LUMEN ET VIRTUS
ISSN: 2177-2789

THE IMPLEMENTATION OF THE FULL CYCLE OF ENVIRONMENTAL ADMINISTRATIVE POLICE IN THE MILITARY POLICE OF THE STATE OF TOCANTINS

https://doi.org/10.56238/levv16n44-047

Submission date: 12/23/2024 **Publication date:** 01/23/2025

Messias Rogério Albernaz[1] and Marcos Antônio Negreiros Dias[2].

ABSTRACT

This paper analyzes the challenges and perspectives for the implementation of the Complete Cycle of Environmental Administrative Policing in the Military Police of the State of Tocantins - PMTO. Its objectives are to implement this cycle in the institution, present its challenges and perspectives, show the emergence of environmental policing in Brazil and discuss its creation and performance in the State, so that the Environmental Administrative Process is established by the Environmental Military Police Battalion - BPMA, taking as reference the Military Police of the State of Santa Catarina - PMSC. Deductive research was used, containing a qualitative approach and bibliographic method, Qualitative Questionnaire and technical visit, collecting data from books, scientific articles, documents and texts in virtual media. The result of this study shows that to achieve this goal, the Military Police of the State of Tocantins - PMTO - needs to propose changes in state legislation, facing some obstacles, but obtaining institutional, social and financial benefits for the Corporation.

Keywords: Military Police. Complete Cycle. Environmental Administrative Police.

[1] Law Degree
Federal University of Tocantins (UFT)
E-mail: messiasrogerio.albernaz@gmail.com
[2] Master's student in Forestry and Environmental Sciences
Federal University of Tocantins (UFT)
E-mail: marcos.negreiros@mail.uft.edu.br
ORCID: https://orcid.org/0000-0003-1964-620X

INTRODUCTION

Concern for the environment, both globally and nationally, led to its inclusion as a highly relevant topic in the 1988 Federal Constitution (Valera et al., 2024). In this context, the establishment of laws and legal mechanisms became essential to guide the actions of the Military Police in environmental protection (Silva; Batistella; Moran, 2017).

In this sense, Law No. 6,938/1981, incorporated into the Constitution, established the National Environmental Policy, defining its objectives, formulation instruments and forms of application. Subsequently, Law No. 9,605/1998, regulated by Decree No. 6,514/2008, provided for criminal and administrative infractions and sanctions arising from conduct and activities that are harmful to the environment, in addition to establishing the federal administrative process for investigating these infractions (Moffette et al., 2024).

The state of Tocantins is located in an ecological transition zone, with physical and climatic characteristics that encompass the Amazon and Cerrado biomes, the latter being predominant in its vast territorial extension. Tocantins holds a significant environmental heritage, which includes ecosystems rich in biodiversity, such as Jalapão and Bananal Island. This biological diversity, combined with natural beauty, reinforces the importance of environmental conservation in the state (Sales, 2023). In this scenario, the actions of the Military Police of the State of Tocantins (PMTO) stand out, through the Environmental Military Police Battalion (BPMA), created by Decree No. 5,210/2015 (Tocantins, 2015). The BPMA is competent to issue Environmental Violation Reports, as provided for in Article 2, item V, of Complementary Law No. 128/2021 (Tocantins, 2021). However, according to State Law No. 261/1991, the processing and judgment of these violations are the responsibility of the Nature Institute of Tocantins (NATURATINS) (Tocantins, 1991). This division of responsibilities can hinder the effectiveness of environmental protection.

In view of this problem, this paper aims to propose the implementation of a complete cycle of environmental administrative policing within the scope of the Military Police of the State of Tocantins (PMTO), in order to grant the BPMA the authority not only to issue violation reports, but also to process and judge their violations. This measure seeks to increase the efficiency, speed and effectiveness of actions aimed at environmental conservation and protection in the State of Tocantins.

COMPLETE CYCLE OF ENVIRONMENTAL ADMINISTRATIVE POLICE

EMERGENCE OF ENVIRONMENTAL POLICING IN BRAZIL

In Brazil, environmental policing gained prominence with the enactment of the 1988 Federal Constitution, which consolidated the right to an ecologically balanced environment

as a good for collective use and essential to quality of life. This right, guaranteed by the Constitution, is protected and defended, among others, by the Environmental Police, whose mission is to preserve the environment for present and future generations (Valera et al., 2024).

In this context, the Environmental Police emerges as a fundamental instrument for compliance with the constitutional mandate. As Vladimir Passos de Freitas mentions:

> "[...] environmental policing can be carried out by the Union, States, Federal District and Municipalities. On the other hand, this power, which is normally intended to limit individual rights, can also be directed against the same legal entities under Public Law. There is no hierarchy among them in our federative system. Thus, as long as one of them is acting within the limits of its jurisdiction, as established in the Federal Constitution, the others must bow down and obey." (Freitas, 2001, p. 91).

In this way, the Environmental Police was created in the States of the Federation independently, with the purpose of employing part of its personnel in the conservation and protection of nature. According to the Instituto Homem Pantaneiro (IHP, 2015), almost all States have Specialized Environmental Policing Units integrated into the Military Police, totaling approximately 10,000 (ten thousand) military personnel.

CREATION AND PERFORMANCE OF THE ENVIRONMENTAL MILITARY POLICE - PMA - IN THE STATE OF TOCANTINS

In the State of Tocantins, the Independent Company of Environmental Military Police (CIPAMA) was created within the organizational structure of the Military Police of the State of Tocantins (PMTO) by means of Law No. 860, of July 26, 1996 (Tocantins, 1996). According to Salera Júnior (2008), the origin of CIPAMA was the result of a process that involved several steps and had the collaboration of several people at different times.

Later, with the publication of Decree No. 4,579, of June 25, 2012, the Independent Company of Highway and Environmental Military Police (CIPRA) was established, deactivating CIPAMA and assuming its environmental responsibilities. In addition, CIPRA began to accumulate the activities of the State Highway Police, expanding its scope of action (Tocantins, 2012).

Finally, Decree No. 5 .210, of March 31, 2015, marked a new chapter in the history of environmental policing in Tocantins by establishing the Environmental Military Police Battalion (BPMA). This decree extinguished the Independent Company of Highway and Environmental Military Police (CIPRA), consolidating the BPMA as the unit specialized in environmental protection within the PMTO (Tocantins, 2015).

The Environmental Military Police Battalion (BPMA) is composed of three companies, seven platoons and six detachments, strategically distributed throughout the State of Tocantins. With this structure, the unit performs both preventive and repressive activities, including routine inspections and responding to complaints, wildlife rescue, prevention and fighting of forest fires, advising the Civil Defense in situations of public calamity, in addition to promoting environmental education projects and civic-social actions (Tocantins, 2015).

This diversity of activities allows the BPMA to stand out in environmental protection through three main fronts. In the educational field, it seeks to develop and expand the population's ecological awareness through environmental education programs. In the operational area, preventive and repressive environmental inspections are carried out, with the aim of combating practices that are harmful to the environment. In the social sphere, the unit promotes projects aimed at environmental preservation and improving the quality of life of the people of Tocantins.

However, in order to achieve greater efficiency in its actions, it is essential to implement the complete environmental administrative police cycle in the Corporation, allowing it to initiate and conduct the Environmental Administrative Process. As Carvalho Filho (2005, p. 60-61) points out, "Society has long desired a speedy resolution of issues and disputes, and to this end it is necessary to manage the administrative process efficiently."

Therefore, the implementation of this cycle will provide greater agility, efficiency and effectiveness to the environmental actions carried out by the BPMA, in line with society's demands for quick and decisive responses.

CHALLENGES AND PROSPECTS FOR THE IMPLEMENTATION OF THE FULL CYCLE OF ENVIRONMENTAL ADMINISTRATIVE POLICE

Legal Aspects

Art. 225 of the Federal Constitution of 1988 and, symmetrically, Art. 110 of the Constitution of the State of Tocantins clearly establish the duty of the Public Power and the community to defend and preserve the environment for present and future generations. Furthermore, the Federal Constitution, in its Art. 23, section VI, and Art. 24, section VI, delimits the common and concurrent competences related to environmental protection and defense (Brazil, 1988).

In this context, Moreira Neto (2009, p. 466) states that “in the performance of ostensive policing, an expression that encompasses the full cycle of administrative policing,

the Military Police act as a deterrent force (preventive actions)". Therefore, it is up to the Military Police to perform the complete cycle of environmental administrative policing, fully fulfilling its constitutional duty.

As provided for in Article 6, item V, of Law No. 6,938, of August 31, 1981, which instituted the National Environmental System (SISNAMA), the Military Police can act as a sectional body in the preservation of the environment. This role includes educational activities, the prevention of illicit acts and the identification of conduct that is harmful to the environment, with a view to administrative liability (Brazil, 1981).

With regard to environmental protection, it is up to the Military Environmental Police (PMA) to act, within its legal attributions, both in the administrative sphere and in the pursuit of criminal liability. This action may occur on its own initiative or upon request, exercising the function of Environmental Police Authority, within the limits established by current legislation. In this sense, Freitas (2002, p. 150) states that "there can be no violation of the constitutional text" in the inclusion of the Military Police in the jurisdiction of the federated entities for the inspection of environmental infractions in the exercise of administrative policing. Consequently, Law No. 9,605, of February 12, 1998, known as the Environmental Crimes Law, regulated by Decree No. 6,514, of July 22, 2008, brought significant innovations to the Brazilian legal system. In its Art. 70, §1º, the legislation establishes that employees of environmental agencies that are part of the National Environmental System (SISNAMA), designated for inspection activities, are competent authorities to draw up environmental infraction reports and initiate administrative proceedings (Brasil, 1998; Brasil, 2008). This law also consolidated, in Art. 70, §§3º and 4º, the concept of administrative infraction and the need for its investigation through an administrative process, ensuring the right to full defense and adversarial proceedings. Art. 71 specifies the maximum time limits for procedures related to the investigation of environmental infractions, as described below:

> Art. 71. The administrative process for investigating environmental infractions must observe the following maximum deadlines:
> I - twenty days for the offender to present a defense or objection to the infraction notice, counted from the date of notification of the infraction;
> II - thirty days for the competent authority to judge the infraction notice, counted from the date of its preparation, whether or not the defense or objection was presented;
> III - twenty days for the offender to appeal the conviction to the higher authority of the National Environmental System - SISNAMA, or to the Ports and Coasts Directorate of the Ministry of the Navy, according to the type of infraction;
> IV - five days to pay the fine, counted from the date of receipt of the notification (Brazil, 1998).

Article 73 of Law No. 9,605/1998 provides for the allocation of amounts collected from the payment of fines for environmental violations, determining that they be transferred to the National, Naval, State and Municipal Environmental Funds, or to related funds, in

accordance with the regulations of the agency responsible for collection. Complementing this provision, Article 13 of Decree No. 6,514/2008 establishes that 20% of the amounts of fines applied by the Union must be allocated to the National Environmental Fund (FNMA), allowing this percentage to be adjusted at the discretion of the collecting agencies (Brazil, 2008). In this context, the actions of the Military Police in the defense and protection of the environment are supported by the Federal Constitution of 1988 and by infra-constitutional legislation. It is important to highlight that environmental issues are an administrative responsibility shared between the Union, the States, the Federal District and the Municipalities, reinforcing the principles of cooperation and integration between the federative entities (Brazil, 1988).

Military Police of Santa Catarina - PMSC

In the State of Santa Catarina, with the advent of Law No. 14,675, of April 13, 2009, which instituted the State Environmental Code, all citations issued by the Environmental Military Police (PMA) were forwarded to the state environmental agency, then called the Environmental Foundation (FATMA), for investigation and judgment. However, this agency did not perform this duty efficiently (Santa Catarina, 2009). Given this inefficiency, on August 18, 2009, Officers of the Environmental Military Police Battalion (BPMA) decided to no longer forward cases to FATMA, assuming the procedural instruction and trial in the first instance in the Unit itself, based on Article 63, item I, of Law No. 14,675/2009.

This change brought significant challenges, including the need for adjustments to the State System for the Management of Environmental Administrative Violations (GAIA) and the filing of writs of mandamus by offenders, especially in 2009 and 2010, requiring that the trial of cases be carried out by FATMA and not by the Environmental Military Police.

Currently, the Environmental Military Police (PMA), as an integral part of the State Environmental System (SEMA), is fully competent to file and instruct administrative cases, performing the full cycle of environmental administrative policing. This authority is based on Law No. 14,675/2009, regulated by Decree No. 1,529 of April 24, 2013, and by Ordinance No. 143 of June 6, 2019 (Santa Catarina, 2009; Santa Catarina, 2019).

Art. 14, item XII, of Law No. 14,675/2009 also establishes that:

> Art. 14. Without prejudice to the provisions of its own law, FATMA is responsible for:
> XII - Coordinating with the Environmental Military Police in planning inspection actions, responding to complaints, and drafting joint internal ordinances that regulate the procedure for the administrative inspection process.

Decree No. 1,529/2013, which provides for the procedure for the administrative environmental inspection process in the State, regulated the aforementioned legal provision. In its Article 1, it determines:

> Art. 1 - The procedure for the administrative process of environmental inspection of the State will be defined in a joint ordinance to be prepared and issued by the Environmental Military Police Battalion (BPMA) and the Environmental Foundation (FATMA) (Santa Catarina, 2013).

Later, the Joint Ordinance CPMA/IMA No. 143/2019 began to regulate the procedures for investigating environmental administrative infractions for conduct and activities that are harmful to the environment. These procedures are implemented through due process of law, through which responsibilities for environmental infractions are determined, with the imposition of sanctions, the guarantee of defense, the existence of an appeal system and the administrative enforcement of fines within the scope of the bodies that execute the State Environmental Policy (Santa Catarina, 2019).

According to this Ordinance, the environmental administrative process, in the first instance, comprises the following steps: Environmental Violation Report; Inspection/Finding Report; Presentation Preliminary Defense or Conciliation Hearing: 20 days from the date of notification of the Environmental Violation Report; Statement on Preliminary Defense or Counterclaim; Final Arguments: maximum period of 10 days from the date of publication of the proceedings at the administrative headquarters and on the institutional website; Administrative Decision: 30 days from the date of presentation of the defense or the end of the respective period.

In the second instance, the offender may file an appeal with the State Environmental Council (CONSEMA) within 20 days from the date of the Administrative Decision. If the appeal is denied, the offender must recover the damage, pay the fine within 5 days or have his/her name registered in the state's active debt, ending the proceedings.

The funds from fines applied by the Environmental Military Police (PMA) are deposited in the Special Fund for Environmental Protection (FEPEMA). Of these amounts, 70% are transferred directly and automatically to the PMA, and are earmarked for investments in environmental monitoring. These investments include funding, equipment acquisition, construction, human resource training, monitoring, and environmental education, as provided for in Article 24 of Law No. 14,675/2009 and Article 1 of Decree No. 2,124 of April 3, 2014 (Santa Catarina, 2009; Santa Catarina, 2014).

Jurisdiction of the Military Police of the State of Tocantins - PMTO

The Military Police of the State of Tocantins (PMTO), as a sectional body of the State, is responsible for carrying out environmental administrative policing, as per Article 2, item V, of Complementary Law No. 128 of April 14, 2021 (Basic Organization Law of the Corporation). This duty is limited to monitoring and issuing fines for environmental violations, as provided in the legal provision:

Art. 2 - It is the responsibility of the PMTO:

> V - To perform, within the limits of its competence, the administrative police of the environment, in the monitoring, verification and issuing fines for environmental violations and other pertinent actions, collaborating with other environmental agencies in the protection of the environment (Tocantins, 2021).

In this context, Law No. 261, of February 20, 1991, which establishes the environmental policy of the State of Tocantins, determines in its Art. 54 that violations of environmental legislation must be investigated through a specific administrative process, initiated with the preparation of the Violation Report and observing the procedure and deadlines established therein. Complementing this regulation, Article 3, item I, of Law No. 858, of July 26, 1996, assigns to the Nature Institute of Tocantins (NATURATINS) the authority to execute the state's environmental policy (Tocantins, 1991; Tocantins, 1996).

Article 58, §3, of Law No. 261/1991 establishes that, whether or not a defense or objection is presented, the Violation Report will be judged by NATURATINS (Tocantins, 1991). To regulate these procedures, NATURATINS Normative Instruction No. 02, of May 10, 2017, was published, which provides for the investigation of environmental administrative infractions, the application of sanctions, the appeals system, the conversion of fines into the provision of environmental services, the installment payment of fines and the applicable monetary correction (Tocantins, 2017).

Based on this normative instruction, the citations and Police Reports drawn up by the Environmental Military Police Battalion (BPMA) are sent to NATURATINS through the Environmental Management System (SIGA). The administrative process in the first instance includes: Drawing up the Environmental Infraction Report and Inspection/Finding Report; Preliminary Defense or Conciliation Hearing: 20 days from the date of notification of the Infraction Report; Final Arguments: 10 days from the date of publication of the process on the judgment agenda; Administrative Decision: issued by the Violation Report Judgment Committee (CJAI) within 30 days.

In the second instance, the offender may appeal to the President of NATURATINS within 20 days after the administrative decision. If the appeal is denied, the offender may file a final appeal, within the same period, with the State Environmental Council (COEMA). After

exhausting all appeal avenues, the offender will be responsible for repairing the damage, paying the fine or having his/her name registered in the State's active debt to close the process.

According to Article 63 of Law No. 261/1991, once the fine has been applied and the administrative appeals have been concluded, the offender will be notified to make the payment within 5 business days, with the amounts being collected in the Single Environmental Fund of the State of Tocantins (Tocantins, 1991).

In this context, Law No. 2,095 of July 9, 2009, created the State Environmental Fund (FUEMA), intended to finance plans, programs and projects for environmental preservation, conservation and recovery, including resources from fines applied (Tocantins, 2009).

Between 2017 and 2019, NATURATINS processed 2,555 Environmental Violation Reports, of which 1,009 were judged, while 1,546 were awaiting trial, according to data from SIGA (2019). Of this total, the PMTO's BPMA issued 786 Violation Reports, corresponding to almost 30% of the fines issued in the State, with an estimated value of R$15,046,038.07 in fines applied.

METHODOLOGY

This study is characterized as an applied, exploratory, qualitative, bibliographical and documentary research. The data collection instrument used was a qualitative questionnaire, complemented by a technical visit, with the objective of proving in a legal and concrete way the need to implement the complete cycle of environmental administrative policing in the Military Police of the State of Tocantins (PMTO). According to Marconi and Lakatos (2010, p. 32), “the scientific method is the set of systematic and rational activities that allow for the achievement of valid and true knowledge, tracing the path to be followed, showing errors and assisting the scientist in the decision-making process”. Thus, the formal criteria that guided the research were guided by scientific methods, ensuring the validity and reliability of the results.

The research took as a reference the model already implemented in the Military Police of Santa Catarina (PMSC), where the complete cycle of environmental administrative policing is a reality. In this context, a qualitative questionnaire was sent to the PMSC, and a technical visit was also carried out to observe and understand the practical functioning of this model. These procedures provided support for assessing the feasibility and legal aspects necessary for its implementation in the PMTO.

Regarding the nature of the research, it is classified as applied, since it seeks to generate knowledge that can be used to solve concrete problems, especially the implementation of the complete cycle in the PMTO.

Regarding the objectives of the research, it is exploratory, as it aims to aggregate essential elements to understand the legislation and administrative procedures necessary for the implementation of the complete cycle of environmental administrative policing.

Regarding the methodological approach, the research is qualitative, as it focuses on subjective aspects of the object of study, which cannot be translated into numbers or measured quantitatively.

The technical procedures adopted include: Bibliographic research, which consisted of the analysis of books, scientific articles, periodicals and other published materials related to environmental legislation and police action. Documentary research, which used official documents, such as laws, decrees, ordinances and normative instructions, which have not yet been subjected to in-depth analytical treatment.

This methodological approach allowed a comprehensive understanding of the conditions necessary for the implementation of the complete cycle of environmental administrative policing in the PMTO, considering both legal and operational aspects.

RESULTS AND DISCUSSIONS

This study was developed based on bibliographic and documentary research, in addition to the application of a qualitative questionnaire as a data collection instrument. This questionnaire was prepared and sent to the Military Police of Santa Catarina (PMSC), containing eight questions related to the implementation of the complete environmental administrative police cycle. Additionally, a technical visit was carried out to the PMSC, between November 11 and 14, 2019, with the objective of observing "in loco" how this model works.

The questionnaire addressed issues related to the inspection scenario in which the cycle was implemented by the PMSC, the operationalization of the model, its legal basis, the main obstacles faced, the institutional gains achieved, the training of personnel and the persistent challenges. The interinstitutional relationships with other state agencies, especially the Santa Catarina Environmental Foundation (FATMA), after the implementation of the cycle were also analyzed. Finally, the Military Police of Santa Catarina was asked to record an institutional video, with a maximum duration of four minutes, objectively explaining how the cycle works in the Corporation.

In response, the Military Police of Santa Catarina reported that the cycle was implemented with the enactment of State Law No. 14,675, of April 13, 2009 (Santa Catarina Environmental Code) (Santa Catarina, 2009). The legality of this model is supported by several legal provisions, including Art. 225 of the Federal Constitution of 1988, Art. 6, item V, of Law No. 6,938/1981, Art. 70, §1, of Law No. 9,605/1998, Arts. 107, item I, and 182, §2, of the State Constitution of Santa Catarina, as well as Arts. 10 and 15 of Law No. 14,675/2009 and by Joint Ordinance No. 143/2019, issued by the PMA and the IMA (Brazil, 1988; Santa Catarina, 2009).

These data demonstrate the solid legal basis and administrative organization that support the complete cycle of environmental administrative policing in the PMSC, allowing for comparative analysis with the situation of the Military Police of State of Tocantins (PMTO) and providing valuable support for proposing improvements in the environmental legislation and administrative procedures of Tocantins. Regarding the obstacles to implementing the cycle, the Military Police of Santa Catarina (PMSC) stated that the main obstacles were the adjustments to the State System for Managing Environmental Administrative Violations (GAIA) and a flood of Writs of Mandamus from environmental offenders between 2009 and 2010, requiring that the cases be judged by the Environmental Foundation (FATMA) and not by the Environmental Military Police (PMA).

Regarding the operationalization of the complete environmental administrative police cycle, the Military Police of Santa Catarina (PMSC) described the stages of the process as follows: confirmation of the environmental administrative violation; preparation of the Violation Report and the Detailed Occurrence Report; presentation of a Preliminary Defense or holding of a Conciliation Hearing; statement by the agent issuing the notice regarding the preliminary defense; preparation of the final allegations; penalty order; appeal to the State Environmental Council (CONSEMA); recovery of damages; payment of fines and closure of the case.

Regarding institutional gains and inter-institutional relationships, PMSC highlighted the institutional and social recognition achieved, consolidating itself as one of the main environmental management institutions in Santa Catarina. In addition, it pointed out financial sustainability as one of the positive results of implementing the full cycle. The relationship with the Environmental Institute (IMA) was described as excellent, reinforcing inter-institutional collaboration in the scope of environmental actions.

Regarding the training of the Environmental Military Police Battalion (BPMA) personnel and the challenges faced, PMSC reported that all police officers who work on administrative cases have higher education. The units have dedicated technical sections

and hold biweekly meetings in the first half of the year to adjust and improve the operational model. To ensure standardization of procedures, Standard Operating Procedures (SOPs) were developed, which standardize the documentation and execution of activities. Furthermore, the Environmental Administrative Process Management discipline was integrated into the training courses for officers and enlisted personnel, providing professionals with the technical knowledge necessary to deal with the demands of the full cycle.

During the technical visit to the Santa Catarina Military Police (PMSC), the Environmental Military Police Command (CPMA), the 1st Environmental Military Police Battalion and its 2nd Operational Company were presented. On the occasion, the decentralization of the full cycle of environmental administrative police in the Corporation was highlighted, highlighting its implementation in several units. In addition, an institutional video was recorded, lasting 2 minutes and 41 seconds, as requested in the Questionnaire, explaining in a clear and objective manner the entire process and judgment of environmental citations.

Based on the results obtained through bibliographic and documentary research, the Qualitative Questionnaire and the technical visit to the PMSC, a comparison was made with the current situation of the Military Police of the State of Tocantins (PMTO). This study revealed the challenges and prospects for implementing a full cycle of environmental administrative policing in Tocantins, leading to the following proposals:

First, State Law No. 261/1991, which was enacted before Law No. 9,605/1998 (Environmental Crimes Law), is obsolete and needs to be updated. It is proposed to include Article 4-A, with items I to IV and a Sole Paragraph, creating the State Environmental System (SIMA) (Brazil, 1998). This system will be composed of the following bodies: Advisory and Deliberative Body: State Environmental Council (COEMA); Central Body: Secretariat for the Environment and Sustainable Development (SEMADES); Executive Bodies: Environmental Military Police (PMA) and the Nature Institute of Tocantins (NATURATINS); Local Agencies: municipal entities or agencies responsible for implementing programs, projects and monitoring activities that may cause environmental degradation.

Secondly, Law No. 2,095/2009, which regulates the State Environmental Fund (FUEMA), also requires updating. It is suggested that §3º be included in Art. 2º, establishing that the implementing agencies responsible for issuing fines (PMA and NATURATINS) have the right to 70% of the resources from environmental fines, transferred directly and automatically. These resources should be allocated to investments in environmental

monitoring, covering programs, costs, acquisition of equipment, execution of works, training of human resources and environmental education initiatives (Tocantins, 2009).

These proposals aim to modernize the framework legal and administrative support of the PMTO, allowing for more effective action in the area of environmental inspection and contributing to the strengthening of environmental policy in the State of Tocantins. The experience of the PMSC serves as a reference model, demonstrating that, despite the challenges, the institutional, financial and social gains make the implementation of the full cycle an indispensable measure for the preservation and conservation of the environment.

In addition, Article 2, item V, of Complementary Law No. 128/2021, needs to be revised, as does item II of Article 1 of Decree No. 5,210/2015, to expand the jurisdiction of the Military Police of the State of Tocantins (PMTO). This change will allow the PMTO to perform the full cycle of administrative environmental policing, covering the activities of inspection, verification, citation, processing and judgment of environmental violations, as well as other related actions. It is also proposed to include a single paragraph in Article 1 of the aforementioned decree, establishing that the environmental administrative process in the Corporation be regulated by means of a Normative Instruction of the General Commander (Tocantins, 2021).

These legislative changes are essential to modernize the PMTO's performance in the environmental sphere. However, it is expected that the Corporation will face challenges similar to those faced by the Military Police of the State of Santa Catarina (PMSC) during the implementation of its full cycle. Among these challenges, systemic adaptations, training of personnel and possible legal and institutional resistance stand out.

Despite this, the projected institutional gains fully justify the effort. The implementation of the full cycle will provide significant benefits, both in terms of financial sustainability and in strengthening the institutional and social recognition of the PMTO. To achieve these results, it will be essential to train the Corporation's military personnel, ensuring that they have adequate technical knowledge to conduct environmental administrative processes. Furthermore, strengthening inter-institutional relationships will be essential to ensure the effectiveness and integration of actions within the scope of state environmental policy.

CONCLUSION

Based on the study presented, it is possible to state that the constitutionalization of the environment constitutes one of the greatest legacies left to the Brazilian people, being

the initial milestone for the emergence of the Environmental Police as a guarantor of this essential right to life on the planet.

In this context, the importance of the creation and performance of environmental policing carried out by the Military Police of the State of Tocantins (PMTO) stands out, which encompasses educational actions, such as the promotion of environmental education; operational activities, such as preventive and repressive overt policing; and social initiatives, through projects focused on environmental issues.

Currently, within the scope of the PMTO, the environmental administrative police cycle remains incomplete, since the Environmental Military Police Battalion (BPMA) only carries out the citations, transferring to the Nature Institute of Tocantins (NATURATINS) the responsibility for processing and judging cases. However, the high backlog of cases at NATURATINS compromises the speed and effectiveness of environmental administrative actions, highlighting the need to expand the BPMA's jurisdiction to include these stages of the process.

The implementation of the full cycle of environmental administrative police at PMTO will result in greater efficiency in conducting environmental administrative processes, reducing the burden on NATURATINS and generating direct benefits for Tocantins society, in line with the Principle of Efficiency provided for in Article 37 of the 1988 Federal Constitution.

In this sense, it is essential to include Article 4-A, with Subparagraphs I to IV and Sole Paragraph, in State Law No. 261/1991, for the creation of the State Environmental System. Furthermore, it is necessary to add §3 to Art. 2 of Law No. 2,095/2009, ensuring that the Military Environmental Police (PMA) will allocate 70% of the resources from environmental fines, deposited in the State Environmental Fund (FUEMA), to the execution of its environmental policy. Changes are also essential to Subparagraph V of Art. 2 of Complementary Law No. 128/2021 and Subparagraph II of Art. 1 of Decree No. 5,210/2015, with the inclusion of a Sole Paragraph in this article, to grant the Corporation the authority to initiate and conduct the environmental administrative process. In conclusion, this article aimed to propose the implementation of the complete cycle of environmental administrative policing in the Military Police of the State of Tocantins (PMTO), presenting its challenges and perspectives, as well as analyzing the emergence and evolution of environmental policing in Brazil, focusing on the performance of the PMTO, taking as a reference the experience of the Military Police of Santa Catarina (PMSC). Thus, the changes The suggested legislative actions are fundamental to achieving the proposed objectives,

promoting institutional and social benefits, in addition to ensuring greater efficiency in environmental protection and expanding the resources available to the Corporation.

REFERENCES

1. Brasil. (1988). Constituição da República Federativa do Brasil: Promulgada em 05 de outubro de 1988 [Constitution of the Federative Republic of Brazil: Promulgated on October 5, 1988] (10th ed.). Brasília: Senado Federal, Centro Gráfico. 292 p.

2. Brasil. (2008). Decreto nº 6.514, de 22 de julho de 2008 [Decree No. 6,514, of July 22, 2008]. Dispõe sobre as infrações e sanções administrativas ao meio ambiente, estabelece o processo administrativo federal para apuração destas infrações, e dá outras providências [Provides for administrative infractions and sanctions against the environment, establishes the federal administrative process for investigating these infractions, and provides other measures]. Diário Oficial da União, July 23, 2008.

3. Brasil. (1981). Lei nº 6.938, de 31 de agosto de 1981 [Law No. 6,938, of August 31, 1981]. Dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências [Provides for the National Environmental Policy, its purposes, and mechanisms for formulation and application, and provides other measures]. Diário Oficial da União, September 2, 1981.

4. Brasil. (1998). Lei nº 9.605, de 12 de fevereiro de 1998 [Law No. 9,605, of February 12, 1998]. Dispõe sobre as sanções penais e administrativas derivadas de condutas e atividades lesivas ao meio ambiente, e dá outras providências [Provides for criminal and administrative sanctions arising from conduct and activities harmful to the environment, and provides other measures]. Diário Oficial da União, February 13, 1998.

5. Carvalho Filho, J. dos S. (2005). Processo Administrativo Federal (Comentários à Lei nº 9.784, de 29/1/1999) [Federal Administrative Process (Comments on Law No. 9,784, of January 29, 1999)]. Rio de Janeiro: Lumen Juris.

6. Freitas, V. P. de. (2002). A polícia na proteção ao meio ambiente [The police in environmental protection]. Revista de Direito Ambiental, 7(28), 1–10. São Paulo: RT.

7. Freitas, V. P. de. (2001). Direito Administrativo e Meio Ambiente [Administrative Law and the Environment] (3rd ed.). Curitiba: Juruá.

8. IHP. (2015). Instituto Homem Pantaneiro [Pantaneiro Man Institute]. Available at http://www.institutohomempantaneiro.org.br/ Accessed on April 1, 2015.

9. Marconi, M. de A., & Lakatos, E. M. (2010). Fundamentos de Metodologia Científica [Fundamentals of Scientific Methodology] (7th ed.). São Paulo: Atlas.

10. Moffette, F., Phaneuf, D., Rausch, L., & Gibbs, H. K. (2024). The value of property rights and environmental policy in Brazil: Evidence from a new database on land prices. Global Environmental Change, 87, 102854. https://doi.org/10.1016/j.gloenvcha.2024.102854

11. Moreira Neto, D. de F. (2009). Curso de Direito Administrativo: Parte introdutória, parte geral e parte especial [Administrative Law Course: Introductory Part, General Part, and Special Part] (15th ed.). Rio de Janeiro: Forense.

12. Salera Júnior, G. (2008). CIPAMA: Um breve histórico [CIPAMA: A brief history]. Available at http://recantodasletras.uol.com.br/ensaios/906917 Accessed on March 18, 2008.

13. Sales, V. G. (2023). Modelling non-linear deforestation trends for an ecological tension zone in Brazil. Science of Remote Sensing, 7, 100076. https://doi.org/10.1016/j.srs.2023.100076

14. Santa Catarina. (2013). Decreto nº 1.529, de 24 de abril de 2013 [Decree No. 1,529, of April 24, 2013]. Dispõe sobre o rito do processo administrativo de fiscalização ambiental do Estado e estabelece outras providências [Provides for the procedure of the state environmental inspection administrative process and establishes other measures]. Diário Oficial do Estado, 19.563, April 26, 2013.

15. Santa Catarina. (2014). Decreto nº 2.124, de 3 de abril de 2014 [Decree No. 2,124, of April 3, 2014]. Altera dispositivos do Decreto nº 4.726, de 2006, que regulamenta o Fundo Especial de Proteção do Meio Ambiente (FEPEMA) [Amends provisions of Decree No. 4,726, of 2006, which regulates the Special Environmental Protection Fund (FEPEMA)]. Diário Oficial do Estado, April 3, 2014.

16. Santa Catarina. (2009). Lei nº 14.675, de 13 de abril de 2009 [Law No. 14,675, of April 13, 2009]. Institui o Código Estadual de Meio Ambiente e estabelece outras providências [Establishes the State Environmental Code and provides other measures]. Diário Oficial do Estado, 18.585, April 14, 2009.

17. Santa Catarina. (2019). Portaria Conjunta IMA/CPMA nº 143/GABP-FATMA/BPMA-SC/2013, de 6 de junho de 2019 [Joint Ordinance IMA/CPMA No. 143/GABP-FATMA/BPMA-SC/2013, of June 6, 2019]. Regula os procedimentos para apuração de infrações ambientais por condutas e atividades lesivas ao meio ambiente [Regulates procedures for investigating environmental infractions due to conduct and activities harmful to the environment]. Diário Oficial do Estado, 21.033, June 10, 2019.

18. SIGA. (2019). Sistema Integrado de Gestão Ambiental [Integrated Environmental Management System]. Available at http://sinat.naturatins.to.gov.br/siga_externo/siga_externo.html Accessed on November 21, 2019.

19. Silva, R. F. B. da, Batistella, M., & Moran, E. F. (2017). Socioeconomic changes and environmental policies as dimensions of regional land transitions in the Atlantic Forest, Brazil. Environmental Science & Policy, 74, 14–22. https://doi.org/10.1016/j.envsci.2017.04.019

20. Tocantins. (1989). Constituição do Estado do Tocantins: Promulgada em 05 de outubro de 1989 [Constitution of the State of Tocantins: Promulgated on October 5, 1989] (6th ed.). Palmas: Assembleia Legislativa.

21. Tocantins. (2012). Decreto nº 4.579, de 25 de junho de 2012 [Decree No. 4,579, of June 25, 2012]. Institui a Companhia Independente de Polícia Militar Rodoviária e Ambiental (CIPRA), e adota outras providências [Establishes the Independent Military Police Highway and Environmental Company (CIPRA), and adopts other measures]. Diário Oficial do Estado, June 25, 2012.

22. Tocantins. (2015). Decreto nº 5.210, de 31 de março de 2015 [Decree No. 5,210, of March 31, 2015]. Institui, na estrutura da Polícia Militar do Estado do Tocantins (PMTO), o Batalhão de Polícia Militar Ambiental (BPMA), e adota outras providências [Establishes, within the structure of the Tocantins State Military Police (PMTO), the Environmental Military Police Battalion (BPMA), and adopts other measures]. Diário Oficial do Estado, March 31, 2015.

23. Tocantins. (2021). Lei Complementar nº 128, de 14 de abril de 2021 [Complementary Law No. 128, of April 14, 2021]. Dispõe sobre a organização básica da Polícia Militar do Estado do Tocantins, e adota outras providências [Provides for the basic organization of the Tocantins State Military Police, and adopts other measures]. Diário Oficial do Estado, April 27, 2021.

24. Tocantins. (1991). Lei nº 261, de 20 de fevereiro de 1991 [Law No. 261, of February 20, 1991]. Dispõe sobre a política ambiental no Estado do Tocantins e dá outras providências [Provides for the environmental policy in the State of Tocantins and provides other measures]. Diário Oficial do Estado de Tocantins, 350.

25. Tocantins. (1996). Lei nº 858, de 26 de julho de 1996 [Law No. 858, of July 26, 1996]. Cria o Instituto Natureza do Tocantins e dá outras providências [Creates the Tocantins Nature Institute and provides other measures]. Diário Oficial do Tocantins, 545.

26. Tocantins. (1996). Lei nº 860, de 26 de julho de 1996 [Law No. 860, of July 26, 1996]. Dispõe sobre a criação da Companhia Independente da Polícia Militar Ambiental (CIPAMA) e dá outras providências [Provides for the creation of the Independent Environmental Military Police Company (CIPAMA) and provides other measures]. Diário Oficial do Estado de Tocantins, 540.

27. Tocantins. (2009). Lei nº 2.095, de 9 de julho de 2009 [Law No. 2,095, of July 9, 2009]. Dispõe sobre o Fundo Estadual do Meio Ambiente (FUEMA) [Provides for the State Environmental Fund (FUEMA)]. Diário Oficial do Estado, 2.930.

28. Valera, C. A., Pissarra, T. C. T., Costa, A. M. da, Fernandes, L. F. S., & Pacheco, F. A. L. (2024). The soil conservation agenda of Brazil: A review of “edge-to-edge” science contributions. Science of The Total Environment, 954, 176355. https://doi.org/10.1016/j.scitotenv.2024.176355