

Proportional Use of Force: Ethical and Operational Challenges in Police Action Proportional Use of Force: Ethical and Operational Challenges in Police Action

Author: David Nilton Lobato de Oliveira

Graduated in Law from Cruzeiro do Sul University

Postgraduate in Legal Sciences, Cruzeiro do Sul University

Summary

This article analyzes the proportional use of force in police action from a legal and operational perspective, considering the legal limits, ethical parameters, and practical challenges faced in the daily lives of security forces. The research engages with military doctrines and national and international regulations, emphasizing the need to reconcile police efficiency with the protection of fundamental rights. International treaties, Brazilian legislation, and comparisons with practices in other countries are examined, as well as studies of emblematic cases of excessive or insufficient use of force. The study advocates the importance of ongoing training, clear protocols, and accountability mechanisms as essential elements for legitimate, effective, and respectful action in human dignity.

Keywords: Use of force; Fundamental rights; Police; Military doctrine; Operational ethics.

Abstract

This article analyzes the proportional use of force in police operations from a legal-operational perspective, considering legal limits, ethical parameters, and the practical challenges faced daily by law enforcement agencies. The research engages with military doctrines as well as national and international regulations, highlighting the need to reconcile police efficiency with the protection of fundamental rights. International treaties, Brazilian legislation, and comparisons with practices in other countries are examined, along with case studies of excessive or insufficient use of force. The study argues for the importance of continuous training, clear protocols, and accountability mechanisms as essential elements for legitimate, effective, and human rights-respecting police actions.

Keywords: Use of force; Fundamental rights; Police; military doctrine; Operational ethics.

1. Introduction

The debate over the proportional use of force in police action is one of the most complex and relevant topics in contemporary public security. Security forces, by their very nature, involve situations of conflict, tension, and risk, in which quick decisions can determine not only the preservation of public order but also the guarantee or violation of fundamental rights. The dilemma between operational efficiency and the observance of human rights has been the subject of increasing academic, political, and legal attention, especially in democratic societies seeking to balance collective security with individual dignity. In Brazil, this challenge is particularly acute due to the high rate of urban violence, social inequality, and the fragility of adequate police training policies. Therefore, understanding the ethical, legal, and operational limits of the use of force is fundamental to proposing solutions that reinforce the legitimacy of security institutions.

The relevance of this topic can be seen internationally, where organizations such as the United Nations (UN) and the Inter-American Commission on Human Rights (IACHR) have developed guidelines on the use of force by state agents. Documents such as the Code of Conduct for Law Enforcement Officials (1979) and the Basic Principles on the Use of Force and Firearms (1990) provide parameters for ensuring that the use of force is necessary, proportionate, and legal. These instruments, while not binding in all countries, serve as an international reference, establishing minimum standards that influence national legislation and operational protocols.

The adoption of such principles in Brazil and in other contexts reveals the effort to harmonize police practice with the commitments assumed in international human rights treaties.

Military doctrine also plays a significant role in this debate, as many police procedures are inspired by or derived from military practices. The principle of proportionality, present in war strategies and the regulation of armed conflicts, is adapted to the civilian context to guide decisions in smaller-scale confrontations. However, the transposition of military methods into the police sphere generates controversy, because while military logic focuses on neutralizing the enemy, police logic must prioritize the protection of citizens, including suspects and even those who offer resistance. The risk of excessive militarization of the police raises ethical and legal questions, especially when the use of force results in violations of fundamental rights.

The issue also becomes central when considering the diverse scenarios faced by public security agents. From social protests to confrontations with criminal organizations, deciding what level of force to use requires technical, psychological, and regulatory preparation. The absence of clear protocols or a lack of knowledge of the law can lead to abuse, compromising the legitimacy of institutions and weakening the relationship of trust with society. Furthermore, cases of excessive or insufficient use of force often receive widespread media coverage, generating public debate and pushing for reforms in policing practices. The Brazilian context, marked by episodes

emblematic of police lethality, illustrates the urgency of advancing in the improvement of criteria for the use of force.

From an academic perspective, the analysis of the proportional use of force spans different fields of knowledge, such as law, sociology, philosophy, and public administration. Each of these disciplines offers specific lenses for understanding the phenomenon: while law seeks to define legal frameworks, sociology analyzes social impacts, philosophy discusses ethical foundations, and public administration investigates management and accountability models. This interdisciplinary approach is essential to understanding the complexity of the issue and formulating more comprehensive solutions that go beyond simple legislative changes or operational tactics. The goal is not only to standardize police conduct but also to promote an institutional culture that values life, dignity, and safety.

It is equally important to consider the training of security agents as a determining factor in ensuring proportionality. Training programs that emphasize both technique and ethics create more favorable conditions for balanced decision-making in critical situations. The inclusion of disciplines related to human rights, conflict management, and mediation can transform the profile of police work, making it more preventative and less reactive. Countries that have invested in qualified training and clear protocols have made significant progress in reducing police lethality and strengthening public trust, reinforcing the importance of integrating theory and practice in the process of building legitimate action.

Another central point of the introduction is to highlight how the use of force is directly related to democratic legitimacy. The police, as the visible arm of the state, are often the most immediate point of contact between citizens and government. When police action is perceived as arbitrary or violent, the entire state structure suffers a loss of legitimacy. On the other hand, when officers act within legal limits and respect human rights, they consolidate public trust and reinforce democratic values. Thus, the study of the proportional use of force is not limited to technical issues but connects to the very sustainability of democratic institutions.

Given these aspects, this article's central objective is to analyze the ethical and operational challenges of the proportional use of force in police action, linking military doctrine with the protection of fundamental rights. To this end, it will be structured into sections that discuss the legal basis of the topic, the influence of military doctrine, its relationship with fundamental rights, ethical dilemmas, operational limits, international experiences, and training and accountability mechanisms. The purpose is to offer a comprehensive and critical reflection capable of informing both police practice and the formulation of public policies that balance efficiency with respect for human dignity.

2. Legal Basis for the Use of Force

The use of force by state agents is supported by various legal provisions, which establish the limits and conditions for its application. In Brazil, the 1988 Federal Constitution is the main normative framework, enshrining human dignity as



The foundation of the Republic (Art. 1, III) and ensuring fundamental rights and guarantees that should guide state action. Art. 144 defines public security as a duty of the State and a right and responsibility of all, exercised to preserve public order and the safety of people and property. In this context, the police act with the power of coercion conferred by the State, but this power must be exercised within constitutional principles, especially those of legality, proportionality, and reasonableness.

In addition to the Constitution, other legal instruments guide the use of force. The Penal Code (Decree-Law No. 2.848/1940) provides grounds for excluding unlawfulness, such as self-defense (art. 25), a state of necessity (art. 24), and strict compliance with a legal duty (art. 23, III), which are frequently invoked in confrontational situations. These provisions serve as parameters for evaluating the legality of police conduct, defining when the use of force can be considered justified. However, the practical application of these standards depends on contextual interpretation, which creates room for disagreements and legal disputes. This complexity demonstrates the importance of clear protocols that guide officers in the field, reducing subjectivity in decision-making.

Another relevant regulatory framework is Law No. 13,060/2014, which regulates the use of weapons with less offensive potential. This legislation emphasizes the preference for non-lethal measures whenever possible, reinforcing the logic of proportionality. Article 2 of the aforementioned law establishes that firearms should only be used in extreme situations, when there is an imminent risk of death or serious injury. The law seeks to consolidate the idea that lethal force should be the last resort, aligning with international recommendations. The adoption of this legislation represented a significant step forward, but its effectiveness depends on the training of officers and the availability of adequate equipment, which remains a challenge for many Brazilian corporations.

At the international level, Brazil is a signatory to several treaties that influence the regulation of the use of force. Notable among these are the International Covenant on Civil and Political Rights (1966) and the American Convention on Human Rights (1969), both ratified by the country and incorporated into the legal system. These treaties impose on the State the duty to adopt measures that ensure respect for human rights, including in police action. In judgments by the Inter-American Court of Human Rights, Brazil has been held accountable for actions by state agents that violated the right to life and integrity, reinforcing the need to align police practice with international commitments.

National jurisprudence also plays a crucial role in defining the legal basis for the use of force. Decisions by the Federal Supreme Court (STF) and the Superior Court of Justice (STJ) have reinforced the centrality of proportionality as a principle governing police action. In cases involving operations in communities, for example, the STF has determined that the use of force must be exceptional and duly justified, prohibiting arbitrary practices that endanger the lives of civilians. Such decisions highlight the role of the Judiciary as a control body over police power, imposing limits and demanding greater transparency in state actions.



Brazilian legal doctrine also contributes to defining the contours of the topic.

Authors such as Luiz Flávio Gomes, Renato Sérgio de Lima, and Rogério Greco discuss the need to interpret the use of force from the perspective of fundamental rights, avoiding interpretations that prioritize only repressive effectiveness. The theory of proportionality, inspired by German constitutional law, is widely used to justify or restrict the use of force, considering three subprinciples: appropriateness, necessity, and proportionality in the strict sense. This theoretical framework provides objective criteria that can guide both police practice and judicial analysis of specific cases.

In the administrative field, internal corporate regulations also constitute relevant legal bases. Internal affairs regulations, operational manuals, and command instructions establish specific guidelines on how to use force in different situations.

However, the lack of uniformity between states and agencies creates significant disparities, with protocols that vary in rigor and clarity. This fragmentation compromises the standardization of police action and hinders external assessment of its legitimacy. Thus, there is a growing demand for unified national standards that establish minimum standards without disregarding local peculiarities.

Another essential aspect is holding accountable those who exceed legal limits in the use of force. The legal system provides for different spheres of accountability: criminal, civil, and administrative. Each has a specific role in curbing abuses and repairing damages caused to victims. However, the effectiveness of these mechanisms faces challenges, such as judicial delays, difficulty in collecting evidence, and a culture of corporatism within police institutions. These obstacles contribute to a sense of impunity, which, in turn, undermines social trust in security forces. Strengthening accountability is, therefore, an essential measure to ensure that coercive power is exercised within the legal framework.

Finally, it is worth mentioning that the legal discussion on the use of force cannot be dissociated from the social context in which it occurs. In societies marked by inequality, discrimination, and structural violence, patterns of use of force tend to reflect and often reproduce these inequalities. Studies show that more vulnerable populations, such as young Black people and those living in peripheral neighborhoods, are disproportionately affected by police violence.

This data highlights that legal regulation, while essential, must be accompanied by broader public policies for social inclusion and combating discrimination, otherwise it will perpetuate patterns of selectivity and injustice. Thus, the legal challenge of the proportional use of force is articulated within a structural dimension, requiring integrated reforms that go beyond the strictly legal framework.

3. The Influence of Military Doctrine on Police Action

The relationship between military doctrine and police action is a topic that sparks intense academic and practical debate. Historically, many countries, including Brazil, have structured their police forces on military bases, with a rigid hierarchy, strict discipline, and the adoption of procedures derived from the military context. This militarized legacy is visible not only in the structure

The police's organizational structure, but also the operational logic that prioritizes neutralizing the "enemy." However, transposing this logic to the field of civilian public security is problematic, as citizens, even when suspected of a crime, cannot be equated with wartime enemies. The influence of military doctrine on police action, therefore, needs to be analyzed from the perspective of proportionality and the protection of fundamental rights.

The military principles of strategic planning, discipline, loyalty, and following orders have positive aspects that can be adapted to the police context. In complex operations, such as major events, confrontations with criminal organizations, or high-risk situations, the application of military tactics can ensure greater efficiency and reduce improvisation. However, the danger lies in the uncritical reproduction of the military paradigm, which tends to prioritize brute force over mediation and negotiation. When the logic of "war" is applied to urban settings, the result can be increased lethality and rights violations, compromising the institutional image of the police.

Authors such as Bayley (2006) and Muniz (2010) argue that the militarization of public security contributes to an organizational culture that naturalizes the use of violence as a first response. In Brazil, this issue is intensified by the dual structure of the police force—military and civilian—which share functions but operate under distinct logics. While the Military Police operates ostensibly and is organized according to military standards, the Civil Police focuses on investigation and adopts a logic closer to the judicial system. This duality generates internal tensions and difficulties in standardizing the use of force, reflecting the ambiguity of the Brazilian model. Thus, understanding the influence of military doctrine implies discussing not only operational techniques but also the institutional culture that shapes officers' conduct.

A relevant aspect is the training offered to police officers. Inspired by military practices, it emphasizes obedience to hierarchy and physical combat, but often neglects the development of skills in human rights, conflict mediation, and communication with society. This training gap creates officers prepared for confrontation but unprepared to deal with the complexity of everyday interactions. Comparative studies indicate that countries that have invested in training based on peaceful conflict resolution, such as Canada and the United Kingdom, have significantly lower rates of police lethality. This data reinforces the thesis that simply importing military doctrines is neither sufficient nor suitable for the civilian context.

Military doctrine also influences how society perceives the police. In many contexts, the figure of the uniformed police officer is associated more with a "soldier" than with a public servant dedicated to protecting citizens. This perception creates a distance between the police and the community, weakening social trust and creating a cycle of mutual distrust. On the other hand, community policing experiments, which seek to break with militarized logic, have shown positive results by bringing officers and residents closer together. In these cases, the use of force is seen as a last resort, with dialogue and cooperation being prioritized.

Therefore, rethinking the influence of military doctrine also means redefining the institutional identity of the police.

Another important point is the impact of military doctrine on special operations. Elite troops, such as BOPE (Special Police Operations Battalion), adopt intensive training inspired by the armed forces. Although they demonstrate a high degree of efficiency in high-risk missions, the presence of these units in urban areas raises criticism regarding excessive violence and the collateral damage to vulnerable communities. The legitimization of the intensive use of force in such contexts tends to reinforce the stigma of criminalization of certain populations, perpetuating social and racial inequalities. Therefore, the analysis of military doctrine must consider both operational gains and ethical and social risks.

It is therefore necessary to find a balance between the positive aspects of military doctrine and the specificities of police action in a democratic society. This involves critically adapting military strategies to civilian settings, always prioritizing the preservation of life and fundamental rights. The use of non-lethal technologies, de-escalation protocols, and policing strategies geared toward conflict resolution are alternatives that allow this balance. The challenge lies in promoting a cultural shift within police institutions, which have historically become accustomed to valuing the logic of war over the logic of citizenship.

Thus, the influence of military doctrine on police action cannot be denied, but it must be constantly questioned and reformulated. The search for an effective public security model requires breaking with the simplistic view that more force generates more security. On the contrary, studies show that safer societies are those in which the police act with legitimacy and proximity to the population, respecting legal and ethical limits on the use of force.

Therefore, a critical analysis of the influence of military doctrine is an indispensable condition for the construction of a more democratic, efficient and humanized public security model.

4. Proportionality and Fundamental Rights

The principle of proportionality is one of the pillars that underpins the discussion on the use of police force in democratic societies. It establishes that all state action must be appropriate, necessary, and balanced in relation to the intended objective. In the police context, this means that the use of force must be strictly limited to what is necessary to contain a threat, protect life, or preserve public order. Any excess, whether through excessive use of force or failure to apply it when necessary, may constitute a violation of fundamental rights, especially the right to life, physical integrity, and human dignity. This perspective directly connects policing practice to the essential core of democratic constitutionalism.

In Brazil, Article 5 of the Federal Constitution enshrines a wide range of fundamental rights and guarantees, among which the right to life and physical integrity occupies a central position.

This means that any police action that compromises these rights must be rigorously analyzed from the perspective of proportionality. The State, by granting coercive power to its agents, also assumes the responsibility of ensuring that this power is not exercised arbitrarily. Therefore, decisions involving the use of force must be



aligned not only with the law, but also with the ethical values that underpin the constitutional order. Thus, proportionality functions as a mechanism to contain state power and protect citizens.

The debate becomes even more relevant given Brazil's history of police lethality, one of the highest in the world. Reports from organizations such as the Brazilian Public Security Forum and Amnesty International reveal that a large proportion of deaths resulting from police actions could be avoided if the principle of proportionality were effectively observed. The use of firearms in situations that could be resolved by less-lethal means is a recurring example. This situation exposes not only operational failures but also an institutional culture that often prioritizes lethal force over negotiation and the preservation of life. The challenge, therefore, goes beyond legal regulation, involving profound cultural and organizational changes.

The connection between proportionality and fundamental rights is equally evident in the international sphere. The Inter-American Court of Human Rights has repeatedly stated that the use of lethal force should be limited to situations where it is absolutely necessary and proportionate to protect life. In cases such as *Favela Nova Brasília v. Brazil* (2017), the Court condemned the Brazilian State for extrajudicial executions during police operations, emphasizing that such practices violate the American Convention on Human Rights. These precedents demonstrate that failure to respect proportionality is not only a domestic issue but also compromises the country's image internationally, subjecting it to external accountability.

It is essential to understand that proportionality does not limit itself to restricting the use of force, but also guides its appropriate application. This means that, in certain circumstances, failure to use force may constitute a violation of fundamental rights.

For example, in situations of domestic violence or armed attacks against civilians, the lack of proportionate police intervention can result in irreparable harm to the victims. Therefore, proportionality requires the State to act in a balanced manner: neither excessively nor negligently. This positive dimension of the principle reinforces the protective nature of the police function, which must prioritize the safety of the community without transgressing ethical and legal boundaries.

Another essential point is the relationship between proportionality and selectivity in the use of force. Research indicates that vulnerable populations, such as young Black people and residents of peripheral neighborhoods, are disproportionately affected by police violence. This data highlights that the practical application of proportionality falls far short of the constitutional ideal. Selectivity reveals not only institutional flaws but also patterns of structural discrimination that permeate Brazilian society. In this sense, the implementation of proportionality depends on broader public policies that combat structural racism and promote equal treatment among citizens, regardless of their social or ethnic origin.

Implementing proportionality also poses practical challenges for security officers. In high-pressure situations, officers must make split-second decisions, making it difficult to consciously apply legal and ethical criteria. Therefore, ongoing training and standardization of operational protocols are essential.



The implementation of simulators, realistic training, and periodic assessments help officers internalize proportionality as an instinctive reflex, reducing the risk of hasty or abusive decisions. Technology, in this context, emerges as an ally, enabling the development of training scenarios that are increasingly closer to reality.

Brazilian jurisprudence has also reinforced the centrality of proportionality as a guiding principle for the use of force. The Supreme Federal Court, in recent decisions, established limits on police operations in communities during the COVID-19 pandemic, requiring specific justifications and detailed reports. This judicial intervention reinforces the idea that the use of force cannot be treated as a mere matter of administrative expediency, but rather as a matter of constitutional relevance. Judicial accountability, while important, must be accompanied by structural changes in police culture, otherwise it will be limited to ad hoc decisions without lasting transformative effects.

Finally, it is important to emphasize that proportionality will only be fully effective if accompanied by control and accountability mechanisms. The role of independent oversight bodies, external ombudsmen, and social oversight bodies is essential to monitor the application of the principle in practice. Transparency, through mandatory registration, the use of body cameras, and the dissemination of statistical data, also strengthens social oversight and reduces the scope for abuse. In this way, proportionality ceases to be merely an abstract legal concept and becomes a concrete institutional practice, capable of promoting police action compatible with fundamental rights and democratic values.

5. Ethical Dilemmas in Police Action

Police work is constantly immersed in ethical dilemmas, as security officers deal daily with extreme situations that put the protection of fundamental rights and the need to maintain public order at risk. One of the main dilemmas concerns the decision to use force in certain circumstances, considering that any error in judgment can result in serious violations, such as the loss of a citizen's life or the exposure of society to unnecessary risks. The proportional use of force requires that officers, in addition to being technically prepared, possess solid ethical training, enabling them to discern what is legal, just, and necessary in high-pressure situations. This training, however, is not always prioritized in police curricula, which tend to emphasize technique over moral reflection.

The ethical dilemma also arises in the context of selective police approaches. Research reveals that young Black people and those living in peripheral neighborhoods are disproportionately targeted by police operations and searches, raising the issue of institutional discrimination and violations of the principle of equality. The practice of "racial profiling" not only violates the Federal Constitution but also undermines the legitimacy of the police in society. Police ethics, in this case, must be based on universal treatment, preventing individual or structural biases from interfering with law enforcement. This challenge becomes even more complex in societies marked by historical inequalities, such as Brazil.

Another recurring ethical dilemma involves the secrecy and transparency of police actions. In some situations, preserving operational secrecy is essential for the success of the operation and the protection of officers. However, a lack of transparency can give rise to abuse, concealment of evidence, and impunity in cases of excessive violence. Therefore, police ethics must seek a balance between the need to protect strategic information and the duty of accountability to society. This dilemma highlights the importance of social oversight mechanisms, such as independent oversight bodies and external ombudsmen, which act as counterbalances to state power.

The issue of the use of lethal and non-lethal weapons also poses significant ethical dilemmas.

Although technology makes less aggressive restraint devices available, such as Tasers, rubber bullets, and pepper spray, their inappropriate or disproportionate use can cause serious and even fatal injuries. The ethical dilemma, in this case, lies in choosing the most appropriate instrument for the specific situation, always considering the principle of least possible harm. Technical training must, therefore, be coupled with ethical reflection that allows officers to weigh the impact of their decisions on physical integrity and human dignity.

Ethical dilemmas also manifest themselves in the relationship between hierarchical obedience and the moral autonomy of police officers. Military doctrine, strongly present in Brazilian police forces, emphasizes the unrestricted compliance with superior orders. However, illegal or manifestly abusive orders place officers in an ethical and legal dilemma: obey and violate fundamental rights, or disobey and face disciplinary sanctions. Resolving this impasse requires ethical training that strengthens the moral autonomy of police officers, enabling them to recognize situations in which blind obedience is incompatible with constitutional and democratic values.

Another relevant ethical dilemma concerns the use of force in public demonstrations. The right to free expression is guaranteed by the Constitution, but protests can escalate into acts of violence or destruction. In these scenarios, the ethical challenge lies in distinguishing between peaceful protesters and individuals committing unlawful acts, preventing police repression from indiscriminately affecting the entire community. Ethical action requires police officers to identify the correct targets of their intervention, applying force only when strictly necessary and proportionate. This balance is essential to preserving both public order and the legitimacy of the right to protest.

Furthermore, there are dilemmas related to information management and the use of surveillance technologies, such as body cameras and facial recognition systems. While these tools increase transparency and can protect both society and police officers, they also raise ethical questions about privacy and the risk of data abuse. The implementation of these technologies must be accompanied by clear rules and effective social oversight to prevent them from becoming instruments of mass surveillance and rights violations. Therefore, police ethics must be aligned with digital ethics and the new demands of a technological society.

Ultimately, all these ethical dilemmas demonstrate that police action cannot be reduced to technical or legal procedures. It requires constant moral reflection, supported by principles.

universal values such as dignity, equality, justice, and responsibility. In this sense, ethics must be understood not as a peripheral addendum to police training, but as a central element of professional identity. Only in this way will it be possible to build police performance that is compatible with democratic values and capable of legitimately balancing the use of force with the protection of fundamental rights.

6. Operational and Practical Limits on the Use of Force

The operational limits of the use of police force pose a constant challenge to the effectiveness of public safety actions. Although legal and ethical principles establish clear guidelines, the reality of the streets imposes unpredictable situations that test officers' judgment. The first limit to consider is response time. In confrontational situations, officers often have to decide in fractions of a second whether to use force, which can lead to misjudgments. This operational limit highlights the importance of constant and realistic training, capable of preparing officers to act quickly and proportionately even under intense pressure.

Another significant limitation is the scarcity of material and human resources. In many Brazilian states, police operate with reduced personnel, obsolete equipment, and precarious infrastructure. This reality compromises not only operational capacity but also compliance with the principles of proportionality and legality. Without adequate equipment, such as non-lethal weapons or protective vests, officers end up resorting to lethal force more frequently. The lack of investment in technology and training reinforces the difficulty in aligning police practice with international human rights standards.

The conditions of the operational environment also directly influence the limits on the use of force. In densely populated urban areas, any police action carries the risk of hitting innocent bystanders. In rural or border areas, however, communication and logistical support difficulties can lead to the adoption of riskier measures. These environmental limits require that operational strategies be adapted to each context, with specific protocols for different scenarios. Operational planning, inspired by military methodologies, can help minimize risks, but it never completely eliminates the uncertainties inherent in the police field.

Social and political pressure constitutes another important constraint. In societies marked by high crime rates, there is a constant demand for swift and forceful responses from security forces. This pressure can lead to the adoption of "zero tolerance" policies, which increase the scope for abuse in the use of force. At the same time, cases of police violence generate intense media coverage, increasing the demand for moderation. In this context, police officers operate between two extremes: the need to act firmly and the need to preserve rights. This paradox reveals the practical limits of proportionality and reinforces the need for balanced public policies.



Another operational limitation is related to the psychological aspect of officers. Constant exposure to situations of risk, violence, and stress contributes to the development of emotional disorders such as anxiety and post-traumatic stress. These factors impair judgment and increase the likelihood of excessive use of force. Psychological support policies, psychiatric monitoring, and wellness programs are essential to mitigate this limitation, but they are still insufficient in the Brazilian context.

Caring for the mental health of police officers must be understood as an essential condition for proportionate and effective action.

Integration between different security agencies also influences the practical limits of the use of force. A lack of coordination between military, civil, and federal police forces often leads to duplication of action, communication failures, and conflicts of jurisdiction. This scenario compromises the effectiveness of operations and increases the risk of inappropriate use of force. Integrated security models, which promote inter-institutional cooperation, can reduce these limits, enabling more efficient and proportional action. However, such models still face resistance due to institutional rivalries and the fragmentation of the public security system.

The legal dimension also imposes operational limits. Accountability processes, both in the criminal and administrative spheres, function as mechanisms to control the use of force. However, the slowness of the justice system and the difficulty in investigating abuses hinder the effectiveness of this control. In many cases, police officers involved in lethal incidents remain on duty without adequate accountability, perpetuating a culture of impunity. Overcoming this limit requires institutional reforms that strengthen independent investigations and ensure swift disciplinary and judicial processes.

Finally, it is necessary to recognize that the operational and practical limits of the use of force cannot be completely eliminated, but rather managed rationally and democratically. This implies investing in ongoing training, modernizing equipment, providing psychological support to police officers, and strengthening social control mechanisms. Only then will it be possible to reduce the risks of arbitrary action and bring policing closer to the ideal of proportionality and respect for fundamental rights. Recognizing these limits should not be seen as an institutional weakness, but rather as an ethical commitment to building more efficient, fair, and legitimate public security.

7. Comparative Models and International Good Practices

A comparative analysis of international models of proportional use of force is essential to understanding how different countries balance public safety and the protection of fundamental rights. The United Nations, through the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), establishes universal parameters that emphasize legality, necessity, proportionality, and responsibility as pillars of police action. These principles are incorporated in different ways into national legal systems, revealing a mosaic of practices that, if critically analyzed, can serve as inspiration for improving the Brazilian model.

Comparing these experiences allows us to identify successful solutions, but also to understand the limits that emerge from different social and cultural contexts.

In the United States, for example, the debate surrounding police violence gained global prominence after emblematic cases such as the murder of George Floyd in 2020. This episode spurred reforms in several jurisdictions, including the mandatory adoption of body cameras, stricter protocols for the use of lethal force, and training aimed at de-escalating conflicts. However, the American model still faces criticism related to the excessive militarization of police forces and structural racism. Despite these limitations, the experience demonstrates the importance of transparency and accountability mechanisms, which contribute to reducing abuse and restoring social trust. The central lesson of this case is that reforms cannot be limited to the technical sphere but must reach the cultural and institutional dimensions of the police.

In Europe, countries like Germany and the United Kingdom offer examples of best practices in the use of force. In Germany, the principle of "ultima ratio" dictates that the use of lethal force should be absolutely exceptional, with priority given to preventive and non-lethal restraint measures.

Furthermore, there is significant investment in ongoing training, focusing on human rights and peaceful conflict resolution. In the United Kingdom, the police adopt a community policing model, in which police presence is associated with building trust and proximity to citizens. The emphasis on communication, mediation, and minimal use of force reflects an approach that values social legitimacy as an essential component of public safety. These examples demonstrate that operational effectiveness depends not solely on force, but also on the ability to generate social cooperation.

Latin America, in turn, faces specific challenges related to contexts of endemic violence and social inequality. In Chile, the 2019 protests exposed the weaknesses of the security model, marked by the excessive use of force against peaceful protesters. The episode generated international condemnation and led to reforms aimed at strengthening civilian control over the police. In Colombia, the process of partial demilitarization of police functions following the peace agreements with the FARC represented an attempt to adapt the security forces to a less conflictual environment, albeit one still marked by tensions. These cases demonstrate that, in Latin American countries, the difficulty in reconciling security and human rights is linked to historical contexts of political and social violence, requiring deeper structural reforms.

On the African continent, South Africa represents a paradigmatic case. After the end of apartheid, the country underwent extensive reforms in its security institutions, incorporating principles of human rights and diversity. Despite this, episodes of police violence still occur, reflecting the persistence of social inequalities and challenges in officer training. This case reveals that institutional transformation, while necessary, is insufficient if not accompanied by social policies that reduce the tensions that fuel the daily conflict between police and society. The proportional use of force, therefore, must be understood as part of a broader effort toward democratic consolidation and social inclusion.



The comparative study also highlights the relevance of technologies as instruments for best practices. The use of body cameras, georeferencing systems, and artificial intelligence applied to operational management are tools that, if used transparently, can increase the accountability and efficiency of police work. Countries like Canada and the Netherlands have excelled in this field, integrating technology and human rights in a balanced manner.

However, the adoption of these technologies must always be subject to oversight and data protection mechanisms, preventing technical solutions from becoming instruments of abusive surveillance. This technological dimension represents an emerging field for discussion about the ethical and operational limits of the use of force.

Another important aspect of international models is the emphasis on the ethical and psychological training of police officers. In Sweden, for example, officer training includes extensive modules on psychology, conflict mediation, and teamwork, as well as a strong focus on diversity and inclusion. This approach reflects the understanding that proportionality in the use of force depends on both technique and the officer's emotional capacity to deal with stressful situations. This experience can serve as a reference for countries like Brazil, where the deficit in police officer psychological training is still evident and directly impacts daily practice.

Finally, the comparative analysis highlights that there is no perfect universal model, but there are common elements that can be adapted to the Brazilian context: strengthening transparency, investing in ethical and psychological training, using technologies for social control, and valuing community policing. These elements, if coherently incorporated into national public policies, can contribute to the construction of a more balanced security model that respects fundamental rights without compromising operational effectiveness. International comparisons should be understood not as a simple importation of practices, but as a critical process of adaptation to the country's historical, cultural, and social particularities.

Conclusion

This study highlighted that the proportional use of force in police action is one of the most complex and sensitive issues within the field of public safety. The analysis showed that discussing the technical aspects of the use of force is not enough; it is essential to integrate legal, ethical, and operational foundations. Balancing the effectiveness of police action and the protection of fundamental rights is one of the greatest contemporary challenges, especially in societies marked by inequality, social tensions, and crises of institutional legitimacy. In this sense, developing clear protocols, investing in ongoing training, and strengthening social control mechanisms are key factors in promoting fairer and more efficient practices.

Throughout the work, it became clear that proportionality is not an abstract concept, but a legal and ethical principle with direct application in daily police work. Based on an examination of national legislation and international treaties, it was found that there is a consensus on the need to guide police action by the criteria of legality, necessity, and

reasonableness. However, the concrete application of these parameters faces obstacles, such as a lack of standardized conduct, training deficits, and social pressures that often encourage confrontational attitudes. The conclusion is that, without a genuine commitment from police and government institutions to upholding human rights, the principle of proportionality risks remaining merely normative, far from practical reality.

The influence of military doctrine on police activity has also proven to be ambiguous. On the one hand, it offers parameters of discipline, hierarchy, and strategic planning that can improve the quality of police work. On the other, it can encourage excessive militarization practices, unsuitable for civilian environments and incompatible with the logic of social proximity that should guide the police. The challenge is to find a balanced synthesis: leveraging the positive aspects of military doctrine without transposing warlike methods into daily police work that exacerbate the distance between police and society. This balance requires, above all, a critical reflection on the identity and mission of security forces in constitutional democracies.

The ethical dilemmas discussed throughout this article demonstrate that the use of force is never limited to a technical or legal choice, but rather involves a moral decision. Confrontational situations require officers to assess, in fractions of a second, not only the immediate risks but also the legal and social consequences of their actions. This ethical dimension becomes even more relevant in media-driven societies, where episodes of police violence gain widespread coverage and impact public confidence. Therefore, strengthening the ethical and psychological training of officers must be understood as a priority, as the decision to use force proportionately depends on the emotional maturity and critical awareness of the security professional.

A comparative analysis of international models offered valuable insights into alternatives to the Brazilian model. Experiences in countries such as Germany, the United Kingdom, and Sweden have shown that it is possible to combine operational efficiency and respect for human rights through investment in training, the promotion of community policing, and transparent oversight mechanisms. At the same time, the challenges faced by the United States, Chile, and Colombia revealed that superficial reforms are not enough when there are deeper structural problems, such as institutional racism, social inequality, and a culture of violence. This comparison reinforces the need to adapt best practices to the specific context of each society, avoiding the uncritical importation of foreign models.

The technological dimension emerged as an innovative element in the discussion, highlighting the role of body cameras, artificial intelligence, and monitoring systems in promoting transparency. However, it became clear that technology alone does not guarantee proportionality or ethics, and can even generate risks of excessive surveillance if there are no clear regulatory frameworks. Therefore, the implementation of technological solutions must be accompanied by data governance policies, independent oversight, and social participation. This perspective reinforces the view that the proportional use of force is a multidimensional phenomenon that demands integration between technical innovation and democratic commitment.

Another crucial point raised was the importance of accountability as a structuring axis of police legitimacy. Internal and external accountability mechanisms ensure that abuses are punished and good practices are valued. Without accountability, impunity prevails, fueling cycles of violence and undermining social trust. International experiences have shown that accountability does not weaken the police, but rather strengthens their credibility by conveying to society that the state's coercive power is exercised within legal and ethical limits. In Brazil, this implies not only strengthening internal affairs and ombudsman offices but also creating institutional conditions for society to closely monitor police performance.

The study's overall conclusion is that building a balanced model for the use of force requires an integrated approach, combining clear legislation, well-defined operational protocols, ethical and psychological training for police officers, the responsible incorporation of technologies, and effective accountability mechanisms. None of these dimensions, in isolation, is capable of resolving the dilemmas of the use of force. Only by articulating them can we promote proportional, effective, and socially legitimate police action. This synthesis is particularly urgent in contexts like Brazil, where structural violence and a crisis of trust in institutions make the issue even more challenging.

The study also highlighted that the protection of fundamental rights should not be seen as an obstacle, but as an indispensable element for effective public security. Police who act abusively, disproportionately, or arbitrarily undermine their own legitimacy, generate additional conflicts, and weaken social order. Conversely, police who respect human rights build trust, strengthen community ties, and increase their preventive capacity. This finding reinforces the need to understand proportionality not as a limitation to police action, but as a strategic resource that increases its long-term effectiveness.

term.

Finally, it is worth emphasizing that the challenges discussed in this article are not static, but evolve with social, technological, and political transformations. The globalization of information, changing crime patterns, and growing pressure for transparency will continue to test the limits of the proportional use of force. Therefore, it is recommended that this topic remain a priority on academic, institutional, and governmental agendas, with investments in applied research, critical training, and regulatory innovation. Only then will it be possible to advance the construction of a policing model that balances the protection of society with unconditional respect for human dignity.

References

AMARAL, Cláudia M. **Fundamental Rights and Police Action in Brazil**. São Paulo: Saraiva, 2019.

BITENCOURT, Cezar Roberto. **Treatise on Criminal Law: General Part**. 21st ed. São Paulo: Saraiva, 2016.

BRAZIL. Constitution of the Federative Republic of Brazil of 1988. Brasília: Federal Senate, 1988.

BRAZIL. Ministry of Justice and Public Security. **National Manual on the Use of Force.** Brasília: MJSP, 2017.

CANO, Ignacio. **Overt Policing and Human Rights.** Rio de Janeiro: Getúlio Vargas Foundation, 2018.

CHEVIGNY, Paul. **Edge of the Knife: Police Violence in the Americas.** New York: The New Press, 1995.

FERREIRA, Aurélio Wander Bastos. **Military Criminal Law and Common Criminal Law: Points of Convergence.** Rio de Janeiro: Lumen Juris, 2015.

BRAZILIAN PUBLIC SECURITY FORUM. **Brazilian Public Security Yearbook 2020.** São Paulo: FBSP, 2020.

UN. United Nations. **Code of Conduct for Law Enforcement Officials.** New York: UN, 1979.

UN. United Nations. **Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.** Havana: UN, 1990.

SHECAIRA, Sérgio Solomon. **Criminology.** 9th ed. New York: Courts Review, 2018.

SILVA, José Afonso da. **Course in Positive Constitutional Law.** 40th ed.

ZAFFARONI, Eugenio Raúl; PIERANGELI, José Henrique. **Manual of Brazilian Criminal Law.** 7th ed. São Paulo: Journal of Courts, 2019.