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The progressive use of police force in the state of São Paulo and its constitutional limits under the democratic rule of law

O uso progressivo da força policial no estado de São Paulo e seus limites constitucionais no Estado Democrático de Direito

El uso progresivo de la fuerza policial en el estado de São Paulo y sus límites constitucionales en el Estado Democrático de Derecho

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Monograph submitted to the Law program at Real Faculdade de Brasília as a partial requirement for the Bachelor of Laws degree. Brasília, DF, 2026.

Abstract:
This monograph analyzes the progressive use of police force in the State of São Paulo, considering the constitutional limits imposed on public security agents in a Democratic State governed by the rule of law. The study brings together and systematizes two previous works on the subject, integrating a constitutional and legal approach with literature addressing police violence, institutional control, proportionality and the social impacts of police action. The research problem is to determine how the need to preserve public order can be reconciled with the protection of life, physical integrity, human dignity and other fundamental guarantees. A qualitative, bibliographic and documentary methodology is adopted, based on legislation, legal doctrine, case law and academic studies concerning the use of force. The research indicates that the legitimacy of the use of force depends not only on the purpose of protecting society, but also on compliance with legality, precaution, necessity, proportionality, reasonableness, accountability and non-discrimination. In the context of São Paulo, the studies analyzed raise controversies concerning police lethality, the social impacts of violence and the need for effective oversight mechanisms. At the same time, the analysis considers the concrete conditions under which police officers make decisions under risk and pressure, without treating such circumstances as automatic justification for excessive force. The conclusion is that reconciling public security and fundamental rights requires continuing training, adequate equipment, clear protocols, effective oversight, transparency, individualized accountability and institutional support compatible with the complexity of police work.

Keywords: police use of force. Military Police. State of São Paulo. proportionality. fundamental rights. public security.

Resumo:
A presente monografia analisa o uso progressivo da força policial no Estado de São Paulo, considerando os limites constitucionais impostos à atuação dos agentes de segurança pública em um Estado Democrático de Direito. O estudo reúne e sistematiza duas pesquisas anteriormente desenvolvidas sobre o tema, integrando a abordagem jurídico-constitucional com a literatura que discute violência policial, controle institucional, proporcionalidade e impactos sociais da atuação policial. O problema de pesquisa consiste em verificar de que modo a necessidade de preservação da ordem pública pode ser conciliada com a proteção da vida, da integridade física, da dignidade humana e das demais garantias fundamentais. Adota-se metodologia qualitativa, de natureza bibliográfica e documental, com análise de legislação, doutrina, jurisprudência e estudos acadêmicos sobre o uso da força. A pesquisa demonstra que a legitimidade do emprego da força não decorre apenas da finalidade de proteção da sociedade, mas também da observância da legalidade, necessidade, precaução, proporcionalidade,

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razoabilidade, responsabilização e não discriminação. No contexto paulista, os estudos reunidos apontam controvérsias relacionadas à letalidade policial, aos impactos sociais da violência e à necessidade de mecanismos eficazes de controle. Ao mesmo tempo, a análise considera as condições concretas em que os policiais tomam decisões sob risco e pressão, sem utilizar tais circunstâncias como justificativa automática para excessos. Conclui-se que a compatibilização entre segurança pública e direitos fundamentais exige formação continuada, equipamentos adequados, protocolos claros, mecanismos de controle, transparência, responsabilização individualizada e proteção institucional compatível com a complexidade da atividade policial.

Palavras-chave: uso da força policial. Polícia Militar. Estado de São Paulo. proporcionalidade. direitos fundamentais. segurança pública.

Resumen:
La presente monografía analiza el uso progresivo de la fuerza policial en el Estado de São Paulo, considerando los límites constitucionales impuestos a la actuación de los agentes de seguridad pública en un Estado Democrático de Derecho. El estudio reúne y sistematiza dos investigaciones anteriormente desarrolladas sobre el tema, integrando el abordaje jurídico-constitucional con la literatura que discute violencia policial, control institucional, proporcionalidad e impactos sociales de la actuación policial. El problema de investigación consiste en verificar de qué modo la necesidad de preservación del orden público puede ser conciliada con la protección de la vida, de la integridad física, de la dignidad humana y de las demás garantías fundamentales. Se adopta metodología cualitativa, de naturaleza bibliográfica y documental, con análisis de legislación, doctrina, jurisprudencia y estudios académicos sobre el uso de la fuerza. La investigación demuestra que la legitimidad del empleo de la fuerza no proviene apenas de la finalidad de protección de la sociedad, sino también de la observancia de la legalidad, necesidad, precaución, proporcionalidad, razonabilidad, responsabilidad y no discriminación. En el contexto paulista, los estudios reunidos apuntan controversias relacionadas a la letalidad policial, a los impactos sociales de la violencia y a la necesidad de mecanismos eficaces de control. Al mismo tiempo, el análisis considera las condiciones concretas en que los policías toman decisiones bajo riesgo y presión, sin utilizar tales circunstancias como justificación automática para excesos. Se concluye que la compatibilización entre seguridad pública y derechos fundamentales exige formación continuada, equipamientos adecuados, protocolos claros, mecanismos de control, transparencia, responsabilización individualizada y protección institucional compatible con la complejidad de la actividad policial.

Palabras clave: uso de la fuerza policial. Policía Militar, Estado de São Paulo.
proporcionalidad. derechos fundamentales. seguridad pública.

1 Introduction

Public security occupies a central position in the Democratic State of Law because it involves, at the same time, the protection of the community, the preservation of public order and the guarantee of fundamental rights. The Federal Constitution of 1988 establishes, in its article 144, that public safety is the duty of the State, law and responsibility of all, for the police

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institutions specific functions of protecting public order and the incolumnity of people and heritage (BRASIL, 1988).

In this scenario, the use of physical force by the State is one of the most sensitive expressions of the government. Police may need to restrict conducts, contain aggressions, make arrests and protect people in situations of risk. However, the existence of a legitimate purpose does not transform any means into legitimate. Coercive action finds limits in the Constitution, legislation, legal principles and technical parameters that discipline public safety activity.

The two works used as the basis for this monograph present complementary perspectives. The first develops a broad approach on legal foundations, proportionality, control of police activity, state responsibility and professional reality of the São Paulo military police officer. The second focuses on reviewing the literature on the use of force, human rights, police lethality, abuses of authority and social impacts. Unification allows to build a more systematic analysis, avoiding fragmentation in the original texts.

The research problem can be formulated as follows: how to reconcile the progressive use of force by the Military Police in the State of São Paulo with the constitutional limits of the Democratic rule of law, while preserving public security and fundamental rights?

The hypothesis of work is that the legitimate use of force depends on a combination of operational need and legal control. Proportionality does not mean lack of strength, but requires that state intervention be appropriate to the situation, necessary to achieve a legitimate and balanced purpose in relation to the rights affected (ALEXY, 2008).

The general objective is to analyze the constitutional and legal limits of the progressive use of the police force in the State of São Paulo. As specific objectives, we intend to: a) examine the constitutional basis of public security; b) identify the legal bases of force employment; c) understand the principle of proportionality applied to police activity; d) analyze control and accountability mechanisms; e) discuss academic evidence on lethality and police violence; and f) consider the professional conditions that influence decision-making in risk occurrences.

The justification arises from the social and legal relevance of the theme. The use of force directly affects fundamental rights and, therefore, needs to be studied with balance. Criticism of abuse is indispensable, but it is also necessary to understand the risk conditions of police activity, without turning operational difficulties into automatic justification for violations. The research seeks, therefore, to overcome simplifying visions and treat the issue from a constitutional, legal, institutional and social perspective.

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The methodology is qualitative, bibliographic and documentary. The two papers provided by the author, their doctrinal and academic references, constitutional and infra-constitutional legislation, normative acts on the use of force and judicial decisions cited in the texts were considered. The research does not intend to carry out original statistical survey or infer causalities that sources do not demonstrate. Conclusions are constructed from the systematic interpretation of the selected material.

The monograph is organized into ten chapters. After this introduction, public security in the Democratic State of Law is examined; then the legal foundations of the use of force are presented; then, the progressive use of force and proportionality is analyzed; the control of police activity and state responsibility are addressed; the reality of the military police officer is discussed; academic evidence on the São Paulo context and social impacts are examined; an integrated critical analysis is developed; and, at the end, conclusive considerations are presented.

2 Public security under the democratic rule of law

2.1 The constitutional model of public security

The 1988 Constitution structured public security as a state activity subject to constitutional order. Art. 144 presents security as the duty of the State, law and responsibility of all and defines the bodies responsible for its execution. Among them are the military police, to which the Constitution attributes ostensive police and the preservation of public order (BRASIL, 1988).

The police function, therefore, cannot be understood only as repressive activity. Preservation of public order includes prevention, attendance of occurrences, victim protection, intervention in risk situations and action aimed at preventing the continuity of illicit conduct. In all these dimensions, the government remains bound to fundamental rights.

2.2 Public security as a fundamental right

Public security has a collective and individual dimension. Collectively, it involves the protection of society against threats and crimes; individually, it is related to the possibility of living with physical integrity, freedom and protected heritage. Alexandre de Moraes (2023) highlights the centrality of the Constitution in the organization of the State and in the protection of fundamental guarantees.

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This double dimension produces a demand for balance. The citizen needs protection against crime and, at the same time, needs protection from abuse by the State itself. The legitimacy of the police, in this sense, depends on the ability to exercise authority within the legal limits that justify its own existence.

2.3 Public order and individual rights

The tension between public order and individual rights should not be treated as absolute opposition. The constitutional order rightly seeks to reconcile these values. A legal prison, for example, can restrict individual freedom to protect other rights; however, the restriction must have legal basis and respect the guarantees applicable to the specific case.

The basic texts highlight that police activity develops in an environment of tension between social protection and human rights. Studies cited in the second research discuss the possibility of police practices producing violations of rights, especially when the force ceases to meet the requirements of necessity and proportionality (DE SOUZA; ROMERO, 2018; GUIMARÃES; CORREA, 2022).

2.4 Jurisprudence and constitutional control

The Judicial Power participates in the control of state activity when provoked to examine measures involving fundamental rights. Judicial action, however, should consider the institutional limits of each power and technical particularities of police activity. The literature gathered in the basic work points out debates on the extent of the performance of constitutional courts and on the need to establish legal parameters for situations in which security and fundamental rights come into tension (BARBOSA; COURA, 2024).

3 Legal foundations of the use of police force

3.1 State monopoly on force

The organization of the modern state presupposes the existence of institutions authorized to exercise coercitivity on behalf of the legal order. Max Weber (2004) relates the State to the legitimate monopoly of physical violence within a given territory. However, legitimacy is not synonymous with unrestricted freedom: the state force remains legally legitimate only when exercised within the limits of ordering.

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In police activity, this means that the force must have public purpose, legal basis and relationship of adequacy with the situation faced. The agent does not act in the name of a personal will, but as a representative of the State and within the competences assigned to it.

3.2 Grounds excluding unlawfulness and police action

The Criminal Code foresees hypotheses in which a conduct, although typically typical, is not considered illegal when practiced under certain circumstances. Among them are self-defense and strict compliance with legal duty. The analysis of these hypotheses requires attention to the concrete context and does not authorize the conclusion that all coercive police intervention is automatically lawful (BRASIL, 1940).

Self-defense requires unfair aggression, current or imminent, and moderate employment of the necessary means. Strict compliance with legal duty, in turn, presupposes action within the legal competence of the agent. In both cases, excess can generate accountability, which is why the legitimate purpose of intervention does not eliminate the need for control.

3.3 Abuse of authority

Law no. 13,869/2019 disciplines the crimes of abuse of authority and establishes accountability parameters for conduct practiced by public agents that exceed the legal guidelines. The existence of this legislation reinforces that the public authority is subject to limits and that the exercise of the function does not remove personal responsibility for unlawful conduct (BRASIL, 2019).

Responsibility must be individualized and based on proven facts. The mere occurrence of harmful result does not allow, in isolation, to conclude the existence of abuse. It is necessary to examine the concrete situation, the conduct of the agent, the circumstances, the existing legal duty and the subjective elements required by applicable legislation.

3.4 Current standards on force use

The original texts made reference to the Interministerial Ordinance No. 4.226 as being from 2020. The normative verification carried out for this version showed that the Interministerial Ordinance MJ/SDH/PR no. 4.226 is from December 31, 2010 and was subsequently repealed by the Ordinance MJSP no. 855, January 17, 2025. Ordinance No. 855/2025 regulates Decree No. 12.341/2024 and establishes guidelines on the use of force by public safety professionals. The act currently meets, among its general principles, legality,

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precaution, necessity, proportionality, reasonableness, accountability and non-discrimination (BRASIL, 2025).

The update is relevant because a monograph delivered in 2026 should not present as current a rule already revoked. The 2010 Ordinance remains important as historical reference of the normative evolution of the theme, but the analysis of the current discipline should consider Decree No. 12.341/2024 and Ordinance MJSP no. 855/2025.

3.5 Less-lethal instruments

Law No. 13,060/2014 regulates the use of instruments with less offensive potential by public security agents and determines compliance with the principles of legality, necessity, reasonableness and proportionality. The law also provides priority for instruments with less offensive potential when their employment does not endanger the integrity of police officers, in addition to establishing limits for the use of firearms in certain situations (BRASIL, 2014).

The existence of intermediate alternatives is relevant for the progressive model of intervention. Equipment, training and protocols allow the state response not to be reduced to the false choice between inaction and use of firearms. The quality of the decision depends, therefore, also on the institutional capacity to offer means compatible with different levels of resistance and risk.

4 The progressive or differentiated use of force

4.1 Concept

The progressive use of force can be understood as the selection of means of intervention compatible with the resistance presented, with the existing risk and with the legitimate purpose of acting. It is not a mechanical sequence in which the policeman must use all levels before reaching another. The response should accompany the dynamics of the occurrence, and may increase or decrease according to the conduct of the individual and circumstances.

The second research used as a basis defines the progressive use as application of different levels of strength according to the severity of the situation. The concept seeks to protect society without dispelling fundamental rights. The first study expands the approach by relating it to proportionality, necessity and adequacy of intervention.

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4.2 Levels of resistance and state response

In didactic terms, situations may involve cooperation, passive resistance, active resistance, physical aggression or threat with lethal potential. The police response should consider the effectively presented behavior, the possibility of escalating risk, the presence of third parties and the need to preserve lives.

This logic prevents both excessive use and underuse of force. Intervention should be sufficient to control the situation, but cannot overcome what is necessary. Similarly, the duty of protection may require energetic action when there is concrete and immediate risk, especially to preserve the lives of police or third parties.

4.3 Training, equipment and decision-making under pressure

The progressive use of force does not depend exclusively on the individual will of the agent. Professional training, continuing training, available equipment, operational procedures and supervision directly influence decision-making. Law No. 13,060/2014 determines that training and training courses include content that enables agents to use nonlethal instruments and assigns to the public power the duty to provide instruments with less offensive potential for the rational use of force (BRASIL, 2014).

The basic texts also highlight the distance between training and operational reality. This observation should be interpreted as an institutional issue to be investigated, not as a justification for excesses. The higher the risk and complexity of occurrence, the greater the importance of realistic training, clear protocols and adequate equipment.

4.4 Firearm as a measure of extreme gravity

The use of firearms represents an intervention of high harmful potential and must be evaluated according to the concrete risk of the situation. Brazilian legislation establishes specific limits and current regulations reinforces the principles of necessity, proportionality, caution and accountability. The subsequent examination of the occurrence should consider the information available to the agent at the time of the decision, without confusing the retrospective analysis with the perception existing during the event.

5 The principle of proportionality and constitutional limits

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5.1 Proportionality as a legal parameter

Robert Alexy (2008) presents proportionality as an instrument of weighting between principles in conflict. In general, the analysis involves adequacy, necessity and proportionality in a strict sense. In police activity, these elements help to verify if the intervention chosen was able to achieve legitimate purpose, whether there was an equally effective less serious means and whether the cost imposed on the affected right was justified in view of the importance of the protection sought.

5.2 Adequacy

A measure is appropriate when it has the ability to contribute to achieving the legitimate purpose. In police activity, adequacy requires a relationship between the employed environment and the problem faced. An intervention unable to control the risk does not fulfill the purpose; an intervention far superior to what is necessary can produce unjustified restriction.

5.3 Necessity

The need requires checking whether there was a less serious alternative capable of achieving equivalent results. This analysis does not mean requiring the police to know all abstract alternatives, but that institutional action provides sufficient means and training to allow reasonable choices in the face of circumstances.

5.4 Proportionality in the strict sense

Proportionality in a strict sense involves the relationship between the benefits of the intervention and the intensity of the restriction caused. In police practice, this examination should consider the severity of risk, urgency, behavior of the approached person, danger to third parties, available alternatives and the result produced.

5.5 Human dignity, life and physical integrity

The dignity of the human person functions as a constitutional basis to limit the exercise of state power. Respect for life and physical integrity does not prevent all coercive intervention, but establishes that force cannot be treated as an end in itself. It constitutes an exceptional means of protecting order and rights when the less severe means are insufficient or inadequate to the concrete risk.

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6 Oversight of police activity and state liability

6.1 Internal and external control

Police activity is subject to multiple control mechanisms. Internally, IABs, administrative procedures and disciplinary mechanisms stand out. Externally, Public Prosecutors, Judiciary, Ombudsman and other supervisory institutions perform relevant functions. The plurality of controls seeks to reduce arbitrariness spaces and ensure the investigation of potentially illicit conduct.

Control, however, must observe procedural guarantees. Responsibility cannot be assumed from accusations or isolated results. The calculation needs to allow contradictory, broad defense and individualized analysis of the facts. The same principle applies to any public agent regardless of their function.

6.2 Civil liability of the State

Art. 37, § 6, of the Constitution provides for the liability of legal persons governed by public law and of private persons providing public service for the damage their agents cause to third parties, assuring the right of return in cases of dole or guilt. The matter must be examined together with the caselaw and with the concrete circumstances of each case (BRASIL, 1988; DI PIETRO, 2023).

6.3 Criminal and disciplinary responsibility

Criminal liability depends on the presence of elements of the applicable criminal type. Administrative or disciplinary responsibility, on the other hand, derives from the specific rules governing the institution and functional conduct. The same fact can produce consequences in different spheres, but each one has its own assumptions and procedures.

6.4 Oversight and protection of public officials

Control of police activity should not be confused with permanent presumption of agent guilt. A mature institutional policy needs to investigate deviations and simultaneously protect the professional who acted within legality. The first basic work emphasizes the importance of

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recognizing the policeman as a subject of rights. In academic language, this idea can be translated by the need to reconcile accountability with functional and procedural guarantees.

7 The use of police force in the state of São Paulo: evidence and debates

7.1 Literature on police lethality

The literature gathered in the second paper presents studies that analyze police lethality in the State of São Paulo. Bueno, Lima and Teixeira (2019) investigated deaths resulting from police intervention and discussed the evolution of lethality in the context of reducing homicides. The authors also analyze the distribution of victims by age and race/color, indicating the need to understand police action based on data and not just individual perceptions.

The use of these studies requires methodological care. The existence of police lethality does not in itself demonstrate that all episodes were illegal or that the entire institution acts abusively. Similarly, the existence of hypotheses for legitimate intervention does not eliminate the need to investigate patterns, circumstances and possible deviations. The value of literature is precisely in revealing phenomena that need to be systematically analyzed.

7.2 Abuses of authority and institutional oversight

The Authority Abuse Act represents one of the normative bases for accountability to agents who use their functions outside the legal limits. Studies gathered in the archives highlight that abuses can compromise the physical and moral integrity of citizens and also the legitimacy of institutions. For this reason, prevention should involve adequate training, supervision, control and accountability.

7.3 Racial inequalities and selectivity

Guimarães and Correa (2022) discuss the relationship between police violence, structural racism and limits of the Democratic State of Law. Hollis and Jennings (2018), in an international review, deal with racial disparities related to the use of force. These studies are relevant for research because they show that the evaluation of police activity can also consider social and distributive patterns, without reducing the analysis of each occurrence to a single explanation.

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The existence of statistical differences between groups should be interpreted with caution. Aggregated indicators do not automatically demonstrate the cause of each individual occurrence. Still, persistent patterns justify scientific and institutional research, especially when they involve fundamental rights and public trust.

7.4 Social impacts of police violence

The literature analyzed relates the abusive use of force to loss of trust in institutions, increased perception of insecurity and worsening conflicts between communities and police forces. The consequence is not limited to the direct victim. The legitimacy of the police also depends on the perception that the institution acts within predictable, enforceable rules impersonally.

7.5 Technology, protocols and transparency

The contemporary debate on the use of force also involves recording technologies, less lethal equipment, operational procedures and mechanisms for documentation of occurrences. Such resources can contribute to training, supervision and reconstruction of facts, provided they are integrated into institutional policies for data protection, transparency and accountability.

8 The professional reality of Military Police officers and decision-making

8.1 The complexity of police activity

The first basic work devotes significant part of its analysis to the professional conditions of the São Paulo military police officer. Although some original excerpts adopt personal and critical language, the content can be used academically when discussing the complexity of decision-making at risk. Police often need to decide in seconds, given incomplete information, while protecting third parties and also their own integrity.

Recognizing this reality does not mean granting immunity to the agent. It means understanding the context necessary to properly assess an occurrence. Responsibility must distinguish operational error, culpable conduct, justified or unjustifiable excess and deliberate abuse, according to the legal requirements of each sphere.

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8.2 Professional training and continuing preparation

The texts gathered attach importance to the formation of the Military Police of the State of São Paulo and to institutional discipline. The initial training, however, needs to be accompanied by permanent training. The use of force is an area in which techniques, equipment, legislation and jurisprudence can evolve, requiring continuous updating.

8.3 Working conditions and quality of police action

Working conditions, effectiveness, equipment, communication, operational support and supervision can influence the response capacity. The analysis of these conditions should be based on evidence. It should not be stated that a certain institutional deficiency caused a specific episode without investigation that demonstrates the nexus. However, from a preventive point of view, it is reasonable to consider that adequate structures favor safer and more controllable decisions.

8.4 Occupational health and institutional support

The first paper also discusses psychological distress, professional pressure and the need for institutional support. For academic purposes, the issue should be presented as an occupational health problem and people management, without attributing diagnosis to individuals or stating causalities that have not been demonstrated. The availability of support channels, professional follow-up and prevention policies can contribute to the sustainability of the public safety service.

8.5 Hierarchy, discipline and accountability

The hierarchy and discipline have a relevant organizational function in the state military structure. At the same time, their exercise must remain subordinated to the Constitution and legislation. The first study presents criticisms of the existence of disciplinary treatments perceived as asymmetrical. In an academic approach, the central point is the need for objective, impersonal and proportional criteria in the application of administrative measures, with respect to the proper process and individualization of conduct.

9 Integrated critical analysis

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9.1 Public security and fundamental rights

The meeting of the two works allows us to observe that public security and fundamental rights are not necessarily incompatible objectives. Police exist precisely to protect rights, including life, freedom and heritage. The legal problem arises when the force used to protect these rights goes beyond the limits necessary to achieve the legitimate purpose.

9.2 Legitimity of force and prevention of abuse

The state force has legitimacy when exercised within the legal competences and according to criteria of necessity and proportionality. Abuse occurs when authority departs from these parameters. Prevention, therefore, depends not only on subsequent punishments, but on training, protocols, supervision, equipment, record of occurrences and institutional culture guided by legality.

9.3 Individualized accountability

One of the contributions of unification is to overcome two extreme conclusions present, in different degrees, in the original work: on the one hand, the idea that criticism of police violence would amount to condemning the entire institution; on the other hand, the idea that the difficulties of the activity could automatically justify excessive conduct. Individualized accountability is the most legally appropriate way: each occurrence should be examined according to its circumstances and evidence.

9.4 The balance between control and professional protection

The existence of control mechanisms is indispensable, but control needs to be predictable and legally structured. The police officer who acts correctly should have institutional protection; the agent who commits abuse must respond for his conduct. This balance avoids both impunity and indiscriminate accountability.

9.5 Society, media and perception of police action

The first paper discusses the social and media pressure on police officers. The subject can be dealt with academically from the formation of public opinion on security. Serious cases receive great repercussion and may influence the perception of the institution. On the other

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hand, public exposure does not replace formal investigation. Responsible analysis should distinguish news, opinion, accusation, proof and final decision.

9.6 The institutional balance point

The balance point proposed by the integration of studies consists of five elements: legal authority to intervene; objective limits to force use; adequate training and resources; independent and internal control mechanisms; and functional and procedural protection of the agent acting within legality. The combination of these elements allows a security policy that does not need to be chosen between protecting society and respecting fundamental rights.

9.7 Summary of findings

The selected literature demonstrates that the use of force is a multidimensional phenomenon, because it has a legal dimension, because it depends on norms; operational, because it involves decisions under risk; institutional, because it depends on training and control; and social, because it produces effects on trust, legitimacy and relations between police and population. An exclusively legal analysis would be insufficient, as well as an exclusively sociological analysis would not meet the requirements of legality of state action.

10 Final considerations

The present monograph aimed to analyze the progressive use of the police force in the State of São Paulo and its constitutional limits in the Democratic State of Law. From the unification of the two works provided, it was possible to integrate the legal analysis of the strength limits with the literature on police lethality, abuses of authority, human rights and professional conditions of police activity.

The research allows us to respond to the proposed problem by stating that the legitimate use of force requires simultaneous compatibility with the purpose of protecting public order and fundamental rights. The Constitution does not prevent the coercive action of the police. On the contrary, it recognizes the need for public security institutions. What the Constitution prevents is the arbitrary exercise of state power.

The principle of proportionality plays a central role in this compatibility. The intervention should be appropriate to the legitimate objective, necessary given the existing and balanced alternatives in relation to the affected rights. Law No 13.060/2014 and current federal

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regulations on the use of force reinforce the need for legality, necessity, proportionality, reasonableness and other control parameters (BRASIL, 2014; BRASIL, 2025).

The academic studies gathered point out relevant issues about police lethality, social impacts and racial inequalities. These results do not allow us to affirm that all police intervention is abusive, but they show that the use of force needs to be accompanied by data, control mechanisms and continuous evaluation. The legitimacy of the institution depends both on the ability to protect society and on the ability to respond transparently when there is suspicion of deviation.

It was also relevant to consider the professional reality of the police officer. Decision-making often occurs in situations of risk, pressure and incomplete information. This fact should be considered in the legal evaluation of each occurrence, without dispelling responsibility when proven excess. The best institutional policy is that which combines professional demand with training, equipment, support and clear rules.

The normative update carried out in this version also demonstrates the importance of keeping the research legally updated. The Interministerial Ordinance No. 4.226/2010, mentioned in the original works, was repealed by the MJSP Ordinance No. 855/2025, which began to regulate Decree No. 12.341/2024 and to establish national guidelines on the use of force. Thus, contemporary analysis should consider the new normative framework, preserving the 2010 Ordinance only as a historical reference.

It is concluded, therefore, that the progressive use of force should be understood as an instrument of protection and not as a generic authorization for violence. Legitimate police action requires authority, technique, prudence and respect for legal limits. Likewise, the control of police activity must be firm but individualized and subject to the guarantees of due process. The reconciliation between security and fundamental rights does not depend on the elimination of police authority, but on its permanent submission to the Constitution and the rules that structure the Democratic State of Law.

As a final contribution, the research points to the need for permanent policies of training, providing instruments with less offensive potential, updated protocols, reliable records of interventions, surveillance mechanisms, transparency and professional support. These measures may simultaneously favor the protection of the population, legal certainty of institutions and responsible actions of public safety professionals.

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