LUMEN ET VIRTUS
ISSN: 2177-2789

THE INSTITUTIONAL COMPETENCIES OF THE STATE PUBLIC SECURITY AGENCIES OF GOIÁS AND THEIR PROPENSITY TO RESPOND TO CATASTROPHES

https://doi.org/10.56238/levv15n41-079

Submitted on: 09/22/2024 **Publication date:** 10/22/2024

Bráulio Cançado Flores[1] and Cristhyan Martins Castro Milazzo[2]

ABSTRACT

This article seeks, based on a review of the institutional competencies of state public security agencies, a relationship between these competencies and the propensity of each agency to be activated in the event of catastrophes. A survey of the legislation, especially of the public security agencies of the State of Goiás, was carried out, tracing their competences from the provisions of the Federal Constitution, in addition to a brief bibliographic review on disaster response. Treated with the four state institutions of public security provided for in the Brazilian Magna Carta, it was evident that, due to its institutional competences, the Military Fire Brigade is the body most prone to activation in response to catastrophes. In this way, it is possible to take a look at the institutions, including the formulation of organizational policies aimed at providing care to professionals.

Keywords: Public Security. Disaster. Disasters. Institutions.

[1]Dr. in Human Rights (UFGO 2024)
Military Fire Department of the State of Goiás
[2]Dr. in Religious Sciences (PUC/GO 2013)
State University of Goiás

INTRODUCTION

The objective of this paper is to discuss the institutional competencies of state public security agencies, relating them to the propensity of institutions to be employed in response to major catastrophes. First, presenting the public security agencies and, then, which of them are at the state level. Finally, presenting the concepts involved in the study of catastrophes, discuss which of these state agencies would be most required for the response to major disasters.

This research originated from the following question: verifying their institutional missions, which state public security institutions are more likely to respond to major catastrophes?

For its execution, the research proposed to raise the bibliography that deals with disasters, their concepts, impacts on society and their conditions of care. A search was carried out on the portals for the dissemination of scientific material so that it was possible to learn about works that dealt with public security, civil defense and disasters.

According to Botelho, Cunha and Macedo (2011), the most established methods of documentary analysis propose to elaborate a synthesis based on different data already discussed from the same atmosphere, or even from different sources of the same theme.

That said, the legislation that deals with the competencies of public security agencies, in addition to works that deal with their missions, were sought with a view to, after analysis and relationship with the scientific content on catastrophes, formulate reasoning that allowed correlating the institutional competencies of the state agencies constitutionally defined for public security with the use of their personnel in responding to disasters.

According to Federal Decree 10,593, of 2020, which provides, among other things, for the organization and operation of the National Civil Protection and Defense System, a disaster is "the result of an adverse event resulting from natural or anthropic action on a vulnerable scenario that causes human, material, or environmental damage and economic and social losses", In other words, already in its definition, there is the recognition that it is a relationship of exceptionality of the situation, which is closely related to the susceptibility of the place to suffer the consequences of it.

When disasters occur, it is imperative to recognize that, among other things, there is a disruption in the routine of society. Obviously, citizens impacted by the effects of the disaster will have the course of their lives altered, by property damage, by human, community or environmental damage. It turns out that, in addition to the people directly affected by the disasters, there are several other people involved with the phenomenon: the responders. Those who cover the news, health care, the reconstruction of the scenario and

even public security operations also have their lives and their routines changed by the disaster. Very often, the first responders to a disaster are public security professionals (RIBEIRO, 1995).

The analysis of the institutional missions of the agencies involved in disaster response and also of their ordinary care routines can reveal how the corporations involved in responding to adverse events are in extraordinary demand. More than an increase in work intensity, it is important to know about the variation of scenarios and innovation in demands, to understand the impact that the performance in response will have on the professionals called to serve you. Doing the same thing that is done every day, but in a more intense way, is different from acting more intensely than the ordinary and in scenarios where there is an intense presence of the improbable, the unpredictable or the imponderable (ARAÚJO, 2013).

Public security is an important area for Brazilian society and requires public policies that are properly designed for its institutions and professionals. The establishment of public policies requires that more approximate aspects of bodies, activities and professionals be considered, in order to avoid generalizations and obstacles that arise from the attempt to treat the entire state segment as a monolithic block (BALLESTEROS, 2014).

Understanding, then, from the analysis of the institutional missions of corporations, the demand that falls on their members, makes it possible, with greater proximity, to understand what is the routine of a public security professional and how he is subject to the impacts of occupational exposure to disasters, which can add risks, stressors and procedures that are not common to his daily life and, therefore, they deserve special attention. The recognition of extraordinary exposure to certain situations, in this case, disaster response, can lead to the establishment of appropriate public policies to respond to occurrences, to respond to affected communities and also to care for the responding professionals involved.

THE PUBLIC SECURITY ORGANS

It is common for everyone to imagine knowing what public security is about, since the issues related to the theme and the approach by society are already old in Brazil. There are those who treat the issue referring to the police and their actions, omissions, behaviors, training and other aspects. There are those who include issues involving criminal prosecution in a broader way, including actors such as jurists, lawyers, the Public Prosecutor's Office and the Judiciary. There are also those who expand their discussions,

inserting social, educational, historical, and philosophical issues in the concepts and theme of public security (LIMA et al, 2015).

Perceptions on the subject of public security have undergone, over time, reformulations and adaptations. During the military regime, it was treated with an air of national security and, more recently, referring to the concept of citizen security, presuming the active participation of society (FREIRE, 2009). Constitutionally, in the caput of article 144 of the 1988 Charter, the matter is dealt with saying that "public security, a duty of the State, a right and responsibility of all, is exercised for the preservation of public order and the safety of people and property".

Especially within the federal constitutional text, the bodies listed as responsible for public security are the federal, federal highway, federal railway, civil, military and criminal police, in addition to the military fire departments. There are also mentioned in the paragraphs of the articles, the provision for municipal guards and traffic agencies, as well as components of public security. Limiting, therefore, to what is addressed in article 144 of the Federal Constitution about state public security agencies, it is possible to say that the federation units will certainly have civil, military and criminal police, in addition to military fire departments.

THE INSTITUTIONAL COMPETENCE OF THE CIVIL POLICE

Little addressed before the twentieth century in Brazilian historiography, the Civil Police has in its origin a characteristically Brazilian method of providing public security. Defined for the attributions of judicial police and headed by police chiefs, the corporation is responsible for the instruction of inquiries and investigations (BRETAS and ROSEMBERG, 2013).

The Federal Constitution, in article 144, § 4, states that the civil police "are responsible, except for the competence of the Union, with the functions of judicial police and the investigation of criminal offenses, except for military ones". In other words, as Baraldi (1999) asserts, it is up to the civil police, through its police investigations, to collect evidence of authorship and materiality of alleged infractions of the criminal law that subsidize criminal investigations and prosecutions.

The Constitution of the State of Goiás, when dealing with the Civil Police, focuses on repeating the provisions of the Federal Charter, focusing on the investiture and central position of police chiefs and establishing relative independence to the forensic bodies. The role of the Civil Police of Goiás, however, is clearer in article 5 of State Law 16.901/2010, Organic Law of the Civil Police, when it is established that, except for the competences of

the Union and the military, the corporation is responsible for the actions of the judicial police and the investigation of criminal offenses, also dealing, in this area, with actions at crime scenes, the secrecy of investigations, scientific research and maintenance of information banks.

THE INSTITUTIONAL COMPETENCE OF THE CRIMINAL POLICE

Until 2019, among the bodies that make up Brazilian public security, there was no constitutional institution responsible for the control and security of prison establishments. It is from this legislative gap that the only change in the article of the Federal Constitution that deals with public security arises: Constitutional Amendment 104, of December 4, 2019, which creates the federal, state, and district criminal police (CARVALHO and VIEIRA, 2020).

The Criminal Police, then, was born as an institution at the end of 2019, to clarify the responsibility for prison complexes in the country, previously subject to guard action exercised by members of other police forces, as described by Oliveira and Santos (2021), or even by prison officers who were not assisted in their missions by constitutional provision, but who acted to ensure compliance with the Penal Execution Law.

Thus, in a recent amendment, the Federal Constitution now determines, in article 144, § 5-A, that it is up to the criminal police to "the security of penal establishments". In the State of Goiás, the state constitution says, in its article 126-A, that "the Criminal Police is responsible for the security of penal establishments, the security measures for the effective execution of penalties and the penitentiary policy", also noting that a subsequent law will define "the concept of security of penal establishments".

THE INSTITUTIONAL COMPETENCE OF THE MILITARY POLICE

"The military police are responsible for the ostensive police and the preservation of public order", as provided for in article 144, paragraph 5 of the Federal Constitution. As Paredes (2014) discusses, in addition to being auxiliary and reserve forces of the Brazilian Army, the military police are public security organs, that is, they perform police functions and can also be called upon to perform national defense functions.

The Constitution of the State of Goiás is more specific when it says, in its article 124, that the Military Police is responsible for ostensible security policing, the preservation of public order, the military judicial police, the guidance and instruction of the Municipal Guard, and the guarantee of the exercise of police power, state powers and public bodies,

especially those in the areas of finance, sanitation, land use and occupation and cultural heritage.

A mission cited in the constitution, both at the federal and state levels, is the preservation of public order. In this regard, Lazzarini (2000) clarifies that it is a matter of guaranteeing peaceful coexistence among individuals, ensuring aspects of public safety, tranquility and health.

Called to state legislation, including the statute of military police officers, State Law No. 8,033/1975, two federal norms still discuss the mission of the military police: Federal Law 14,751/2023, the national organic law on military police and military fire departments, and federal decree 88,777/1983, which approves the regulation for military police and military fire departments (R-200). They deal with matters of State and establish, in general terms, that the military police are responsible for carrying out ostensive policing, acting in a preventive and repressive manner, "in order to ensure compliance with the law, the maintenance of public order and the exercise of constituted powers".

THE INSTITUTIONAL COMPETENCE OF THE MILITARY FIRE BRIGADE

Founded on the pillars of hierarchy and discipline, like the other Brazilian military corporations, the Military Fire Brigade, in federal constitutional headquarters, is established that "in addition to the attributions defined by law, it is incumbent on the execution of civil defense activities". The Constitution of the State of Goiás, in its article 125, in turn, is more specific as to what is incumbent on the corporation, such as the execution of civil defense activities, the prevention and fighting of fires and panic situations, as well as search and rescue actions for people and property, the development of educational activities related to civil defense and the prevention of fire and panic and the analysis of Designs and inspection of preventive installations for fire and panic protection in buildings.

In the national organic law of military police and military fire departments, federal law 14.751/2023, although the national civil protection and defense system is mentioned as composed of the two corporations, the matter is only within the competences of the fire departments.

It is also perceived the concern that the institutional competencies of the Military Fire Brigade are dealt with in article 2 of the statute of the military firefighters of the State of Goiás, State Law No. 11,416/1991, where it is stated that the corporation is intended for expertise, fire prevention and fighting, search and rescue, provision of aid and execution of other services that are necessary for the protection of the community, including civil defense activities.

Finally, complying with the federal constitutional commandment to display its attributions in infra-constitutional laws, the Military Fire Brigade of the State of Goiás has a provision of competencies explicitly established in state law 18.305/2013, which provides for the organizational structure of the corporation:

Art. 2 It is incumbent upon the Military Fire Brigade:

I – To plan and execute fire prevention and firefighting activities, search, rescue and rescue of people and property, as well as to control panic situations;

II – To apply and supervise compliance with legislation and specific standards that deal with protection against fire, explosion, panic and disasters;

III – To carry out fire investigations aimed exclusively at the prevention of accidents and related to its competence;

IV – To coordinate the response to disasters, emergency situations or states of public calamity;

V – To plan and execute environmental protection activities, related to its competence;

VI – To develop educational activities related to its competence;

VII – To carry out other activities, aiming at the fulfillment of its constitutional and legal attributions.

For all this framework of competences, Wolkmer (2014) also argues, the military fire brigades, although not explicitly in the Federal Constitution, are corporations equally competent for the preservation of public order, within the scope of their attributions, just like the military police, which are also contained in the same item, in article 144 of the Magna Carta of 1988.

DISASTER RESPONSE

In a country of continental dimensions like Brazil, the occurrence of disasters is not so rare, but that, regardless of its magnitude, has an impact on the people involved, whether victims or workers in the scenario. Therefore, considering human aspects in dealing with disasters is essential for a more efficient response to the episode. In this way, considering all those impacted, victims, responders and the community, makes the formulation of policies more appropriate to the response, which, in the end, is still to the people involved and to society in general (VALENCIO, 2014).

Disasters are adverse events that befall a community that cause economic and social damage, as well as human damage. They can be of natural or human origin and have their intensities classified according to the need for resources, for the reestablishment

of the situation of normality, and with the availability of these resources in the affected municipality and in the other levels of support to the municipality (CASTRO, 1999).

The Brazilian classification and codification of disasters – COBRADE divides disasters by their origin, as being natural, such as landslides, floods, flash floods, drought, epidemics or floods, or as being technological, such as fires in residential agglomerations, dam ruptures, radioactive accidents, among others (COUTINHO, 2019). Disasters are still classified according to their evolution, when it is considered that they evolve abruptly or suddenly, gradually or as a result of the sum of identical events that occurred over time. As for intensity, disasters are considered to be small, medium-sized, large, and very large, according to their impact on communities and the vulnerability of the scenarios (CASTRO and ALMEIDA, 2019).

Those disasters that are classified as being very large, that is, those whose losses are very large and considerable and whose damage is very important, often require international aid for the affected communities, since their impacts are not surmountable and bearable, even when these communities are well prepared, informed, participatory and easily mobilizable. It is common, in these cases, to classify it as a calamity or catastrophe, giving rise to even official acts of recognition by the public power of the abnormal situation, in this case, a decree of a State of Public Calamity (CASTRO, 1998).

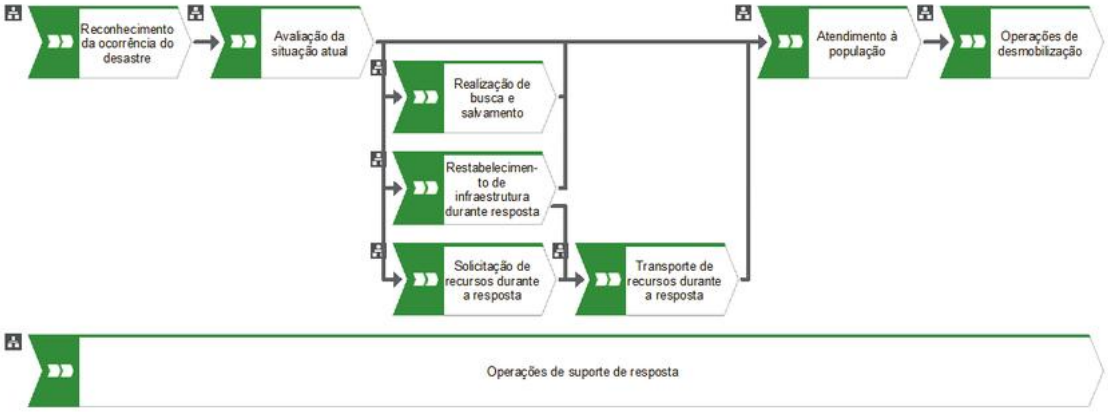
When disasters occur, it is important to consider the activation of security agencies, especially those that respond to emergency calls, given that their performance is certain and the involvement of their units needs to occur in order to establish the best response to the event (DA SILVA, 2020).

There are several aspects to consider in disaster response. When trying to respond to catastrophic events, it is imperative to consider the immediate actions, taken soon after the outbreak of the event, such as the rescue of possible victims and measures aimed at minimizing the consequent damages and losses, as well as it is also necessary to consider the medium and long-term actions, aimed at the reconstruction of the scenarios or, at least, the reestablishment of normality in the place (BRASIL, 2011).

Fundamentally, when it comes to disaster response, the reference is disaster response actions. Listed by Fontainha et al (2015), the macro processes of disaster response begin with the recognition of the occurrence with the assessment of the situation, start with the performance of search and rescue operations, go through the reestablishment of the infrastructure during the response and go to the service of the general population, ending with demobilization operations. Throughout this process, response support

operations are eventually increased by requests and transportation of specific resources for the response, as shown in Figure 1.

Figure 1: Macro processes of disaster response.



Source: Fontainha et al, 2015.

Finally, it is evident that the employment of institutions and, consequently, of public security professionals, in the midst of the chaos that can be generated by disasters, subjects police officers and firefighters to chaotic scenarios that have an impact on them, as evidenced by Flores and Najberg (2021), but it is also true that responding to disasters inevitably requires the use of these institutions in the affected scenario, each one in the sphere of its attributions.

DISCUSSION

There is no margin that allows us to deny that, when disasters occur, there is a serious rupture in the course of the life of the affected community, as presented by Ribeiro (1995). Likewise, there is certainly a rupture in the work routine of the institutions and professionals designated to respond to these events, which obviously, as Flores and Najberg (2021) argue, will have some impact on them and, therefore, give rise to the establishment of public policies in this regard.

Among the main responders to disasters are the public security agencies, capitulated in article 144 of the Federal Constitution. By the way, regarding state activity related to disasters, that is, civil defense, the term appears in the Magna Carta in only two moments: in article 22, determining that it is a legislative competence of the Union and precisely in article 144, that of public security, when it appears as a competence of the military fire brigades.

Observing the response to disasters, it can be adduced from the classification of episodes that, as stated by Coutinho (2019), are adverse events that involve extreme

phenomena, which are not limited to jurisdictions and which have an important impact on communities. Still observing the flow of macro processes of care, brought by Fontainha et al (2015), it is noticeable that, as a rule, it is necessary to consider, among other organization and logistics activities, the search and rescue operations at the site.

Turning to the state panorama of public security, it is clear that, constitutionally defined, there are the Criminal Police, the Civil Police, the Military Police and the Military Fire Brigade. In the first case, as brought by Oliveira and Santos (2021), the Criminal Police has its responsibilities focused on the prison system and its complexes. It is possible to deduce, from this, that there is the possibility of the agency being used to respond to disasters, but if they occur within prison complexes, that is, only in a specific case of location, whereas, even in this case, it is possible that the other 3 state public security agencies had also been employed, because it involves, most likely, an investigation into what happened, security in the vicinity and saving people.

When it comes to the institutional competencies of the Civil Police, it is important to know that, as Baraldi (1999) points out, its role is for the investigation and elucidation of criminal offenses, that is, in order for it to be used in response to disasters or any other occurrence, there must be a crime to be clarified, which may not occur, necessarily, for example, in the case of floods and floods, as a result of the increase in water precipitation.

The preservation of public order, the constitutional mission of the Military Police, involves ensuring aspects of public safety, tranquility and health, as argued by Lazzarini (2000). It is, therefore, an institution that is widely called upon to attend to any events that deviate from normality and, even more, that cause ruptures in the perception of safety, tranquility and healthiness. Even so, the author himself, when dealing with public health, ratifies: "More linked to the activity of Military Firefighter, it is directly linked to conditions that prevail health, as a responsibility of the Public Power".

In the case of the Military Fire Brigade, legislation and literature converge on strong arguments for its use in all cases of disaster. First, it is remarkable that only this corporation is assigned a clear and specific civil defense function in the Federal Constitution. Comparing its institutional competencies with other public security corporations, it is noticeable that its performance is not limited to risks of human violence against people or facilities, nor to the occurrence of crimes, much less to specific locations.

In addition, firefighters exhibit competencies clearly related to disaster response, as is the case of the attribution of search and rescue, contained in the flowchart of macroprocesses for disaster response, demonstrated by Fontainha et al (2015). Corroborating the argument of its use in major disasters, the Brazilian Codification and

Classification of Disasters – COBRADE, presented by Coutinho (2019) displays the list of predicted events that, related to the competencies of the Military Fire Department, unequivocally highlight the institution's duty to respond to these occurrences, especially the most important ones, whose human damage is present.

Sealing the responsibility of the Military Fire Brigade with major disasters, the state law that deals with the organization of the Goiás corporation is explicit in listing, among its competences, "coordinating response to disasters, emergency situations or states of public calamity".

FINAL CONSIDERATIONS

When it comes to state public security corporations, it has been proven that, in the event of major disasters, the Military Fire Department is the institution most frequently demanded for assistance.

The other state public security agencies, due to their institutional competences, can be used in response to catastrophes, however, unlike the Military Fire Brigade, they exhibit contours of competence that, in some or many cases, depending on the institution, will be removed from these services.

Understanding how exposed corporations are to disaster response is preponderant for public policies to be formulated in order to prepare the agencies and, in addition, to observe the professionals regarding this assistance, since disasters represent an important rupture not only for the affected community, but also in the professional and personal routine of the responders.

Finally, it is hoped that this work has contributed to the solution of the questions it proposed, since the objectives of addressing the competencies of state public security institutions and relating them to disaster response have been fulfilled, shedding light on issues that certainly matter to corporations and professionals in the area, in addition to the community in general.

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