ABSTRACT

The aim of this study is related with homicide and offences to the physical integrity imputed to the policemen of Policia de Segurança Pública (PSP) when they were working, between 1991 and 2004.

With this accomplishment, it is intended to verify if the damages caused by the policemen were proportional to the degree of the treat that the offended citizens represented to them or to the thirds. It was also intended to characterize the offended people, the aggressors policemen and the circumstances in which the damages were caused, as well as, describe the damages and the sequels following these damages and verify the level of penal, civil and disciplinary responsibility of the offenders policemen.

To reach all this objectives, there were analysed the judicial decisions of 96 crime-processes that brought an action against the policemen of PSP for homicide or offences to the physical integrity. From these 96 processes, were got 113 cases, each one constituted by the binominal “policeman-offended”.

The assemble of data was done in several courts in Continental Portugal in which, through the information from the General-Procuracy of the Republic (PGR), it was possible to fix the crime-processes. The data were picked up in a file in which were reported the variables with interest to the study. The statistic analysis was done using the software Statistical Package for the Social Sciences (SPSS), 13.0 version.

It was verified that the offended citizens were mainly male, single and has as a professional activity the extraction and the transforming industry as well as the driving of machines. It was also confirmed that the damages were mainly caused by policemen elements of the Agent class, at night, in the streets, through punches, kicks, slaps, shoots of fire-arms with fatal bullet and hits with the police baton, and the degree of treat frequently faced by the policemen was low and the strength level used by them was mainly high. It was noticed that the bodily zone more hit was the face, the gravity of the damages more frequent was from level 1 and the gravity of the sequels was level 0. the judicial decision in the penal ambit, in the great majority of cases (54%), was the absolution. In the same way, in the civil extent, the major decision was the non obligatoriness of paying indemnifying.

Analysing the relationship between the degree of the treat and the strength level, according to the established in the Norm of Permanent Execution
OPSEG/DEPOP/01/05, approved by the Nation Direction of the PSP on 1st June of 2004, it is concluded that the strength level applied by the policemen was majority out of the proportion to the null and low/median degrees of treat and proportional to the high degree of treat.

Considering only the results of the judicial decision in the penal extent, it was seen that in the biggest part of the cases the policemen caused damages in the citizens in a proportional way.

Relating the judicial decision in the penal extent with the degree of treat, with the strength level and the imputed crime, it is concluded that the policemen caused damages in a proportional way in the cases of low/median and high degree of treat, in the cases of low/median strength level and in the cases in which the imputed crime was offences to the physical integrity, and in a disproportionate way in the cases of the null degree of treat, in the cases of high strength level and in the cases in which the imputed crime was homicide.