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IMPACTS OF THE USE OF BODY CAMERAS ON THE PREVENTION OF ABUSE OF AUTHORITY BY MILITARY POLICE OFFICERS

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ABSTRACT

The present work aims to analyze, from a legal-constitutional perspective, the impacts of the adoption of body cameras by military police officers as an instrument to prevent abuses of authority, especially in the context of the state of Maranhão. The actions of public security forces, notably in regions marked by social inequality, have been the target of criticism due to practices that violate fundamental rights, such as the right to life, physical integrity, and the dignity of the human person, all guaranteed by the Federal Constitution of 1988 (art. 1, III; art. 5, caput). Based on the analysis of statistical data and implementation experiences in other federative units, such as the state of São Paulo, the effectiveness of portable operational cameras as a mechanism for external control of police activity and for reinforcing the principle of accountability in the public sector is investigated (art. 37, caput, CF/88). In parallel, Bill No. 139/2024, currently in progress in the Legislative Assembly of Maranhão, which aims to make the use of this equipment mandatory by security agents, is examined. The proposal is part of the legal framework of Law No. 13,869/2019, which typifies the crimes of abuse of authority, and represents an advance in the process of institutionalizing good public security practices in light of the principles of legality, morality, publicity, and efficiency (CF/88, art. 37).

Keywords: Body cameras. Abuse of authority. Military police. Fundamental rights. Maranhão. Public accountability. Legal control.

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INTRODUCTION

This article addresses the excessive use of force by public security agents is a structural problem of the Brazilian police system, especially in states with high rates of lethality and urban violence. In the face of growing social pressure for accountability and transparency, the adoption of body cameras in police uniforms has been consolidated as an innovative strategy for institutional control and prevention of abuses. The experience of the Military Police of the State of São Paulo (PMESP), which since 2021 has implemented the systematic use of Portable Operational Cameras (COP) in strategic battalions, has demonstrated relevant impacts in reducing police lethality and improving internal control (Monteiro et al., 2022).

However, the implementation of this technology is not without its challenges. The collection, storage and use of the images generated by the COPs raises tensions between the public interest in security and the need to protect fundamental rights, such as privacy and informational self-determination. As Genghini, Oliveira, and Fabretti (2023) point out, the use of COPs by the PMESP, although it represents an advance in the control of police actions, lacks adequate legal regulation, which entails risks to due process, especially regarding the legal nature of the evidence generated and the protection of citizens' personal data.

In this context, the present research aims to analyze the effects of the use of body cameras in combating abuses of authority practiced by military police officers, with a special focus on Maranhão, where Bill No. 139/2024 on the adoption of the equipment is being processed. From the analysis of the São Paulo experience and the review of empirical and legal studies, it is intended to understand whether such a measure can effectively contribute to the improvement of police action and the strengthening of constitutional guarantees.

The investigation is based on a qualitative approach, using literature review and document analysis, seeking to answer the following research question: how can the adoption of body cameras by military police officers contribute to the reduction of abuses of authority in the state of Maranhão? The relevance of the theme lies in the necessary balance between public security and respect for fundamental rights, from the perspective of a Democratic State of Law.

This work is structured as follows: in the first chapter, a theoretical and normative contextualization is carried out on the use of police force and the mechanisms of institutional control, with emphasis on the constitutional obligations of the State in the face of fundamental rights. Then, in the second chapter, the experience of the Military Police of the State of São Paulo with the implementation of body cameras is discussed, based on

recent empirical studies, in order to identify their effects on police lethality and the conduct of security agents. In the third chapter, Bill No. 139/2024, in progress in Maranhão, is analyzed, proposing a critical dialogue between the São Paulo experience and the specificities of the Maranhão context.

CONTROL OF POLICE ACTIVITY AND THE USE OF BODY CAMERAS: CONSTITUTIONAL PERSPECTIVES

Police activity in the Democratic State of Law must be rigidly subject to constitutional principles, especially those that regulate Public Administration and ensure fundamental rights (Brasil, 1988). In this sense, the control of police activity, both in its internal and external dimensions, assumes a central role in the protection of citizenship and in the prevention of abuses of authority.

In Brazil, the Federal Constitution of 1988 enshrines, in its article 5, caput, the rights to life, liberty, equality, security and property, imposing on the State the duty to respect and protect such guarantees. In addition, article 37 of the Magna Carta establishes the principles that govern Public Administration, highlighting, among them, legality, impersonality, morality, publicity and efficiency. These principles should guide the conduct of public agents, including members of the police forces (Brasil, 1988).

The use of body cameras by military police officers is part of the search for mechanisms that ensure greater transparency, oversight and accountability. These devices contribute to the recording of actions carried out during the service, which favors both the protection of citizens and that of the security agents themselves, in addition to facilitating the investigation of inappropriate conduct and promoting the control of legality in police stops.

In addition to the Federal Constitution, Law No. 13,869/2019, which defines the crimes of abuse of authority, represents an essential legal framework for combating arbitrary practices in the exercise of public function. The use of body cameras acts as an auxiliary tool in the effectiveness of this legislation, by providing audiovisual records that can support investigations and civil, criminal, and administrative liabilities (Brasil, 2019).

It is important to highlight that the external control of police activity is exercised by the Public Prosecutor's Office, as provided for in article 129, item VII, of the CF/88. In this sense, the existence of audiovisual recordings of police stops contributes decisively to the performance of the Parquet, as it expands the capacity for inspection and repressive action against abuses (Brasil, 1988).

The use of cameras must also be analyzed in light of the protection of personal data and privacy, as established in the General Law for the Protection of Personal Data (Law No. 13,709/2018). The regulation of the use of captured images is essential to ensure that their use respects the rights of the individuals involved, ensuring the ethical and legal treatment of the information obtained (Brasil, 2018).

Thus, it is observed that the use of body cameras, when properly regulated and inserted in a structured public policy, represents a significant advance in the construction of a public security model compatible with the constitutional dictates and the principles of the Democratic Rule of Law.

BILL NO. 139/2024 AND THE LEGISLATIVE CONTEXT OF MARANHÃO

The legislative proposal presented through Bill No. 139/2024, pending in the Legislative Assembly of the State of Maranhão, aims to make it mandatory to install body cameras in uniforms and locators in vehicles used by civil, military and criminal police officers on external duty. This initiative represents a concrete attempt to conform police activity to the constitutional and legal principles in force (Maranhão, 2024).

The explanatory memorandum of the bill emphasizes that the recording devices aim to ensure greater transparency in state actions, protect public officials against unfounded allegations and, above all, ensure accountability for illegal acts that may be committed during the exercise of public function (Maranhão, 2024).

The measure is fully in line with the administrative principles enshrined in article 37 of the Federal Constitution of 1988, as well as with the fundamental rights provided for in article 5, caput, especially the rights to life, physical integrity, liberty and dignity of the human person (Brasil, 1988).

From a legal point of view, the standardization of the use of body cameras contributes to the implementation of Law No. 13,869/2019, by providing objective records that serve as evidence in administrative, civil, and criminal proceedings. In this sense, the legislative proposal can be considered a complementary normative instrument to support criminal prosecution and the control of public activity (Brasil, 2019).

In addition, the regulation of the use of cameras must comply with the guidelines of Law No. 13,709/2018 (General Law for the Protection of Personal Data – LGPD), with regard to the treatment of images and personal information captured during police activities. Respect for informational self-determination and the intimacy of citizens must be ensured through clear protocols for the storage, access, and use of recordings (Brasil, 2018).

The adoption of such measures in the State of Maranhão is especially relevant in view of the history of rights violations by public security forces, as reported by civil society organizations and data from the Military Police Internal Affairs Office. Thus, Bill No. 139/2024 emerges as a normative response to the need to strengthen the institutional culture aimed at protecting fundamental rights (SMDH, 2022; imirante, 2024).

BODY CAMERAS IN THE MILITARY POLICE OF MARANHÃO: AN INSTRUMENT OF ACCOUNTABILITY AND INSTITUTIONAL TRANSFORMATION

The implementation of body cameras within the scope of the Military Police of the State of Maranhão, as proposed in Bill No. 139/2024 (Legislative Assembly of Maranhão, 2024), should be understood as an instrument for the effectiveness of public accountability — a principle that imposes on state agents the duty to justify their acts before society and submit to mechanisms of legal and social control. This duty stems from the constitutional principles of legality, impersonality, morality, publicity and efficiency, provided for in article 37, caput, of the Federal Constitution of 1988 (Brasil, 1988).

The use of the so-called Portable Operational Cameras (COPs) represents a significant advance in the control of police activity, as it ensures the production of objective records of state actions and allows the inspection of the compliance of acts with legal parameters. As Genghini, Oliveira and Fabretti (2023) argue, audiovisual recording promotes greater transparency and considerably reduces the space for narrative distortions, contributing to the protection of due process (art. 5, LIV, CF/88) and to the fair accountability of those involved in any conflicts.

On the empirical level, the experience of the State of São Paulo confirms the positive effects of the adoption of COPs. According to a report by the Public Security Secretariat (2023), police lethality was reduced by more than 80% in units where the use of cameras was systematized. Such a reduction highlights the impact of continuous monitoring on the conduct of public officials, strengthening internal and external control mechanisms and, thus, promoting respect for legal norms and fundamental rights.

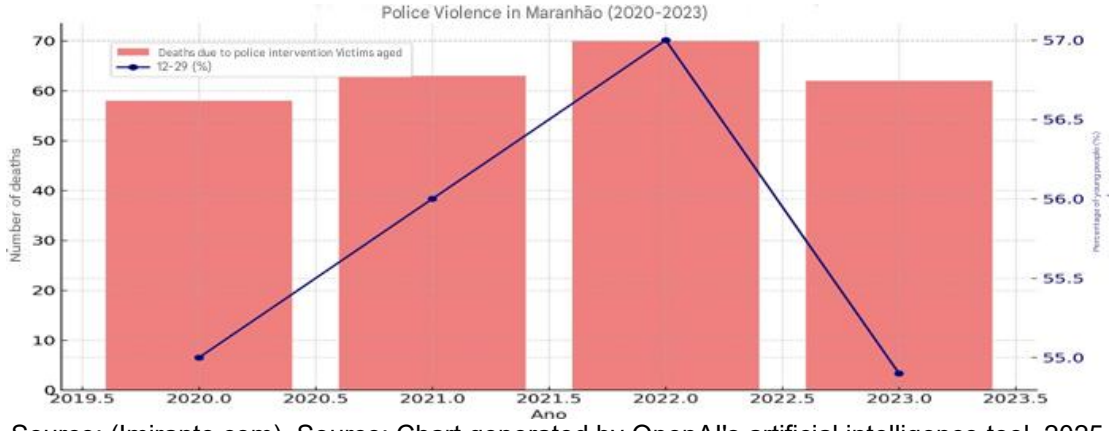
From the perspective of Administrative Law, the doctrine recognizes that police action must observe the principle of the supremacy of the public interest without this implying authorization for the violation of individual guarantees. As Di Pietro (2022) points out, every public agent is subject to civil, criminal, and administrative liability when they exceed the legal limits of their function, and it is essential to have effective inspection mechanisms — as is the case with body cameras.

The reality of Maranhão reinforces the need for such mechanisms. According to a survey by the Maranhão Society for Human Rights (SMDH, 2022), between 2015 and the first half of 2021, the following were registered: 970 complaints of aggression, 229 of threats, 81 of homicide, 96 of torture, 163 of home invasion and 191 other cases of violence practiced by military police. These data demonstrate the repeated incidence of human rights violations by state agents, contrary to the provisions of Article 5 of the Constitution and Law No. 13,869/2019, which defines the crimes of abuse of authority.

By way of illustration, in 2023 alone, 62 deaths caused by police officers were documented in Maranhão, with 54.9% of the victims between 12 and 29 years of age and 88.7% of the cases occurred in 36 municipalities, revealing a wide territorial spread of the problem (Imirante, 2024). The seriousness of these data reinforces the urgency of public policies that promote the control of police activity, in accordance with the international commitments assumed by Brazil, such as the Pact of San José de Costa Rica (Decree No. 678/1992), which imposes on States the duty to prevent, investigate and punish acts of institutional violence.

However, the adoption of monitoring technologies must be accompanied by regulations that guarantee respect for intimacy, informational self-determination, and the right to personal data protection, as established by Law No. 13,709/2018 (General Data Protection Law). According to Genghini, Oliveira, and Fabretti (2023), the use of images captured by COPs must respect the legal limits of purpose, necessity, and proportionality, in order to ensure the legality and legal certainty of the procedure.

In this way, the legislative proposal in Maranhão represents not only an advance in the control of police activity, but also an adequate legal response to the constitutional and international requirements of respect for human rights. The implementation of body cameras is therefore a legally grounded, socially necessary and institutionally transformative measure.



Source: (Imirante.com). Source: Chart generated by OpenAI's artificial intelligence tool, 2025

RESULTS AND LESSONS FOR MARANHÃO

The diffusion of the use of body cameras by police forces in Brazil is configured as a public policy of institutional modernization, with direct effects on the realization of fundamental rights, the strengthening of legal certainty and the expansion of the responsibility of state agents. The experience of states such as São Paulo, Rio de Janeiro, and Minas Gerais shows that the systematic adoption of audiovisual recording devices has contributed to the reduction of police lethality, the reduction of complaints for abuse of authority, and the increase in administrative transparency (São Paulo, 2023; CNN Brasil, 2024).

As an example, the State of São Paulo, with more than 10 thousand devices in operation, already covers about 52% of the Military Police personnel. The data show a significant drop in lethality in confrontations and a significant improvement in the relationship between police officers and citizens, which reveals the ability of this technology to induce good practices and reinforce the principle of administrative morality (art. 37, caput, CF/88) (São Paulo, 2024a).

From a legal-administrative point of view, such measures are in line with the principle of efficiency, which requires the government to adopt technical and normative instruments that reduce the risk of violation of rights and promote the provision of services compatible with the precepts of the Democratic Rule of Law (MELLO, 2021). The use of body cameras, in this sense, acts as a means of controlling the legality, both of the performance of the agents and of the functioning of the police corporation as an administrative entity.

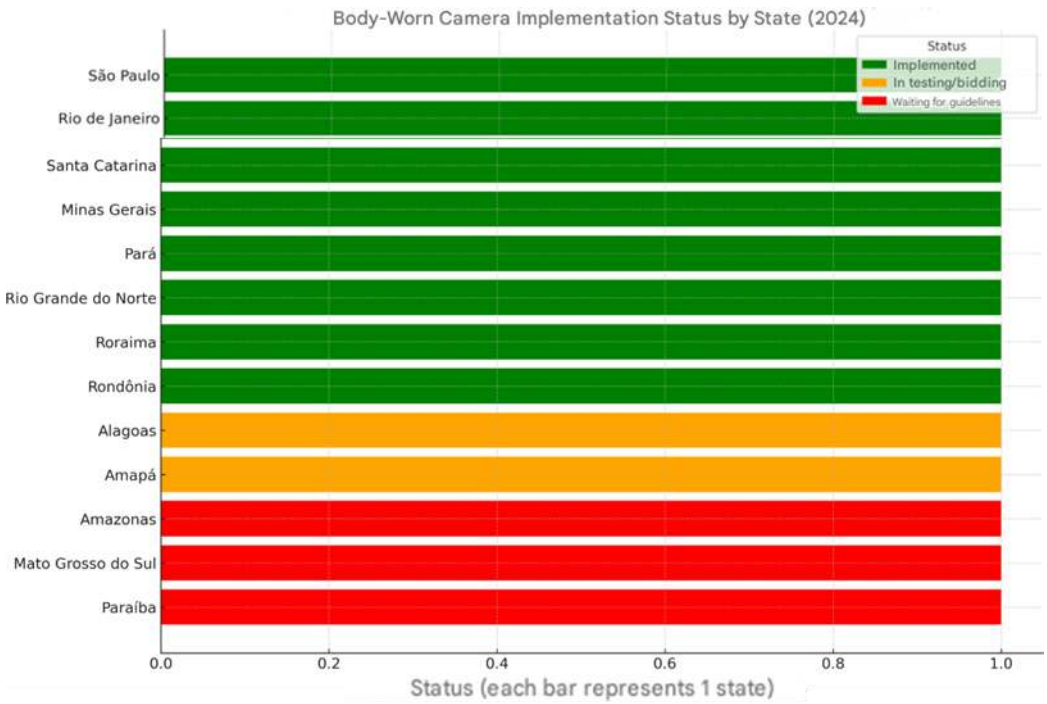
In addition, Law No. 13,869/2019, which deals with crimes of abuse of authority, requires the Public Administration to have effective instruments to prevent and hold accountable illegal conduct practiced by agents in the exercise of their duties. The absence of objective records makes it difficult to prove the facts and often favors impunity, which directly affronts articles 5, XXXV and LIV of the Federal Constitution (Brasil, 1988).

In Maranhão, the institutional reality shows the urgent need to incorporate such practices. Bill No. 139/2024 (Maranhão, 2024), by providing for the mandatory use of cameras in the uniforms of civil, military, and criminal police officers, represents a legislative effort to respond to society's growing demand for transparency and control of state violence. The proposal is also part of Brazil's international commitments in the field of human rights, such as the International Covenant on Civil and Political Rights (Decree No. 592/1992), which determines the obligation of States Parties to adopt effective measures against torture and degrading treatment.

The adoption of body cameras in Brazilian states, however, follows an asymmetrical logic. While São Paulo, Rio de Janeiro, Minas Gerais, and Santa Catarina already have consolidated video surveillance structures, other federative units, such as Maranhão, are still in the initial phase of legislative discussion or pilot tests (Poder360, 2024; CNN Brasil, 2024). This disparity demonstrates the urgency of developing national guidelines that standardize standards of use, activation criteria, and rules on image storage, in order to ensure legal certainty, evidentiary effectiveness, and respect for the rights to intimacy and informational self-determination (Law No. 13,709/2018).

In addition to the technical-legal aspect, the implementation of body cameras should also be understood as an instrument for transforming the institutional culture of police corporations. According to Monteiro et al. (2022), the presence of recording devices induces more cautious behavior, reduces arbitrary conduct, and enhances the internal control of corporations, by creating an environment of constant inspection.

Thus, the experience of other states provides relevant empirical and legal elements that can and should guide the implementation of the policy in Maranhão. This is a measure of a constitutionally adequate nature, in accordance with the principles of the rule of law, and which is supported by the most relevant international human rights treaties to which Brazil is a signatory.



Source: Poder360 (2024); CNN Brasil (2024a); Gov.br (2024).
Source: Chart generated by OpenAI's artificial intelligence tool, 2025

INVESTMENT IN IMPLEMENTATION

The allocation of public resources for the implementation of body cameras in police forces is part of the scope of public security policies and must observe the constitutional principles of legality, morality, publicity, efficiency and economy, all provided for in the caput of article 37 of the Federal Constitution of 1988. Investment in this technology, in addition to being compatible with the state's duty to ensure fundamental rights (CF/88, art. 5), responds directly to the need to strengthen mechanisms to control police activity, as determined by Law No. 13,869/2019 (Brasil, 2019).

In 2024, the Federal Government, through the Ministry of Justice and Public Security, allocated approximately R$ 102 million to support the acquisition and implementation of body cameras in nine Brazilian states, in compliance with the guidelines of the National Secretariat of Public Security (SENASP), which seeks to promote the use of technologies aimed at transparency and control of police activity (Portal Norte, 2024; Catedras, 2024).

The State of São Paulo, due to its significant institutional structure and police force, was the main beneficiary, receiving R$27.8 million for the acquisition of up to 2,100 devices (Government of the State of São Paulo, 2024a). The allocation of resources followed technical criteria of proportionality between operational staff, degree of existing implementation and capacity to expand the policy. States such as the Federal District, Rio Grande do Norte, Alagoas and Piauí were also contemplated with significant transfers, ranging between R$ 8.6 million and R$ 12 million, enabling the purchase of hundreds of pieces of equipment (Agência Brasil, 2024; Portal Norte, 2024).

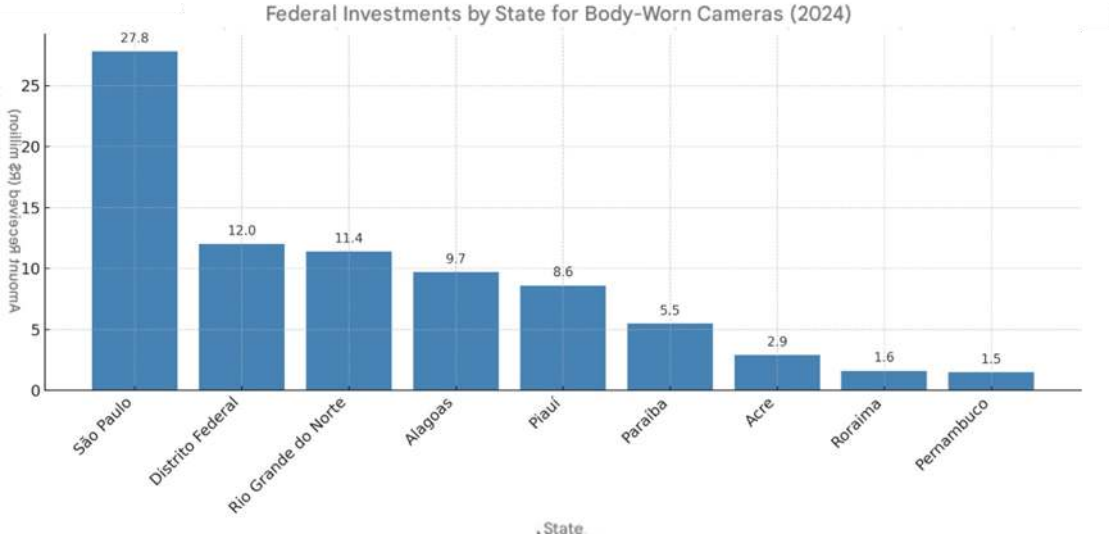
The allocation of resources also followed the logic of federative equity, considering regional asymmetries. States located in SUDENE, SUDAM and SUDECO areas — such as Maranhão — were subjected to a reduced financial counterpart requirement, of only 0.1% of the value of the agreement, while the other states presented a minimum counterpart of 2%, according to the guideline established by SENASP (Catedras, 2024). This measure aims to ensure equal access to technology by all federative units, promoting the equality and effectiveness of fundamental rights throughout the national territory.

From a legal-budgetary perspective, the investments made in the body camera program should be understood as administrative acts linked to the implementation of public policies, subject to external control exercised by the Federal Court of Accounts (art. 70, CF/88) and to social control, under the terms of the Access to Information Law (Law No. 12,527/2011). The efficient application of these resources contributes to the realization of the right to public security (CF/88, art. 144), without excluding the observance of other

personality rights, such as intimacy and data protection, provided for in Law No. 13,709/2018 (General Data Protection Law).

As Mello (2021) points out, good public administration requires planning and rationality in the allocation of public resources, which implies prioritizing investments that promote a balance between operational efficiency and respect for fundamental rights. In this context, the implementation of body cameras, through structured and equitable investments, represents the fulfillment of the state's duty to provide effective public policies in the fight against institutional violence and impunity.

Therefore, federal and state investments aimed at expanding the use of body cameras should be understood not only as financial contributions, but as instruments for the realization of the constitutional values of the Democratic Rule of Law. Its continuity and improvement depend on the elaboration of clear rules, transparent execution plans and periodic evaluation mechanisms, with a view to maximizing results and protecting legality and fundamental rights in the exercise of State force.



Source: Adapted from Agência Brasil (2024); North Portal (2024); Government of Brazil (2024); Chairs (2024).
Source: Chart generated by OpenAI's artificial intelligence tool, 2025

THE CASE OF THE CITY OF EDISON LOBÃO: BODY CAMERAS AS AN INSTRUMENT OF ACCOUNTABILITY AND DEFENSE OF FUNDAMENTAL RIGHTS

The actions of the police forces must observe, in all circumstances, the limits imposed by the legal system, notably the constitutional principles of legality (art. 5, II, FC/88), the dignity of the human person (art. 1, III, FC/88), the inviolability of the right to life and physical integrity (art. 5, caput, FC/88) and due process of law (art. 5, LIV, CF/88). In this sense, the use of body cameras by military police officers should be understood as a

tool to guarantee the objective accountability of the State and the individual accountability of public agents, as provided for in article 37, paragraph 6 of the Federal Constitution.

The case that occurred in the municipality of Governador Edison Lobão, Maranhão, in February 2024, strongly illustrates the need to adopt audiovisual recording technologies to control police activity. At the time, military police officer Sabrina Silva, during an approach, fired a firearm at Marcos Vinícius da Silva, a 20-year-old young man, who was hit in the back, dying. According to a press report, the fact occurred in front of the victim's residence and in the presence of her mother, generating great social commotion (Imirante, 2024).

The police officer was indicted for qualified homicide, and criminal and disciplinary proceedings were initiated. However, the absence of objective images of what happened compromises not only the effectiveness of the criminal prosecution, but also the administrative accountability of the agent and the reparation of the damages caused to the victim and her family. The jurisprudence of the Federal Supreme Court has affirmed the need for robust and impartial evidence for the accountability of public officials, especially when it comes to the use of lethal force (STF, HC 126.292/SP, Rel. Min. Gilmar Mendes, j. 17.03.2016).

In this context, the use of body cameras is a lawful means of producing evidence and protecting the fundamental rights of both the citizen approached and the public agent. The doctrine of Genghini, Oliveira, and Fabretti (2023) highlights that the recordings made by the COPs ensure greater objectivity in the investigation of the facts, in addition to acting as a behavioral deterrent mechanism — inhibiting arbitrary practices and ensuring jurisdictional control of state actions.

The State's failure to adopt effective monitoring instruments, such as body cameras, may constitute a violation of the duty of protection provided for in the Constitution and in international human rights treaties, such as the American Convention on Human Rights (Decree No. 678/1992), which imposes on States the obligation to prevent, investigate, and punish acts of institutional violence.

In addition, Law No. 13,869/2019, by typifying the crimes of abuse of authority, establishes that the agent's liability must consider the misuse of purpose, excess of power, and violation of legal rights and guarantees. Without objective records of police action, the procedural instruction becomes precarious, compromising the search for the real truth and favoring impunity (Brasil, 2019).

It is important to note that, according to Law No. 13,709/2018 (General Law for the Protection of Personal Data), the use of audiovisual records by security forces must

observe the principles of purpose, necessity, and proportionality. This means that the use of the images must be restricted to the public interest in the investigation of the facts and cannot violate the privacy of those involved, except in cases where this is legally justified.

The adoption of cameras must also be accompanied by internal regulations that establish objective criteria for the activation, storage, storage time and access to recordings, with a view to ensuring legal certainty and respect for the adversarial and full defense. The absence of these guidelines at the current moment in Maranhão reveals the need for approval and regulation of Bill No. 139/2024 (Legislative Assembly of Maranhão, 2024).

Therefore, the case that occurred in Edison Lobão shows, from a legal point of view, the urgency of normative and structural measures that promote the prevention of abusive conduct and the accountability of agents who act in disconformity with constitutional principles. Body cameras should not be seen only as a technological resource, but as an instrument for the materialization of the Democratic Rule of Law and the effectiveness of the fundamental guarantees provided for in the Constitution and international standards.

CASE OF EXTORTION AND SEXUAL ABUSE BY MILITARY POLICE OFFICERS IN IMPERATRIZ/MA: THE ABSENCE OF CAMERAS AS AN OBSTACLE TO ACCOUNTABILITY

The protection of the dignity of the human person (art. 1, III, FC/88), physical and moral integrity (art. 5, caput and III, FC/88) and sexual freedom (art. 5, X, FC/88; art. 213 of the Penal Code) are pillars of the Brazilian legal system and cannot be relativized, especially when the violations come from state agents in charge of public security. When these transgressions occur without the presence of effective control mechanisms, such as body cameras, the accountability of agents is hindered, compromising the right to truth and justice.

The episode that occurred in July 2024, in the city of Imperatriz/MA, exemplifies this scenario. Two military police officers, Eduardo Carvalho and Duílio Coimbra, were preventively arrested for extortion and sexual abuse against a woman approached in the Vilinha neighborhood. According to the complaint, the police demanded R$ 400 to release the victim's partner and then coerced her to practice a libidinous act, characterizing sexual violence and violation of functional duty (Globo Play, 2024a; TV Maranhense, 2024).

The conducts attributed to the agents fall under the criminal types of extortion (article 158 of the Criminal Code), rape (article 213 of the Criminal Code), in addition to the crime of abuse of authority with sexual connotation (article 11 of Law No. 13,869/2019). From a

disciplinary point of view, such acts constitute very serious misconduct subject to dismissal, exclusion from the corporation and loss of public function, under the terms of article 132, IV and XIII of Law No. 8,112/1990, applicable by analogy to state legislation.

The case was brought to the attention of the Public Prosecutor's Office of Maranhão, which initiated an investigative procedure, culminating in the decree of the arrest of the agents by the Military Justice. Even so, it is observed that the absence of any audiovisual record compromised the initial investigation and could, in a different context, result in the impunity of the aggressors – a scenario that is repeatedly criticized by human rights entities (SMDH, 2022).

The use of body cameras during operational approaches and actions could have prevented the occurrence of abuse or, at least, would have ensured the production of objective and impartial evidence, in line with the principle of real truth (Nucci, 2022). As highlighted by the São Paulo Public Security Secretariat (2023), the existence of audiovisual records in police stops significantly reduces the incidence of complaints for abuse of authority and promotes an institutional environment of mutual accountability and functional integrity.

From a legal-constitutional perspective, the State's failure to provide effective mechanisms to control police action, such as body cameras, may constitute a violation of the State's duty of positive protection, established both by the Federal Constitution and by international human rights standards (Decree No. 678/1992 – Pact of San José, Costa Rica). This duty imposes on the public authorities not only the abstention from violations, but also the creation of institutional guarantees that allow for the prevention, investigation and punishment of conduct incompatible with fundamental rights (Piosevan, 2020).

In addition, the regulation of the use of cameras must consider the parameters of the General Law for the Protection of Personal Data (Law No. 13,709/2018), respecting the rights to intimacy and informational self-determination, but without allowing these rights to serve as an obstacle to the investigation of crimes and serious human rights violations. The balance between data protection and public interest should guide police video surveillance policies.

Thus, the implementation of body cameras, as provided for in Bill No. 139/2024 (Legislative Assembly of Maranhão, 2024), emerges as an indispensable measure for the prevention of abuses of authority and the effectiveness of external control of police activity, as provided for in article 129, VII of the Federal Constitution, which confers on the Public Prosecutor's Office the duty to supervise police activity.

The case of Imperatriz is a paradigmatic example of the need to modernize public security in Maranhão, from the perspective of legality, protection of fundamental rights and criminal and administrative accountability of public agents who act with deviation of purpose.

APPLIED JURISPRUDENCE: THE USE OF BODY CAMERAS FROM THE PERSPECTIVE OF THE JUDICIARY

The performance of the Brazilian Judiciary has assumed a fundamental role in the consolidation of the use of body cameras as a legitimate instrument for controlling police activity, producing evidence and guaranteeing fundamental rights. In several recent decisions, the higher courts have recognized the legal value of audiovisual recordings made by cameras attached to police uniforms, both for the purposes of accountability and for the purpose of protecting public officials against unfounded accusations.

HABEAS CORPUS 831.416 – SUPERIOR COURT OF JUSTICE (STJ)

In a paradigmatic decision, the Sixth Panel of the Superior Court of Justice decided, unanimously, for the illegality of evidence obtained in the absence of body cameras in a drug trafficking case. The rapporteur, Justice Rogerio Schietti Cruz, argued that the lack of recordings in police stops compromises the veracity of the facts narrated by the agents, especially in the face of the existence of contradictions and the absence of other autonomous evidence (STJ, 2024).

The minister also pointed out that the use of cameras not only preserves the rights of the accused, but protects the police themselves, working as a "reputation shield" against false allegations. The decision applied the principle in dubio pro reo, reinforcing the understanding that, in doubt as to the legality of the evidence, the presumption of innocence must prevail (art. 5, LVII, CF/88).

HABEAS CORPUS 933.395 – SUPERIOR COURT OF JUSTICE (STJ)

In another relevant judgment, the STJ recognized the occurrence of torture in a police stop, whose record was obtained by body cameras. The case involved a defendant accused of drug trafficking, who was allegedly physically assaulted while driving to the police station. Based on the images captured by the bodycams, the Court understood that the evidence derived from this violation was null, recognizing the violation of the principle of human dignity (art. 1, III, CF/88) and the international human rights treaties ratified by Brazil (Decree No. 678/1992).

The winning vote highlighted the importance of cameras to ensure transparency, control, and repression of the practice of institutional violence, recognizing their usefulness as a legitimate and suitable means of evidence (Catedras, 2024).

TJ-SP – 13TH CHAMBER OF CRIMINAL LAW (APPEAL NO. NOT DISCLOSED, 2024)

In a decision handed down on May 28, 2024, the Court of Justice of the State of São Paulo acquitted a defendant accused of robbery after verifying that the images recorded by the body cameras of the police officers contradicted the version presented in court. The images revealed that the recognition of the suspect was possibly induced, constituting an irremediable procedural defect.

The rapporteur, Judge Marcelo Semer, pointed out that "the procedural truth must be built based on reliable elements, and the images captured by body cameras provide objective subsidies to assess the legality of the police action" (CONJUR, 2024). The decision reinforces the role of the COPs as an instrument to guarantee the adversarial process, the broad defense and criminal justice.

CONCLUSION

The analysis developed throughout this work allowed us to demonstrate, from a legal-constitutional perspective, that the use of body cameras by military police officers represents an effective instrument of prevention and accountability for abuses of authority. This measure contributes to the protection of the fundamental rights to life, physical integrity, human dignity and due process, all enshrined in Article 5 of the Federal Constitution of 1988 (Brasil, 1988).

Police action, especially in contexts of social vulnerability such as that of the state of Maranhão, must be constantly subjected to control mechanisms that ensure the legality and proportionality of the use of state force. The absence of objective records on the approaches, interventions, and possible conflicts compromises both the accountability of public agents and the legal protection of citizens — which is an affront to the state's duties of guarantee, prevention, and reparation, as provided for in international human rights treaties, especially the Pact of San José, Costa Rica (Decree No. 678/1992).

The concrete cases analyzed — such as the homicide that occurred in Governador Edison Lobão and the crimes of extortion and sexual abuse committed by military police officers in Imperatriz — highlight the urgency of structuring measures in the public security system of Maranhão. In both episodes, the absence of recordings compromised the

production of evidence and exposed the vulnerability of existing inspection mechanisms, making evident the need to adopt technological devices that promote police accountability.

In this sense, Bill No. 139/2024, pending in the Legislative Assembly of Maranhão, proves to be legally adequate and compatible with the constitutional principles of public administration (legality, morality, publicity and efficiency – art. 37, caput, CF/88), in addition to representing an institutional response to the need to conform police activity to the democratic paradigm and personality rights.

In addition, the experience of states such as São Paulo shows that the implementation of Portable Operational Cameras (COPs) significantly reduces police lethality and complaints for abuse of authority, functioning both as a mechanism of evidence and prevention. Jurisprudence and doctrine indicate that the mere presence of cameras induces more cautious and ethical behavior on the part of agents, in line with the precautionary principle in the use of state force (Genghini; Olive tree; Fabretti, 2023; Monteiro et al., 2022).

Therefore, the implementation of body cameras should not be treated as an isolated measure, but as part of a broader public policy, which includes: (i) continuous training of police officers with a focus on human rights; (ii) precise regulation on the use, storage and access to images; and (iii) effective external control mechanisms, with the participation of the Public Prosecutor's Office and civil society (art. 129, III and VII, FC/88).

The jurisprudential analysis reinforces the importance of clear and effective regulation of the policy of use of body cameras, as proposed by Bill No. 139/2024 in the state of Maranhão. The position of the higher courts recognizes the legal validity, procedural utility, and institutional value of audiovisual records in the construction of a public security model compatible with constitutional principles, human rights, and the positive duties of the State in terms of prevention, investigation, and reparation of abuses.

It is concluded, therefore, that the adoption of body cameras in the state of Maranhão is not only legally recommended, but also legally necessary for the construction of a public security policy compatible with the precepts of the Democratic Rule of Law. Its effective implementation will contribute to the reconstruction of trust between the population and police institutions, promoting greater transparency, legality, justice and protection of fundamental rights.

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