of the criminal process. These cases offer insights into the methods used by criminals to acquire firearms legally and demonstrate how changes in gun control policy have facilitated criminals obtaining firearms in the legal market that were previously only available through international trafficking or diversion from public arsenals.

In the first investigation, a man was arrested on suspicion of trafficking firearms to the Red Command, one of Rio de Janeiro's main criminal factions, in January 2022. Following an investigation by members of the Public Prosecutor's Office of Rio de Janeiro, the individual was apprehended while transporting 10,000 rifle rounds and 1,000 carbine rounds. During searches at his residence, 55 firearms were found stored, which, according to police information, were intended for the aforementioned criminal faction. Among the seized arsenal were 26 rifles and 21 pistols, all legally acquired, as the suspect was registered as a sports shooter (CAC).

With the market price of a rifle around R\$ 15,000.00 and a pistol for about R\$ 6,000.00, the prospect of reselling them to criminals for values that could easily reach R\$ 60,000.00 per rifle and R\$ 10,000.00 per pistol, without the need to cross borders or steal from public arsenals, seemed to represent a significant opportunity for the suspect, leading him to involve other individuals. As reported by a police officer involved in the seizure, the estimated value of the firearms found in the residence would be approximately R\$ 2,000,000.00.

According to the indictment formulated by the prosecutors, the Civil Police identified the trio after receiving information from a reliable informant. As detailed in the document, the agents were alerted by a trustworthy source that the individual was involved in groups dedicated to the sale of drugs, firearms, and ammunition through the WhatsApp application. Based on this information, an investigation was initiated in which the suspect and other individuals were targeted by court-authorized wiretaps.

Part of these wiretaps was included in the document presented by the prosecutors to the court. In one of the conversations between the suspect and a person identified as his girlfriend, he requests that she calculate a transaction: 'do the calculations there. It's 32 units at R\$ 5,000 each. I have 32.' Additionally, several calls made by the suspect to legal firearms stores were recorded, aiming to obtain information about the purchase of weapons, ammunition, and gunpowder.

In another intercepted conversation, the suspect's girlfriend talks to her brother, who is allegedly also involved in the scheme of diverting weapons and ammunition. According to the prosecutors' allegations, they discuss the supply of 9 mm and .40 caliber ammunition to the Complexo do Lins and the Jacarezinho favela, communities located in the North Zone of the city and controlled by the Red Command. He informs his sister that he 'left some bullets for testing, good bullets' in Lins. In another dialogue, an unidentified interlocutor asks if 'he has 20 boxes,' to which he replies, 'No, he has half.' In an additional intercepted call, the brother informs a potential buyer that he is 'coming to make the delivery'" in Manguinhos.

According to the prosecutors, such conversations, combined with other evidence gathered in the case, demonstrate that he legally acquires military material from authorized establishments for subsequent resale on the illegal market, especially to the largest criminal faction in the state, all with the knowledge and participation of his girlfriend and brother-in-law.

Despite the evidence obtained and the quantity of weapons and ammunition found in the suspect's possession, in July 2023, he was sentenced to only three years in prison with the revocation of his CAC certificate, with the sentence to be served in a semi-open regime. According to the ruling, although the weapons were likely destined for criminal organizations, they were legally acquired, within the limits established by the new regulations in force, and complying with the requirements and limits set. Two weeks later, he was released by the Rio de Janeiro Court of Justice, while the weapons remain seized.

In the second investigation analyzed, the method used for diverting weapons differed from the first. In this case, the criminals themselves managed to register as CACs and directly acquired firearms from legal commerce to use them in criminal activities. In February 2023, the police received a call informing them of the invasion of a property in the West Zone of Rio de Janeiro by a group of paramilitaries. Patrol cars were dispatched to the location, and upon arrival, the officers found armed men both inside and outside the residence. There were no confrontations, and the individuals surrendered.

In total, ten members of the criminal organization who had invaded the residence were found on the premises occupied by three women, with the intention of evicting them and taking possession of the property for the group. This action is typical of paramilitary groups. During the operation, seven pistols of various calibers and two rifles were seized.

During the course of the investigations, it was revealed that three of the seized pistols had been legally acquired by members of the group who had registered as CACs. One of them, identified by the police as one of the group's drivers, was found with a TS9 pistol, manufactured by Taurus, caliber 9 mm, with serial number ADD218046, at the time of arrest. He purchased this weapon in July 2022 from a gun store in Nova Iguaçu, RJ. Registered as a CAC, he was authorized to use the firearm for sporting activities; however, he used it for criminal activities. Just seven months after the purchase, he was arrested for using the weapon to commit crimes.

Another member of the group, also registered as a CAC, was captured with a Taurus pistol, caliber .45, with serial number ADB947347, on his waist. According to the document attached to the investigation, he purchased this firearm for R\$ 6,300 on May 18, 2022, from the same store where the other member acquired his—Mil Armas, in Nova Iguaçu. In addition to the pistol with which he was arrested, he had also acquired a 5.56 caliber rifle with authorization from the Army, although he was not carrying it at the time of detention.

The third member of the group was found carrying, at the time of his arrest, a Taurus pistol caliber .40, with serial number ADD231172, manufactured in April 2022 and registered in his name six months before the crime. He registered with the Army as a CAC just eight months before being arrested. In addition to their involvement in the same criminal organization, being registered as CACs, and using legally acquired firearms for criminal activities, another common detail is that all three individuals purchased firearms that, before the change in gun control policy, had restricted access, indicating that criminals were taking advantage of the changes to obtain these weapons on the domestic market.

Another common point, observed in only two of the members, is that they purchased their weapons at the same store, Mil Armas, which also became the subject of a police investigation for facilitating the acquisition of firearms and ammunition by criminals. On March 15, 2023, just one month after the arrest of the paramilitaries who had acquired weapons at the store, the Federal Police launched an operation, resulting in the seizure of approximately 1,000 weapons at the establishment.

In addition to the seizures, the owner of the store and two employees present on the premises were arrested. According to investigators, the store had previously been targeted for inspection by the Army, which identified several irregularities and suspended the store's registration for the sale of firearms and ammunition. However, even after the suspension, the store continued to operate and issued 318 sales invoices during the four months it remained in irregular operation. Furthermore, restricted-caliber weapons, such as 7.62 caliber rifles, were found in the store's warehouse without authorization.

The three individuals remained in preventive custody, awaiting the outcome of the criminal proceedings. Investigations are ongoing with the aim of tracking sales made since the onset of irregularities to determine whether there is any link between the store owner and criminal organizations.

The three investigations mentioned are, according to police officers accustomed to investigating the diversion of weapons to criminals, the most commonly used methods by criminals to obtain firearms directly from the legal market. According to an anonymous police officer, with the change in caliber classification, there has been a true 'gold rush' for weapons, and in the coming years, this will become increasingly evident, especially with the increase in seizures of weapons that entered circulation during this period.

With Lula assuming the presidency in 2023 after defeating Bolsonaro in the 2022 elections, Decree 11,366/23 was promulgated, which determined the suspension of registrations for the acquisition and transfer of restricted-use firearms and ammunition. While it caused a halt in the legal market for firearms for CACs, the decree mandated the re-registration of all firearms acquired by CACs since the beginning of the flexibilization promoted by Bolsonaro, and it was this data that enabled an understanding of how the legal firearms market in Brazil changed.

According to Santos (2023), the connection between the legal and illegal markets of firearms has always been a present reality and has been the subject of studies and reports; however, under the Bolsonaro government, this connection reached unprecedented levels. Much evidence suggests that criminal organizations took advantage of the changes to legally acquire firearms and ammunition that were previously restricted to the military and security forces.

CONCLUSION

The objective of this study was to understand how the connection between legal and illegal firearms markets occurs and the impact of the changes promoted by the Bolsonaro government on this dynamic. Despite the existence of research confirming that legal firearms have been diverted to criminals over the past years, instead of proposing legislation to enhance the protection of these arsenals, the federal government took the opposite direction.

In four years, nearly two million firearms entered circulation. Firearms that were previously restricted to security forces due to their firepower became available for acquisition by CACs in quantities that could constitute actual arsenals in the hands of individuals with no connection to the government. This facilitated access to large quantities of firearms and ammunition has altered the profile of firearms in circulation in society and seems to have drawn the attention of criminals, who now exploit these facilitations to obtain weapons previously only accessible through diversions or international trafficking. Increasingly, cases have emerged involving CACs and the transfer of firearms and ammunition to criminals.

Through the analyzed data, a shift in the types of firearms in circulation in the legal market was observed, with indications that this has also affected illegal markets. The presented results suggest that the change in gun control policy in Brazil has had impacts that will be felt in the coming years, and further research will be necessary to understand how this will unfold. Despite the limited number of analyzed police investigations and various forms of diverting weapons to the illegal market, the goal of demonstrating that criminals were acquiring legal firearms was achieved.

There is no sport or professional category completely exempt from ill-intentioned individuals or moments of omission or irresponsibility. This includes law enforcement, the judicial system, and sport shooters as well. However, due to the sensitive nature of the material involved and the impact it can have on public safety, the regulation of these activities should establish rules compatible with the potential for collective harm and facilitate the identification and accountability of individuals involved in criminal actions or omissions.

However, what occurred during the Bolsonaro government was precisely the opposite. In addition to facilitating the acquisition of firearms and ammunition, the government did not invest in improving control and oversight mechanisms, which directly benefited criminal organizations. The Bolsonaro government's arms policy created yet another pathway in the existing connection between legal and illegal firearms markets, elevating it to levels that still need to be fully understood as police investigations continue.

COMPETING INTERESTS

The author has no competing interests to declare.

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