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# MILITARY JUDICIAL POLICE IN TOCANTINS: INNOVATION AND TRAINING FOR THE FUTURE OF PUBLIC SECURITY

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## ABSTRACT

The work aimed to highlight the need for the creation of the Military Judicial Police Course (PJM) within the scope of the Military Police of Tocantins (PMTO) and the training of its members. The research sought to propose a practical normative instrument for appreciation by the institutional management, with the purpose of instituting the course and training the military police, considering the national and military legal system. The research aims to provide Tocantins military police officers with the necessary knowledge to perform their duties with excellence, advise immediate commanders, guide the personnel of the units of assignment, carry out Military Judicial Police procedures and disseminate knowledge among the troops. It is relevant to highlight that the research identified several state military institutions in Brazil that have already created the MYM Course or sent their members to other states for training. For this study, a methodology of basic-strategic character and applied nature was used, with exploratory and descriptive objectives, deductive method, qualitative approach and bibliographic and documentary procedures. It is concluded that it is essential that the PMTO implement the MYM Course and promote the training of its members so that they are technically more prepared. Thus, the institution will be strengthened and more efficient in the execution of its activities.

**Keywords:** Military Investigation. Technical improvement. Military Justice. Professional Training.

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## INTRODUCTION

The Brazilian Military Police, according to the Federal Constitution, are state forces responsible for public security and play a fundamental role in ostensive policing and in the preservation of public order (Brasil, 1988). Within the State of Tocantins, the Military Police (PMTO) has the essential mission of carrying out ostensive, preventive, or repressive policing, ensuring law and order in its territory (Tocantins, 2021). Among its attributions, the exercise of the Military Judicial Police stands out, as provided for in § 4 of article 144 of the Federal Constitution, which establishes the exclusion of civilian competences in the investigation of military infractions (Brasil, 1988).

In this context, the State Constitution and the Basic Organization Law of the PMTO determine that the Military Police be organized based on the principles of military hierarchy and discipline, including the competence to carry out procedures of the Military Judicial Police, also shared with the Military Fire Brigade (Tocantins, 1989). Such activities are legally described in article 8 of the Code of Military Criminal Procedure (Decree-Law 1,002, of October 21, 1969) and cover the investigation of crimes committed by military personnel, in addition to providing support to judicial authorities (Dias and Melo Júnior, 2024).

However, the absence of a Military Judicial Police Course (PJM) in the PMTO represents a significant gap in the training and qualification of its members. This need is justified by several aspects: from a legal point of view, the course would be essential to enable military police officers to perform their duties in accordance with legal precepts; professionally, it would raise the level of knowledge and technique of the agents; institutionally, it would strengthen the PMTO by preparing its members in a systematic way; and, socially, it would benefit society with a more efficient, fair and legalistic police.

In view of this, the central problem of this research consists of the need to institute the Military Judicial Police Course in the PMTO, accompanied by a training plan for its members. The general objective is to present the procedures of the Military Judicial Police and the competent authorities in the PMTO. To achieve this, the following specific objectives have been outlined:

- Conceptualize the Military Judicial Police and describe its competencies;
- Identify the authorities in charge of the Military Judicial Police procedures;
- Map state military institutions that have implemented the MYM Course or sent their members for training in other states;
- Propose a draft Ordinance for the creation of the course and an initial training plan aimed at officers.

The methodology used combines basic-strategic character with applied nature, exploratory and descriptive objectives, qualitative approach and deductive method. Bibliographic and documentary procedures were adopted, with analysis of legislation and studies related to the theme.

The present work is organized into six sections: the introduction, which contextualizes the theme and presents the problem, justification and methodology; the second section, which details the methodological aspects; the third, which conceptualizes the Military Judicial Police; the fourth, which identifies the competent authorities; the fifth, which maps the experiences of other states; and the sixth, which discusses the results and proposes solutions for the implementation of the MYM Course.

## METHODOLOGY

For the development of the present scientific work, a methodology with a basic-strategic purpose and of an applied nature was used. According to Fontenelle (2021), this methodology seeks to expand knowledge to be applied in solving practical problems. In this way, the work brought new knowledge on the subject, with the possibility of practical application in the Military Police of Tocantins.

Regarding the objectives, exploratory and descriptive were adopted. According to Mazucato (2018), the exploratory objectives aim to establish introductory information about the content studied, while the descriptive ones focus on describing the attributes of a population, an event or the knowledge investigated. Thus, the study provided greater familiarity with the theme through bibliographic and documentary surveys, in addition to presenting detailed explanations about the research object.

In addition, the deductive method was used, which, according to Fernandes Junior and Santos (2021), starts from general principles to reach specific conclusions. Thus, bibliographic and documentary research related to the object of study was carried out, starting from general subjects to specific aspects, with the objective of obtaining reasoned conclusions.

In addition, the research was conducted with a qualitative approach, which, according to Mazucato (2018), is used to analyze the complexity of a given problem. In this context, legal and documentary frameworks existing in Brazil related to the object of the study were interpreted.

Finally, the work was elaborated based on bibliographic and documentary procedures. According to Fernandes Junior and Santos (2021), bibliographic procedures consist of the collection of published data, such as books and scientific articles, while

documentary procedures involve the collection of data on the object of study that have not yet received analytical treatment. In this way, several legislations, books and academic studies pertinent to the topic addressed were consulted.

## CONCEPT OF MILITARY JUDICIAL POLICE AND ITS COMPETENCE

As defined by the website Âmbito Jurídico (2019), the Military Judicial Police can be paraphrased as an activity carried out by the military authority, with the objective of investigating military crimes, identifying authorship and materiality, and providing subsidies to the Public Prosecutor's Office for the filing of criminal proceedings. In addition, this activity acts as support and assistance to the Judiciary.

In this sense, Neves (2018, p. 254) also conceptualizes the Military Judicial Police as follows:

> "[...] the one that carries out a complex of activities aimed at the repression of military criminal offenses, exercising its police power, such as carrying out investigations, military police inquiries, arrest notices in flagrante delicto, provisional instruction of desertion or insubmission, and thus acting as an auxiliary of the Military Justice [...]." (EMPHASIS ADDED)

Based on the definitions above, it can be inferred that the investigations of crimes of a military nature are the exclusive attribution of the activity of the Military Judicial Police, exercised by the military authorities (Melo; Dias, 2024).

With regard to jurisdiction, article 124 of the Federal Constitution establishes that it is incumbent on the Military Justice of the Union to prosecute and judge military crimes defined by law (Brasil, 1988). Similarly, paragraph 4 of article 125 of the Magna Carta determines that each federative entity must have a Military Justice to prosecute and judge its military:

> "Article 125. The States shall organize their Justice, observing the principles established in this Constitution. [...] Paragraph 4 - It is incumbent upon the State Military Courts to prosecute and judge the military personnel of the States, in military crimes defined by law and in judicial actions against military disciplinary acts, except for the competence of the jury when the victim is a civilian, and it is incumbent upon the competent court to decide on the loss of the rank and rank of the officers and the rank of the enlisted men. (BRAZIL, 1988, ONLINE).

According to Assis (2006) apud Silva (2007), the Military Judicial Police has a legal provision in article 144, § 4, of the Federal Constitution, since it is the responsibility of the civil police to investigate crimes and exercise judicial police functions, except for military crimes. The author explains that the legislator provided for a specific Justice to examine military crimes, given their nature and particularities.

Marques (2000, p. 162) apud Silva (2007) reinforces that the special Courts are justifiable by the specificity of their functions:

> The special jurisdictions, although they are not identical with the exceptional courts, always constitute a derogation from the attributions of the ordinary justice, and, therefore, should not be in large numbers, especially in relation to the application of criminal law. In Brazilian law, fortunately, the common justice system remains in power. [...] Military justice is one of the few special jurisdictions whose existence is justified. [...] These are special judges, technicians, natural judges of the soldier, who know how to weigh the damage that infractions can cost to discipline and service, to the good military state, and who provide this damage with the appropriate sanction.

According to the author, the Military Justice of the Union is specialized to judge military personnel of the Navy, Army and Air Force, with competence delimited by law. It is not subordinated to another power, being part of the Judiciary. By analogy, the organization of the State Courts, provided for in § 4 of article 125 of the Constitution, also establishes the State Military Justice to prosecute and judge military police officers for military crimes defined in a norm (Costa; Dias, 2024).

Silva (2007) points out that, in the first degree, the Military Justice is composed of Judges of Law and Councils of Justice. In states with a police force of more than twenty thousand members, the creation of military courts of second degree is allowed.

In addition, the Military Police are considered auxiliary forces of the Armed Forces, according to article 42 of the Federal Constitution. The members of these corporations, organized on the basis of hierarchy and discipline, are subordinate to the State Military Courts (Brasil, 1988).

The powers of the Military Judicial Police are regulated by article 8 of the Code of Military Criminal Procedure (Decree-Law No. 1,002/1969):

> "Article 8 It is incumbent upon the military judicial police: a) to investigate military crimes, as well as those that, by special law, are subject to military jurisdiction, and their authorship; b) To provide the organs and judges of the military justice system and to the members of the Public Prosecutor's Office with the information necessary for the instruction and judgment of the cases, as well as to carry out the requested steps; c) to comply with the arrest warrants issued by the military courts; d) to represent the military judicial authorities on preventive detention and mental insanity of the accused; e) To comply with the determinations of the military justice system relating to the prisoners under its custody and responsibility, as well as the prescriptions of this Code; f) to request from the civil authorities information and measures useful to the elucidation of the criminal offenses under their competence; g) to request from the Civil Police and civil technical departments research and examinations complementary to the military police inquiry; h) to meet, in compliance with military regulations, requests for the presentation of a military member to the competent civil authority, provided that the request is legal and justified." (Brazil, 1969, Online).

As described in the Code of Military Criminal Procedure, it is verified that the Military Judicial Police has several attributions that must be performed by the competent authorities, ensuring the investigation and elucidation of military infractions.

## AUTHORITIES IN CHARGE OF THE MILITARY JUDICIAL POLICE PROCEDURE

According to Viola (2005) apud Bianchini (2010), the function of military authority is inherent to the function of command, leadership or direction of a military institution. The occupant of this function exercises military judicial police power over his subordinates while performing these duties.

In this sense, it is inferred that, in all Brazilian federative entities, there is the military judicial police, which is exercised by the military police and military fire departments, as provided for in § 3 and 4 of article 125 of the Federal Constitution.

According to Lobão (2009) apud PMPI (2013, Manual/PJM), among the various attributions of the military judicial police, the Military Police Inquiry stands out, which aims to investigate military crimes and identify their authorship, providing elements to the Public Prosecutor's Office for the formation of its criminal opinion or, eventually, for the promotion of archiving (Melo; Dias, 2024).

According to Estrela (1997) apud PMPI (ibidem), the authority in charge of exercising the military judicial police has legal competence, *ratione loci* (territorial competence) and *ratione personae* (prerogative of function), to carry out all acts related to this activity.

Therefore, as described on the Legal Scope website, not all military personnel are competent to exercise the military judicial police. Competence depends on the hierarchical degree, which confers conditions to act due to the command area and subordinate public agents.

The competent authorities to exercise the military judicial police are listed in article 7 of the CPPM, which describes as follows: "Article 7 The military judicial police is exercised, under the terms of article 8, by the following authorities, according to their respective jurisdictions:

> a) by the Ministers of the Navy, the Army and the Air Force, throughout the national territory and outside it, in relation to the forces and bodies that constitute their Ministries, as well as military personnel who, in this capacity, carry out an official mission, permanent or transitory, in a foreign country; b) by the Chief of Staff of the Armed Forces, in relation to entities that, by legal provision, are under his jurisdiction; c) by the Chiefs of Staff and the Secretary General of the Navy, in the bodies, forces and units that are subordinate to them; d) by the commanders of the Army and by the commander-in-chief of the Squadron, in the organs, forces and units included in the scope of their respective command action; e) by the commanders of the Military Region, Naval District or Air Zone, in the organs and units of the respective territories; f) by the secretary of the Ministry of the Army and by the chief of staff of the Ministry of Aeronautics, in the bodies and services that are

> subordinate to them; g) by the directors and heads of bodies, departments, establishments or services provided for in the laws of basic organization of the Navy, Army and Air Force; h) by the commanders of forces, units or ships." (Brazil, 1969, Online)

Thus, it is observed that there are several competent authorities for the exercise of the military judicial police, such as Ministers of the Armed Forces, Chiefs of Staff, Army Commanders, Commanders of Squadrons, Commanders of Military Regions, among others.

In relation to the state military police, according to Bianchini (2010), the military judicial police power follows the prescriptions of article 7 of the CPPM, with necessary adaptations to the structures of the institutions.

Within the scope of the Tocantins Military Police (PMTO), the Basic Organization Law (Complementary Law No. 128, of April 14, 2021) defines the functions of Command, Leadership, Advisory, and Direction of those responsible for the units that make up its organizational structure (Tocantins, 2021). Thus, it can be inferred that the authorities with original competence to exercise the military judicial police within the scope of the PMTO are:

> a) Commander-General (Secretary of State), original holder of the competence of military judicial police within the scope of the PMTO; b) Chief of Staff (Deputy Commander-General), with functional precedence over the other military police officers, except for the Commander-General; c) Deputy Chief of Staff, with functional precedence over the other military police officers, except for the Commander-General and the Chief of Staff; d) General Inspector, with functional precedence over the other military police officers, except for the General Commander, the Chief of Staff and the Deputy Chief of Staff; e) Policing Commands (Capital, Interior and Specialized), within the scope of their jurisdictions; f) Commanders of Administrative Enforcement Units (Battalions, Companies and Platoons).

In addition, Law No. 3,421/2019, in article 16, I, paragraph c, item 8, assigns to the Chief Secretary of the Military House the competence to carry out military judicial police procedures on the military personnel under his command.

Furthermore, according to article 10, § 2, of the Code of Military Criminal Procedure and based on the operational attributions described in the PMTO's Internal Regulations, it is possible to identify the following delegated authorities to conduct measures related to the military judicial police: Day Superior, Day Inspector, Urban Policing Commander, among others.

In addition, according to Pessoa et al. (2020), Law No. 13,491/2017 amended item II and the sole paragraph of article 9 of Decree-Law No. 1,001/1969, expanding the definition of military crime to include criminal conduct provided for in general criminal legislation. These changes resulted in a significant increase in demands related to the military judicial

police, making its institutionalization essential. In response, several Brazilian military institutions have adjusted their correctional structures to meet the new requirements.

## BRAZILIAN STATE MILITARY INSTITUTIONS THAT INSTITUTED THE MILITARY JUDICIAL POLICE COURSE OR SENT THEIR MEMBERS TO OTHER STATES FOR TRAINING PURPOSES

In August 2021, the Military Police of the State of Alagoas trained its officers in the Military Judicial Police Course (CPJM):

> "The Military Police of Alagoas has just completed the second edition of the Military Judicial Police Course (CPJM). Thirty-five officers completed the CPJM, developed by the Senador Arnon de Mello Military Police Academy (APMSAM) [...] The course specialized the officers of the corporation to perform functions in the area of justice and discipline, enabling them to advise commanders, guide the personnel of their units, and act in the most diverse correctional processes and procedures. With a total workload of 200 hours, distributed over eight weeks, the contents were taught digitally (following health safety protocols)." (Alagoas, 2021, Online).

Also in 2021, officers from the Military Fire Department of the State of Rondônia held the Military Judicial Police Course in the State of Goiás:

> "Following guidelines from the Government of Rondônia, four CBMRO officers completed the Military Judicial Police Course in the State of Goiás, promoted by the Military Fire Department of Goiás. With a workload of 240 hours, the course aimed to improve knowledge related to the national legal system, including constitutional law, military criminal law and military criminal procedure, in addition to preparing officers to carry out activities related to the military judicial police." (Rondônia, 2021, online).

In June 2021, the Military Police of the State of Ceará (PMCE) held a training in Military Judicial Police Practice and Disciplinary Investigation:

> The Military Police Command of Ceará (PMCE) held, for graduates of the First Lieutenant Professional Training Course, a remote training in 'Military Judicial Police Practice and Disciplinary Investigation'. Organized by the Institutional Development and Planning Coordinators (Codip) and the Military Legal Police (CPJM), the training included disciplines such as Investigation, Military Police Inquiry and Arrest Warrant in Flagrante. (Ceará, 2021, Online).

In 2020, the Military Police of the State of Pará held the 1st Intelligence and Investigation Course of the Military Judicial Police:

> The Military Police of Pará started the I Intelligence and Investigation Course of the Military Judicial Police, training 30 officers and enlisted men from the General Internal Affairs Office and the Intelligence Center. With a workload of 160 hours, the classes covered topics such as interception of communications and monitoring of social media, taught at the Center for Training and Improvement of Squares. (Pará, 2020, Online).

In 2019, the Military Police of the State of Amazonas sent officers to carry out the Military Judicial Police Course in the State of São Paulo:

> "In order to expand the specialization in the subject and prepare for the formatting of the course at PMAM, officers participated in the Military Judicial Police Course in São Paulo, with a workload of 164 hours. The course aimed to train officers to act in justice and discipline, advising commanders and carrying out administrative and disciplinary procedures." (Amazonas, 2019, Online).

Also in 2019, the Military Police of Santa Catarina (PMSC) held the graduation of the first Military Judicial Police Course:

> The PMSC promoted the graduation of the first Military Judicial Police Course, training 34 students. The course, held in partnership with several agencies, stood out for the management of people and processes, strengthening the institutional identity. (Santa Catarina, 2019, Online).

In 2018, the Military Police of the State of Goiás held the graduation ceremony of the Military Judicial Police Course for officers and enlisted men:

> Held at the PMGO Academy, the course was attended by 41 officers and 38 enlisted men, with a workload of 260 hours, distributed between April and May 2018. (Goiás, 2018, Online).

In 2017, the Military Fire Department of the State of Mato Grosso promoted the Military Judicial Police Course: "The 3rd edition of the course was aimed at higher aspirants, reinforcing discipline in the corporation and the improvement of the staff." (Mato Grosso, 2017, Online).

Therefore, these studies show that several state military institutions in Brazil have instituted the Military Judicial Police Course or sent members to training in other states. It is important to note that other examples may exist in the country.

## RESULTS AND DISCUSSION

The present study addressed the concept of the Military Judicial Police and its competence. It was observed that this activity is carried out by military authorities with the objective of investigating military crimes, identifying authorship and materiality. This function offers subsidies to the Public Prosecutor's Office for the filing of criminal proceedings and provides support to the Judiciary. As provided for in the constitutional text, the Military Justice of the Union has the competence to prosecute and judge military crimes defined by law, and each federative state has its own Military Justice to deal with military crimes at the state level (Brasil, 1988).

Silva (2007) points out that the Military Justice is considered a special Justice, similar to the Electoral Justice and the Labor Court. According to Marques (2000), special courts are essential due to their specificity and the need to meet specific demands related to certain categories, such as the military.

Assis (2006) reinforces that the Military Judicial Police has a legal provision in the Federal Constitution, since the investigation of crimes is assigned to the civil police, with the exception of military crimes, whose investigation is the exclusive competence of the military judicial police.

In the research, the competent authorities, both original and delegated, for the exercise of the Military Judicial Police within the scope of the PMTO were identified. The Code of Military Criminal Procedure (CPPM) defines such authorities, complemented by state regulations, such as the PMTO Basic Organization Law, the PMTO Internal Regulations, and state legislation that regulates public administration.

Authors such as Pacheco Eládio Estrela (1997), Marco Antônio Badaró Bianchini (2010), Célio Lobão (2009) and João Carlos Balbino Viola (2005) have made significant contributions to the understanding of the competencies and functions of the Military Judicial Police. Practical studies were also used, such as the Military Judicial Police Manual (PMPI) and the scientific article by Alisson de Sousa Pessoa et al., which deepened the analysis of the attributions of these authorities in the military context.

In addition, the mapping of state military institutions that instituted the Military Judicial Police Course or sent members for training in other states was carried out. Initiatives were identified in Alagoas, Rondônia, Goiás, Ceará, Pará, Amazonas, São Paulo, Santa Catarina and Mato Grosso, evidencing the national recognition of the relevance of this training.

The results highlight the importance of this scientific work for the PMTO, especially with regard to the creation of the Military Judicial Police Course (PJM) and the training of its members. The implementation of this course will contribute to the technical and legal improvement of military police officers, promoting greater efficiency and effectiveness in the execution of their duties, in addition to strengthening the institution as a whole.

## FINAL CONSIDERATIONS

Based on the research carried out, it is concluded that the creation of the Military Judicial Police Course (PJM) within the scope of the Military Police of Tocantins (PMTO) and the training of its members are essential for the technical and operational improvement of the institution. This work demonstrated that the PMTO faces a gap in the training of its

police officers with regard to the conduct of military judicial police procedures, and this training is essential to meet legal and institutional requirements.

From this perspective and analysis of legislation, practices adopted in other federative units and theoretical foundation, it was found that the creation of an ordinance regulating the course would not only solve the issue pointed out, but would also strengthen the institution in the fulfillment of its constitutional and legal attributions.

Thus, throughout the research it was possible to conceptualize the Military Judicial Police, identify the authorities in charge of its execution, map state institutions that have already implemented the course or carried out related training and propose a draft ordinance for regulation of the matter in Tocantins. These results validate the relevance of the proposal presented.

The study also revealed that the training would bring direct benefits to the corporation and society, by promoting a more efficient military police, prepared to advise commanders, guide personnel and carry out procedures with technique, justice and legality. Such advances strengthen the institutional image and meet the principle of efficiency in public administration.

Therefore, the adoption of the Military Judicial Police Course by the PMTO should be treated as an institutional priority. Its implementation will ensure that military police officers are able to perform their duties with technical competence, improving the provision of services to society and strengthening public order in the State of Tocantins.

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