



Public security: the role of the criminal police in maintaining citizenship in Brazil²⁸

*Public security: the role of the criminal police in maintaining citizenship in Brazil*²⁹

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SUMMARY

This article is a bibliographical research whose theme is Public Security and Citizenship. The general objective of this study is to highlight the role of the criminal police in maintaining citizenship in Brazil. The specific objectives are: to characterize public security in Brazil; discuss the complex relationship that encompasses the protection of non-incarcerated citizens and at the same time involves humane treatment of prisoners; present the criminal police as an important element for the resocialization of prisoners. The criminal police officer carries out a role linked to democratic practices, presenting a relationship of citizenship in the face of the challenges of individual resocialization. The activities carried out by the criminal police are measures to ensure the protection of the prisoner through the execution of the sentence in a humane manner, but they also represent the State exercising the protection of civil society. The right to public security is a state duty that must guarantee public order, maintain democracy in the country and protect citizens.

Key words: Public security. Citizenship. Criminal Police. Resocialization. Democracy.

ABSTRACT

This article is a bibliographic research that has as its theme Public Security and Citizenship. The general objective of this study is to point out the role of the criminal police in maintaining citizenship in Brazil. The specific objectives are: to characterize public security in Brazil; discuss the complex relationship that encompasses the protection of nonincarcerated citizens and at the same time involves humane treatment of the prisoner; presents the criminal police as an important element for the resocialization of the prisoner. The criminal police officer carries out a task linked to democratic practices, presenting a citizenship relationship in the face of the challenges of the resocialization of the individual. The activities carried out by the criminal police are measures to ensure the protection of the prisoner from the execution of the sentence in a humanized way, but they also represent the State exercising the protection of civil society. The right to public security is a state duty that must guarantee public order, maintain democracy in the country and protect the citizen. **Keywords:** Public Security. Citizenship. Criminal Police. Resocialization. Democracy.

1. INTRODUCTION

This article is a bibliographical research whose theme is Public Security and Citizenship. The criminal police are part of public security in Brazil, representing the State as a mediator of the resocialization of prisoners and must simultaneously act in the face of the challenges of protecting civil society.

This research is justified by the need to understand the topic and the interest in understanding more about the role of criminal police officers in the face of the democratization process in Brazil. The subject is a fundamental theme for legal and social sciences, as it deals with the role of the criminal police in maintaining citizenship in the country.

The function of the criminal police corresponds to the citizen's role of carrying out operations and actions to trigger possibilities for the convict to be able to return to ordinary social life. What activities are carried out by the criminal police that correlate public security with human rights practices in Brazil? The criminal police officer participates in the execution of the sentence as the person responsible for maintaining interpersonal relationships with the prisoner, dealing directly with the incarcerated person in their activities within the prison establishment, resolving questions about prison conditions, explaining all institutional procedures for the prisoner to fulfill his/her duties. punishment with dignity and humanization.

The general objective of this study is to highlight the role of the criminal police in maintaining citizenship in Brazil. The goals specific ones are: characterizing public security in Brazil; discuss the complex relationship that encompasses protection of non-incarcerated citizens and at the same time involves humane treatment of the prisoner; present the criminal police as an important element for the resocialization of the prisoner.

This article is a bibliographical research whose theme is Public Security and Citizenship. The study was based on articles and monographs by authors such as MUSTAFÁ (2020); LOHN (2017) and RIEFFEL (2018). In this way, the

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theoretical foundation is explained with theoretical contribution from scholars with a common position on the subject.

The article is divided into topics: The correlation between public security and human rights in Brazil (characterizing public security as one of the elements for the realization of human rights); public security and the protection of citizens in Brazil (discuss the complex relationship between the protection of prisoners and the protection of society); the Criminal Police as an indispensable element for the resocialization of the prisoner (presenting the criminal police as an important element for the resocialization of the prisoner) and Public Security: the role of the criminal police in maintaining citizenship in Brazil (pointing out the role of the criminal police in maintaining citizenship in Brazil).

two THE CORRELATION BETWEEN PUBLIC SECURITY AND HUMAN RIGHTS IN BRAZIL

The right to public security in Brazil is correlated with human rights, it is not possible to deal with human rights without the freedom to live with dignity, humanization and safeguarding the existence of the subjects of society. The protection of life and property are essential actions for the perception and experience of human rights.

The CF guaranteed citizens the right to security, but in return, it gave everyone responsibilities on the subject, a characteristic aspect of a democratic society, where the citizen receives from the State, but also contributes, influences and participates in actions. (PEREIRA, 2018, p. 18).

There is still a certain difficulty in understanding the function of public security linked to the exercise of human rights, but legally human rights practices are linked to the protection of the physical and psychological integrity of individuals, social peace is in the interest of everyone, the State and the entire population must contribute to a fair and equitable society.

Furthermore, no one can consider themselves outside of security; it is related to all individuals, whether to a greater or lesser extent, and this influences the responsibility of society itself, in contributing to the implementation of security in everyday life. Likewise, in government spheres, the performance of public bodies influences security, as they implement successful or failed public policies, in their respective areas of competence. (PEREIRA, 2018, p.29).

Human rights are rights that belong to the human being in all his complexity of life in society, that is, in the various social facets in which the subject finds himself, the moral, psychological and physical aspects of the human person must be considered and exist guarantee for the exercise of obligations and rights.

Today, in Brazil, subjects such as sociology, anthropology, human relations and Human Rights are mandatory curricular subjects in training courses for public security agents. With this, the aspiring public security agent learns that the citizens who make up Brazilian society are not their enemies, but rather human beings, similar to themselves, who must be protected by them as agents. In this way, they learn that all members of society, including themselves, were born with their natural rights, without which the Democratic Rule of Law would not exist. (SILVA, 2015, p. 33).

The conception of human rights linked to public security in Brazil is not a constant in society, but since the formation of the security agent, the State has been in charge of guiding matters with a democratic bias considering the fundamental rights of the human person. In this way, the public security agent must be better prepared to deal with issues related to security, recognizing that the parties to the conflicts have rights guaranteed in the Brazilian legal system.

It is accepted that the public authorities, with the participation of society, must provide public security as a path to the exercise of citizenship. When providing public security, the State must be attentive to all human rights and citizens' rights. It is not justified that in the name of an alleged requirement of public security, human rights or rights inherent to citizenship are sacrificed. (CARRASCO, 2015, p.46).

Public security is one of the elements for the realization of human rights, it is not possible to understand respect for the dignity of the human person without considering the protection of human life, that is, despite the state power acting in the face of social disputes and being the responsible for resolving conflicts of interest, the State cannot fail to use human rights as parameters to resolve social conflicts.

Citizenship cannot be understood without understanding democracy in its aspect related to the human rights of all Brazilian citizens. In this way, the realization of citizenship involves the function of public security seen in various public institutions. (CARRASCO, 2015).

There is some difficulty in fully understanding public security as intrinsically linked to human rights, as there are many adverse situations that can separate these concepts. Security agents often view the individual as an enemy and do not safeguard their fundamental rights, there is inhumane treatment that violates human dignity (SILVA, 2015).

These degrading effects will only be eliminated with much greater investment, administration and care than currently available. It is suggested that the State, through legal and appropriate paths, be more present in this environment, providing professionals with opportunities to be heard and subsequently served in accordance with minimum safety and work conditions. (MUSTAFÁ, 2019, p.54).

Social movements and civil society continue to react to the disrespect for human rights and dialogue with the various authorities requesting public security policies to ensure a dignified life for Brazilian citizens. The concept of human rights undoubtedly encompasses the security of citizens, but in professional practice, security agents can abuse or exceed their authority.

The relationship between public security and human rights is seen when there is respect for the principle of human dignity, humane treatment towards individuals involved in the conflict, there is efficient action that respects the fundamental rights of subjects and there is adequate use of state authority.

3 PUBLIC SECURITY AND CITIZEN PROTECTION IN BRAZIL

Public security in Brazil is a manifestation of human rights in a complex aspect that addresses the protection of non-incarcerated citizens and at the same time encompasses humane treatment of prisoners who must serve their sentence with legal guarantees regarding the protection of physical and mental integrity, quality of life and maintenance of prison order.

Public security presents itself as a social right that aims to protect citizens due to their fragility, limitations and needs as a person, as a group and in relation to their assets. It constitutes, more broadly, a fundamental right of the citizen, the basis of universal conditions for the natural development of the human personality and for the conservation and improvement of social life. (LOHN, 2017, p.48).

Public security is a state duty that must guarantee the protection of citizens in the face of their vulnerability to violence, but also aims to protect individuals' material assets. Therefore, this fundamental right is of utmost relevance for the continuity of human life.

The State has the obligation to remove situations and disputes that could bring danger to the life of citizens, maintaining social order and protecting the entire population. Public security agents are responsible for promoting operations to hinder or repress crimes. In this sense, the Federal Constitution and infra-constitutional norms establish forms of social control based on the exercise of police force.

Art. 144, CF. Public security, the duty of the State, the right and responsibility of all, is exercised to preserve public order and the safety of people and property, through the following bodies:

I – Federal police;

II – Federal highway police;

III – federal railway police; IV

– Civil police;

V – Military police and military fire departments;

VI – Federal, state and district criminal police. (BRASIL, 2022, p.47).

Public security is the responsibility of all individuals, it concerns the constant protection of people's lives and property by carrying out procedures carried out by public institutions that aim to ensure rights relating to moral, psychological and physical integrity.

The right to public security has the characteristics of human rights, due to the values that it protects and safeguards for a calm and peaceful quality of community life. It consists of a permanent regime for the protection of citizens in a situation of institutional stability, for the maintenance of internal order and the protection of citizens, aiming at peaceful coexistence

between citizens and seeking social harmony (LOHN, 2017, p.49).

Public security in Brazil represents an expression of human rights to safeguard human life, protect individuals' material assets, enable peace in society and social coexistence with dignity, tranquility and trust in public institutions.

Human rights are objective criteria that prohibit all types of barbarism, if not, mainly, that practiced in the name of public security, through state (dis)functions. Public freedoms, that is, individual rights and fundamental guarantees, are democratic expressions of the recognition and normative consolidation of international guidelines regarding human rights in Brazil. (RAMIDOFF, 2016, p.301).

Public security is based on human rights, making it impossible for conflicts to be resolved through aggression against human beings or by working to preserve citizens' property. From this perspective, it is useful to point out the complexity of the topic, as it involves social, political and economic aspects. The sum of existing security institutions at the federal, state and municipal levels, as well as society's actions to combat crimes represent public security, as the maintenance of public order and the preservation of life is in the interest of all Brazilians (LOHN, 2017).

4 THE PENAL POLICE AS AN INDISPENSABLE ELEMENT FOR RESOCIALIZATION

OF THE PRISONER

The criminal police officer has the role of making the resocialization of the prisoner viable and carrying out prison activities based on fair criminal treatment, therefore, this important public security professional exercises his citizenship, providing new possibilities for the prisoner and ensuring a fundamental public service. for the society.

Resocialization is a behavioral and social condition, which allows that individual, who has served their sentence, to be able to return to society and not relapse into criminal activity. However, resocialization only becomes possible when prison provides such mechanisms for changing criminal behavior, as provided for in the Criminal Execution Law, in articles 1, 10 and 25. (AKUTSU; SALVADOR; CASTELLANO, 2020, p. 77).

The Federal Constitution expressly states that the Criminal Police are responsible for managing the security of criminal institutions. Thus, the resocialization of the prisoner passes directly through the action of the criminal police officer, the operations carried out in daily prison life are important to facilitate the prisoner's guidance towards a normal social return.

The criminal police officer carries out his work having the responsibility of being the agent in charge of dealing with the prisoner, he must have a broad view of the social aspects inherent to prison and have an awareness of the structural conditions he finds himself in, as well as the challenges relating to the re-education of the citizen prisoner, there are other larger social and economic issues that permeate the prison environment.

In this way, it can be said that the prison security agent is the link between the prisoner and society, that is, the agent is at the same time the intermediary between the society that isolates and the prisoner who is isolated. Among the many tasks the professional is responsible for, which must prioritize criminal treatment, it can be classified into three main types: practical or routine activities, surveillance or investigation activities and human or social activities. (MUSTAFÁ, 2019, p.44).

The actions carried out by the criminal police that correlate public security with human rights practices in Brazil refer to the daily practices of humane treatment in relation to the arrested individual. Thus, the criminal police officer participates in the execution of the sentence as the person responsible for maintaining interpersonal relationships with the prisoner, dealing directly with the incarcerated person in their activities within the prison establishment, resolving questions about the conditions in prisons, explaining all institutional procedures so that the prisoner serves his sentence with dignity and Humanization.

The criminal police officer performs a valuable job that links the safety of the incarcerated and the non-incarcerated, the interpersonal relationships between professional and prisoner test the human capacity of the criminal police officer translating citizenship in terms of public security. (MACHADO E PORTO, 2020).

It is then evident that the function performed by the prison security agent, in these hostile environments and with extreme risks for the employee himself, through guard and surveillance, is indispensable to guarantee and order the support and development of society in general, thus fulfilling with which it seeks to apply the Constitution to its population in terms of

security. (MUSTAFÁ, 2019, p. 43).

The countless crimes that occur within prison establishments require qualified criminal police with humanized and specialized training. It is known that criminal problems are not only dealt with by the criminal police, but are understood as broader social issues that encompass several other social spheres.

It is possible for the Criminal Police to carry out its activities in a way that guarantees compliance with the individual's sentence based on humanized treatment, despite institutional barriers related to poor environmental conditions and social deficiencies that permeate crimes, the criminal police officer is the professional closest to the prisoner, being able to modify their reality and contribute to the subject's re-education.

5 PUBLIC SECURITY: THE ROLE OF THE PENAL POLICE IN MAINTAINING THE CITIZENSHIP IN BRAZIL

Citizenship requires understanding the rights and duties of citizens participating in democracy in Brazil. Public security represented by various institutions such as the Criminal Police carries out its actions to guarantee the social reintegration of the incarcerated person and maintain public order.

The criminal police perform promising work determined by Brazilian standards and of unique relevance to society. The role of this professional in the face of the challenges of the profession requires an analysis of the economic and social context that exists in the complexity of issues involving crime.

Therefore, when contextually evaluating the role of criminal police officers in the face of the democratization process, the importance of training processes stands out so that these professionals can better deal with and measure penitentiary problems based on the list of actions that will integrate their professional practice. . Thus, observing the coexistence of non-integrated regimes, namely a legal-normative regime and another practical-operational regime for crisis management within prison routines, it is detected that one of the priority fields of investigation is that relating to the establishment of strategies for the integrated management of public security policies. (GOMES; SILVA, 2022, p. 196).

The criminal police officer faces a challenging practical reality that requires balanced professional training, despite having a good knowledge of criminal enforcement rules, it is clear that the challenges faced by security professionals go beyond theoretical knowledge, often the crises existing in prisons require mechanisms insightful in resolving conflicts.

From these premises, two important axes of adjacent reflections can be extracted: 1) the role of training courses to maximize the technical and ethical qualifications of these professionals to understand and deal with penitentiary problems; and 2) in parallel, to engage them from this experience to develop as future criminal police officers. Therefore, in view of these objectives, the constitutional meaning of good prison management will be extracted, envisioning that the training process reflects the challenge of activating citizenship and maintaining this citizenship activated during daily professional life in order to engender possible reformulations and changes in standards of institutional action. (GOMES; SILVA, 2022, p. 198-199).

The criminal police officer has a unique role in the exercise of citizenship in Brazil, as he carries out his penitentiary activities with ethical training and with objectives justified by Brazilian standards. Professional training activates citizenship in the face of penitentiary practice, enabling changes in the institution's management and bringing about healthy reforms for the re-education of prisoners.

The work of the criminal police can be carried out in inappropriate situations, often the institutional environment is unhealthy, there is a lack of hygiene, the professional deals with the complexity of philosophical, moral and criminal issues that exist in the understanding social policy on criminology and crimes. (RIEFFEL, 2018).

In a simple concept, it could be said that Public Security is a process, that is, something like a phenomenon motivated by a sequence of facts or even events that reproduce regularly, thus requiring a policy focused on the need for prevention and even repression. It can also be said that it is a systemic process due to the need to integrate a set of state knowledge and tools with the possibility of interacting with the same vision and commitments, aiming at prevention and social peace. And, starting from the thought that public order aims at serenity, appeasement and public tranquility, in accordance with established laws and customs, aiming at, and even regulating, peaceful coexistence as an inalienable right of every citizen. (SILVA, 2015, p.8).

The function of public security in maintaining citizenship is to work towards the challenges it encounters in society, a security policy that implies obligations and duties for those incarcerated, as well as ensuring the social coexistence of Brazilian citizens.

The criminal police officer exercises his professional practice in the prison system by guarding and guarding the prisoner, thus ensuring the protection of all incarcerated people, participating in the re-education process by carrying out operations for social reintegration, and preserving public order.

In practice, the risks arising from the profession, which affect the agent's physical and psychological health, as well as the safety, cannot be minimized or ignored because they are part of the role. Professionals are exposed daily to seriously communicable diseases, stress, crime, corruption, mistrust and fear. Living in a hostile and extremely precarious environment, the State does not provide adequate care regarding safety, physical and psychological health, imposing a situation of total vulnerability. (MUSTAFÁ, 2019, p.12).

The criminal police officer may encounter some difficulties in carrying out his work, there may be external and internal factors that make his work in the prison establishment difficult. More decent working conditions and new penal security policies are needed that encompass the entire contextual framework existing in the prison system's practice.

CONCLUSION

The right to public security in Brazil is correlated with human rights, it is not possible to deal with human rights without the freedom to live with dignity, humanization and safeguarding the existence of the subjects of society. The protection of life and property are essential actions for the perception and experience of human rights.

The conception of human rights linked to public security in Brazil is not a constant in society, but since the formation of the security agent, the State has been in charge of guiding matters with a democratic bias considering the fundamental rights of the human person. In this way, the public security agent must be better prepared to deal with issues related to security, recognizing that the parties to the conflicts have rights guaranteed in the Brazilian legal system.

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The criminal police officer has the role of making the resocialization of the prisoner viable and carrying out prison activities based on fair criminal treatment, therefore, this important public security professional exercises his citizenship, providing new possibilities for the prisoner and ensuring a fundamental public service. for the society. The actions carried out by the criminal police that correlate public security with human rights practices in Brazil refer to the daily practices of humane treatment in relation to the arrested individual. Thus, the criminal police officer participates in the execution of the sentence as the person responsible for maintaining interpersonal relationships with the prisoner, dealing directly with the incarcerated person in their activities within the prison establishment, resolving questions about prison conditions, explaining all institutional procedures so that the prisoner Serve your sentence with dignity and humaneness.

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REFERENCES

AKUTSU, Caroline Mayumi Novaes A; SALVADOR, Caroline Alves; CASTELLANO, Soraia. Humanization of sentences and its implications for the resocialization of prisoners. **Law in Focus Magazine**–Edition nº 12 – Year: 2020. Available at: <https://portal.unisepe.com.br/unifia/wp-content/uploads/sites/10001/2020/07/HUMANIZA%C3%87%C3%83O-DAS-PENALTIAS-AND-ITS-IMPLICA%C3%87%C3%83O-NA-RESOCIALIZA%C3%87%C3%83O-DO-PRISONER-75-a-80.pdf>. Accessed on: 11 Mar. 2022.

BRAZIL. Constitution of the Federative Republic of Brazil: constitutional text promulgated on October 5, 1988, compiled until Constitutional Amendment no.o114/2021. – Brasília, DF: Federal Senate, Coordination of Technical Editions, 2022. 156 p. Available at: <https://www.baixelivros.com.br/ciencias-humanas-e-sociais/direito/constituicao-federal>. Accessed on: 11 Mar. 2022.

CARRASCO, Jorge Carlos. **Human Rights and Public Security**: conflicting priorities. 123 f. (Doctorate in Law). Pontifical Catholic University, São Paulo, 2015. Available at: <https://tedeantiga.pucsp.br/handle/handle/6766>. Accessed on: 13 Mar. 2022.

GOMES, Deborah Ferreira Cordeiro; SILVA, Soraia Pereira. Democratic governance in prison administration: the challenges of training criminal police officers in the Goiás prison system. **Rev. bras. security. public** | São Paulo v. 16, ed. special, 2022, 192-215p. Available at: <https://www.revista.forumseguranca.org.br/index.php/rbsp/article/view/1497/500>. Accessed on: 10 Mar. 2022.

LOHN, Joel Irineu. The State, the citizen and public security as a social right. In: PAULA, GIOVANI DE. (org.). **Society, security and citizenship**. University of Southern Santa Catarina. Center for Studies Society, Security and Citizenship Society, security and citizenship, Palhoça: UnisulVirtual, 2017. 189 p. Available at: https://repositorio.animaeducacao.com.br/bitstream/ANIMA/2722/1/Livro-I_Paz-Social-NESC.pdf. Accessed on: 09 Mar. 2022.

MACHADO, Júlia Sandra de Barros; PORTO, Zélia Granja. **Training of prison officers**: meanings and meanings from the perspective of the prison officers who train the penitentiary school in PE. VII National Education Congress, education as Re (Existence): changes, awareness and knowledge. Maceió Cultural Exhibition Center, October 15, 16 and 17, 2020. Available at: https://editorarealize.com.br/editora/anais/conedu/2020/TRABALHO_EV140_MD1_SA11_ID5878_28082020102002.pdf. Accessed on: 10 Mar. 2022.

MUSTAFÁ, Rhayana Santos. **Prison System and Human Rights**: prison security officer's perspective. 83f. (monography). University of Southern Santa Catarina, Law Course, Tubarão, 2019. Available at: <https://repositorio.animaeducacao.com.br/handle/ANIMA/5613>. Accessed on: 08 Mar. 2022.

PEREIRA, Sônia Maria Pires. **Public Security Management in Brazil**: a field of challenges. 51f. (Specialization in Public Management). Federal University of São João del Rey, São João Del-Rey, 2018. Available at: <http://dspace.nead.ufsj.edu.br/trabalhospublicos/bitstream/handle/123456789/184/TCC%20-%20ufsj%20ATUALIZADO%20versao%20pos%20banca1%20-%20Sonia.pdf?sequence=1&isAllowed=y>. Accessed on: March 13, 2022.

RAMIDOFF, Mário Luiz. Security with citizenship: a new culture of control. **Law & Praxis Magazine**, Rio de Janeiro, vol. 07, n.16, 2016, p.295-334. Available at: <https://www.e-publicacoes.uerj.br/index.php/revistaceaju/article/download/19205/18938>. Accessed on: 08 Mar. 2022.

RIEFFEL, Franciele Binho. The prison officer's work: a critical analysis regarding working conditions and worker health from a constitutional perspective. **XIV Week of Extension, Research and Postgraduate Studies**, SEPesq, Centro Universitário Ritter dos Reis, 26 to 29 Nov. 2018. Available at: <https://www.uniritter.edu.br/files/sepesq/arquivostrabalhos-2019-2/1-franciele-bonho-rieffel-o-labor-do-agente-penitenciario.pdf>. Accessed on: 11 Mar. 2022.

SILVA, Aluízio Felipe de. **Public Security and Human Rights**. 50f. (Specialization in Public Security Policy and Management). Universidade Estácio de Sá, Brasília, 2015. Available at: <https://bibliotecadigital.stf.jus.br/xmlui/handle/123456789/1181>. Accessed on: 09 Mar. 2022.