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RCMOS – Multidisciplinary Scientific Journal O Saber.
ISSN: 2675-9128. São Paulo-SP, year II, v.2, n. 2, Jul./Dec. 2022.

The mandatory use of the electronic control device by PMAM as a way to preserve the right to life

The mandatory use of the electronic control device by PMAM to preserve the right to life

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Submitted on: 07/17/2022
Approved on: 07/17/2022
Published on: 07/19/2022
DOI: 10.51473/rcmos.v2i2.327

SUMMARY
The study aims to analyze the mandatory use of electronic control devices by PMAM as a way of preserving the right to life. The specific objectives are: to present the use of weapons with less offensive potential; address the use and legality of the electronic control device (*taser);*elucidate the acquisition of DEC by PMAM in training military police officers. As a methodology, bibliographical research was used. It was concluded that the Police

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ABSTRACT
The study aims to analyze the mandatory use of the electronic control device by PMAM to preserve the right to life. The specific objectives are to present the use of weapons of lesser offensive potential; address the use and legality of the electronic control device (*taser);*elucidate the acquisition of the DEC bythePMAM in training of the military police. Bibliographic research was usedas a methodology. It was concluded that the Amazon Military Police, which already has these electronic devices, has been concerned with human life, controlling the way of acting and investing in equipment that solves an occurrence in the best possible way.
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1. INTRODUCTION

Brazil is a country that borders other countries in Latin America, which are currently overwhelmed by unprecedented inflation. However, the possibility of a declared war occurring between these countries and Brazil is almost nil. However, internally we are constantly fighting rampant crime, political corruption and the so-called “urban war” against arms and drug traffickers.

The Security forces have made efforts to combat, contain and control these problems effectively, but have been facing a complexity of factors and harmful events, which raise doubts about how to fully combat these opposing forces.

The Federal Constitution of 1988, brings in its body, the fundamental rights, these are foreseen in article 5, where the right to freedom and life is expressed, and the latter is the focus of this research, as as a preponderant factor inherent to the human being, is often disrespected, even by those who have the obligation to defend it, using of lethal weapons when dealing with certain incidents, mainly those involving offenders using a bladed weapon.

The Military Police of Amazonas has sought to fulfill its Constitutional purpose, although often, it ceases to be overt, to be repressive and it is in this repression using a firearm, a fatality may occur, taking the life of a delinquent or offender in a violent state.

Which, using another non-lethal means, could arrest these offenders, without taking their lives, when

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the use of an electronic control device (DEC), better known as ***TASER***, would comply with the entire Constitutional circle, that of combating violence by arresting the offender and preserving his life.

2 THE USE OF WEAPONS WITH LESS OFFENSIVE POTENTIAL

Weapons with lower offensive potential, also called "non-lethal" are equipment specifically designed ted and employed to temporarily incapacitate personnel or material, while minimizing deaths and permanent injuries, undesirable damage to property and impairment of the environment.

These non-lethal weapons give Military Police Officers, who are law enforcement agents, the ability to use force gradually, reducing the situations in which the use of a firearm is necessary. A wide range of products allows the police to act in a balanced way when faced with the need to enforce respect for the Law. Carrying only a firearm, the police officer is faced with two alternatives: either do nothing or use a revolver, pistol or even , in some cases, the rifle. It is easy to see the inadequacy of these instruments in the vast majority of incidents.

There are two types of weapons with less offensive potential in Brazil: those for use restricted to security agents (controlled by the army), and those released for personal defense, easily acquired by people over 21 years of age with an ID and CPF. The stun gun, also called *Taser*, falls into the first category, as do pepper sprays, rubber ammunition, tear gas bombs and stun grenades.

The weapons we are talking about do not have a zero probability of risk, that is, fatalities or permanent injuries, but rather, they reduce this probability compared to traditional weapons that aim to physically destroy their targets.

It is essential that the police officer has effective means to act in defense of the law. Between the verbal warning and the use of a firearm, there are multiple possibilities offered by so-called non-lethal weapons. Let's look at some of them below.

2.1 The main weapons with the lowest offensive potential

Rubber bullet: When it is used to contain violent riots in demonstrations or rebellions. Like a normal bullet, it has a capsule with gunpowder to propel it and a tip - the part that hits the target. The difference is that the tip is not metal like common bullets, but rubber. The advantage of this material is that it does not pierce the skin. But the rubber bullet can cause serious injuries if it hits the face or even be fatal in places like the throat. Therefore, shots should only be fired in the direction of the legs and at a distance of approximately 20 meters.

Tear gas: It is used to disperse crowds and in rescue operations, it releases smoke that burns the eyes and mucous membranes leaving the person stunned, this is the sensation caused by tear gas. It looks like a grenade and can be thrown by hand or with a launcher weapon. Not to be confused with stun bombs. These can be of different types: there are those that explode making only a lot of noise, those that emit intense light to dazzle and those that release smoke. None of this hurts, but when they explode, the bombs release fragments that can hurt.

Pepper Spray: Used as a weapon of personal defense or to disperse riots. It is rare, but can also be used in hostage rescue. In this case, a large amount of gas is released into the environment where the kidnapper is located, which, when effective, leaves him more vulnerable. What is it? The gas that comes out is called OC agent (Oleoresin capsicum). Capsicum is a genus of peppers from which capsaicin is extracted, a substance that causes severe irritation to the eyes and skin.

respiratory tract. The effect of a spray on the face can last up to 40 minutes.

DEC (*Taser*):A pistol that fires electric darts and is part of a category of equipment increasingly used by police and security agents. When used, it has a function similar to that of a stun baton, immobilizing attackers. The big advantage is that the taser can be used from a long distance, it looks like a common pistol, but has a different "bullet". The trigger activates a compressed air system and also regulates an electrical discharge. Driven by compressed air, two darts are launched towards the target. The darts are connected to the gun by metal wires that can reach almost 11 m. The darts penetrate 2.5 cm into the skin and transmit electrical discharges of up to 50,000 volts.

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- same as stun baton. It is possible to give continuous discharges by keeping the trigger pressed.

Stun baton: Used as a personal defense weapon or in actions to immobilize a suspected fugitive or an attacker. Popularly known as “choquinho”, this small device emits electrical discharges of up to 50 thousand volts, but of low amperage, which only paralyzes the attacker. Its use is simple: you don't need to aim or anything, just touch the device to the person to cause the shock. Of the weapons listed here, it is the only one that has no controlled use in Brazil.

More than a century earlier, the first weapon specifically adapted as non-lethal was rock salt ammunition. Today, the most modern and recent technology in non-lethal weapons is electronic ammunition (TASER). As is easy to see, centuries passed between the rock salt cartridge and electronic ammunition. During this period, several non-lethal tools emerged, such as: water cannon, tear gas, pepper spray, stun grenade, net gun, ultrasound gun, microwave gun, etc. All non-lethal technologies are interesting and useful in specific scenarios, however, few are really practical when it comes to filling the serious gap, inherent to the progressive use of force, if the police only has a firearm on their waist, every action will be lethal, then it is a matter of life and death to place a non-lethal weapon in the police officer's waistband.

2.2 The electronic control device (*taser)*

The Taser is manufactured by the company *Taser International* , and has (the model to be used in Brazil, the *Taser M26*) a firing mechanism similar to that of compressed air weapons. As soon as the trigger is pressed, the weapon activates a nitrogen gas cartridge, which expands and generates pressure so that electrodes are launched in the desired direction. These electrodes are connected to the weapon by insulated conductive wires, and have hooks that easily catch on clothes. All the electrodes need to do is stick together for the electric current to be transferred from the wires to the attacker.

The electrical impulses transmitted are of the order of 50,000 volts, and affect the individual's central nervous system, promptly immobilizing them, causing them to remain in the fetal position. Upon reaching the victim, the electrodes trigger a 5-second discharge. After that, if the operator keeps his finger on the trigger, a discharge is released every 1.5 seconds.

The maximum range of the weapon, depending on the cartridge used, is approximately 10.6 meters (length of the M26 wire), and after a shot, the wires have to be retracted for the weapon to be used again. The 50,000 volts mentioned are generated by 8 1.2 volt AA batteries, through capacitors and transformers that the weapon has. The manufacturer informs that all weapons have a digital memory that stores the date and time of the last 585 shots, in addition to expelling identifying confetti with the serial number of the cartridge at the time of shooting.

The Taser is an important step towards applying the doctrine of progressive use of force, where the first level of use of force is the presence of the police officer and the last is the lethal force of the firearm. It is up to the police to train their officers to use the equipment well, and the police remain aware of the remote but possible lethality possibilities of the weapon. The Taser brings better working conditions, preserves the life of citizens and the integrity of police officers, but only if it is not used abusively, but within the technique.

2.3 Legality of using the taser

Law No. 13,060, of December 22, 2014, regulates the use of instruments with less offensive potential by public security agents, throughout the national territory and in accordance with article 2, which states that the bodies of public security, must prioritize the use of mechanisms or instruments with less offensive potential, obeying legal principles and guides how and when firearms should not be used on occasions when it is not permitted to be used, in accordance with the sole paragraph and its items, as we will see below:

> Art. 2ºPublic security bodies must prioritize the use of instruments with the least offensive potential, as long as their use does not put the physical or mental integrity of police officers at risk, and must comply with the following principles:
> I - Legality;
> II - Necessity;

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> III - reasonableness and proportionality.
> Single paragraph. It is not legitimate to use a firearm:
> I - Against a person on the run who is unarmed or who does not pose an immediate risk of death or injury to public security agents or third parties; It is
> II - Against a vehicle that fails to respect a police blockade on public roads, except when the act poses a risk of death or injury to public security agents or third parties.

This time, we realized that the law had already been enacted with the purpose of preserving the integrity of the human person, as well as that agents and public security must comply with what the law determines in relation to the basic principles of public administration as seen above.

On the other hand, the Law itself in its article 4 describes what the instruments with the least offensive potential are, as they have a low probability of causing death or permanent injury or temporary disability to people, as we will see below:

> Art. 4oFor the purposes of this Law, instruments of lesser offensive potential are considered to be those specifically designed, with a low probability of causing death or permanent injury, to contain, debilitate or temporarily incapacitate people.

It continues to teach the duty of public bodies to provide, improve, train and enable public security employees, for the proper use of the electronic people control device, transcribed in its article 5, let's see:

> Art. 5oThe public authorities have the duty to provide every public security agent with instruments with less offensive potential for the rational use of force.

We are discussing the use of non-lethal weapons, to ensure the fundamental right to life.

2.4 Acquisition of DEC by PMAM and training of military police officers

Currently, around 310 new Tasers were acquired by the Amazonas Military Police, which were used during the World Cup, in the games held in Manaus, where it was not necessary to use them on any person. But due to an incident where a Brazilian died after being paralyzed by a Taser and, erroneously, the press highlighted that it was because of the shock received, that the Brazilian died.

Faced with this lack of information, the PMAM Command ordered the removal and storage of all Tasers in the Logistics Support Directorate and now, with the certification of one of the corporation's members at an international level, training has begun in order to demystify that the Taser is a lethal weapon.

Although we know that if an individual belongs to a risk group, a fatal outcome could result from misuse and a shot in the wrong place. However, with specialized training and in accordance with the standard operating procedures manual carried out by the Military Police of Amazonas, this risk is almost zero.

CONCLUSION

The evolution of the security sector has been happening alongside that of technology, which presents new equipment. capable of neutralizing offenders with the use of necessary force without causing excess. Therefore, the Military Police of Amazonas, which already has these electronic devices, has been concerned with human life, controlling the way taking action and investing in equipment that resolves an incident in the best possible way.

A non-lethal weapon is a solution for the Military Police Officer who finds himself in a situation where he cannot use a firearm, but using a non-lethal weapon solves his problem. So, non-lethal weapons come to improve the security service and protect the physical integrity of both the public agent and the offending citizen.

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