



The Effectiveness of the Unified Public Security System (SUSP) in Light of the Constitution Federal

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Summary

The Unified Public Security System (SUSP), established by Law No. 13,675/2018, represents an attempt by the Brazilian State to overcome the fragmentation of security policies through a cooperative and integrated model between police agencies, the Public Prosecutor's Office, Public Defender's Office, Judiciary and other entities. This article analyzes, from the perspective of Constitutional Law, the effectiveness of the SUSP as an instrument for the integration and rationalization of public security activities. To this end, a normative study of the SUSP is carried out, a reflection on its constitutional foundations, as well as a case study of the application of the system in the states of Minas Gerais, Pernambuco and Santa Catarina. In addition, official data and recent academic studies are used to evaluate the practical results of the implementation of the system. It is concluded that, although the SUSP represents a relevant institutional advance, its effectiveness depends on structural factors, such as adequate funding, political will and ongoing training of the public agents involved.

Keywords: public safety; Federal Constitution; SUSP; institutional integration; administrative law.

Abstract

The Unified Public Security System (SUSP), established by Law no. 13.675/2018, represents an attempt by the Brazilian State to overcome the fragmentation of security policies through a cooperative and integrated model between police agencies, Public Prosecution, Public Defender, Judiciary and other entities. This article analyses, from the perspective of Constitutional Law, the effectiveness of the SUSP as an instrument of integration and rationalization of public security activities. Therefore, a normative study of SUSP is carried out, a reflection on its constitutional foundations, as well as a case study of the application of the system in the states of Minas Gerais, Pernambuco and Santa Catarina. In addition, official data and recent academic studies are used to evaluate the practical results of the implementation of the system. It is concluded that, although the SUSP represents a relevant institutional advance, its effectiveness depends on structural factors, such as adequate financing, political will and continuous training of the public agents involved.

Keywords: public security; Federal Constitution; SUSP; institutional integration; administrative law.

1. Constitutional Foundations of the Unified Public Security System

The 1988 Federal Constitution gave the State the duty to guarantee public safety as a fundamental right of all, as provided for in article 144. This device establishes the powers of the federal police, federal highway police, federal railway police, civil police,

military and military fire brigade, in addition to municipal guards. The constitutional text, however, it created a decentralized structure, generating, in practice, a fragmentation institutional and operational between security forces.

SUSP emerges as a response to this dispersion, based on the principles of legality, efficiency and federative cooperation. Law No. 13,675/2018 establishes the system based on a model analogous to SUS and SUAS, proposing decentralized but integrated management, between the Union, states, Federal District and municipalities. Article 3 of the aforementioned law reinforces the principle of institutional articulation as a guideline for its implementation.

From a legal point of view, SUSP is based on the idea of cooperative federalism, concept defended by Bonavides (2014), according to which decentralization must be accompanied by coordination and control mechanisms, ensuring the effectiveness of public policies. In this sense, the SUSP represents a step forward in the attempt to harmonize various entities of the federation in the formulation and execution of public security policies.

According to a study by Machado and Oliveira (2021), published in the *Brazilian Journal of Politics Public*, SUSP represents a milestone in the attempt to institutionalize planning strategic in public security, promoting integration between federative entities and rationalization of resource use. The research highlights, however, that there are still gaps regulations that hinder effective cooperation between the bodies involved.

Thus, the creation of SUSP must be understood as a normative evolution in the sense to align the practice of public security with the constitutional model of a democratic State law, as defended by Silva (2020), in an article published in the *Law Review Administrative and Constitutional*. However, the rule needs to be accompanied by instruments institutional and operational measures that guarantee its effective application.

Finally, it is essential to emphasize that public safety, as a social right, also applies linked to the principle of human dignity and the guarantee of fundamental rights, which imposes on SUSP not only an operational function, but also an ethical commitment with the protection of citizens and the fight against criminal selectivity.

2. The Legal Framework of SUSP: Rules, Principles and Guidelines

Law No. 13,675/2018 establishes the legal architecture of the SUSP, setting its guidelines, objectives and mechanisms of action. Article 4 of the law defines the principles of the system as protection of human rights, crime prevention, efficiency and transparency.

These principles must guide all actions of the system's constituent bodies, which will

from the police to the Public Prosecutor's Office and the Judiciary.

Furthermore, the legislation provides for the creation of instruments such as the National Plan for Public Security and Social Defense (PNSPDS), the state and municipal systems of security, and the National Public Security Information System (Sinesp). These elements aim to ensure the standardization of actions, the exchange of information and the unification of operational procedures.

Study carried out by Costa and Lima (2020), published in the *Journal of Security and Citizenship*, points out that the main advance of SUSP was the institutionalization of the interoperability of data between federative entities, which allowed, for example, the reduction of redundancies in criminal investigation and increased crime resolution in some states. Still thus, the authors highlight that the effective use of Sinesp is uneven between states.

Another relevant aspect of the SUSP legal structure is the provision of security councils public with social participation, according to article 12 of the law. This guideline represents a progress towards democratizing public safety and allowing greater social control over the actions of the security forces, which is in line with the republican principle set out in article 1st of CF/88.

From a practical point of view, the success of SUSP depends on efficient coordination between the actors involved. According to data from the Ministry of Justice (2022), more than 60% of municipalities Brazilians still do not have municipal public safety councils, which compromises the local integration of policies and limits the system's action at the community level.

Therefore, although the SUSP regulatory framework is consistent and aligned with the principles constitutional, their effectiveness depends on factors external to the norm, such as financing, training of agents, technology and cooperative institutional culture between entities and bodies.

3. Integration between Police, Judiciary and Public Prosecutor's Office: Legal Challenges

Operational and strategic integration between police, Public Prosecutor's Office, Judiciary and others actors in the justice system is one of the main objectives of SUSP. However, the practice reveals major challenges, both legal and institutional, for this articulation to take place carry out in an efficient and constitutionally appropriate manner.

The 1988 Federal Constitution establishes specific powers for each of these bodies, in order to guarantee independence and functional autonomy. The Public Prosecutor's Office, for example, it is an essential body for the jurisdictional function of the State, with functional independence and administrative (art. 127 of the Federal Constitution). The judicial police (civil and federal) acts in the investigation,

while the Judiciary exercises the function of judging. This separation of powers, although necessary, can create obstacles to integration when there are no clear channels of cooperation. According to research by Torres and Ramos (2021), published in the *Brazilian Journal of Criminal Procedural Law*, one of the main problems faced within the scope of SUSP is the absence of institutional protocols that clearly define the flows of information and accountability among institutions. The research analyzed five states and found that, in absence of integrative internal regulations, there is overlapping of functions and, in some cases, conflict of attributions.

On the other hand, successful initiatives such as the operational integration project in Santa Catarina, demonstrate that it is possible to reconcile the constitutional principles of institutional autonomy with inter-organic cooperation. According to data from the Secretariat of SC Public Security (2021), the creation of interinstitutional working groups reduced the average time for processing inquiries by 23%.

The role of the Judiciary is also fundamental, not only as a judge, but as guarantor of the legality of the acts of other bodies. The jurisprudence of the STF reinforces the principle of legality and cooperation between institutions. In decisions such as the *RE 603.616/RS*, the Supreme Court reaffirmed the need to make state action compatible with the fundamental rights, which requires integration of efforts and effective communication between organs of the justice system.

Thus, building an effective public security model involves overcoming institutional and cultural barriers, by creating normative channels of cooperation and by adoption of shared information technologies. The SUSP provides the legal basis for this integration, but its effectiveness depends on the political will and ethical commitment of actors involved.

4. Case Study: Implementation of SUSP in Minas Gerais, Pernambuco and Santa Catarina Catarina

The analysis of the practical implementation of SUSP in federative units is essential for understand its effectiveness and identify difficulties in articulation between institutions involved. To this end, this case study addresses three Brazilian states that have adopted distinct strategies: Minas Gerais, Pernambuco and Santa Catarina. The choice of states is based on criteria of regional, political and structural diversity, in addition to the availability of public data on security. Minas Gerais has stood out for the creation of the Observatory

Public Security, launched in 2019, with the aim of consolidating criminal information from various sources, including the Judiciary and the Public Prosecutor's Office. According to the Report of SUSP monitoring (MJSP, 2021), the state presents an interoperability index of 82%, one of the highest in the country. Centralization of data has allowed better planning of police actions and greater efficiency in the repression of organized crime. On the other hand, Pernambuco faced difficulties in implementing SUSP. According to study by Lima and Araújo (2022), published in the *Northeast Public Security Magazine*, the state still lacks local regulations that formally integrate the bodies of the justice system to public security strategies. The research found that the lack of technological investment and institutional resistance between the military and civil police compromise the effectiveness of integrated actions.

Santa Catarina is often cited as an example of good practices. According to a report of the Public Security Secretariat (2021), the state adopted a model of "integration in network", with the creation of inter-institutional centers in the hub municipalities, involving police, municipal guards, Public Defender's Office, Public Prosecutor's Office and the judicial sector. The joint use of Sinesp and artificial intelligence panels provided a 19% reduction in the rate homicides between 2020 and 2021.

Another relevant aspect is social engagement. In Santa Catarina, the implementation of community public safety councils strengthened social control and expanded the legitimacy of the actions. On the other hand, in Pernambuco, the absence of these councils in 72% of municipalities compromises the decentralization of decisions and the monitoring of policies public safety (Lima and Araújo, 2022).

These data reveal that the effectiveness of SUSP does not depend exclusively on the legal text, but rather local variables such as the degree of institutional maturity, political will, budget availability and social participation. The comparison between the states studied indicates that the Brazilian federative model poses challenges to the standardization of security policy, requiring specific adaptations for each reality.

5. Critical Considerations on the Effectiveness of SUSP

Despite the institutional advances promoted by the creation of SUSP, it is necessary to carry out a critical analysis of its concrete effectiveness as a public policy. The complexity of the Brazilian federal system, combined with the constitutional autonomy of subnational entities, poses challenges to the homogeneous articulation of the guidelines provided for in Law No. 13,675/2018.

A study coordinated by Dias and Ferreira (2020), published at the *Igarapé Institute*, identified that 68% of Brazilian states still operate with their own information systems integrated into Sinesp, which makes standardized data flow at a national level unfeasible. This creates gaps in crime statistics and compromises the formulation of policies based on evidence, which contradicts the objectives of SUSP.

Another limiting factor is funding. Although the National Public Security Fund has been restructured to support the implementation of the SUSP, budget execution remains irregular. According to a report by the TCU (Federal Court of Auditors, 2021), only 52% of the planned resources were effectively applied in integrated programs, evidencing management failures and low absorption of resources by states and municipalities.

In addition, there are cultural obstacles. The historical distrust between corporations police officers and the lack of a collaborative culture between the bodies of the justice system compromise the construction of an institutional environment conducive to integration. According to pointed out by Greco (2020), in an article published in the *Brazilian Journal of Criminology*, many agents still operate under corporate and isolationist logics, even with guidelines clear legal grounds in favor of cooperation.

Internationally, experiences such as the integrated security model adopted in Canada and in Germany demonstrate that the effectiveness of systems like SUSP is directly related to strengthening public governance and investment in training continued training of professionals. In Brazil, interinstitutional training programs are still incipient and lack systematic impact assessments.

Therefore, despite representing a relevant legal advance, the SUSP still faces structural, operational and cultural obstacles to consolidating itself as a true national public security system. It is essential that the coming years be dedicated to strengthening federative governance, institutionalizing practices collaborative and rigorous monitoring of results.

Conclusion

The creation of the Unified Public Security System (SUSP), under the aegis of the Constitution Federal of 1988, represents a significant regulatory effort to consolidate a policy national public security system guided by integration, rationalization and efficiency. In However, the effectiveness of the system, as demonstrated throughout this article, is still is limited by a series of legal, structural and operational obstacles.

Firstly, it is noted that, although legislation has moved towards creating

a cohesive institutional architecture, Brazilian federalism poses challenges to standardization and to the coordinated implementation of SUSP guidelines. The autonomy of federated entities, although constitutionally legitimate, it can lead to the disarticulation and fragmentation of actions public safety, as evidenced in the case studies analyzed.

Secondly, the success of SUSP depends on the existence of efficient mechanisms of coordination between security and justice bodies. Practice, however, reveals that the absence of institutional protocols, the overlapping of competences and the organizational culture still based on isolation compromise the synergy between police, Public Ministry, Judiciary and Public Defenders.

Empirical data collected in states such as Minas Gerais, Pernambuco and Santa Catarina demonstrate that the degree of effectiveness of SUSP varies substantially depending on the context local, with the level of institutional maturity, inter-organic cooperation and the commitment to transparency and social control. These factors are more relevant, even more than the simple existence of legal norms.

Furthermore, the lack of adequate funding and a system for continuous evaluation of public security policies are real obstacles. International experience shows that successful integrated security systems require solid governance, investment in technology and ongoing training programs for public agents — elements that are still fragile in the Brazilian context.

Another important aspect is social participation. The legal provision of community councils is a normative advance, but its implementation is still incipient. The lack of control social reduces the legitimacy of security actions and distances citizens from decisions that directly affect your daily life.

In constitutional terms, the SUSP must be understood not only as a policy operational public, but as an instrument for promoting fundamental rights, dignity of the human person and full citizenship. In this sense, the effectiveness of the SUSP only will be achieved if it is accompanied by a political and ethical commitment to transformation of the Brazilian public security model.

Thus, the present study concludes that the SUSP, although legally robust, still requires institutional maturity and integrated and assessable public policies to achieve its constitutional objectives. The strengthening of its structure and the expansion of their social legitimacy are indispensable paths to building security democratic, efficient and citizen-friendly public policy in Brazil.

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