



## MILITARY JUDICIAL POLICE PROCEDURES IN THE PMTO: ADJUSTMENTS TO THE CHANGES IN LAW NO. 13,491/2017 AS AN INSTRUMENT OF LEGAL CERTAINTY FOR THE OFFICERS OF THE CORPORATION



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### ABSTRACT

The present study aimed to analyze the need to adapt the PJM procedures as an instrument of legal certainty, aiming to ensure effective action in the face of recent legislative changes, given the impacts of Law No. 13,491/2017 on the performance of the Military Judicial Police (PJM) of the Military Police of Tocantins (PMTO), especially in the context of the new attributions conferred on the Officers. The Federal Constitution of 1988 defines the competencies of the Military Justice and, with Law No. 13,491/2017, expanded the concept of military crime, integrating offenses provided for in common criminal legislation. This change brought additional challenges and responsibilities for Officers, especially in conducting Military Police Inquiries (IPMs).

Failures persist in the procedures adopted by the Officers, such as the inadequate preservation of crime scenes and the lack of technical knowledge of the new attributions, resulting in questions that compromise the efficiency and institutional credibility. The qualitative research was based on bibliographic review, documentary analysis and triangulation of sources, addressing legislation, doctrines and judicial decisions. The expansion of the PJM's competences was identified, with the inclusion of "extravagant military crimes". Despite this, there was a low transfer of cases from the Common Justice to the Military Justice, reflecting a lack of legislative knowledge and procedural gaps. The technical strengthening of the Officers and the institutional adequacy are essential to consolidate the legislative changes. The correct establishment of IPMs, in line with current legislation, is essential to avoid the usurpation of competences and preserve the pillars of military hierarchy and discipline. The study reinforces the need for continuous training and procedural alignment to ensure legal certainty and the efficiency of military investigations.

**Keywords:** Adequacy. Procedures. Military Judicial Police. Legal Security.

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## INTRODUCTION

The Federal Constitution of 1988 (CF/88) establishes, in the chapter dedicated to Public Security, the competences of the Military Police and other state and federal military institutions for the investigation of military crimes, attributing to them an essential role in maintaining order and justice within their corporations (BRASIL, 1988). In addition, Article 125, § 4, determines that it is up to the State Military Justice to prosecute and judge state military personnel, except for intentional crimes against the lives of civilians, whose competence is attributed to the Jury Court (BRASIL, 1988).

In this scenario, the Military Police Officer of the State of Tocantins (PMTO) needs comprehensive legal knowledge, with an emphasis on military law, given that his duties include the exercise of the Military Judicial Police (PJM). This function requires the conduct of investigations of military crimes and the execution of procedures that are strictly in accordance with the legal precepts and the peculiarities of the military-legal system (DIAS; MELO JÚNIOR, 2024).

The reform of the Military Criminal Code (CPM) by Law No. 13,491/2017 significantly expanded the jurisdiction of the Military Justice, integrating into the list of military crimes those provided for in common criminal legislation, which the doctrine came to call "extravagant military crimes" (NEVES apud ASSIS, 2019). Although necessary, this expansion generated complex challenges to the performance of PMTO Officers, who began to deal with a broader scope of investigative attributions, often without sufficient technical preparation.

In the development of this article, three main aspects were addressed. The first examines the innovations introduced by Law No. 13,491/2017, highlighting their impacts on the military criminal prosecution system and the expansion of the PJM's competence, in addition to dealing with the investigation of intentional crimes against the lives of civilians (NEVES; STREIFINGER, 2024). The second discusses the characterization of military crimes involving federal and state military personnel, with an analysis of the different doctrinal and jurisprudential currents on the subject. The third explores the legal implications faced by the Officers vested with the authority of the PJM in Tocantins, particularly in cases of deficient performance in the course of the Military Police Inquiry (IPM) (MELO; DIAS, 2024).

The need to adapt the PJM procedures to the legislative changes justifies this study, considering that the PMTO Officers face practical difficulties in the application of military criminal legislation. The lack of technical preparation to deal with the new competencies can lead to errors that compromise the credibility of the institution and place the Officers in



situations of legal vulnerability. In addition, mistaken decisions in critical phases such as arrests in flagrante delicto or instruction of inquiries undermine the legitimacy of police work in society.

Thus, this article aims to evaluate the importance of the adequacy of PJM procedures within the scope of the PMTO as an instrument of legal certainty for Officers, enabling a solid and effective performance in the investigation of military crimes. By training Officers to face the challenges brought about by legislative innovations, it seeks to ensure a fair and efficient response to the facts ascertained, strengthening justice and public security in the military context.

## **MATERIAL AND METHODS**

This study is characterized as a qualitative research of exploratory and descriptive nature, based on an in-depth bibliographic review on the performance of the Military Judicial Police (PJM) within the scope of the Military Police of the State of Tocantins (PMTO), especially after the innovations brought by Law No. 13,491/2017. The choice for this type of research is justified by the need to understand the impacts of legislative changes on the practice of Officers and to identify possible gaps in current procedures.

The methodology adopted aimed to critically analyze the pertinent legislation, specialized doctrine and jurisprudence related to military criminal law and military criminal procedure. Relevant bibliographic sources were selected, including books, scientific articles, theses, dissertations and official documents, focusing on aspects involving the competence of the Military Justice, the expansion of the list of military crimes and the implications for the Military Judicial Police.

For data collection, recognized academic and legal databases were used, such as the CAPES Journal Portal, SciELO, Google Scholar and institutional repositories. The keywords used in the searches included: "Military Judicial Police", "Law 13.491/2017", "Military Penal Code", "Extravagant military crimes", "Competence of the Military Justice", "Military investigative procedures", "PMTO officer" and "Legal security in police action".

The selection of sources considered criteria of relevance, timeliness, and authority of the authors, prioritizing publications after 2017, the year of enactment of Law No. 13,491/2017, to ensure the contemporaneity of the discussions. In addition, classic works of military criminal law were consulted to support fundamental concepts and provide a historical counterpoint to recent innovations.

The data analysis followed an interpretative approach, seeking to identify convergences and divergences among the authors, as well as to evaluate the practical



application of the rules by the Military Justice. For this, the deductive method was used, based on general premises about the military justice system and the function of the PJM, to reach specific conclusions about the need to adapt the procedures in the PMTO.

Additionally, the technique of document analysis was adopted, examining legislation, internal regulations of the PMTO, procedure manuals and relevant judicial decisions. This technique allowed us to understand how the institution has adapted to legislative changes and to identify possible gaps or inconsistencies in the procedures adopted by the Officers in their daily performance.

Source triangulation was used to increase the reliability of the findings, comparing information from different authors and documents. According to Marconi and Lakatos (2017), triangulation is essential to enrich the analysis and minimize biases, offering a more comprehensive view of the phenomenon studied.

Finally, the results obtained were interpreted in the light of the proposed objectives, seeking to respond to the central problem of the study: the importance of the adequacy of the PJM procedures within the scope of the PMTO as an instrument of legal certainty for the performance of the Officers. Based on this interpretation, considerations and recommendations were elaborated that aim to contribute to the improvement of investigative practices and strengthen the training of Officers in the face of the challenges imposed by legislative innovations.

## **REFLECTIONS OF LAW NO. 13,491/2017 ON THE MILITARY PENAL CODE**

Article 9 of the Military Penal Code (CPM) underwent a significant transformation with the enactment of Law No. 13,491/2017, which expanded the list of crimes considered military, previously restricted to the crimes provided for in the military code (MORENO, 2019).

In this sense, Assis (2019, p. 7) points out that: "*Law 13,491, sanctioned on Friday, October 13, 2017, substantially amended article 9 of the Military Penal Code, a provision that provides for the circumstances in which military crimes occur in peacetime.*" With this change, military crimes now cover, in addition to those provided for in military criminal legislation, those defined in common criminal legislation, as long as they meet the requirements of that article (MORENO, 2019). Thus, according to Macedo (2017), the subsumption of the fact to the norm is the criterion to qualify a crime as a military crime, expanding the scope of Military Justice.

Among the crimes that were previously the exclusive competence of the Common Justice, abuse of authority, torture and drug trafficking stand out, which, after the new law



came into force, became the competence of the Military Justice, provided that they occur within the conditions provided for in Article 9 of the CPM. Such expansion had significant implications for the military criminal prosecution system.

According to Borges (2017), the new legislation provided important advances to military corporations, giving commanders greater prominence in conducting investigations of military crimes. He emphasizes that such changes will only benefit if commanders take an active role, establishing the competent Military Police Inquiry (IPM) when necessary. This initiative is essential to prevent civil police officers from exercising duties that the Federal Constitution reserves exclusively to military corporations, such as the investigation of military crimes (GROSSMAN, 2022).

The author also warns military corporations, highlighting the relevance of the new prerogatives conferred by this legislation. Borges (2017) stresses that military institutions must act strictly within their competences, preserving their exclusive attributions and preventing other institutions from usurping functions that are their own.

In summary, the analysis of the procedures related to the Military Judicial Police (PJM), in light of the recent changes in military legislation, becomes an extremely relevant measure. Such analysis contributes to the legal certainty of the Officer's performance, evidencing the need to align the institutional norms of the Corporation with the Federal Constitution of 1988, the current military criminal legislation and the prevailing doctrinal and jurisprudential understandings. This adaptation reinforces the importance of the technical preparation of the Officers, ensuring that the performance of the military corporations is in accordance with legal and constitutional principles.

## COMPETENCE TO INVESTIGATE AND JUDGE INTENTIONAL CRIMES AGAINST THE LIFE OF CIVILIANS COMMITTED BY MILITARY POLICE OFFICERS ON DUTY

As provided for in the Federal Constitution of 1988, the Military Justice of the Union and of the States has relevant particularities, especially with regard to the competence to try civilians (BRASIL, 1988). In the specific case of intentional crimes against the lives of civilians committed by military personnel of the state forces, the competence for trial is attributed to the Jury Court, as provided for in Article 125, § 4, of the Constitution and ratified by Article 9, § 1, of the Military Criminal Code (CPM), which establishes: "The crimes referred to in this article, when intentional against life and committed by military personnel against civilians, will be the competence of the Jury Court" (BRASIL, 1969).

However, the investigation of these crimes remains within the sphere of the Military Judicial Police (PJM), since such facts continue to be classified as military crimes, in



accordance with the *ratione legis* criterion. Assis (2010, p. 45) clarifies that: "The classification of the crime as military is made by the criterion *ratione legis*, that is, a military crime is the one that the CPM lists in its article 9."

In this context, it is essential not to confuse process and procedure. The first, by constitutional determination, is the competence of the Jury Court, while the second is the responsibility of the PJM, being formalized through the competent Military Police Inquiry (IPM) (ALMEIDA, 2016). Fortes (2018) reinforces that the Constitution does not mention the common justice system as responsible for the investigation of these crimes, nor does it remove its military character, limiting itself to determining that the trial follows the rite of the Jury.

Law No. 13,491/2017 consolidated that the investigation of intentional crimes against the lives of civilians committed by military personnel remains the responsibility of the PJM. Article 82 of the Code of Military Criminal Procedure (CPPM) reinforces this prerogative, determining that: "In intentional crimes against life, committed against civilians, the Military Justice will forward the records of the military police investigation to the common courts" (BRASIL, 1969). Thus, while the PJM carries out the investigation, the Common Justice, specifically the Jury Court, is responsible for the trial.

The Federal Supreme Court (STF) also validated this understanding in the judgment of Direct Action of Unconstitutionality (ADI) No. 1494/DF. In his decision, Justice Celso de Mello stated:

"The Plenary of the Federal Supreme Court – with Justices CELSO DE MELLO (Rapporteur), MAURÍCIO CORRÊA, ILMAR GALVÃO and SEPÚLVEDA BELONGS defeated – understood that the rule inscribed in Article 82, § 2, of the CPPM, as amended by Law No. 9,299/96, has apparent constitutional validity. The present records are archived" (STF – ADI nº 1494/DF, Rapporteur: Justice CELSO DE MELLO, Judgment: 17/08/2001, Publication: DJ 23/08/2001) (BRASIL, 2001).

In addition, the Military Court of Justice of São Paulo (TJM/SP) reinforced the role of military officers in the investigation of these crimes. Borges (2017, p. 28) cites a decision of the TJM/SP that determined: "[...] In case of intentional crime by a military police officer against the life of a civilian, officers of the corporation seize the objects found at the scene of the crime."

However, the Brazilian legal scenario presents divergences. In 2019, a court decision in Tocantins suspended provisions of Normative Instruction No. 001-2018 of the PMTO's General Internal Affairs Office that dealt with the investigation of intentional crimes against civilians by the Military Police (G1 TOCANTINS, 2019). In addition, Direct Action of





Unconstitutionality (ADI) No. 5804, filed by the Association of Police Chiefs of Brazil (ADEPOL), questions the constitutionality of Article 82 of the CPPM, generating uncertainties about the continuity of this attribution by the PJM.

However, jurisprudence such as the decision of the Court of Justice of Paraná (TJPR) in Habeas Corpus No. 0016048-86.2018.8.16.0000 point to the maintenance of the PJM's attributions. The TJPR decided to close the civil inquiry initiated in parallel with the IPM, reaffirming the exclusive competence of the PJM to investigate these crimes.

Therefore, until ADI No. 5804 is judged by the STF, it is prudent that the Military Police of Tocantins continue to investigate intentional crimes against the lives of civilians committed by its members on duty, following the example of other states and respecting the understanding consolidated by the legislation and jurisprudence mentioned.

## OCCURRENCE OF A MILITARY CRIME WHEN IT INVOLVES MEMBERS OF THE ARMED FORCES

It is observed that the interaction between state and federal military personnel, especially in situations such as stops during police operations or checkpoints, raises complex legal questions about the application of the Military Criminal Code (CPM). Among these issues, the possibility of configuring a military crime in situations where conduct that violates hierarchy and discipline among military personnel from different spheres is highlighted. The analysis of this theme becomes particularly relevant due to the significant number of state and federal military personnel working in large urban centers, where such incidents may occur more frequently.

According to the current wording of the CPM, reformulated by Law No. 13,491/2017, military crimes are those provided for in both military and common criminal legislation, provided that they meet the requirements set forth in Article 9. Specifically, Article 9, II, "a", defines as a military crime the criminal conduct practiced "by a military member in an active or similar situation, against a military member in the same or similar situation" (BRASIL, 1969). Thus, when active state and federal military personnel are involved in a conflict that constitutes a criminal offense, there is subsumption to the concept of military crime.

In the same sense, Marreiros (2015) argues that the classification of state military personnel as subjects of military norms should not be the subject of controversy, even in cases involving members of the Armed Forces. For the author, this interpretation is essential to ensure the maintenance of hierarchy and discipline, basic values of Military Criminal Law. In addition, he reinforces that, in situations where the active subject of the crime is a federal military officer, the competence for judgment will be of the Federal Military



Court, while the State Military Justice is restricted to the military police and firefighters of the respective state.

According to Forma (2007, p. 38) adds that the extension of the status of "active military personnel" for the purposes of applying the CPM should include state military personnel, according to the interpretation of Article 22 of the Code. He points out that this view was reiterated by the Superior Military Court (STM), which recognizes the relationship of equality between state and federal military personnel for the purposes of conforming military crimes.

In this same context, Rossetto (2015, p. 142) criticizes the restrictive definition of Article 22 of the CPM, which considers only those incorporated into the Armed Forces to be military. For the author, such an outdated interpretation does not reflect the institutional reality of state forces, which also perform typical functions of national and public security. Its analysis converges with decisions of the STM, which reiterate the possibility of characterizing a military crime in cases involving military personnel from different spheres. An example of this is the judgment in which the court decided that:

"Since a crime was allegedly committed by a federal military officer against a member of a state corporation, even if during off-duty hours, the fact should be considered a military crime, since it falls under article 9, II, a, of the Military Criminal Law." (STM - RSE: 70007263220187000000, Rapporteur: PÉRICLES AURÉLIO LIMA DE QUEIROZ, Judgment Date: 05/21/2019, Publication Date: 06/14/2019) (BRAZIL, 2019).

The STM's decision highlights the breadth of the military rule, by admitting that crimes committed by federal military personnel against state personnel, even off duty, can be framed as military crimes, as long as the legal requirements are met.

On the other hand, the jurisdictional competence for the trial is a crucial aspect. As Marreiros (2015) clarifies, the State Military Justice does not have jurisdiction over federal military personnel, being competent only to prosecute and judge police officers and military firefighters in the state. Thus, in the case of arrest in flagrante delicto of a federal military officer for a military crime, the Arrest Notice in Flagrante (APF) must be forwarded to the Federal Military Audit to which the military is linked.

Therefore, the analysis of the subject demonstrates that the fulfillment of the requirements of Article 9 of the CPM authorizes the characterization of military crime between state and federal military personnel, reinforcing the importance of ensuring that the legal procedure is conducted in accordance with the legislation in force. This approach is essential to ensure the protection of the principles of hierarchy and discipline, pillars of





Military Criminal Law, and to prevent conflicts of jurisdiction that could compromise the effectiveness of military justice.

## LEGAL IMPLICATIONS OF THE OFFICER INVESTED IN THE MILITARY JUDICIAL POLICE IN THE STATE OF TOCANTINS

The Tocantins Military Police Officer (PMTO), when vested with the authority of Military Judicial Police (PJM), must exercise his duties with technical rigor and unrestricted observance of legal precepts, conducting the investigation of military criminal offenses with the objective of gathering sufficient evidence of authorship and materiality. The purpose is to ensure that the Military Public Prosecutor's Office (parquet militar) has the minimum elements of conviction necessary for the filing of military criminal action, thus ensuring the efficiency of the military criminal prosecution system.

According to the lesson of Badaró (2016), the police inquiry is an administrative investigative procedure, conducted by the Judiciary Police, which seeks to investigate the occurrence of criminal offenses and identify their authorship. Its main function is to subsidize the holder of the criminal action, allowing both the exercise of the latter and the request for appropriate precautionary measures. In the military sphere, the quality and precision of the actions of the person in charge of the Military Police Inquiry (IPM) are essential to preserve the credibility of the institution and avoid accountability for procedural errors.

However, the performance of the Officer in charge of the IPM requires in-depth knowledge of military and common criminal legislation. Otherwise, any mistake in the conduct of investigative measures may result in administrative (within the Corporation) and judicial (by the control bodies) questions. Law No. 13,869/2019, known as the Abuse of Authority Law, is an example of a rule that reinforces this responsibility. Article 2, I, of the aforementioned law, establishes that military police officers, among other agents, may be active subjects of crimes of abuse of authority (BRASIL, 2019). Thus, errors such as mistakenly framing conduct as military or common crimes, or even the omission of mandatory measures, can generate administrative and criminal sanctions.

In this sense, it can be stated that concrete cases reinforce the need for technical qualification of the Officer in charge of the IPM. In the State of Tocantins, data from the PMTO's General Internal Affairs Office indicate that several Officers were subjected to investigative procedures for allegedly failing to adopt legal measures during the exercise of their functions in the PJM. Among the most recurrent situations, failures in the preservation of the crime scene stand out, including the improper removal of victims or objects from the

crime scene. These practices, in addition to compromising the integrity of the evidence, raised suspicions and resulted in the opening of investigative procedures against the Officers.

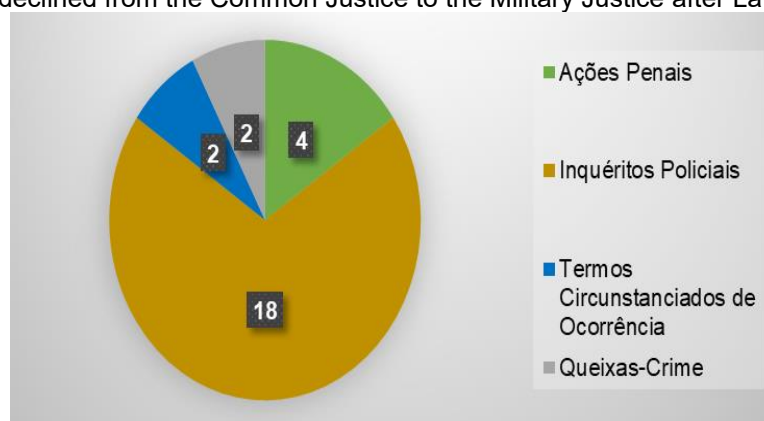
These incidents illustrate the importance of actions aligned with legal and ethical precepts during the exercise of the Military Judicial Police. Continued qualification and compliance with the rules are essential to ensure that the actions of the person in charge of the MPI are legitimate, strengthening legal certainty and efficiency in combating military criminal offenses. Thus, the training of the Officer must be an institutional priority, considering the direct impact of his performance on the credibility of the Military Justice and on the preservation of the rights and duties inherent to the military function.

## RESULTS AND DISCUSSION

By analyzing the information and data collected, it was found that Law No. 13,491/2017 brought profound transformations in the scope of military criminal prosecution, especially with regard to the expansion of the competence of the Military Justice and, consequently, the attributions of the Officers invested in the Military Judicial Police (PJM). With the inclusion of crimes provided for in the common criminal legislation in the list of military crimes, a direct impact was observed on the responsibilities attributed to those in charge of investigating these offenses. Crimes such as abuse of authority, torture and drug trafficking are now considered military crimes, provided that the requirements of Article 9 of the Military Penal Code (CPM) are met.

The results of the study pointed out that, although the expansion of competence has generated an increase in attributions for Officers, the practical application of the rule still encounters significant obstacles. According to data provided by the State Military Justice of Tocantins, until November 2019, the number of cases transferred from the Common Justice to the Military Justice was minimal. Let's see Figure 1.

Figure 1. Cases declined from the Common Justice to the Military Justice after Law No. 13,491/2017



Source: Military Justice of the State of Tocantins (2019)



This discrepancy can be attributed, in large part, to the lack of knowledge of military legislation on the part of institutions involved in criminal prosecution. This gap reinforces the need for educational and normative actions that strengthen the application of the new legal prerogatives.

Corroborating, Borges (2017) highlights that the correct establishment of the Military Police Inquiry (IPM) by the Officers is essential to prevent institutions outside the prerogatives of the Military Justice from assuming attributions that do not belong to them. This role is essential for the consolidation of the changes introduced by Law No. 13,491/2017 and to ensure legal certainty in the investigations carried out.

Another point discussed refers to intentional crimes against the lives of civilians committed by military police officers on duty. It was found that such crimes did not lose the characteristic of military crimes, although the trial forum was moved to the Jury Court, as determined by the Constitution. Doctrinaires such as Almeida (2016) and Assis (2019) corroborate this understanding, arguing that the displacement of the trial does not remove the attribution of the PJM to conduct the investigation, ensuring the initial investigation of the facts within the military sphere.

However, the judicial decision that suspended part of Normative Instruction No. 01/2018 of the PMTO's General Internal Affairs, which dealt with the investigation of these crimes, brought legal uncertainty and weakened the course of military criminal prosecution in Tocantins. Fernandes (2019), in an interview, stated that such a decision compromises the constitutional prerogatives of the PMTO, creating a normative vacuum that must be solved to avoid damage to military order and discipline.

Another relevant aspect is the possibility of characterizing military crimes between members of the Armed Forces and state military. The jurisprudence of the Superior Military Court (STM) recognizes that, if both agents are active, the offense can be framed in Article 9, II, a, of the CPM. Recent judgments reinforce this understanding, highlighting that such crimes maintain their military nature, even in situations of conflict between different spheres. Marreiros (2015) and Rossetto (2015) point out that the change brought about by Constitutional Amendment No. 19/98, by unifying the nomenclature for "state military," consolidated the possibility of military crimes among these agents, provided that the legal requirements are met.

Although the legislation has expanded the competences of the PJM, it was found that the lack of adequate training and qualification of Officers to act under this new paradigm has generated procedural failures. Data from the PMTO's Internal Affairs Office show that, in 2019, several Officers responded to investigative procedures for



inconsistencies in the conduct of IPMs and in the adoption of preliminary measures, especially in cases of preservation of crime scenes. The absence of diligent actions in these cases has generated questions from the Public Prosecutor's Office, highlighting the need for greater professionalization.

The President of the Union of Official Experts of Tocantins, Jaca (2019), emphasizes that, although the preservation of the crime scene is fundamental, there are situations in which the provision of aid to the victim must be prioritized, requiring a balance between police obligations and humanitarian responsibilities.

It is verified that the analysis shows the urgency of readjusting the procedures of the Military Judicial Police to keep up with the changes introduced by Law No. 13,491/2017. The continuous training of the Officers is essential to ensure the efficiency and legal certainty of the investigations. In addition, institutional alignment is needed to ensure compliance with the prerogatives conferred by the Federal Constitution and military legislation, presenting more effective responses to the challenges faced by military institutions in the exercise of their functions. The consolidation of these practices will strengthen the pillars of hierarchy and discipline, essential foundations for maintaining order in military corporations.

## **FINAL CONSIDERATIONS**

It is concluded that it is important to adapt the procedures of the Military Judicial Police (PJM) within the scope of the Military Police of the State of Tocantins (PMTO) in view of the legislative changes introduced by Law No. 13,491/2017. The research confirmed that the expansion of the concept of military crime, including offenses provided for in common criminal legislation, brought significant challenges to the performance of Officers, especially in the conduct of Military Police Inquiries (IPMs).

It was found that the incorporation of "extravagant military crimes" increased the responsibilities of the PJM, but also highlighted gaps in the technical preparation and procedures adopted by the Officers, such as the inadequate preservation of crime scenes and misinterpretations of the nature of the crimes. These factors compromised investigative efficiency and institutional credibility, reinforcing the need for continuous training and regulatory adequacy.

The results of the survey indicated that, despite the initial difficulties, the PMTO has advanced in aligning with the new legislative requirements. Normative Instruction No. 01/2018 of the General Internal Affairs Office represents an important step in this process, by establishing guidelines for the performance of Officers. However, recent episodes, such



as the partial suspension of this instruction, demonstrate the need to strengthen the technical and legal basis of PJM professionals to ensure compliance with the rules and avoid usurpations of competence by other institutions.

Therefore, it is concluded that the improvement of the investigative practices of the PJM is essential to ensure the legal certainty of the Officers and the effectiveness of the prosecution. Continuous training, combined with the standardization of procedures, is an essential strategy to consolidate the prerogatives of the Military Justice and contribute to the preservation of hierarchy and discipline, indispensable foundations of the military system. This study reinforces the importance of integrated management aligned with contemporary demands, promoting the legitimacy and efficiency of military action in Tocantins.



## REFERENCES

1. ALMEIDA, J. B. Atribuições da Autoridade de Polícia Judiciária Militar: Atuação nas apurações de crimes contra a vida, cometidos contra civil, por militares em serviço. 2016. Monografia (Graduação) - Academia de Polícia Militar de Minas Gerais, Belo Horizonte, 2016.
2. MARREIROS, A. A.; ROCHA, G.; FREITAS, R. Direito Penal Militar. Teoria crítica & prática. Rio de Janeiro: Forense; São Paulo: Método, 2015.
3. ASSIS, J. C. de. Comentários ao código penal militar: comentários, doutrina, jurisprudência dos tribunais militares e tribunais superiores. 7. ed. rev. e atual, Curitiba: Juruá, 2010.
4. ASSIS, J. C. de. Crime militar & processo: comentários à Lei nº 13.491/2017. 2. d. Curitiba: Juruá, 2019.
5. BADARÓ, G. H. Processo Penal. 4. ed. São Paulo: Editora Revista dos Tribunais Ltda, 2016.
6. BORGES, L. P. A Lei nº 13.491/17 - Aspectos teóricos e práticos da atuação da polícia judiciária militar e da Justiça Estadual do Rio de Janeiro. Disponível em: <[https://leoneborges.jusbrasil.com.br/artigos/579987074/a-lei-n-13491-17-aspectos-teoricos-e-praticos-da-atuacao-da-policia-judiciaria-militar-e-da-justica-estadual-do-rio-de-janeiro#\\_Toc503363679](https://leoneborges.jusbrasil.com.br/artigos/579987074/a-lei-n-13491-17-aspectos-teoricos-e-praticos-da-atuacao-da-policia-judiciaria-militar-e-da-justica-estadual-do-rio-de-janeiro#_Toc503363679)>. Acesso em: 12 de novembro de 2019.
7. BRASIL. Constituição da República Federativa do Brasil de 1988. Disponível em: <[http://www.planalto.gov.br/ccivil\\_03/constituicao/constituicaocompilado.htm](http://www.planalto.gov.br/ccivil_03/constituicao/constituicaocompilado.htm)>. Acesso em: 13 de novembro de 2019.
8. BRASIL. Decreto-lei nº 1.001, de 21 de outubro de 1969. Código Penal Militar. Disponível em: <[http://www.planalto.gov.br/ccivil\\_03/decreto-lei/Del1001Compilado.htm](http://www.planalto.gov.br/ccivil_03/decreto-lei/Del1001Compilado.htm)>. Acesso em: 13 de novembro de 2019.
9. BRASIL. Decreto-lei nº 1.002, de 21 de outubro de 1969. Código de Processo Penal Militar. Disponível em: <[http://www.planalto.gov.br/ccivil\\_03/decreto-lei/Del1002.htm](http://www.planalto.gov.br/ccivil_03/decreto-lei/Del1002.htm)>. Acesso em: 13 de novembro de 2019.
10. BRASIL. Lei nº 13.869, de 05 de setembro de 2019. Dispõe sobre os crimes de abuso de autoridade. Disponível em: <[http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2019/lei/L13869.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/lei/L13869.htm)>. Acesso em: 23 de novembro de 2019.
11. BRASIL. Superior Tribunal Militar. Recurso em Sentido Estrito: 70007263220187000000. Disponível em: <[https://stm.jusbrasil.com.br/jurisprudencia/729227526/recurso-em-sentido-estrito-rse-70007263220187000000/inteiro-teor-729227553?Ref=topic\\_feed](https://stm.jusbrasil.com.br/jurisprudencia/729227526/recurso-em-sentido-estrito-rse-70007263220187000000/inteiro-teor-729227553?Ref=topic_feed)>. Acesso em: 11 de novembro de 2019.
12. BRASIL. Supremo Tribunal Federal. Ação Direita de Inconstitucionalidade nº 1494/DF. Disponível em: <<http://www.stf.jus.br/portal/jurisprudencia/visualizarEmenta.asp?s1=000232521&base=baseMonocraticas>>. Acesso em: 08 de novembro de 2019.



13. CORRÊA, G. Direito Militar: História e doutrina - Artigos inéditos. Florianópolis: Associação dos Magistrados das Justiças Militares Estaduais, 2002.
14. DIAS, M. A. N.; MELO JUNIOR, A. V. de. The Special Prison of the Military Police Officer: Literature Review on Maintenance After the Final and Unappealable Criminal Sentence. *Lumen et Virtus (LEV)*, v. 15, n. 40, 2024. DOI: <https://doi.org/10.56238/lev15n40-004>.
15. FAGUNDES, J. B. F. A Justiça do Comandante. Brasília: Centro Gráfico do Senado Federal, 1988.
16. FERNANDES, L. A. C.: depoimento [nov. 2019]. Entrevistador: ABREU, J. C. C. Palmas: APMT-TO, 2019. Entrevista concedida para subsidiar Artigo Científico do CAO-2019.
17. FORMA, Iosef Arêas. Militar Estadual x Militar Federal ou Militar Federal x Militar Estadual: Crime Militar? Quem Julga? Disponível em: <http://jusmilitaris.com.br/sistema/arquivos/doutrinas/milestadualefederal.pdf>. Acesso em: 16 de novembro de 2019.
18. GROSSMAN, J. Diasporic assistance in authoritarian settings: Evidence from military Brazil. *Political Geography*, v. 98, p. 102682, out. 2022. DOI: <https://doi.org/10.1016/j.polgeo.2022.102682>.
19. GORRILHAS, L. M.; MIGUEL, C. A.; BARBOSA, M. R. A. A institucionalização da polícia judiciária militar: uma necessidade premente. Disponível em: <https://jus.com.br/artigos/56972/a-institucionalizacao-da-policia-judiciaria-militar-uma-necessidade-premente>. Acesso em: 16 de novembro 2019.
20. G1 TOCANTINS. Justiça determina que crimes contra a vida cometidos por PMs devem ser investigados pela Polícia Civil. Disponível em: <https://g1.globo.com/to/tocantins/noticia/2019/06/04/justica-determina-que-crimes-contra-a-vida-cometidos-por-pms-devem-ser-investigados-pela-policia-civil.ghtml>. Acesso em: 22 de novembro de 2019.
21. JACA, S. M.: depoimento [nov. 2019]. Entrevistador: ABREU, J. C. C. Palmas: APMT-TO, 2019. Entrevista concedida para subsidiar Artigo Científico do CAO-2019.
22. MACEDO, A. F. F. Ampliação da competência da Justiça Militar vem em boa hora. Disponível em: <https://www.conjur.com.br/2017-out-18/amilcar-macedo-modificacao-codigo-penal-militar-vem-boa-hora>. Acesso em: 12 de novembro de 2019.
23. MELO, F. C. S.; DIAS, M. A. N. O Oficial QOPM da PMTO no exercício da atividade predominante de natureza jurídica. *Revista Foco*, v. 17, n. 10, 2024. DOI: <https://doi.org/10.54751/revistafoco.v17n10-100>.
24. MENDES JÚNIOR, J. R.: depoimento [nov. 2019]. Entrevistador: ABREU, J. C. C. Palmas: APMT-TO, 2019. Entrevista concedida para subsidiar Artigo Científico do CAO-2019.
25. MORENO, C. A. C. L. Os delitos militares por extensão e a competência da Justiça Militar com o advento da Lei 13.491/2017. 2019. Trabalho de Conclusão de Curso (Bacharelado em Direito) – Universidade Federal do Rio Grande do Norte, Centro de Ciências Sociais Aplicadas, Departamento de Direito Privado, Natal, RN, 2019.



26. NEVES, C. R. C.; STREIFINGER, M. Manual de Direito Penal Militar – Volume Único. 8. ed. Salvador: Juspodivm, 2024.
27. PARANÁ. Tribunal de Justiça. Habeas Corpus nº 0016048-86.2018.8.16.0000. Disponível em: <<https://www.assocfepar.org.br/admin/files/arquivos/kjhh0lidjoac57t1cipqa2bmo68fsbufkvrldgenmge3ln49.pdf>>. Acesso em: 08 de novembro de 2019.
28. ROSSETTO, Ê. L. Código Penal Militar Comentado. 2. ed. rev., atual. e ampl. São Paulo: Revista dos Tribunais, 2015.
29. TOCANTINS. POLÍCIA MILITAR. Instrução Normativa nº 01/2018 – Corregedoria-Geral/PMTO. Disponível em: <<https://portal.pm.to.gov.br>>. Acesso em: 14 de novembro de 2019.
30. TORRES, G. A. de L. Conferência proferida no Superior Tribunal Militar, por ocasião da visita de estagiários da Escola Superior de Guerra, a Brasília. Brasília: STM, 1978.