Dissonances of security in Brazil: an Analysis of the Municipal Security Entities.

Artur Boya[a]

[a] Affiliation: Faculty of International Relations, Pontifical Catholic University of Minas Gerais, Belo Horizonte, Brazil, artur.boya@hotmail.com.

Abstract. This article delves into the realm of public security in Brazil, focusing on municipal actors and their influence on public policy development and implementation. Although there is extensive literature on police forces and overt action measures, this article contributes to reducing a gap by examining the municipal sphere. The study employs qualitative data analysis, emphasizing a comprehensive understanding of the field and its nuances. The methodology encompasses documental analysis of the 1988 Brazilian Constitution, a brief narrative literature review, and data analysis using the Brazilian Institute of Geography and Statistics database. While document analysis reveals the constitutional framework and legal limitations on municipal security roles, the literature review contextualises public security in Brazil. Moreover, quantitative data analysis was used to address the scarcity of municipal security entities, illustrating the dearth of municipal security structures, with 76% of municipalities lacking dedicated entities. Similarly, only 21.3% have Municipal Guards. In this perspective and with the absence of binding legal documents for municipal action in this domain, it was possible to argue that this paucity impedes the development and implementation of effective public security policies at the local level. Thus, this article sheds light on the role and limitations of municipal public security structures in Brazil, defending that to enhance municipal contributions, the country must prioritise the establishment of robust municipal security entities.

Keywords. Public Security, Municipal Security Entities, Public Policy, Municipal Guards, Brazil

1. Introduction

Among the literature of public security in Brazil, there are notable studies related to police forces and ostensive action measures, with a vast discussion on how these impact the fight against violence in the country. In addition, there are evident efforts related to existing national security plans, with strong debates about institutionalisation and guidelines in the literature. However, considering the Brazilian federalist model, it is possible to identify other relevant agents for studying and understanding public security, such as municipal actors. In view of the potential and need for security actors to work collaboratively to improve the state of security in the country, it is necessary to analyse the municipal sphere in order to grasp its capacity and limitations.

In this perspective, the present article aims to understand how the structure of municipal public security entities in Brazil affects the development and implementation of public policies in the area of public security. Hence, the hypothesis is that without standardised structures and the absence of municipal security agents in some towns, there is an ineffectiveness of municipal public security policies given the impossibility of full alignment with federal security plans and the lack of resources to deal with violence in a manner that is consistent with municipal realities.

Therefore, the objective of the article is to contribute to studies related to the field of public security in Brazil, providing a discussion on the role and capacities of the municipal sphere in the field in question. The relevance of this investigation, in addition to the originality of the approach to the investigated area, is due to the understanding of the dimension of public security structures in Brazil. On the basis of the results obtained, it will be possible to make points that can contribute to the literature gap in the area and to other related investigations. It should be noted that this work is comprehensive in nature, covering mostly qualitative data, with the aim of achieving a better understanding of the field worked on and its specificities, as well as possibilities

for improvement and the development of new research.

2. Methodology

The research requires a understanding of the Brazilian political system in order to identify the public security scenario and its actors in the country. It is also essential to understand the role of the municipal sphere in public security to analyse how its potential structures affect public security policies. Thus, primary data sources will be used to study the Brazilian political system, using the documental analysis method to examine the 1988 Constitution, since it will be possible to identify the role of municipalities in the area of public security and the agents involved. Secondary data sources, such as academic articles, will be used to study the public security scenario in Brazil, conducting a brief narrative literature review. With regard to municipal security structures, the Brazilian Institute of Geography and Statistics database on the profile of municipalities will be used for the analysis. Finally, based on the association of the elements used and reflexion on related academic articles, an analysis of possible repercussions of the lack of standardisation of municipal structures on public security in the country will be performed.

It is therefore pertinent to briefly discuss the analysis methods used, exposing their relevant aspects and weaknesses. With regard to the method of document analysis, Bardin [1] explain it as a group of operations aimed at representing the content of primary documents in a different way from the original, with the aim of treating the information contained with critical analysis or facilitating understanding of a certain subject [1]. In this perspective, document analysis involves analysing primary source documents and showing their value, as it can help the process of evolution of a particular subject under study [2].

Concerning the nature of documentary analysis, there is the possibility of qualitative and quantitative work, given the variety of types of document that can be used in research, depending on the problems and objectives of each specific study [3]. In the case of this research, it is important to note its qualitative nature. Moreover, no document can be considered neutral, since its composition is subject to the specificities and subjectivities of the authors, so it cannot be taken as absolute truth or its content considered irrefutable, and it is necessary to understand the context in which the document was created [4]. Thus, document verification and their credibility are essential for more valid research.

Cellard [2] proposes two stages for the document analysis, one of preliminary analysis and the other of the analysis itself. The first stage involves locating relevant texts and assessing their credibility and representativeness, which means understanding the context in which the document was produced, taking into account the historical moment when it was produced [2]. As for the second stage, this refers to carrying out the document analysis itself, so it is consistent with the research objectives and involves defining the criteria for analysis and its results [2]. In this study, the method in question was used to analyse the 1988 Brazilian Constitution, looking at how this document expresses itself in relation to public security.

With regard to the literature review, it is an essential part of any research, since it makes it possible to explain how the study fits into a given field and what theoretical criteria and sections were used. Wherefore, the literature review is the section of a research project that focusses on referencing and investigating productions related to the field under study. In other words, it is a moment when concepts are defined and when links are established between the studied texts and their sources with what is being researched in the work being carried out, in other words, it is a dialogue with others investigations that have already been carried out [5].

Moreover, there are several types of literature review, and variation in the systematicity and rigour of the texts analyzed is central to differentiating between different forms [6]. For this work, the model used was the narrative review, which is not based on the systematicization and exhaustive analysis of publications on a given subject, but rather on the objectives and the research approach. It is also crucial to reiterate that they make it possible to acquire and update a given topic without the need to use explicit and systematic criteria to carry out the research and examine the analysed material, providing an overview of the topic addressed. In addition, narrative review allows for interpretations and critical comments, in order to provide a qualitative synthesis of the topic discussed [7]. In this sense, the narrative review is coherent with this work since it also aims to build a conceptualisation of the area of public security in Brazil, which is constituted from the historical panorama discussed in the next section.

Furthermore, narrative review is susceptible to the subjectivity of investigators, since it does not have very strict methodological rigour and does not need to present a formal quality of evaluation of the texts, which exposes a weakness of the research [7]. However, the large number of articles and competent documents in the field of security make a systematic literature review unfeasible. Given that the purpose of the research is to understand how municipal security structures affect public policies in this area, a narrative review is appropriate for this case. It is also worth mentioning that a literature review of any kind can help identify problems and gaps within a field, so it can serve as a starting point and justification for future research and research in progress [5].

Finally, it is pertinent to relate and distinguish the narrative review and the documentary analysis. The first involves the use of material that has already undergone some kind of analytical treatment, while the latter analyses the document as a whole based on the theme and objectives of the work being developed [3,8].

3. The field of Public Security in Brazil

From an initial standpoint, it is interesting to revisit Weber's [9] conception of the state, which determines the legitimacy of the monopoly of the use of physical force in a given territory for the state, which also expresses the abdication of the right to use force by individuals and the transfer to a competent entity in charge of public security.

To conceptualise public security it is necessary to consider two dimensions: one related to the control of crime and violence, which refers to the improvement of agencies and agents in the field of public security, and is also associated with the improvement of criminal justice. On the other hand, there is the preventive aspect, which encompasses issues marked by knowledge of the incentives and causes of violence or situations that foster criminal and violent dynamics, thus realising its relevance with regard to the implementation and planning of multisectoral public policies [10].

Continuing on the concept of security, the citizen aspect of the definition emphasises the right and responsibility to benefit from and preserve it. Therefore, addressing public security within a democratic context also means reflecting on the means of oversight and control mechanisms that can even be monitored by civil society [11]. However, it is pertinent to point out that the State, together with its other institutions and hierarchical branches, is primarily responsible for public security, according to the Weberian concept expressed previously. In summary, activities in the field can be carried out through the police, at the State level, or the Civil Guard, at the municipal level.

Moreover, given the connection between public security and other sectors, public security is a state policy and not a government policy, since there is a need for coherence and consistency in preventive policies and in the combat of structural problems [12]. Therefore, the issue is central to studies on public management, and for a better understanding of the field, it is also necessary to understand how public security has been carried out in Brazil throughout history.

3.1 Historical Panorama of Brazilian Public Security

According to Gonçalves [13] in the colonial period, while the Portuguese Royal Family had not arrived in Brazil yet, public security was carried out by colonial figures, who specialised in capturing runaway slaves. In this sense, there was private action to promote security. With the arrival of Portuguese royalty, the General Police Office of the Court and State of Brazil was established in 1808 [13,14]. Its duties focused on the security of the Royal Family and collective security, by policing public places and deciding on licit and illicit conduct [13]. The formation of this leadership can be interpreted as an initial milestone in public safety in Brazil, given the formulation of an institutionalised power structure focused on public safety [14]. In addition, in 1809, the Military Division of the Royal Police Guard was created, which had the objective of ostensive policing and was operated full-time [14].

Since the Constitution of the Empire in 1824, the provinces have had relative autonomy, as they were characterised as actors with the capacity and responsibility to deal with issues related to the provincial character [15]. Also in Brazil's Empire, in view of the centralisation and decentralization movements promoted after the abdication of Dom Pedro I and the debate between conservatives and liberals, there were insurgent movements in the country, which led to the creation of the National Guard and the Permanent Guard Corps in Rio de Janeiro in 1831 [13,14]. However, the guards ended in the same year, and with the extinction of the guards there was a strengthening of the crown, and this corroborated with the implementation of the Regency Trina, which operated from 1831 until 1934. This pendulum swings in relation to centralisation and decentralization of public security in Brazil can still be observed throughout the twentieth century [14].

In 1832, the Code of Criminal Procedure was published, with a liberal and decentralising perspective, which motivated other conservative response movements such as the reform of 1841, in which conservative ideals and the desire to maintain national unity were notorious [13,14]. This was followed by the foundation of the 1841 law, which provided greater administrative efficiency and decreed that police authorities could not proceed with the formation of guilt and pronounce criminals. In 1871, the police enquiry was implemented and is still used in the current public security system [13].

The federalist foundation of the country was laid in 1891, influenced by North American federalism and distributing greater powers to the states [15]. From the end of the First Republic, the Army demanded that the military police be under the control of the military, while during the Vargas era, marked by political authoritarianism, the police were used as a means of repression. In the period from 1946 to 1964, the governors were responsible for the police, but they remained auxiliary forces and reserves of the Brazilian Army. From the military regime, the military police forces were placed completely under the command of the Army, during which time the

Armed Forces themselves carried out the repression [13]. In this sense, there is a strong influence of militarism in the field, which can be seen from the very beginning of public security in Brazil, since the police, in this context, was created to contain a supposed hostile population and protect those who came to settle in the country [14].

After redemocratisation, it can be noted that, even with the promulgation of the Citizen Constitution of 1988, there has not been a full construction of a public security policy. There have been advances and a significant mobilisation and reorganisation of the state apparatus, but these still do not correspond to adequate social participation in the construction of security-related policies [12]. For a better understanding of the field under study, it is also worth carrying out a documental analysis of the 1988 Constitution in order to identify the mentions of and approaches to public security.

3.2 The public security approach in the Brazilian Constitution of 1988

The use Addressing the context of the promulgation of the 1988 Constitution [16], the process of redemocratisation can be noted, which foresaw decentralisation and coherence with liberal principles. Previously, it was pointed out that public security was very limited to the responsibility of the state government, based on the coordination of the civil and military police, and that federal coordination was done through the actions of the Federal Police. In this sense, it is evident that there were few possibilities for municipal action [17]. However, 1988 marked the implementation of cooperative federalism, with municipalities being elevated to a federated entity in the Brazilian experience, forming a constitutive part of the federation. Thus, cooperative federalism provides mutual cooperation between confederated entities in a sense that presupposes interdependence between them [18]. Therefore, it is safe to indicate that municipalities are of great relevance in promoting public safety in the country.

The right to security is reiterated in Article 5 of the Constitution of 1988, since it is clear that security is an inviolable right of all Brazilians and foreigners residing in the country [16]. Furthermore, Article 6 also defines security as a social right, which provides a solid and coherent legal framework concerning the necessity of promoting and maintaining security [16]. Moreover, it is valid to mention that this Constitution presented a concept of security, according to Article 144, that recognises public security as a right and a responsibility of everyone [16]. The same article also indicates the official public security organs namely: federal police; federal highway police; federal railway police; civil police; military police and military fire departments; federal, state, and district criminal police, all of whom are not associated with the municipal sphere [16]. Nonetheless, Article 144 [16] also mentions the

possibility of municipalities creating and structuring their own municipal guards; however, this is not mandatory and indicates a lack of binding force in relation to municipal action, which can lead to an absence of standardisation in their organizations.

Thus, there is a greater attribution of responsibility to the states of the country, given that the bodies listed belong to the state and federal spheres. Furthermore, the administration and funding of policies is also concentrated more intensively at the state and federal levels [15]. However, this scenario is not in consonance with the demands of public security in the country. Since municipalities are a federative entity, municipal agents can contribute to reducing violence in cities, given the possibility of gaining a better understanding of the behaviour of violence at a local level in order to act according to the respective realities and contexts of each municipality.

4. The Structures of Municipal Security Entities in the Country

In this section, some quantitative data related to public security structures in Brazil is presented, in an attempt to provide a better understanding of the reality of public security in the country at the municipal level. It should be noted that the IBGE database, the 2019 Municipal Basic Information Survey (MUNIC) [19], was used to create an own database, with the selection of variables related to public safety, and that the data were processed using the Statistical Package for the Social Sciences (SPSS) software. The analysis of the MUNIC is extremely valid for this work, since its purpose is to supply the demand for disaggregated information in a way that contributes to a better understanding of the highly heterogeneous scenario of Brazilian municipalities. The survey is conducted annually and its collection method is through personal interviews with a questionnaire on paper [20]. Therefore, since its data expose the dissonant scenarios of Brazilian cities, indicating their possible strengths and weaknesses, it can contribute to the study of public structure and also to the possible development and improvement of these and, consequently, of public policies [20].

The MUNIC provides an overview of the reality of the municipal public sector in the country, in other words, it records data on municipalities in terms of administrative records, structures, dynamics, and the functioning of municipal public institutions [20]. Moreover, there is also information on public policies developed at municipal level, and the variables can vary from year to year and there is no omission of data in the universe analysed, since even with the refusal to provide information from two municipalities, this refusal is recorded by the IBGE. Hence, the selected variables refer to 2019, with collection beginning on April 1, 2019 and ending on September 30, 2019, given that this was the most recent year in which the topic of public security was

addressed [19]. There were other variables related to public safety, however, for the purpose of this work, they were not coherent, thus those that had the capacity to quantitatively expose the distribution of municipal public safety structures and the Municipal Guard in the country were selected. Ergo, it was possible to produce the following graph with SPSS.
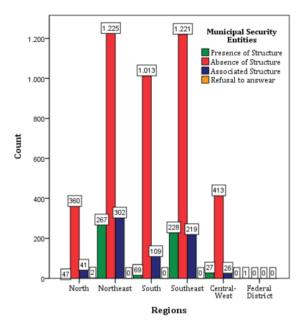

Fig. 1 - Distribution of Municipal Security Entities in Brazil

It is worth reiterating that by structure, municipal public safety secretariats and departments are understood, which represent the municipal sphere in the field and perform functions consistent with the prevention of violence and the maintenance of public order in their respective cities. Thus, from the 2019 MUNIC data, it was possible to perceive a vacuum in terms of municipal public security entities in most Brazilian municipalities, with this nonexistence being expressed by 4,232 (76%) municipalities. On the other hand, only 639 (11.5%) municipalities have a proper security department and 697 (12.5%) have indirect public security structures, meaning that they are not a specific security division, but may be subordinate to other sectors of the municipality or to another municipal entity, such as the chief executive.

Therefore, it is feasible to observe a greater concentration of security structures in the Northeast and Southeast, which is also influenced by the number of municipalities in each part of the country. However, despite this variable, the aim of the graph is to show the distribution of these structures across the country, and a comparison between the states of the regions is not so pertinent, since the quantitative difference in municipalities of each region makes comparisons of great validity groundless. In view of the aforementioned, the lack of structuring of municipal public security bodies contributes to the low efficiency of public policies in this area, since it is impossible for them to be fully implemented due to the lack of structure. In addition, given the possibility

of movement of violence, the nonexistence of security structures can difficult the mitigation of issues, related to public safety so that there is only a transfer of violence from one municipality to another and not its full mitigation.

Beyond the security structures, one of the main public security agents at municipal level is the Municipal Guards, which, as mentioned in section 3.1, have their formation associated with the facultative nature. In light of these considerations, it is also interesting for this study to explore the distribution of Municipal Guards in the country. Using the same database, it was possible to produce the following graph.
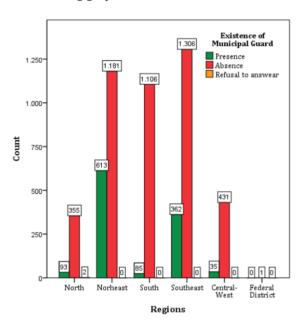

Fig. 2 - Distribution of Municipal Guard in Brazil

The graph reveals an equally problematic reality, in which only 1,188 (21.30%) municipalities have a Municipal Guard, while 4,380 (78.60%) do not, an alarming number and percentage given the context of public safety and insecurity in the country. Given this scenario, it can be seen that there is still a strong political influence of municipal administrators in the process on structuring and standardising Municipal Guards, which often implies the lack of well-defined rules and regulations [21]. Given that the Municipal Guard is essential for improving public safety in municipalities, its absence in most cases is alarming, as these professionals work more directly with the community.

5. Conclusion

This article sought to encourage discussion of municipal action in public security in Brazil, to contribute to the literature in the area and to provide a perspective of public security and municipal security structures in the country. The Documental analysis also reveals the limits and potential of municipal action from a legal point of view.

In light of the above considerations, it is pausible to infer that the lack of public security structures and resources in Brazil is strongly associated with the absence of binding legal documents relating to municipal action in the security sphere. Given the Brazilian federalist model of cooperation, in which municipalities are granted a great deal of autonomy, the freedom of municipalities in relation to public security issues enables the absence of proper structures. It is important to reiterate here that the argument does not criticise the federalist model and the autonomy of the municipalities, and understands their relevance to the country's redemocratization process. However, the lack of a binding character in matters such as public security allows the poor structuring scenario nocive to the development of the sector.

Furthermore, with the absence of municipal structures and agents, the connection between the municipal and federal spheres is compromised, which can lead to a misalignment between municipalities and the expectations proposed by federal security plans, generating a scenario of non-cooperation between the spheres in question.

Despite the elevation of the municipality as a federative entity since the 1988 Constitution, in the field of public security, its role remains very limited, and there is still a strong dominance of the actions of federative entities, such as the police, in the area's problems. Thus, it is evident the dissonance between the actions of municipalities in practice and their potential actuation regarding public security proposed in the Constitution. To change this scenario, more public security structures need to be developed and implemented in the country, in accordance with an improvement in public security policies already in progress, so that there can be better municipal action and improved cooperation between the federal spheres in the field of public security.

6. References

1. Bardin, L. Análise de conteúdo. Lisboa edições, 70, 2. 1977.

2. Cellard, A. A Análise Documental. In: Poupart, J. et al. (Orgs.). A pesquisa qualitativa: enfoques epistemológicos e metodológicos. Petrópolis, RJ: Vozes, 2008

3. Junior EBL, de Oliveira GS, dos Santos ACO, Schnekenberg GF. Análise documental como percurso metodológico na pesquisa qualitativa. Cadernos da FUCAMP. 2021;20(44).

4. De Souza JE, Giacomoni C. Análise documental como ferramenta metodológica em história da educação: um olhar para pesquisas locais. Cadernos CERU. 2021.

5. Ridley D. The literature review: A step-by-step guide for students. 2012

6. Azevedo D. Revisão de literatura, referencial teórico, fundamentação teórica e framework conceitual em pesquisa–diferenças e propósitos. 2016.

7. Fossatti EC, Mozzato AR, Moretto CF. O uso da Revisão Integrativa na Administração: Um método possível? Revista Eletrônica Científica do CRA-PR-RECC. 2019;6(1):55–72.

8. Prates JC, Prates FC. Problematizando o uso da técnica de Análise Documental no Serviço Social e no Direito. Sociedade em Debate (UCPel). 2009.

9. Weber M. Ciência e política: duas vocações. São Paulo, Editora Martin Claret. 2015.

10. Peres UD, Bueno S. Pacto federativo e financiamento da segurança pública no Brasil. 2013.

11. De Sousa EBL. Política de Segurança Pública no Ceará: algumas evidências. 2013.

12. Carvalho VA de, Silva M do R de F. Política de segurança pública no Brasil: avanços, limites e desafios. Revista Katálysis. 2011;14:59–67.

13. Gonçalves LMD. Política de segurança pública no Brasil na pós-transição democrática: deslocamento em um modelo resistente [PhD Thesis]. Universidade de São Paulo; 2009.

14. Teixeira N. A política de integração de Minas Gerais: A 'dependência de trajetória'na consolidação da política brasileira de segurança pública. Dilemas-Revista de Estudos de Conflito e Controle Social. 2013;6(3):369–410.

15. Silva LAM. A guarda municipal de Belo Horizonte no processo de descentralização da política de segurança pública para os municípios brasileiros. 2012.

16. Brasil. Constituição (1988). Constituição da República Federativa do Brasil. Brasília, DF: Senado Federal; 1988.

17. Kahn T, Zanetic A. O papel dos municípios na segurança pública. 2006.

18. Melo TRM, Pinto AM, Almeida WTN. Federalismo brasileiro: uma análise pela ótica da segurança pública. VI Encontro Brasileiro de Administração Pública. 2019.

19. Instituto Brasileiro de Geografia e Estatística. Pesquisa de Informações Básicas Municipais, 2019. [cited 2023 Sep 28]. Available from: https://cidades.ibge.gov.br/.

20. Instituto Brasileiro de Geografia e Estatística. Edições | IBGE [Internet]. [cited 2023 Sep 28]. Available from: https://www.ibge.gov.br/estatisticas/sociais/saude/10586-pesquisa-de-informacoes-basicas-municipais.html?edicao=29466&t=conceitos-e-metodos

21. Spindler P, Lottermann F. O Lugar do Discurso em uma Instituição de Segurança Pública Municipal. 2016.