Municipal police forces in Brazil: institutional identity, federative asymmetries and the limits of uniform regulation in public security*

Polícias municipais no Brasil: identidade institucional, assimetrias federativas e os limites de uma normatização uniforme da segurança pública

Paulo Roberto Barbosa Ramos**
Bruno Silva Ferreira****

* Article received on February 18, 2026 and approved on March 12, 2026. DOI: https://doi.org/10.12660/rda.v285.2026.97561.
This article is linked to the Postgraduate Program in Law and Institutions of the Justice System (PPGDIR/UFMA), area of concentration Law and Institutions of the Justice System, research line Dynamics and effectiveness of the Institutions of the Justice System, within the scope of the research project Federalism and Institutions of the Justice System.
This article was supported by a PhD scholarship funded by the Foundation for Research and Scientific and Technological Development of Maranhão (FAPEMA).

** Full Professor of Constitutional Law in the Department of Law at Universidade Federal do Maranhão—UFMA. Permanent Professor in the Graduate Program in Law and Institutions of the Justice System—UFMA (Master's and PhD). Coordinator of the Postgraduate Program in Law and Institutions of the Justice System—UFMA (2012/2014; 2014/2016; 2016/2018; 2022/2024; 2024/2026). Coordinator of the Center for Constitutional Law Studies at UFMA (Universidade Federal do Maranhão) and Public Prosecutor for the State of Maranhão. Country: Brasil. E-mail: paulorbr@uol.com.br.

*** PhD candidate and Masters in Law and Institutions of the Justice System from Universidade Federal do Maranhão–UFMA. Specialist in Strategic People Management from Faculdade Atenas Maranhense–FAMA; and in Constitutional Law, Administrative Law and Criminal Sciences from Universidade Anhanguera—UNIDERP. Member of the Center for Studies in Constitutional Law (NEDC). Senior Officer of the Military Police of Maranhão. Country: BRAZIL. Email: ofpmbruno@gmail.com.

ABSTRACT

This article examines the debate on the transformation of municipal guards into municipal police forces within the Brazilian public security system. It acknowledges that the expansion of their functions is an empirically consolidated phenomenon associated with the strengthening of the municipal role in urban security governance. However, it argues that the institutionalization of this expansion through general regulation involves risks given the heterogeneity of Brazilian municipalities. Based on a legal-institutional analysis, the study discusses the inclusion of municipal guards in the federal debate, controversies regarding their institutional identity, and normative limits to the creation of municipal police forces. It concludes that citizen protection requires regulatory caution, differentiated feasibility criteria, and effective federal coordination.

KEYWORDS

public security — municipal guards — municipal police — federalism — institutional governance

RESUMO

O artigo examina o debate sobre a transformação das guardas municipais em polícias municipais no sistema brasileiro de segurança pública. Parte do reconhecimento de que a ampliação de suas atribuições constitui fenômeno empírico consolidado, associado ao fortalecimento do papel municipal na gestão da segurança urbana. Sustenta-se, contudo, que a institucionalização dessa ampliação por meio de normatização geral envolve riscos, diante da heterogeneidade dos municípios brasileiros. A partir de análise jurídico-institucional, discutem-se a inserção das guardas no debate federativo, as controvérsias sobre sua identidade institucional e os limites normativos à criação de polícias municipais. Conclui-se que a proteção do cidadão exige cautela normativa, critérios diferenciados de viabilidade e coordenação federativa efetiva.

PALAVRAS-CHAVE

segurança pública — guardas municipais — polícias municipais — federalismo — governança institucional

Introduction

Public safety is a defining issue in Brazil, not only because of its social relevance but because of the complex institutional bureaucracy of the national federal system. In recent decades, urban, social, and political transformations have intensified demands for more localized governmental responses, closer to the daily lives of citizens, shifting responsibility to the municipal level. In this context, Municipal Guards play an increasingly visible role in urban security management, with responsibilities beyond property protection, as originally intended.

This diversification has not occurred in a linear or coordinated manner, but is the result of distinct localized processes, conditioned by unequal institutional capacities, specific contexts, and differing political and administrative arrangements. This evolution has led to a persistent mismatch between the daily reality of these forces and the legal framework which structures public security. Legal, institutional, and cultural battles are ongoing, focused on the exact role of the Guards and whether they should formally be recognized as a security force.

In this context, the transformation of the Guards into municipal police forces is increasingly a topic of debate. This proposal, presented as a solution to align institutional identity and functions, raises questions that go beyond a mere change in name. A redefinition of competencies, reorganization of federal relations, and reconfiguration of coordination and control mechanisms is required, across the forces that make up the public security system. It is a debate that directly affects the coherence of the current constitutional model and the ability of the state to offer effective protection to citizens.

The discussion is even more complex when considering the heterogeneity of Brazilian municipalities. The economic, administrative, and institutional asymmetries that characterize national federalism impose objective limits on the generalization of uniform models of public security. Municipalities are subject to differing realities in terms of financial capacity, personnel training, organizational structure, and control mechanisms, contradicting broad, undifferentiated regulatory proposals.

Faced with this reality, introducing a general law for municipal police forces exposes a fundamental tension: the need to protect individual civil liberties versus the goal of creating a fully integrated, state-controlled security apparatus Uniform solutions which disregard territorial specificities

CC BY NC ND

may increase inequalities, weaken coordination mechanisms, and intensify institutional disintegration, untethering security policy from its constitutional purpose. Expanding the number of police forces in a territory without clear viability and governance criteria does not, in itself, guarantee greater effectiveness or legitimacy.

The present study starts from the premise that municipal participation in public security is a consolidated, irreversible reality, while recognizing that implementation requires normative caution and critical reflection. The central challenge is to understand under what conditions an expanded municipal role contributes to public security without compromising the coherence of the system or deepening federal inequalities.

To that end, we first review the institutional emergence of the Guards in the Brazilian federal context and the disputes surrounding their identity. Next, we examine the normative and practical limits of transforming it into a municipal police force, given the risks of fragmentation and overlapping competencies. Finally, we consider the structural limitations, institutional risks, and viability of municipal police models in Brazil, delineating normative, organizational, and empirical aspects.

Adopting a critical, contextualized approach, the aim is not to finalize the debate, but to contribute to its improvement. The complexity of local realities, it is argued, demands equally complex solutions, sensitive to territorial specificities and guided by criteria of coordination, control, and the protection of basic rights. Keeping the discussion open, far from indecision, is a necessary condition for the responsible construction of public security policies in the federal context.

1. Between Norm and Territory: The Constitutional Emergence of Municipal Police in Brazilian Federalism

The emergence of municipal policing in Brazilian legal discourse reflects a gradual localization of public security, a movement that challenges the framework established by the 1988 Federal Constitution, wherein public security is defined as a duty of the State and a right of all, centralized around federal and state forces, according to Article 144. In this model, municipalities are assigned a restricted role, limited to establishing a Guard designated

solely for the protection of local property, services, and facilities.[1] However, although understandable in the context of re-democratization, this normative choice appears increasingly limited in the face of subsequent social, urban, and institutional transformations.

A strict reading of Article 144 supports a closed public security model, whereby any substantive expansion of municipal authority requires a formal constitutional amendment. Rather than deriving from a general rule of hermeneutics, this narrow stance reflects the doctrine that restrictive exegesis remains an exception. While constitutional interpretation should typically be expansive—admitting limitations only to safeguard qualified public interest—provisions which delineate the scope of state organs invite narrow interpretation precisely due to the inherent need to check institutional power.[2]

In this scenario, the municipality assumes a unique position. The 1988 Constitution expanded its role in the implementation of public policy, with significant responsibilities in areas such as health, education, urban planning, and mobility. Although public safety has not been formally municipalized, its dynamics are directly influenced by these responsibilities, given that urban planning, administrative oversight, and situational prevention strategies affect crime patterns.[3] The role of municipal guards has increased gradually, driven by operational gaps in state police forces and social pressure for a continuous state presence in urban areas.

The partial institutionalization of this expansion occurred with the enactment of Law No. 13.022/2014, which regulated the Municipal Guard and recognized its preventive, community-based role. The General Statute of Municipal Guards moved away from the restrictive concept of property protection, allowing for the exercise of administrative police power and overt action in certain situations.[4] Despite this, the constitutional text was unaltered, fueling controversy about the legal limits of municipal action.

---

1 DIAS, Camila Caldeira Nunes; SILVA, Vanessa Ramos da. "O Estado brasileiro vai ter quem manda dentro dos presídios": análise do discurso de senadores na votação da PEC da polícia penal. *Lua Nova: Revista de Cultura e Política*, São Paulo, n. 115, p. 86, 2022. DOI: 10.1590/0102-081122/115.

2 PONTES DE MIRANDA, Francisco Cavalcanti. *Comentários à Constituição de 1967*. Rio de Janeiro: Forense, 1987, p. 302.

3 MENEZES, Gracélia. Atuação das guardas municipais na segurança pública e a limitação do exercício da atividade delas. *Revista Jurídica–Direito, Justiça, Fraternidade; Sociedade*, v. 1, n. 2, p. 88–105, 2023, p. 104.

4 RODRIGUES, João Gaspar. *Guardas Municipais e controle externo da atividade policial*. Revista Portuguesa de Ciências Jurídicas, v. 5, n. 1, p. 96–115, 2024, p. 107.

This regulatory gap intensified the judicialization of the issue, shifting the task of defining the scope of action to the Supreme Federal Court (STF). Recent court decisions reveal an effort to reconcile the normative force of the Constitution with the consolidated institutional reality, by recognizing the legitimacy of the overt, preventive actions of the Guard, without formally equating it to a police force, as foreseen in article 144.[5]

The decision on General Repercussion Theme 656 is a milestone in this interpretative process. Acknowledging the role of the Guards in visible, community policing, including making arrests in flagrante delicto, the STF broadened the scope of action, while preserving limits such as the prohibition of judicial police powers and subjection to the external control of the Public Prosecutor's Office.[6] This reconfiguration definitively shifts the focus from the symbolic realm of property protection to urban security policy.

Yet, despite this functional recognition, the problem of institutional identity persists. The Court maintained the understanding that the term "police" is constitutionally reserved and should only be attributed to the corporations expressly provided for in Article 144. The distinction between function and nomenclature reflects concern for systemic coherence and the risk of fragmentation, especially in a country marked by institutional asymmetries.[7] The result is a hybrid model in which municipalities play an expanded role in urban safety while lacking formal recognition as constitutional police forces

Against this backdrop, the purpose of the proposed Constitutional amendments are to institutionalize a municipal police force. Under PEC 57/2023, there is a clear push to officially reclassify the Guards in this way. The reform reflects the expanded roles, while providing solid legal protection.[8] The model, however, raises issues in terms of overlapping responsibilities and disorganization of the federal system.

Institutional criticism is considerable. The National Federation of State Military Officer Associations argues that the creation of municipal police forces will compromise the structure and command of the Military Police,

---

5 MELLO, Wagner Pureza de; SANTOS, Kátia Paulino dos. Atuação da Guarda Civil Municipal de Macapá e suas implicações na gestão da segurança pública. *Brazilian Journal of Development*, v. 7, n. 3, p. 29050–29069, 2021, p. 29059.

6 Rodrigues, *Guardas Municipais e controle externo da atividade policial*, op. cit., p. 98.

7 Menezes, *Atuação das guardas municipais na segurança pública*, op. cit., p. 104.

8 CONJUR. STF decide que guarda municipal pode fazer policiamento ostensivo. *Consultor Jurídico*, 20 fev. 2025. Available at: https://www.conjur.com.br/2025-fev-20/stf-decide-que-guarda-municipal-pode-fazer-policiamento-ostensivo/. Accessed on: 12 Mar. 2025.

thereby fracturing visible policing and weakening state coordination.[9] The organization cites Latin American experiences of excessive decentralization, such as in Honduras and Peru, warning of disorganization and difficulties combating organized crime.[10]

Recent legislative debates underscore the ongoing relevance of this question. Notably, the 2025 Public Safety Constitutional Amendment sought to formally incorporate the Municipal Guards into the overarching national security architecture, solidifying previous STF jurisprudence.[11] [12] [13] Framed as an endeavor to harmonize judicial precedents, institutional practices, and the constitutional text, the proposal, nonetheless, generates intense friction over operational implementation benchmarks and broader federal impacts.

The empirical data indicate that the Guards are already a significant contingent of the overall security forces, playing a key role in urban policing and situational prevention.[14]. At the same time, it highlights deep inequalities among Brazilian municipalities. Implementing a single, uniform solution is very challenging, particularly for smaller local governments that lack the necessary administrative capacity and budget.[15] At the same time, it highlights deep inequalities among Brazilian municipalities.[16]

Debate on municipal policing is not limited to a terminological dispute or a situational response to political pressures. It is a structural problem of federal magnitude, involving the delimitation of competences, intergovernmental

---

9 FENEME–Federação Nacional de Entidades de Oficiais Militares Estaduais. Nota pública sobre a decisão do STF e a atuação das guardas municipais. 2025. Available at: https://abvo.com.br/sistema/files/feneme-decisao-stf-20250224-193255-0000_6uk9arya.pdf. Accessed on: 12 Mar. 2025.

10 GUTIÉRREZ, Pablo. *Seguridad pública y gobiernos locales en América Latina*. 2024, p. 97.

11 AGÊNCIA BRASIL. PEC da Segurança Pública incorpora entendimento do STF sobre atuação das guardas municipais. Agência Brasil, 2025. Disponível em: https://agenciabrasil.ebc.com.br. Acesso em: 12 mar. 2025.

12 PODER360. PEC da Segurança amplia papel das guardas municipais. Poder360, 2025. Disponível em: https://www.poder360.com.br. Acesso em: 12 mar. 2025. CARTA CAPITAL. Nova PEC da Segurança reacende debate sobre guardas municipais. Carta Capital, 2025. Disponível em: https://www.cartacapital.com.br. Acesso em: 12 mar. 2025.

13 CARTA CAPITAL. Nova PEC da Segurança reacende debate sobre guardas municipais. Carta Capital, 2025. Disponível em: https://www.cartacapital.com.br. Acesso em: 12 mar. 2025.

14 FBSP–Fórum Brasileiro de Segurança Pública. *Anuário Brasileiro de Segurança Pública*. São Paulo, 2024.

15 IBGE–Instituto Brasileiro de Geografia e Estatística. *Perfil dos Municípios Brasileiros*. Rio de Janeiro, 2024; IPS BRASIL. *Índice de Progresso Social Brasil*. 2024. Available at: https://ipsbrasil.org.br. Accessed on: 12 Mar. 2025.

16 QUEIROZ, Thaisa Aparecida da Silva de; SANCHES, Ademir Gasques. Competências da guarda municipal sob a perspectiva do direito constitucional. *Revista Contemporânea*, v. 4, n. 3, 2024, p. 9.

coordination, the material capacity of entities, and control mechanisms. The functional expansion of the Guards is a consolidated fact, recognized by jurisprudence and administrative practice, but requires caution, to avoid fragmentation and deepening asymmetries.

These elements provide the multi-dimensional context required to understand the transformation of decentralized law enforcement into a constitutional reality. The tension between formal legal doctrines and operational exigencies underscores how contemporary public security has outgrown statutory architectures. Resolving this institutional impasse requires innovative paradigms that integrate municipal autonomy with centralized federal cooperation. In the next section we explore this paradigm shift, examining the symbolic, functional, and organizational repercussions of transitioning from a municipal guard into a full-fledged police force.

2. From Municipal Guard to Municipal Police: institutional identity, functions and disputes.

This discourse aligns with a macro-movement to restructure public security, in which localized exigencies take precedence and municipalities assume a proactive stance in managing urban tensions. This transformation should not be understood as semantic rebranding or superficial valorization; rather, it entails deep functional reconfigurations, intergovernmental friction, and hermeneutic shifts that challenge entrenched legal classifications. This systemic debate demands a rigorous convergence of constitutional principles, statutory legislation, judicial precedents, and administrative execution. Without this approach, a structural dilemma risks is reduced to rhetorical posturing.[17]

The 1988 Federal Constitution structured public security according to a predominantly centralized model, assigning to federal and state police forces the core functions of visible policing and judicial oversight. Municipalities were allotted a residual role with the creation of a Municipal Guard for the protection of property, services, and facilities. This regulatory choice reflected the context of re-democratization, characterized by caution about the decentralization of police power and concern for preserving a state

[17] Dias; Silva, *"O Estado brasileiro vai ter quem manda dentro dos presídios"*, op. cit., p. 94.

monopoly in the wake of an authoritarian period.[18] The text sought to ensure institutional unity and political control of police activity in the scenario of democratic reconstruction.

Over the decades, however, this model has revealed serious cracks. Rapid urban expansion, deepening socio-spatial inequality, and a proliferation of violent crime have mobilized public demand, as citizens expect more visible, everyday security provision and on the ground support mechanisms. As an autonomous political, administrative entity, local government is uniquely positioned to manage urban space and resolve conflicts, signaling a departure from the more limited role envisaged by the constitution.[19]

Municipal initiatives in the areas of urban planning, administrative oversight, mobility, and social policy directly impact public security. The visibility of local authorities, combined with their close proximity to the population, has raised public demands beyond traditional property concerns. Municipal Guards are called on to deal with interpersonal conflicts, urban disorder, and situations of immediate risk, assuming roles of containment, mediation, and situational prevention.[20]

This functional expansion has occurred unevenly, however, reflecting the structural asymmetries of Brazilian federalism. In large municipalities, the Guards are present as a permanent urban force, undertaking daily operations, with a greater organizational complexity; in smaller municipalities, their actions are more restricted and sporadic. Yet the overall trend is expansion, resulting in a growing mismatch between formal constitutional function and effective administrative practice.[21]

The ambiguity of this mismatch has caused legal uncertainty and intensified inter-institutional conflict. The Guards typically operate in an undefined normative space, undertaking urban policing without corresponding formal recognition. The situation has weakened institutional identity and fueled operational disputes with other security forces, especially in the context of visible urban policing.[22]

---

18 Pontes de Miranda, *Comentários à Constituição de 1967*, op. cit., p. 302.

19 FERREIRA, Bruno Silva. *Polícia Municipal e Federalismo Brasileiro: os desafios da autonomia na segurança pública*. 1. ed. Curitiba: Editora CRV, 2024.

20 RODRIGUES, João Gaspar. *Guardas Municipais e controle externo da atividade policial*. Revista Portuguesa de Ciências Jurídicas, v. 5, n. 1, p. 96–115, 2024, p. 100.

21 Menezes, *Atuação das guardas municipais na segurança pública*, op. cit., p. 104.

22 Dias; Silva, *"O Estado brasileiro vai ter quem manda dentro dos presídios"*, op. cit., p. 95.

CC BY NC ND

Law No. 13.022/2014 was an attempt to reduce this ambiguity. The General Statute for Municipal Guards expressly recognized their preventive, community-based role, and exercise of administrative police power. The regulation provided legal backing to established local practices, moving away from the restrictive focus on property protection, toward a role which is more aligned with traditional police forces.[23] However, no corresponding constitutional amendment emerged, leaving the matter open.

Thus, the STF began to intervene. By legitimizing overt, preventive action by the Guards, including arrests in flagrante delicto, the Court conferred greater legal certainty to local administrative practices[24]. At the same time, it preserved clear limits, such as the prohibition of judicial police powers and submission to external control by the Public Prosecutor's Office, reaffirming the centrality of Article 144 as the structuring axis.[25]

This judicial recognition created an intermediate framework The role of the Guards expanded, but their formal identity was still contested. The tension between function and nomenclature has become a central issue, fueling legislative proposals and academic debate.[26] While sub-constitutional rulings expanded these local powers, the constitution itself was not updated correspondingly, creating a confusing hybrid system marked by legal contradictions and conflicting public expectations.

From an organizational point of view, this lack of identity[27] hinders the construction of institutional structures consistent with the functions. In many municipalities, the Guards are subject to hybrid noms, combining elements of property surveillance and urban policing, without standardized guidance procedures, professional training, and disciplinary regimes compatible with the legitimate use of force.[28] This scenario compromises the consolidation of a stable professional identity and the reliability of administrative decisions in situations of risk.

The lack of clarity affects inter-institutional relations. The Guards effectively work alongside the Military and Civil Police, necessitating coordination and a clear definition of responsibilities. In the absence of

---

[23] Rodrigues, *Guardas Municipais e controle externo da atividade policial*, op. cit., p. 107.
[24] MELLO, Wagner Pureza de; SANTOS, Kátia Paulino dos. Atuação da Guarda Civil Municipal de Macapá e suas implicações na gestão da segurança pública. *Brazilian Journal of Development*, v. 7, no. 3, p. 29050–29069, 2021, p. 29059.
[25] Rodrigues, *Guardas Municipais e controle externo da atividade policial*, op. cit., p. 98.
[26] Ferreira, *Polícia Municipal e Federalismo Brasileiro*, op. cit., p. 118.
[27] Atella; *et al*, *Cohesion Policy Funds and local government autonomy*, op. cit., p. 6.
[28] Menezes, *Atuação das guardas municipais na segurança pública*, op. cit., p. 104.

ISSN 0034-8007 • e-ISSN 2238-5177 • DOI: 10.12660/rda.v285.2026.97561

normative parameters, relationships are regulated by informal arrangements, dependent on local leadership and political circumstances, leading to operational conflict, disputes over protagonism, and power asymmetries.[29]

This largely explains the moves to transform the Guards into municipal police forces, aligning nomenclature, function, and normative expectations. For its proponents, this formalization will provide greater institutional clarity and reduce conflicts arising from legal uncertainty.[30] However, this transition entails specific training, armaments, career, control, and accountability regimes, and redefinition of the power relations within the public safety system.[31]

Institutional resistance to this proposal reflects these concerns. Military Police representatives argue that the proliferation of local police forces compromises the unity of visible policing and hinders state-level coordination,[32] especially in metropolitan areas.[33] Comparative analysis of Latin American examples reinforces this concern, as policing models without clear governance tend towards institutional fragmentation and political manipulation.[34]

In Brazil, the heterogeneity of municipalities intensifies these risks. Significant variations in training, structure, and operational capacity are symptoms of economic and administrative inequalities. Transforming these entities into municipal police forces, without differentiated national regulations and clear viability criteria, may widen asymmetry and compromise interoperability, a key component of effective policing.[35]

In this regard, the transition is not an easy or automatic solution to the challenges of public security. It is a complex process requiring a redefinition of identity, functional reorganization, material capacity, and federal coordination. A change in nomenclature does not guarantee greater efficiency or legitimacy and may even exacerbate weaknesses if dissociated with national security governance.[36]

---

29 Queiroz; Sanches, *Competências da guarda municipal sob a perspectiva do direito constitucional*, op. cit., p. 20.

30 Rodrigues, *Guardas Municipais e controle externo da atividade policial*, op. cit., p. 111.

31 Atella; et al, *Cohesion Policy Funds and local government autonomy*, op. cit., p. 6.

32 FENEME–Federação Nacional de Entidades de Oficiais Militares Estaduais. Nota pública sobre a criação de polícias municipais, 2025.

33 Ibid.

34 Gutiérrez, *Seguridad pública y gobiernos locales en América Latina*, op. cit., p. 122.

35 IBGE–Instituto Brasileiro de Geografia e Estatística. *Perfil dos Municípios Brasileiros*. Rio de Janeiro, 2024; FBSP–Fórum Brasileiro de Segurança Pública. *Anuário Brasileiro de Segurança Pública*. São Paulo, 2024.

36 Queiroz; Sanches, *Competências da guarda municipal sob a perspectiva do direito constitucional*, op. cit., p. 21.

3. Municipal police forces in the public security system: structural limitations, institutional risks, and viability.

To advance the debate we need to focus on the structural limitations that condition the viability of this model in the Brazilian context. Although this transformation is legally recognized and established, the path forward is highly debated. Expanding these local powers without proper safeguards risks undermining both the wider security apparatus and the democratic rule of law. This is more than an abstract legal issue. For change to happen, municipalities need the funding, administrative tools, and political power to back it up. Otherwise, these reforms will exist only on paper, with no practical effect.[37]

The first relevant structural limitation relates to the heterogeneity of the Brazilian federal system. Although all municipalities are constitutionally endowed with political, administrative, and financial autonomy, their management capacities vary significantly. Differences in revenue collection, administrative structure, the technical qualifications of staff, and planning capacity directly impact implementation of complex models at the local level. In practical terms, this undermines any policy proposal that assumes uniformity among municipalities. Above all, it underscores the risk that rigid standardization generates unequal outcomes, reinforcing systemic asymmetries through institutional design.[38]

According to data from the Brazilian Institute of Geography and Statistics (IBGE), Brazil has 5,570 municipalities, of which more than 68% have a population of less than 50,000.[39] Most have limited resources, in terms of revenue and a qualified workforce, to maintain an efficient municipal force. Data from the Social Progress Index (SPI), furthermore, demonstrate that many municipalities have low per capita income and an insufficient level of education, hindering the training of qualified agents to work in the area of public safety[40].

In the area of public safety, these inequalities are more pronounced. While large urban centers often have reliable administrative structures, the capacity for sustained investment, and specialized technical staff, many Brazilian

---

37 Dias; Silva, *"O Estado brasileiro vai ter quem manda dentro dos presídios"*, op. cit., p. 94.
38 Ferreira, *Polícia Municipal e Federalismo Brasileiro*, op. cit., p. 140.
39 IBGE, *Perfil dos Municípios Brasileiros*, op. cit.
40 IPS Brasil, *Índice de Progresso Social Brasil*, op. cit.

ISSN 0034-8007 • e-ISSN 2238-5177 • DOI: 10.12660/rda.v285.2026.97561

municipalities face severe constraints in human and financial resources.[41] In this context, the transformation is viable in a limited number of cases, thus deepening existing federal inequalities and increasing the likelihood of inefficient and ineffective law enforcement.[42]

The empirical data analyzed reinforce this diagnosis. Research shows that the presence of the Municipal Guard is concentrated in medium and large-sized municipalities, as most urban centers have insufficient personnel for permanent urban security operations. Even among cities with a Municipal Guard, there is marked variation in training, availability of equipment, work schedules, supervisory tools, and incident reporting procedures, hindering the development of an "average capacity" municipal police force with equivalent standards.[43]

Heterogeneity imposes objective limits on the generalization of the municipal police model. Empirical data gathered for this work indicate concentrations in medium and large-sized municipalities, as most urban centers lack the conditions for a permanent municipal police force.[44]

A change in title, notwithstanding the symbolic effect, entails compliance with institutional requirements: ongoing training, clear protocols for the use of force, internal affairs and ombudsman structures, data governance mechanisms, and integration with information systems. In municipalities lacking optimum conditions, the identity change creates a dissonance between normative expectations and real capacity for action, with a direct impact on institutional legitimacy and social trust.[45] The point is clear: the problem is not just "whether it is possible," but "how to sustain" a municipal police authority equipped for reliable decision-making.

Another structural limitation concerns the financing of public security at the municipal level. Unlike states, which have historically established budgetary arrangements for police forces, municipalities lack specific and stable sources of funding in this area. Expanding the responsibilities of the Guards and their transition into a police force means significant ongoing costs: hiring and replacing personnel, acquiring and maintaining equipment,

---

41 Dias; Silva, *"O Estado brasileiro vai ter quem manda dentro dos presídios"*, op. cit., p. 91.
42 IBGE, *Perfil dos Municípios Brasileiros*, op. cit.
43 FBSP, *Anuário Brasileiro de Segurança Pública*, op. cit.
44 Ferreira, *Polícia Municipal e Federalismo Brasileiro*, op. cit., p. 133.
45 Atella; *et al*, *Cohesion Policy Funds and local government autonomy*, op. cit., p. 6.

training infrastructure, information technology, operational logistics, and specialized administrative units.[46]

The lack of funding compromises the sustainability of the model in the long term. In the context of budget constraints, public security is vulnerable to political cycles, financial cuts, and abrupt changes in government priorities, weakening policy and exposing entities to undue interference. This risk is particularly sensitive in small and medium-sized municipalities, where dependence on intergovernmental transfers is high and the margin for fiscal autonomy reduced.[47] In institutional terms, financial instability has two combined effects: material precarity and command instability, both incompatible with minimum standards of professionalism.

Local political dependence is a structural limitation. The close relationship between the Guards and the local Executive branch, an inherent characteristic of the municipal system, favors political instrumentalization of public security. Expanding the operational power of these local entities, especially as police forces, increases this danger. This is particularly true in areas with weak democratic institutions and oversight, where the political cost of abuse is low, but the political gain from selective coercion is high.[48]

In this regard, the decentralization of police power requires proportionate institutional checks and balances. Typical policing functions—stops, use of force, and arrests in flagrante delicto—require clear internal and external control to ensure accountability and respect for fundamental rights. Transferring these functions to the municipal level without strengthening accountability may have adverse effects, increasing risks of abuse and selectivity in law enforcement, with a disproportionate impact on vulnerable groups.[49] Herein lies the sensitive point: municipalization brings the police force closer to citizens, but also to local power networks, with the risk of infiltration and corruption.

By recognizing the overt, preventive role of the Guards and reaffirming the external control of the Public Prosecutor's Office, the STF has partially addressed these risks. However, external control, by itself, is insufficient without consistent internal structures, such as ombudsman offices with

---

[46] Rodrigues, *Guardas Municipais e controle externo da atividade policial*, op. cit., p. 102.
[47] Menezes, *Atuação das guardas municipais na segurança pública*, op. cit., p. 104.
[48] HOINATSKI, Rafael. *O flagrante em abordagens da Guarda Municipal: questões de competência e legitimidade*. Brazilian Journal of Development, v. 10, n. 12, e76035, 2024, p. 4. DOI: 10.34117/bjdv10n12-057.
[49] Dias; Silva, *"O Estado brasileiro vai ter quem manda dentro dos presídios"*, op. cit., p. 92.

functional autonomy, active reporting systems, the traceability of approaches, and investigation protocols. In many municipalities, such structures are nonexistent or operate poorly, which limits the prevention and correction of irregularities.[50]

Professional training is critical for the viability of the model. Expanding the responsibilities of the Guards requires training compatible with the complexity of the functions performed. A minimally consistent program requires technical and operational training, and a professional understanding of law, public ethics, human rights, proportional use of force, and conflict mediation. The absence of minimum, verifiable training standards is a significant obstacle to the consolidation of democratically legitimate policing, exacerbating local inequalities and discrepancies, which are incompatible with the material protection of rights.[51]

Experiences in other Latin American countries confirms this concern. Studies indicate that the decentralization of police power without adequate training and robust oversight is associated with high levels of police violence, corruption, and low public trust. A police model lacking consistent investment in organizational culture and training reproduces these problems on a local scale, causing institutional delegitimization and weakened interagency cooperation.[52] This point expresses the systemic risk argument: weakened local institutions become "weak links" in security chains, including in information management.

On a systemic level, the creation of municipal police forces has a direct impact on a unified public security system. Integration of forces presupposes interoperability, information sharing, common protocols, and strategic coordination between levels of government. Incorporation of new police forces without a clear definition of roles and responsibilities tends toward fragmentation and institutional overlaps, compromising operational efficiency and creating jurisdictional conflict in critical situations.[53]

The absence of clear national directives for the operation of Municipal Guards or their equivalent exacerbates this problem. Without common parameters, municipalities tend to develop their own solutions, hindering cooperation and integrated action, especially in metropolitan regions, where

---

[50] Rodrigues, *Guardas Municipais e controle externo da atividade policial*, op. cit., p. 102.
[51] GUTIÉRREZ, Pablo. *Seguridad pública y gobiernos locales en América Latina*. 2024, p. 141.
[52] *Ibid.*, P. 19.
[53] MELO, Marcelo de. Sistema Único de Segurança Pública e coordenação federativa: limites e desafios institucionais. *Revista Brasileira de Segurança Pública*, v. 17, n. 2, p. 35–58, 2023, p. 47.

criminal realities transcend administrative boundaries. This reinforces the need to consider municipal policing as a broader federative arrangement, not an isolated solution: without coordination, the multiplicity of actors generates inconsistencies, duplications, and disputes over protagonism, to the detriment of all.[54]

Commentators and policymakers warn that fragmentation is not just an operational risk but presents significant political and administrative challenges. Multiple decision-making centers complicate integrated planning, dilute accountability, and encourage "blame-shifting". In this respect, representatives at state level argue that a proliferation of local law enforcement entities compromises the command and control of visible policing, especially in metropolitan areas and complex operations.[55] The tension is structural: decentralization can increase local responsiveness, but reduce the capacity for macro-level coordination, especially in relation to organized crime.

In this context, it is clear that the viability of municipal policing in Brazil does not rest exclusively on a constitutional amendment or terminological change. This is a complex process, conditioned by federal heterogeneity, financing, institutional controls, professional training, and systemic coordination. A viable approach requires gradual, differentiated implementation criteria—not an "all or nothing" approach—with verifiable minimum levels of institutional capacity, national training and data governance parameters, and an internal and external control design tailored to the functions performed.[56]

Hence, the expanded municipalization of public security presents opportunities and challenges that cannot be addressed in a simplistic way. Through an analysis of structural constraints, institutional risks, and operational requirements, the aim here was to ground the public security debate in systemic coherence and fundamental rights. In doing so, we acknowledge the proven role of local authorities while rejecting one-size-fits-all mandates that exacerbate national inequalities.[57]

---

[54] Queiroz; Sanches, *Competências da guarda municipal sob a perspectiva do direito constitucional*, op. cit., p. 20.

[55] FENEME–Federação Nacional de Entidades de Oficiais Militares Estaduais. Public statement regarding the creation of municipal police forces, 2025.

[56] Atella; *et al*, *Cohesion Policy Funds and local government autonomy*, op. cit., p. 6.

[57] Dias; Silva, *"O Estado brasileiro vai ter quem manda dentro dos presídios"*, op. cit., p. 94.

Final considerations

As demonstrated, the debate about transforming Municipal Guards into a municipal police force is not limited to terminological disputes or institutional demands. It is a structural issue that directly affects the public security model, federal organization, and the constitutional mandate of protecting citizens. The expansion of municipal responsibilities is an established empirical reality, but its institutionalization requires caution and extensive reflection.

Normative, institutional, and federative solutions cannot be separated. Ultimately, municipal policing is shaped by a structural tension between the rigid constitutional design of Article 144 of the Constitution and modern, localized security needs. This has forced an expansion of local jurisdiction, which statutory legislation and Supreme Court rulings have only partially recognized. As seen, this functional shift impacts the institutional identity of the Municipal Guards, creating symbolic, operational, and legal disputes, especially due to the mismatch between the function and formal recognition. Expanding municipal policing on a large scale, furthermore, is hindered by deep-seated structural limits. Any attempt to implement a one-size-fits-all policy is unviable, given the scenario of federal diversity, institutional competitiveness, potential fragmentation, and weak control mechanisms.

Clearly, the multiplicity of municipal realities represents a significant challenge. Brazilian federalism is marked by economic, administrative, and institutional asymmetries, as evidenced by the vastly differing capacity of municipalities to structure complex policies. In this regard, the adoption of uniform, undifferentiated municipal police forces runs counter to the objectives in question.

A homogeneous set of regulations disregards differing institutional capacities, risks widening local inequalities, weakens control mechanisms, and compromises integration between the forces that make up the system. Rather than strengthen protection, such a transformation may lead to operational disarray, overlapping responsibilities, and institutional fragmentation, at odds with constitutional principles.

The security and well-being of the population must guide systemic reorganization and cannot be achieved through simple expansion of structures or multiplication of police forces. Coordination, clear competencies, effective institutional control, adequate training, and the material capacity to act are essential. If these elements are not present, institutional change will only be

CC BY NC ND

symbolic, without concrete results, with potentially negative impacts on the legitimacy and effectiveness of state action.

Thus, pushing the debate is not normative indecision, but institutional responsibility. The complexity of local realities calls for equally complex solutions, capable of articulating municipal autonomy and federative coordination, regulatory flexibility, and minimum governance standards. Public security, as state policy, will not benefit from hasty or uniform responses, but from arrangements that are sensitive to local specificities and guided by systemic integration.

The future of the Municipal Guards and police forces in Brazil is not bound by a single answer or a universal model. Any regulatory advancement must be accompanied by differentiated feasibility criteria, robust control mechanisms, and effective integration strategies. Without these, regulation risks shifting the focus away from citizen protection and intensifying the disintegration of the system, which the Constitution is there to safeguard.

Urging caution, differentiation, and further debate, our objective is not to diminish the role of municipalities but rather foster responsible development. Open, qualified discussion guided by institutional criteria is indispensable to guarantee rights, reduce conflict, and strengthen public security as a whole.

References

AGÊNCIA BRASIL. PEC da Segurança Pública vai prever competências de guardas municipais. Brasília, 2025. Available at: https://agenciabrasil.ebc.com.br/politica/noticia/2025-03/pec-da-seguranca-publica-vai-prever-competencias-de-guardas-municipais. Accessed on: 12 Mar. 2025.

ATELLA, Vincenzo; BRAIONE, Manuela; FERRARA, Giancarlo; RESCE, Giuliano. Cohesion Policy Funds and local government autonomy: Evidence from Italian municipalities. Socio-Economic Planning Sciences, v. 87, part B, art. 101586, 2023. DOI: 10.1016/j.seps.2023.101586. Cohesion Policy Funds and local government autonomy: Evidence from Italian municipalities—ScienceDirect

CARTA CAPITAL. PEC da Segurança Pública incorporará decisão do STF sobre guardas municipais. São Paulo, 2025. Available at: https://www.cartacapital.com.br/politica/pec-da-seguranca-publica-incorporara-decisao-do-stf-sobre-guardas-municipais/. Accessed on: 12 Mar. 2025.

CONJUR. STF decide que guarda municipal pode fazer policiamento ostensivo. Consultor Jurídico, 20 fev. 2025. Available at: https://www.conjur.com.br/2025-fev-20/stf-decide-que-guarda-municipal-pode-fazer-policiamento-ostensivo/. Accessed on: 12 Mar. 2025.

CONJUR. STF surpreende e decide que guardas municipais podem prender em flagrante. Consultor Jurídico, 5 mar. 2025. Available at: https://www.conjur.com.br/2025-mar-05/stf-surpreende-e-decide-guardas-municipais-podem-prender-em-flagrante/. Accessed on: 12 Mar. 2025.

FBSP–Fórum Brasileiro de Segurança Pública. Anuário Brasileiro de Segurança Pública. São Paulo, 2024.

FENEME–Federação Nacional de Entidades de Oficiais Militares Estaduais. Nota pública sobre a decisão do STF e a atuação das guardas municipais. 2025. Available at: https://abvo.com.br/sistema/files/feneme-decisao-stf-20250224-193255-0000_6uk9arya.pdf. Accessed on: 12 Mar. 2025.

FERREIRA, Bruno Silva. Polícia Municipal e Federalismo Brasileiro: os desafios da autonomia na segurança pública. 1. ed. Curitiba: Editora CRV, 2024. 204 p. ISBN 978-65-251-7834-9; Digital ISBN 978-65-251-7835-6. DOI: 10.24824/9786525178349.

GUTIÉRREZ, Pablo. Seguridad pública y gobiernos locales en América Latina. 2024.

IBGE–Instituto Brasileiro de Geografia e Estatística. Perfil dos Municípios Brasileiros. Rio de Janeiro:

IPS BRASIL. Índice de Progresso Social Brasil. 2024. Available at: https://ipsbrasil.org.br. Accessed on: 12 Mar. 2025.

MELLO, Wagner Pureza de; SANTOS, Kátia Paulino dos. Atuação da Guarda Civil Municipal de Macapá e suas implicações na gestão da segurança pública. Brazilian Journal of Development, v. 7, n. 3, p. 29050–29069, 2021. https://doi.org/10.34117/bjdv7n3-564

MELO, Rodrigo Cesar de. Impacto do Sistema Único de Segurança Pública—SUSP. 2023. 141 f. Dissertação (Mestrado Profissional em Gestão Pública)—Programa de Pós-Graduação em Gestão Pública, Faculdade de Planaltina, Universidade de Brasília, Brasília, 2023.

MENEZES, Gracélia. Atuação das guardas municipais na segurança pública e a limitação do exercício da atividade delas. Revista Jurídica–Direito, Justiça, Fraternidade; Sociedade, v. 1, n. 2, p. 88–105, 2023. https://revista.sentencadozero.com/index.php/rjsdz/article/view/19

POWER360. PEC da Segurança incorporará decisão do STF sobre guardas municipais. Brasília, 2025. Available at: https://www.poder360.com.br/poder-justica/pec-da-seguranca-incorporara-decisao-do-stf-sobre-guardas-municipais/. Accessed on: 12 Mar. 2025.

PONTES DE MIRANDA, Francisco Cavalcanti. Comentários à Constituição de 1967. Rio de Janeiro: Forense, 1987.

QUEIROZ, Thaisa Aparecida da Silva de; SANCHES, Ademir Gasques. Competências da guarda municipal sob a perspectiva do direito constitucional. Revista Contemporânea, v. 4, n. 3, p. 1–22, 2024. DOI: 10.56083/RCV4N3-071

Additional information
Informações adicionais

Handling editors ***Editores responsáveis***	
Editor-in-chief / *Editor-chefe*	Sérgio Guerra
Assistant editor / *Editor assistente*	Luis Lopes Martins

Data availability statement
Declaração de disponibilidade de dados
No datasets were generated or analyzed within the scope of this study. This work is based exclusively on bibliographic and documentary research. Additional information may be requested from the authors, where applicable.
Não foram gerados ou analisados conjuntos de dados no âmbito deste estudo. O trabalho baseiase exclusivamente em pesquisa bibliográfica e documental. Informações adicionais podem ser solicitadas aos autores, quando aplicável.

Licensing
Licenciamento
This article is licensed under the Creative Commons Attribution–Non-Commercial-No Derivatives 4.0 International License (CC BY-NC-ND 4.0).
Este artigo está licenciado sob a licença Creative Commons Atribuição-NãoComercial-SemDerivação 4.0 Internacional (CC BY-NC-ND 4.0).