

**THE EFFECTIVENESS OF EXTERNAL OVERSIGHT OF POLICE ACTIVITY BY  
THE PUBLIC PROSECUTION SERVICE: STATE LETHALITY AND  
INSTITUTIONAL GUARANTEES IN BRAZILIAN CONSTITUTIONALISM**

**A EFETIVIDADE DO CONTROLE EXTERNO DA ATIVIDADE POLICIAL PELO  
MINISTÉRIO PÚBLICO: LETALIDADE ESTATAL E GARANTIAS  
INSTITUCIONAIS NO CONSTITUCIONALISMO BRASILEIRO**

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POR EL MINISTERIO PÚBLICO: LETALIDAD ESTATAL Y GARANTÍAS  
INSTITUCIONALES EN EL CONSTITUCIONALISMO BRASILEÑO**



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**ABSTRACT**

This article examines the external oversight of police activity as a constitutional function assigned to the Public Prosecutor's Office, analyzing its normative foundations, structural limits, and the recurring problem of effectiveness in the Brazilian context. It starts from the understanding that effectiveness is not to be confused with mere procedural compliance, but rather with the institutional capacity to produce verifiable results, prevent violations of fundamental rights, and break structural patterns of state violence. The study identifies central bottlenecks in the traditional model, such as informational dependence on police corporations, the fragmentation of diffuse oversight, structural insufficiency, and the bureaucratization of institutional practices, all of which contribute to the reproduction of impunity and penal selectivity. In light of the Inter-American Human Rights System, with particular emphasis on the case of Favela Nova Brasília v. Brazil, and of the case law of the Brazilian Federal Supreme Court in ADPF 635/RJ, the article argues that external oversight is an indispensable institutional guarantee for reducing police lethality, protecting the right to life, and strengthening the democratic legitimacy of justice institutions.

**Keywords:** Public Prosecutor's Office. Police Lethality. Human Rights. Institutional Effectiveness. External Oversight.

**RESUMO**

Examina-se o controle externo da atividade policial como função constitucional atribuída ao Ministério Público, analisando seus fundamentos normativos, seus limites estruturais e o problema recorrente da efetividade no contexto brasileiro. Parte-se da compreensão de que

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a efetividade não se confunde com a mera observância procedimental, mas com a capacidade institucional de produzir resultados verificáveis, prevenir violações de direitos fundamentais e romper padrões estruturais de violência estatal. São identificados gargalos centrais do modelo tradicional, como a dependência informacional em relação às corporações policiais, a fragmentação do controle difuso, a insuficiência estrutural e a burocratização das práticas institucionais, fatores que contribuem para a reprodução da impunidade e da seletividade penal. À luz do Sistema Interamericano de Direitos Humanos, com destaque para o caso *Favela Nova Brasília vs. Brasil*, e da jurisprudência do Supremo Tribunal Federal na ADPF 635/RJ, sustenta-se que o controle externo é garantia institucional indispensável à redução da letalidade policial, à proteção do direito à vida e ao fortalecimento da legitimidade democrática das instituições de justiça.

**Palavras-chave:** Ministério Público. Letalidade Policial. Direitos Humanos. Efetividade Institucional. Controle Externo.

### RESUMEN

Se examina el control externo de la actividad policial como función constitucional atribuida al Ministerio Público, analizando sus fundamentos normativos, sus límites estructurales y el problema recurrente de la efectividad en el contexto brasileño. Se parte de la comprensión de que la efectividad no se confunde con la mera observancia procedimental, sino con la capacidad institucional de producir resultados verificables, prevenir violaciones de derechos fundamentales y romper patrones estructurales de violencia estatal. Se identifican obstáculos centrales del modelo tradicional, tales como la dependencia informacional respecto de las corporaciones policiales, la fragmentación del control difuso, la insuficiencia estructural y la burocratización de las prácticas institucionales, factores que contribuyen a la reproducción de la impunidad y de la selectividad penal. A la luz del Sistema Interamericano de Derechos Humanos, con especial énfasis en el caso *Favela Nova Brasília vs. Brasil*, y de la jurisprudencia del Supremo Tribunal Federal brasileño en la ADPF 635/RJ, se sostiene que el control externo constituye una garantía institucional indispensable para la reducción de la letalidad policial, la protección del derecho a la vida y el fortalecimiento de la legitimidad democrática de las instituciones de justicia.

**Palabras clave:** Ministerio Público. Letalidad Policial. Derechos Humanos. Efectividad Institucional. Control Externo.

## 1 INTRODUCTION

Police action occupies a central place in the conformation of the contemporary State, as it represents one of the most intense expressions of State power over bodies, territories and individual freedoms. In the Brazilian context, marked by deep social, racial, and territorial inequalities, police activity has historically developed under permanent tensions between the constitutional promise of the protection of fundamental rights and institutional practices that naturalize the excessive use of force, criminal selectivity, and low accountability for abuses (Vieira, 2025).

The 1988 Constitution, by instituting the Democratic Rule of Law, broke with authoritarian models of public security and enshrined mechanisms of legal-institutional control of police action, among which the external control exercised by the Public Prosecutor's Office stands out, conceived as a structural guarantee of legality, democracy, and protection of human rights (Camelo, 2025).

The scientific and social relevance of this article, therefore, stems from the persistence of high rates of police lethality, the recurrence of violations of fundamental rights, and the historical difficulty of implementing effective accountability mechanisms in the context of public security. Despite the express constitutional provision for external control of police activity, there is a mismatch between the normative design of the institute and its practical implementation, often limited by structural, institutional and cultural obstacles.

In view of this scenario, the following problem emerges: why is external control of police activity, although constitutionally guaranteed and internationally required, low effectiveness in containing police violence and holding abuses accountable in Brazil?

In view of this question, the general objective of this article is to critically analyze the effectiveness of the external control of police activity exercised by the Public Prosecutor's Office, in the light of the 1988 Constitution and the parameters of the Inter-American Human Rights System. As specific objectives, it seeks to examine the constitutional and institutional foundations of the external control of police activity in the Brazilian legal system, to identify the main structural, informational and organizational bottlenecks that empty the effectiveness of this control and to evaluate the contribution of inter-American jurisprudence and ADPF 635/RJ in the redefinition of normative and institutional parameters aimed at reducing police lethality and strengthening the democratic accountability.

A qualitative methodology is then adopted, of a bibliographic and documentary nature, based on the analysis of doctrinal works, scientific articles, institutional documents, national and international judicial decisions duly referenced.

By problematizing the limits and challenges of external control of police activity, its main intention is to contribute to the deepening of the academic and institutional debate on the democratization of public security in Brazil, based on the premise that the effectiveness of external control is not a mere administrative requirement, but an indispensable condition for the realization of the right to life, of the dignity of the human person and the legitimacy of the Democratic Rule of Law itself, requiring critical reflection, institutional commitment and structural transformation of control and accountability practices.

## **2 CONSTITUTIONAL AND CONCEPTUAL FOUNDATIONS OF EXTERNAL CONTROL OF POLICE ACTIVITY**

Understanding the constitutional foundations of external control of police activity requires, as an inescapable starting point, the systematic reading of the 1988 Constitution of the Republic as a normative project committed to overcoming authoritarian practices historically rooted in the exercise of state power, especially in the performance of coercive apparatuses.

The 1988 Charter was not limited to reorganizing institutional competencies or listing fundamental rights in the abstract, but promoted a profound reconfiguration of the State model, erecting the Democratic Rule of Law as the structuring axis of the Brazilian legal and political order.

Under this prognosis, police activity is no longer conceived as a space of broad discretion or institutional self-sufficiency and is now legally conditioned by a complex system of normative limits, constitutional principles and control mechanisms, since the Constitution recognizes public security as a duty of the State and a fundamental right of the collectivity, but does so in a manner that is inseparable from the protection of the dignity of the human person. due process of law and the full submission of state action to constitutional legality (Pinho; Chaves; Cruz 2024).

This constitutive tension between security and freedom, far from being a defect of the constitutional model, represents precisely its essential democratic trait, as highlighted in the specialized literature when dealing with the political and legal need to control police activity in democratic societies (Ávila, 2014).

It is in this context that article 129, VII, of the Federal Constitution is inserted, by attributing to the Public Prosecutor's Office the function of exercising external control of police activity (Brasil, 1998). The original constituent's option to expressly enshrine this attribution cannot be understood as a merely symbolic or redundant gesture, nor as a simple unfolding of the ownership of the public criminal action.

On the contrary, it is a conscious normative choice, guided by the perception that the police power, due to the nature of its functions and the intensity of the restrictions it imposes on fundamental rights, demands permanent, institutionalized external control endowed with functional autonomy.

The normative density of the expression "external control", then, is denoted precisely in the distinction that the Constitution establishes between generic control of legality and specific mechanisms of containment and accountability of armed organs of the State. As Sousa Júnior (2015) observes, the external control of police activity stems directly from the constitutional mission of the Public Prosecutor's Office to defend the legal order, the democratic regime and the inalienable social and individual interests, and is not limited to formal practices of procedural monitoring or episodic interventions. In fact, external control assumes a structural nature, aimed at correcting deviations, preventing arbitrariness, and promoting state accountability.

Regarding this type of control, Ávila (2014), in his Thesis, initially highlights attributions and tools of the Public Prosecutor's Office to exercise them through Complementary Law No. 75/1993, which:

The specific tools for the Public Prosecutor's Office in the exercise of external control of police activity are regulated in LC No. 75/1993, 9, which provides for free entry into police establishments, **access to any documents related to the police core activity**, the possibility of representing the competent authority for the adoption of measures to remedy the undue omission, or to **prevent or correct illegality or abuse of power**, **power to request the competent authority to initiate a police investigation into the omission or lawful fact that occurred in the exercise of police activity and also to promote criminal action for abuse of power**. The provision indicates that the exercise of external control can occur through judicial or extrajudicial measures (Ávila, 2014, p. 543, emphasis added).

This reading is reinforced when one considers the place occupied by the Public Prosecutor's Office in the constitutional design of 1988, since, instituted as a permanent body, essential to the jurisdictional function of the State and endowed with functional, administrative and financial autonomy, this important body is not subordinated to any of the Powers of the Republic, which gives it a unique institutional position for the exercise of the aforementioned control functions. Such autonomy is not justified as a corporate privilege, but as an institutional guarantee aimed at protecting society from abuses of state power, especially in contexts in which police action has a more intense impact on vulnerable populations (Morais Júnior, 2022).

The constitutional provision for external control of police activity must, therefore, be interpreted in conjunction with the structuring principles of the Democratic Rule of Law, notably legality, the separation of powers, the protection of fundamental rights and the republican

principle of the responsibility of public agents, and there is, therefore, no room to conceive of the police as an instance immune to external controls or as a neutral technical body whose action would be legitimized exclusively by internal efficiency criteria (Basilio; Basílio, 2023).

Thus, the Constitution breaks with this logic by stating that all state activity, including police activity, is subject to mechanisms of legal and institutional control, especially when it involves the legitimate use of force, and it can be clarified that practices of police arbitrariness cannot be explained only by individual deviations or moral failures of isolated agents.

There are, as Ávila (2014) and Vieira (2025) point out, sociological and organizational factors that make police activity particularly susceptible to abuses, such as the valorization of authority, the naturalization of violence as an instrument of efficiency, and the existence of institutional subcultures resistant to transparency and accountability, and it is precisely in this scenario that external control assumes the status of indispensable as a mechanism for the structural containment of deviance, and not only as a subsequent response to consummated violations.

In these terms, the external control of police activity is not to be confused with undue interference in the functional autonomy of police corporations, nor does it imply hierarchical subordination, since it is a legal-institutional control that preserves the technical autonomy of the police, but submits it to constitutional legality and the democratic parameters of state action. As Braga (2023) points out, the effectiveness of external control is directly related to the ability of the Public Prosecutor's Office to act independently, including through the adoption of its own extrajudicial and investigative instruments, especially in contexts in which police action is the object of suspicion.

The constitutional density of external control is also evident when one observes its connection with international commitments assumed by the Brazilian State in the field of human rights and, although this dimension will be deepened in its own chapter, it is important to recognize from the outset that the 1988 Constitution was open to international human rights law, incorporating standards of independent investigation, diligent and impartial in cases of serious violations. The external control of police activity, therefore, operates as a bridge between the internal constitutional order and the international obligations of the State, reinforcing its qualified legal nature and its centrality in the system of guarantees.

In view of this, the reading of article 129, VII, of the Constitution cannot be reduced to a minimalist or bureaucratic understanding of external control, but as a constitutional function endowed with its own normative density, whose purpose is to ensure that the exercise of police power remains compatible with the values of the Democratic Rule of Law (Corrêa; Coutinho,

2019). The performance of the Public Prosecutor's Office, in this field, must be understood as an expression of a control model that seeks to prevent abuses, correct illegalities, promote accountability and, above all, preserve the democratic legitimacy of state action.

This understanding opens the way for the examination, following this chapter, of the role of the Public Prosecutor's Office as an institution external to the police apparatus and an institutional guarantee of fundamental rights, as well as the distinction between merely formal supervision and corrective legality control, and it is from this constitutional basis that it is possible to critically evaluate the limits and potentialities of external control of police activity in the contemporary Brazilian context.

The relevance of external control of police activity, from the perspective of the defense of constitutional rights, is projected even more clearly when one examines the role of the Public Prosecutor's Office as the institutional guardian of these rights in the daily life of social relations, since the 1988 Constitution attributed to the Public Prosecutor's Office not only the function of promoting criminal prosecution, but, more broadly, the task of ensuring the effective respect of the public authorities for the rights guaranteed by the constitution, even more so when it comes to selective, discriminatory police stops and cases of lethal police violence, that is, with situations with deaths, as pointed out by Morais Júnior (2022).

Morais Júnior (2022), still under the constitutional molds, highlights that:

The framework proposed by the Public Prosecutor's Office by the original constituent power, therefore, enshrines the notion that the external exercise of the activity must be guided by the strengthening of citizenship and the dignity of the human person, as the foundations of the Federative Republic of Brazil, as well as by the presumption of a just, free and solidary society, as well as by the promotion of the good of all, without prejudice of origin, race, sex, color, age and any other forms of discrimination. [...] Thus, it follows the importance of police agencies being subject to effective supervision by the Public Prosecutor's Office, in view of the existence of multiple mechanisms for balancing state powers, within a Democratic State of Law [...] (Morais Júnior, 2022, p. 64-65).

This attribution gives external control a dimension that goes beyond the strictly repressive logic, placing it as an instrument of preventive and corrective protection of fundamental rights in the face of the exercise of police power, especially in contexts of social asymmetry and structural vulnerability, in which state action tends to have a selective and unequal impact (Morais Júnior, 2022).

Therefore, the defense of constitutional rights, in the context of external control, is not limited to the subsequent reaction to consummated abuses, but involves permanent vigilance over patterns of police action that may compromise the dignity of the human person, equality

before the law and due process of law. The performance of the Public Prosecutor's Office thus assumes a structural character, aimed at containing institutional practices that naturalize the violation of rights under the argument of efficiency or maintenance of order.

As Sousa Júnior (2015) points out, external control should be understood as a mechanism of collective guarantee, capable of stressing administrative routines, investigative procedures and forms of police approach that, although formally legitimized, produce material effects incompatible with the democratic constitutional project.

For society, this action has relevance that transcends the technical-legal sphere, as it contributes to the construction of a public security model committed to legality, transparency and accountability. The external control exercised by the Public Prosecutor's Office operates as an instrument of institutional mediation between the coercive power of the State and the fundamental rights of the population, reinforcing social trust in institutions and reducing the risk that police action will become a factor in the reproduction of inequalities and state violence. By assuming this function, the Public Prosecutor's Office reaffirms its constitutional vocation as an agent of social transformation, whose legitimacy derives not from the arbitrary exercise of power, but from the intransigent defense of the constitutional order and the rights that give it material meaning (Ávila, 2014).

## 2.1 THE PUBLIC PROSECUTOR'S OFFICE AS AN EXTERNAL INSTITUTION OF GUARANTEE IN THE CONSTITUTIONAL SYSTEM

The centrality of external control of police activity in the Brazilian constitutional design leads, logically, to the analysis of the institutional role of the Public Prosecutor's Office as an external instance of guarantee in the constitutional system, but this condition does not result only from the express provision of article 129, VII, of the Constitution, but from the very configuration of the Public Prosecutor's Office as an independent body, permanent and essential to the jurisdictional function of the State, responsible for the defense of the legal order, the democratic regime and the inalienable social and individual interests. The role of the Public Prosecutor's Office in the control of police activity, therefore, cannot be understood as an accessory or derivative function, but as a direct expression of its structuring constitutional mission, as already described.

The idea of an external institution of guarantee presupposes the existence of an organ endowed with sufficient autonomy to exercise control over state structures that concentrate coercive power, without hierarchical subjection or functional dependence. In the case of police activity, this requirement is particularly important, since it is a state apparatus authorized to

restrict fundamental rights in an immediate and concrete way, including through the legitimate use of force (Ávila, 2014; Padilha, 2020).

Padilha (2020, p. 845) shifts attention to a socio-legal attribution of the Public Prosecutor's Office regarding external control over police activities, since this important body was appointed "*ombudsman*" of Constitutional Law, with the obligation to act in a strictly impartial manner in defense of citizens, citing the understanding of the Supreme Court, which:

The Federal Supreme Court has already stated, more than once, that the Public Prosecutor's Office has the legitimacy to promote investigative acts, thanks, among other grounds, to the **theory of implicit powers, that is, when the Constitution grants the ends to certain bodies, it implicitly grants them the means to fulfill the constitutionally proposed objectives**. Translating: if the Constitution grants the Public Prosecutor's Office powers to promote criminal action, it must implicitly grant him the means to form his *opinio delicti* (Padilha, 2020, p. 846-847, emphasis added).

The 1988 Constitution, by removing the Public Prosecutor's Office from organic links with the Executive, Legislative and Judiciary Branches, created the institutional conditions necessary for the control of police activity to be exercised by an agency external to the police corporations and immune to direct political-administrative pressures, reinforcing the democratic rationality of the system of checks and balances (Sousa Júnior, 2015).

On the other hand, this external position does not entail institutional antagonism, but translates a logic of republican control based on responsibility and accountability. The Public Prosecutor's Office does not replace the police in their constitutional functions, nor does it assume the day-to-day management of public security, given that its performance focuses on the legality, legitimacy and constitutional conformity of the acts performed, functioning as an instance of containment of excesses and correction of deviations that, if not addressed, compromise the legitimacy of the entire security policy.

As Ávila (2014) observes, external control is an indispensable element to prevent police activity from developing in a space of institutional self-sufficiency, in which illegal or abusive practices are naturalized as inevitable costs of repressive efficiency.

The condition of the Public Prosecutor's Office as a guarantee institution is not limited to subsequent repressive action, but involves the ability to intervene in a preventive and structural manner. This means that external control must focus on standards of action, workflows, operational protocols, and repeated practices that affect fundamental rights, and not just on isolated cases of abuse.

From this perspective, the Public Prosecutor's Office acts as an institutional mediator between the police power and society, translating social demands for legality, equality, and

respect for human rights into legal parameters required within the scope of state action (Braga, 2023).

The notion of institutional guarantee is also articulated with the collective dimension of fundamental rights. The role of the Public Prosecutor's Office in external control is not only aimed at the protection of individual rights violated in specific situations, but also at the protection of legal assets of a diffuse and collective nature, such as the democratic legitimacy of police action and social trust in public security institutions.

When selective, discriminatory or violent police practices are perpetuated without effective control, the damage produced is not restricted to the direct victims, but reaches society as a whole, eroding the credibility of the State and deepening structural inequalities, and it is in this scenario that the external control exercised by the Public Prosecutor's Office assumes the function of defending the constitutional order in its material sense, by preventing the exercise of coercive power from moving away from the values that legitimize its existence (Morais Júnior, 2022).

In addition, the condition of the Public Prosecutor's Office as an external guarantee institution is projected on its ability to articulate judicial and extrajudicial instruments in an integrated manner, not exhausting external control in the provocation of the Judiciary, and comprising the use of administrative mechanisms, recommendations, inspections, requests and its own investigative procedures, always guided by the purpose of ensuring the constitutional conformity of police activity (Greco, 2022).

This multifaceted performance reinforces the idea that the Public Prosecutor's Office does not operate only as an organ of prosecution, but as an institutional agent dedicated to the protection of rights and the induction of state practices compatible with the Democratic Rule of Law (Sousa Júnior, 2015).

Consequently, the relevance of the Public Prosecutor's Office as an external institution of guarantee is particularly noticeable in contexts of social vulnerability and historical marginalization, in the aspect that police action tends to have a more intense impact on certain social groups, reproducing selective and discriminatory patterns that challenge the constitutional promise of equality (Morais Júnior, 2022; Vieira, 2025).

In these scenarios, external control remains essential in the containment of practices that, although formally justified under the discourse of security, produce systematic violations of fundamental rights and, by exercising this function, the Public Prosecutor's Office reaffirms its constitutional vocation as a defender of society and a promoter of social justice, consolidating

itself as a key piece in the institutional architecture for the protection of constitutional rights in contemporary Brazil.

### 3 STRUCTURAL LIMITS OF THE TRADITIONAL MODEL AND THE PROBLEM OF EFFECTIVENESS: INSTITUTIONAL AND OPERATIONAL BOTTLENECKS

The discussion about the effectiveness of external control of police activity requires, first of all, a conceptual shift that moves away from merely formal or procedural readings of the institute. At the constitutional level, the attribution conferred on the Public Prosecutor's Office is not limited to the ritual observance of administrative flows, the episodic issuance of recommendations or the simple establishment of follow-up procedures.

Effectiveness, understood here in a material sense, must first be measured by the concrete capacity to produce verifiable institutional results, capable of preventing violations, correcting deviant patterns of police action and inducing structural transformations in the way state force is exercised in everyday social life, referring, therefore, to a notion that is directly linked to the idea of democratic accountability, in which control is not legitimized by its normative statement, but by its real ability to impact practices, reduce arbitrariness and strengthen public confidence in the institutions of justice (Cavallazzi; Suxberger, 2019).

Cavallazzi and Suxberger (2019) understand accountability as a result of the ministerial focus given to the body dimensioned here due to the extension of existing social relations in daily life and the indispensability of greater transparency and improvement of the institutions that are linked to the justice system, which will also lack the confidence of citizens about the way in which the society in which they live is governed, that is, in the laws in force. Furthermore, it is important to consider, according to the authors, that:

The idea of *accountability*, brought to the current context, can be understood as the set of elements indicative of transparency and social control over state action. It is possible to number that the sense of *accountability* involves responsibility (objective and subjective), control, transparency, accountability obligation, justification for actions that were or left understood, reward and/or punishment. It is clear that there are advances in the field of external control, but changes of a greater scope, of a cultural nature, still pending realization, after all, *accountability*, more than a desired characteristic or attribute of state action, is the result of an *institutional culture* that is still distant from the Brazilian reality (Cavallazzi; Suxberger, 2019, p. 231).

That said, the effectiveness of external control cannot be confused with the mere existence of formal competences or with the multiplication of instances of abstract inspection, insofar as it presupposes an institutional action capable of breaking with the defensive and self-

centered logic that historically marks public security systems, especially in contexts of high police lethality and criminal selectivity.

The production of verifiable results thus generates the ability to access qualified information, to formulate consistent diagnoses on patterns of police action and to adopt corrective measures endowed with sufficient institutional strength to change repeated conducts. When control is limited to reacting to isolated cases, without reaching the structural dynamics that produce state violence, it tends to assume a symbolic character, which preserves the appearance of legality without facing the root causes of ineffectiveness (Cavallazzi; Suxberger, 2019).

However, it is important to point out that one of the main bottlenecks that empty external control lies in the informational dependence of the Public Prosecutor's Office in relation to the police corporations themselves, given that, to a large extent, the exercise of control is still structured from data produced, filtered and systematized by the institutions that should be inspected, which compromises the cognitive autonomy necessary for effective inspection (Pedrosa Júnior; Monteiro; Nascimento, 2023).

This informational asymmetry then goes from a technical problem to a structural obstacle that limits the ability of the control body to identify hidden patterns of abuse, underreporting of occurrences or statistical distortions. Let us imagine, then, that when the flow of information remains under the monopoly of the controlled entity, the control tends to operate in a reactive, fragmented and often late manner, unable to anticipate risks or to intervene preventively in scenarios of systematic violation of rights.

The fragmentation of diffuse control is another central element in understanding the ineffectiveness of the traditional model. Although the Constitution has assigned to the Public Prosecutor's Office a leading role in the external control of police activity, institutional action is often dispersed in isolated initiatives, dependent on the individual actions of members, without the consolidation of integrated strategies and long-term institutional policies (Cavallazzi; Suxberger, 2019; Camelo, 2025).

The aforementioned dispersion can also hinder the construction of a robust institutional memory, as well as the definition of clear priorities guided by objective criteria of risk, social impact and severity of violations, as evidenced by Ávila (2014). As a consequence, control tends to oscillate between periods of greater activism and phases of retraction, without achieving the continuity necessary for the structural transformation of police practices.

No less important to discuss, the overload of attributions, the scarcity of specialized technical teams, and the absence of systematic investments in institutional intelligence

compromise the agency's ability to exercise qualified and permanent control, a point raised by Ávila (2014) and Braga (2023), and the authors collaborate in understanding that, in many contexts, Ministerial action is tensioned between immediate repressive demands and the need for structural oversight of police activity, which ends up prioritizing punctual responses to the detriment of medium and long-term strategic actions. This material limitation reinforces the tendency towards the bureaucratization of control, converting inspection procedures into administrative routines that are not very sensitive to the concrete dynamics of state violence.

The bureaucratization of institutional practices, in turn, represents a paradox in the exercise of external control, since, although the formalization of procedures is indispensable for legal certainty and the predictability of state action, the excess of administrative rituals can produce a progressive distancing between the control exercised and the social reality that it should transform (Ávila, 2014; Vieira, 2025).

When the focus of action shifts to meeting deadlines, standardizing forms, and producing reports detached from concrete impacts, control loses its critical and emancipatory dimension. With this, formal legality is preserved, but material effectiveness remains compromised, reproducing the social sensation of impunity and the absence of real accountability for abuses committed in the exercise of police function.

The impacts of this ineffectiveness are not restricted to the institutional level, but are projected in a profound way on the structure of the penal system and on the legitimacy of justice institutions. The inability to adequately control police activity contributes to the reproduction of selective practices, which disproportionately affect historically vulnerable groups, reinforcing patterns of racial, territorial and socioeconomic discrimination (Viegas; Loureiro; Abrucio, 2022; Vieira, 2025).

Criminal selectivity, in this context, represents a systemic effect of a control model incapable of breaking with the logic of exception that guides certain forms of police action, where the absence of consistent institutional responses to abuses reinforces the perception that certain lives are less protected by the law, eroding the egalitarian foundations of the Democratic Rule of Law (Vieira, 2025).

The crisis of legitimacy of justice institutions thus emerges as a direct consequence of the ineffectiveness of external control. When society realizes that the inspection mechanisms do not produce real changes, a diffuse feeling of discredit is installed that affects not only the Public Prosecutor's Office, but the entire criminal justice system.

This discredit weakens the normative authority of law, encourages informal responses to violence and compromises the State's ability to mediate conflicts in a legitimate way, and it is

expected to reflect that external control, when it ceases to fulfill its transformative function, becomes part of the very problem it should face, becoming part of an institutional mechanism that normalizes the exception and trivializes the violation of rights (Ávila, 2014; Padilha, 2020).

In view of this situation, overcoming the structural limits of the traditional model of external control requires a profound reconfiguration of institutional practices, guided by a substantive conception of effectiveness. Such a reconfiguration presupposes the strengthening of the informational autonomy of the Public Prosecutor's Office, the construction of integrated strategies of action, the investment in specialized technical capacities, and the adoption of a logic of control aimed at transforming structural patterns of police action (Corrêa; Coutinho, 2019).

The notion of effectiveness, in the context of the external control of police activity, requires a relevant conceptual shift, not limiting itself to assessing only the formal existence of procedures, ordinances, reports or recommendations issued by ministerial bodies, but to examine whether such instruments are capable of generating measurable institutional impacts, altering repeated patterns of police action and consistently reducing, abusive, illegal or incompatible practices with the Democratic Rule of Law, such as in cases that also involve human and international rights. Effectiveness, therefore, is close to the idea of the transformative capacity of institutional action, linked to the production of results and not to the mere ritualistic observance of normative competences (Camelo, 2025).

The external control of police activity, although constitutionally ensured, often becomes a model of low material density, marked by strong procedural adherence and reduced structural incidence, as a kind of phenomenon that manifests itself when the Public Prosecutor's Office limits its action to the formal monitoring of investigations, the issuance of official letters or *ex post* analysis of records produced by the police corporations themselves, without effective capacity to interfere in the logic of information production, in the definition of investigative lines or in the concrete accountability of the agents involved (Ávila, 2014; Basílio; Basílio, 2023).

Police activity, especially in cases of use of lethal force, is marked by significant informational asymmetry, in which the initial elements of factual reconstruction remain under the control of the investigated corporation itself. Occurrence records, preliminary reports, testimonial reports collected in the heat of the facts and initial expert reports are produced, as a rule, by agents belonging to the same hierarchical structure involved in the event, which compromises the impartiality and completeness of the information available to the control body (Pedrosa Júnior; Monteiro; Birth, 2023; Camelo, 2025).

It so happens that such dependence is not only a technical obstacle, but also a structural problem of governance, because when the external controller does not have autonomous means of producing evidence, immediate access to the scenes of the facts or independent technical teams, the control tends to operate in a reactive, late and fragmented manner. The direct consequence is the reduction of the Public Prosecutor's Office's ability to question official versions, identify narrative incongruities, or reconstruct events in a minimally reliable way, especially in contexts of police violence involving vulnerable populations (Fernandes, 2023).

Thus, the persistence of abusive practices without an adequate institutional response compromises the legitimacy of justice institutions, as already well discussed, and social trust in the ministerial body, the police and the Judiciary itself is gradually eroded when repeated episodes of violence do not result in a serious, transparent and independent investigation. Based on this assumption, the perception of institutional connivance, even if unintentional, weakens the democratic pact and feeds discourses of discredit in relation to the rule of law (Fernandes, 2023; Pedrosa Júnior; Monteiro; Nascimento, 2023).

From the perspective of International Human Rights Law, the ineffectiveness of external control takes on even more serious contours, which will be highlighted with greater attention in the following chapter, which will seek to discuss emblematic cases that had the support and action of the Public Prosecutor's Office in this regard.

International jurisprudence has repeatedly affirmed that the absence of diligent, independent and effective investigations in cases of police violence constitutes an autonomous violation of human rights, especially the right to life and judicial guarantees. It is based on the understanding that external control is not a political faculty of the State, but an internationally enforceable legal duty (Camelo, 2025).

Therefore, the effectiveness of external control depends on a broader institutional reconfiguration, and such reconfiguration involves the structural strengthening of the Public Prosecutor's Office, the creation of autonomous mechanisms for the production of information, the integration of databases, the adoption of results-oriented performance indicators, and the systematic incorporation of international standards of police accountability (Fernandes, 2023; Basílio; Basílio, 2023).

Without these transformations, external control tends to remain imprisoned in a formalistic logic, incapable of facing the structural challenges of police violence in Brazil, given that effectiveness is not presented as an automatic attribute of the constitutional provision, but as a continuous institutional construction, dependent on political choices, organizational

arrangements and normative commitments to democracy and human rights (Corrêa; Coutinho, 2019; Pine; Chaves; Miranda, 2024).

In this line, a denser reflection on the role of the Public Prosecutor's Office in the contemporary constitutional system is proposed, since, more than a reactive supervisory body, the Public Prosecutor's Office is called upon to act as a guarantor institution, capable of articulating control, prevention and institutional transformation. The effectiveness of external control, therefore, becomes a central element for the legitimacy of the justice system itself and for the consolidation of a public security model compatible with constitutional values.

The permanence of ineffective external control is not neutral, producing concrete effects on lives, territories and social trajectories, feeding cycles of violence and exclusion. Recognizing these structural limits does not mean delegitimizing the ministerial function, but rather highlighting the urgency of its improvement, under penalty of external control remaining as a normative promise not fulfilled within the Democratic State of Law.

#### **4 THE INTER-AMERICAN HUMAN RIGHTS SYSTEM AS AN EVALUATION PARAMETER: THE NOVA BRASÍLIA FAVELA CASE VS. BRAZIL (ADPF NO. 635/RJ)**

The examination and discussion of the external control of police activity, when it is moved beyond the strictly internal normative plane, requires the incorporation of international parameters for the protection of human rights as hermeneutic and evaluative instruments of state action. In view of this premise, the Inter-American Human Rights System is central, not limited to a subsidiary instance of international accountability and being a true space for the construction of structural standards of democratic legality, capable of bringing to light possible persistent systemic flaws in the national models of public security and criminal prosecution.

The jurisprudence of the Inter-American Court of Human Rights, over the last decades, has played a decisive role in identifying repeated patterns of state violence, investigative insufficiency, and the absence of independent control mechanisms, especially in countries marked by authoritarian legacies and deep structural inequalities, as is the case in Brazil (Camelo, 2025).

It is considered that the incorporation of these parameters is not limited to a formal commitment assumed by the Brazilian State when ratifying international treaties, since it projects direct effects on the interpretation of the constitutional and infra-constitutional norms that govern the performance of justice institutions.

In this vein, the external control of police activity, constitutionally attributed to the Public Prosecutor's Office, must be understood in the light of international obligations to prevent,

investigate, punish, and repair human rights violations, under penalty of perpetuating a merely symbolic accountability model, incapable of facing the complexity of the violations recognized at the inter-American level (Camelo, 2025).

The condemnations imposed on Brazil by the Inter-American Court of Human Rights in cases involving police violence, extrajudicial executions, torture and investigative failures reveal the existence of structural patterns of state ineffectiveness that transcend isolated episodes. Paradigmatic cases such as *Favela Nova Brasília vs. Brazil*, *Ximenes Lopes vs. Brazil* and the *Araguaia Guerrilla vs. In Brazil*, they show not only the occurrence of serious violations of fundamental rights, but, above all, the persistent inability of the State to conduct independent, swift and effective investigations, capable of breaking cycles of institutionalized impunity (IACHR Court, 2017).

That said, as an element and jurisprudential understanding relevant to the present discussion, there is the case "*Favela Nova Brasília vs Brazil*", in which the Court recognized that violent police action, associated with the absence of impartial investigations and the systematic archiving of procedures, configured a structural practice of state tolerance to police lethality in territories marked by social vulnerability. Being a decision that has exposed the dependence of investigations on the police corporations involved in the facts, it compromises the impartiality and credibility of the investigative process, reinforcing the need for external and autonomous control and inspection mechanisms (IACHR, 2017; Vieira, 2025).

This international pronouncement dialogues directly with the doctrinal criticism of the fragmentation and fragility of external control in Brazil, and it is possible to point out that the performance of the Public Prosecutor's Office, although constitutionally robust, is still limited by structural obstacles, such as the informational dependence on the police, the scarcity of specialized teams and the absence of standardized protocols for investigating serious human rights violations (Ávila, 2014; Vieira, 2025). Such limitations favor the reproduction of a model of selective accountability, in which state violence remains, to a large extent, invisible or naturalized.

The Inter-American Court has reiterated that the obligation to investigate is not satisfied with the formal initiation of proceedings, but requires concrete results capable of identifying individual and institutional responsibilities. The absence of such results, as pointed out in several decisions, constitutes in itself an autonomous violation of the rights enshrined in the American Convention, especially the right to judicial protection and judicial guarantees (Camelo, 2025).

This understanding broadens the concept of effectiveness, shifting it from the procedural to the substantial level, in which state action is evaluated based on its real impacts on the protection of human dignity. In the Brazilian context, international condemnations also show the persistence of an institutional culture marked by distrust of human rights, often perceived as obstacles to police efficiency, and it is essential to verify that this logic, inherited from authoritarian periods, contributes negatively to the trivialization of violence and to the legitimization of practices incompatible with the Democratic Rule of Law. disproportionately affecting black, peripheral, and historically marginalized populations (Macedo Júnior, 2019).

The structural dimension of state failures is also manifested in the racial and territorial selectivity of police violence, an element widely recognized in inter-American decisions. The Inter-American Court of Human Rights has highlighted that the disproportionate incidence of police lethality against young black people and residents of the peripheries cannot be dissociated from historical patterns of discrimination and marginalization, and the absence of effective investigations in these cases reinforces the idea that certain lives are less protected by law, which constitutes a violation of the principle of equality and the prohibition of discrimination enshrined in the American Convention (Camelo, 2025; Vieira, 2025).

Therefore, international condemnations function as a critical mirror of the internal justice system, revealing the inability of the Brazilian State to break with deep-rooted institutional practices, where the repetition of similar violations over time indicates the existence of structural flaws, demanding responses that go beyond individual accountability and achieve profound institutional reforms (Basilio; Basilio, 2023).

According to Basilio and Basilio (2023), the IACHR, in judging the case, came to the conclusion that the Brazilian State had international responsibilities for several human rights violations, such as those shown in Table 1, below, for a better view:

**Table 1**

*Violations recognized within the inter-American system*

Breached Devices	International instrument	Type of violation	Group of victims
Art. 4.1 c/c art. 1.1	American Convention on Human Rights	Violation of the right to life by excessive use of police force	Adult victims of lethal police operations
Arts. 4.1 and 19 c/c art. 1.1	American Convention on Human Rights	Violation of the right to life of children and adolescents	Victims of sexual violence by state agents
Arts. 5.2 and 11 c/c art. 1.1	American Convention on Human Rights	Torture, sexual violence and violation of personal integrity	Victims of sexual violence by state agents
Arts. 5.1, 8.1 and 25.1 c/c art. 1.1	American Convention on Human Rights	Investigative failures and absence of	Direct victims and family members

		effective judicial protection	
<b>Art. 7</b>	Convention of Belém do Pará	Gender-based violence	Women and girls

Source: Prepared by the author, based on Basilio and Basilio (2023).

The recommendations after the entire investigative phase and judgment before the Inter-American System, also according to Basilio and Basilio (2023), were within the scope of the need to improve investigations, and should be independently, impartial, effective, unrelated to politics, once again reinforcing the essentiality of the external control defended and unraveled so far. Other points raised refer to reparation through full compensation for material damage to victims and relatives, greater transparency with the end of the automatic registration of deaths as "resistance to arrest", accountability through the creation and strengthening of internal and external controls with a gender and race perspective, as well as institutional reform as a whole, for the modernization, professionalization and accountability of the police forces, also having, specifically, the regulation of the use of force as a last resort, according to principles of necessity and proportionality.

The lack of strengthening of external control of police activity, in this scenario, emerges as one of the main factors in maintaining these failures, since the body constitutionally charged with exercising this control does not have, in many cases, the material and institutional conditions to do so fully (Camelo, 2025).

The Court's decisions also highlight the importance of the participation of victims and their families in the investigative processes, as an essential element for the effectiveness of the investigation. However, in Brazil, state action is often characterized by the exclusion of victims from the investigative process, limiting their access to information and restricting their ability to question official versions. This practice contributes to institutional opacity and reinforces the asymmetry of power between the State and citizens affected by police violence, deepening the democratic deficit of the justice system (Vieira, 2025).

The persistence of ineffective investigations, the informational dependence of the police, the fragmentation of external control and the absence of consistent preventive policies make up a complex picture of state failures that feed back on each other and, under this scope, the external control of police activity assumes centrality as an instrument capable of breaking with this logic, as long as it is endowed with autonomy, resources and strategic orientation compatible with international human rights standards.

The Federal Supreme Court also expressed itself on the aforementioned case, through the Allegation of Non-Compliance with a Fundamental Precept No. 635/RJ, which is consolidated as one of the most relevant jurisprudential frameworks of contemporary Brazilian

constitutionalism with regard to the articulation between public security policy, external control of police activity and structural protection of fundamental rights, going so far as to expressly recognize the existence of a chronic picture of human rights violations resulting from police lethality, highlighted in the Summary, associated with a structural omission by the Government in the adoption of effective prevention, investigation and accountability measures, shifting the debate from the merely episodic level to an institutional and systemic approach (Supreme Federal Court, 2025).

It is based on the recognition that the high police lethality in the State of Rio de Janeiro does not objectively represent a historical pattern of action, marked by the normalization of the excessive use of lethal force, the fragility of accountability mechanisms, and the reproduction of administrative and investigative practices that favor impunity (Supreme Federal Court, 2025).

Now, such elucidation is fundamental to understand the role attributed to the Public Prosecutor's Office in the trial, since the external control of police activity is now conceived not only as a formal attribution provided for in Article 129, VII, of the Constitution, but as a structuring instrument of the democratic constitutional order itself.

Furthermore, the Supreme Court explains that external control is not to be confused with undue interference in police activity or with the replacement of the administrative functions of corporations, but constitutes an institutional guarantee aimed at the protection of the civilian population and the security agents themselves, moving away from corporatist or defensive readings of the constitutional model, criticizing the large bureaucracy in Brazil that governs such oversight of police activities (Supreme Court Federal, 2025).

By stating that there is no necessary antagonism between police efficiency and respect for fundamental rights, the Court breaks with the binary logic that has historically opposed public security and human rights, reaffirming that the legitimacy of police action depends, precisely, on the strict observance of the constitutional principles of legality, proportionality and necessity, and there is, therefore, "[...] opportunity for institutional maturation and improvement of police activity, and its external control, based on the principles of transparency, democratic participation and accountability" (Supreme Federal Court, 2025, p. 4).

The decision also highlights that police lethality does not produce a relevant deterrent effect in reducing crime, based on relevant data presented in the records that demonstrate the coexistence between high rates of deaths resulting from police intervention and the persistence of structural violence (Supreme Federal Court, 2025), which is especially relevant for the external control exercised by the Public Prosecutor's Office, because it shifts the focus of

institutional action from the simple formal monitoring of operations to the critical evaluation of their real impacts, requiring action guided by evidence, data and verifiable results.

It is important to report after analysis of the judgment that, by partially approving the plan to reduce police lethality presented by the State of Rio de Janeiro, the Federal Supreme Court establishes a model of dialogical jurisdictional control, in which the Judiciary recognizes institutional advances, but imposes complementary determinations aimed at correcting persistent deficits (Supreme Federal Court, 2025).

Among these determinations, the centrality given to the external control function of the Public Prosecutor's Office stands out, especially with regard to the production of detailed reports at the end of each police operation, the requirement to share georeferenced data and microdata, and the standardization of investigation protocols (Supremo Tribunal Federal, 2025).

The requirement for subsequent accountability of police operations, with technical and legal details of the grounds for the action, represents a significant inflection in relation to historical practices marked by opacity and administrative self-legitimation. On this point, the Court explains that the accountability of police activity is not a mere bureaucratic formality, but a condition for the democratic legitimacy of state action, directly linked to the principles of publicity, efficiency, and administrative morality provided for in Article 37 of the Constitution (Supreme Federal Court, 2025, p. 27).

The investigative competence of the Public Prosecutor's Office in cases of suspected involvement of security agents in intentional crimes against life is unequivocally reaffirmed, qualifying this action as a true institutional power-duty, being one of the measures mentioned so that new attitudes on the part of the police forces can be built, even if gradually, striving for the principle that governs accountability. In this case, of their accountability, as in the adaptation and realization of "[...] communications and reports, especially addressed to the Public Prosecutor's Office, a body entrusted by the Constitution with the power-duty to investigate and denounce possible abuses" (Supreme Federal Court, 2025, p. 93). By rejecting the understanding that direct investigation by the Public Prosecutor's Office would be a discretionary power, the Federal Supreme Court establishes the guarantor dimension of external control, linking it to the need for functional independence and technical autonomy, in line with the international standards established by the United Nations Principles on the Use of Force and Firearms.

Another aspect of high constitutional density lies in the determination of strict preservation of the traces of crimes that occurred in police operations, with prohibition on the improper removal of corpses under the pretext of help and the requirement of detailed expert

documentation, as measures that dialogue directly with the history of violations recognized by the Inter-American Court of Human Rights in the Favela Nova Brasília case. incorporating into Brazilian domestic law a conventionalized reading of the state's duty to investigate diligently, impartially, and effectively (Supreme Federal Court, 2025).

On the symbolic and normative level, ADPF 635/RJ thus projects a conception of the Public Prosecutor's Office as an external institution of guarantee, whose legitimacy derives not only from its constitutional provision, but from its effective capacity to intervene in contexts of structural violence, racial inequality, and criminal selectivity.

By requiring that external control be exercised from a gender, ethnic-racial, and territorial perspective, this Court recognizes that police lethality disproportionately affects historically marginalized populations, imposing on the Public Prosecutor's Office the duty to act sensitive to the social asymmetries that cross the criminal justice system (Supreme Federal Court, 2025).

The reduction of police lethality is not a political concession or discretionary administrative choice, being, therefore, a constitutional and conventional imperative, directly linked to the protection of the right to life, personal integrity and access to justice, with an important contribution to the external control of police activity as a structuring axis of the effectiveness of fundamental rights, requiring from the Public Prosecutor's Office not only formal vigilance, but institutional protagonism, technical capacity and continuous democratic commitment to the transformation of public security practices in the light of the 1988 Constitution.

Based on everything discussed so far, Brazil's condemnations within the scope of the Inter-American System should not be understood only as external sanctions, but as qualified diagnoses of the limits of the internal model of control and accountability, such as the case "Favela Nova Brasília vs Brazil", as they bring to light that the effectiveness of external control is not merely an administrative matter. but an essential requirement for the protection of fundamental rights and for the consolidation of the Democratic Rule of Law.

The inability to address these structural flaws keeps the country in a cycle of repeated violations, compromising its international legitimacy and, above all, its internal capacity to ensure justice and dignity for all citizens.

## 5 CONCLUSION

The external control of police activity, as provided for in the 1988 constitutional design, is, in fact, a structuring element of the Democratic Rule of Law, and cannot be reduced to a merely formal or accessory attribution of the Public Prosecutor's Office, as it represents a

function endowed with its own normative density, directly linked to the protection of fundamental rights, the limitation of state coercive power and the preservation of the democratic legitimacy of justice institutions.

The Federal Constitution, by expressly attributing to the Public Prosecutor's Office the exercise of external control of police activity, recognized that the action of the armed apparatuses of the State requires permanent, independent and qualified inspection, due to the direct and immediate impact it produces on the freedom, integrity and life of people, as a constitutional choice broke with self-referential models of public security and inserted police activity in a broader system of checks and balances counterweights, in which legality, proportionality and accountability do not present themselves as obstacles to efficiency, but as conditions of their legitimacy.

However, the critical investigation undertaken demonstrated that, despite the normative robustness of the constitutional model, the external control of police activity faces significant structural limits that compromise its material effectiveness. The informational dependence on police corporations, the fragmentation of control initiatives, the insufficiency of specialized technical resources and the excessive bureaucratization of institutional practices contribute to the consolidation of a model of low transformative incidence, incapable of confronting structural patterns of violence and criminal selectivity.

That said, the effectiveness of external control cannot be measured by the mere existence of formal procedures, reports or recommendations issued, but by the concrete capacity to produce verifiable institutional results, capable of changing repeated practices, preventing abuses and inducing structural changes in police action, where the absence of these results deepens the social perception of impunity, weakens trust in justice institutions and erodes the foundations materials of the Democratic Rule of Law.

The incorporation of the parameters of the Inter-American Human Rights System is also essential for understanding these structural flaws. The convictions imposed on Brazil, especially in the case of *Favela Nova Brasília v. Brazil*, show that the ineffectiveness of the investigations and the absence of independent control mechanisms constitute autonomous violations of human rights, projecting international responsibilities to the State, functioning as a qualified diagnosis of persistent systemic problems, which cannot be faced by punctual or symbolic responses.

The jurisprudence of the Inter-American Court reinforces the idea that the duty to investigate is not satisfied with the formal initiation of proceedings, requiring diligence, independence, impartiality, and concrete results. Thus, the external control of police activity

assumes the nature of a legal obligation, both domestic and international, and is inseparable from the state's duty to prevent, investigate, punish and repair violations of fundamental rights.

At the domestic level, ADPF 635/RJ has consolidated itself as a decision-making framework of high constitutional density by recognizing the existence of a structural framework of police lethality and by attributing centrality to the role of the Public Prosecutor's Office in the adoption of control, transparency and accountability measures. It so happens that the decision of the Federal Supreme Court shifted the debate from the episodic level to a structural approach, reaffirming that the reduction of police lethality is a constitutional and conventional imperative, and not a mere discretionary administrative option.

By requiring the production of data, reports, standardized protocols, and evidence-based accountability mechanisms, the Supreme Court conferred concrete normative content to the function of external control, reinforcing its guarantor dimension and its direct link to the protection of the right to life, personal integrity, and access to justice. In this context, the Public Prosecutor's Office is called upon to act not only as a formal inspector, but as an external guarantee institution, endowed with institutional protagonism and democratic commitment to the transformation of public security practices.

It is understood, therefore, that overcoming the structural limits of external control of police activity requires a profound reconfiguration of institutional practices, guided by a substantive conception of effectiveness, and such reconfiguration involves strengthening the informational autonomy of the Public Prosecutor's Office, integrating action strategies, investing in specialized technical capacities, and systematically incorporating international standards of law humans.

Finally, it is reaffirmed that the strengthening of external control of police activity is not only in the interest of the Public Prosecutor's Office or the justice institutions, but of society as a whole, insofar as it is an indispensable requirement for the consolidation of a public security model compatible with the constitutional and conventional values assumed by the Brazilian State. The effectiveness of this control represents, ultimately, the concrete affirmation of the Democratic Rule of Law and the centrality of fundamental rights in the organization of social life.

## REFERENCES

Ávila, T. A. P. (2014). Controle externo da atividade policial pelo Ministério Público (Tese de doutorado em Direito, Universidade de Lisboa).

Basílio, M. R. F., & Basílio, M. P. (s.d.). O controle externo da ação policial: Institucionalidade, limites e paradoxos. <https://doi.org/10.1590/SciELOPreprints.5948>

- Braga, S. I. S. (2023). A atribuição do Ministério Público no controle externo da atividade policial: A adoção de novos fluxos de trabalho para cumprimento das obrigações constitucionais e internacionais. *Revista da CSP*. <https://ojs.cnmp.mp.br/index.php/revistacsp/article/view/641>
- Camelo, R. P. (2025). A (necessária) convencionalização do controle externo da atividade policial no Rio Grande do Norte (Monografia de bacharelado em Direito, Universidade Federal do Rio Grande do Norte).
- Cavallazzi, V. W., & Suxberger, A. H. G. (2019). O controle externo da atividade policial em números do CNMP como ferramenta de accountability institucional. In *O Ministério Público e o controle externo da atividade policial*. CNMP. [https://www.cnmp.mp.br/portaI/images/Publicacoes/documentos/2019/ATIVIDADE\\_POLICIAL\\_04-09-19.pdf](https://www.cnmp.mp.br/portaI/images/Publicacoes/documentos/2019/ATIVIDADE_POLICIAL_04-09-19.pdf)
- Corte Interamericana de Direitos Humanos. (2017). Caso Favela Nova Brasília vs. Brasil (Sentença de 16 de fevereiro de 2017). [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_333\\_por.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_333_por.pdf)
- Corrêa, T. P., & Coutinho, N. C. A. (2019). O Ministério Público brasileiro enquanto instituição de police oversight: Controle externo da atividade policial, direitos humanos e o conceito de investigação criminal efetiva. *Revista Direitos Humanos e Democracia*, 7(14), 73–84. <https://doi.org/10.21527/2317-5389.2019.14.73-84>
- Fernandes, A. (2023). A atuação do Ministério Público na governança em segurança pública: Uma perspectiva ampliada sob o controle externo da atividade policial. *Revista da CSP*. <https://ojs.cnmp.mp.br/index.php/revistacsp/article/view/640>
- Greco, R. (2022). *Curso de direito penal: Parte especial* (Vol. 3, 19ª ed.). Atlas.
- Morais Júnior, J. B. (2022). Controle externo da atividade policial no Estado democrático de direito: Análise do papel do Ministério Público frente a abordagens policiais seletivas e discriminatórias. *Revista Acadêmica Escola Superior do Ministério Público do Ceará*, 14(2). <https://doi.org/10.54275/raesmpce.v14i02.231>
- Padilha, R. (2020). *Direito constitucional* (6ª ed.). Forense; Método.
- Pedrosa Júnior, J. L. C., Monteiro, L. M., & Nascimento, E. O. (2023). Accountability e controle externo da atividade policial: Uma análise das diretrizes do CNMP no enfrentamento à letalidade policial. *REDES – Revista Eletrônica Direito e Sociedade*, 11(2). <https://svr-net127.unilasalle.edu.br/index.php/redes/article/view/9556>
- Pinho, A. C. B., Chaves, A. B., & Miranda, M. V. C. (2024). O Ministério Público como instituição de garantias e o controle externo da atividade policial. *Boletim IBCCRIM*, 32(385), 22–25. <https://doi.org/10.5281/zenodo.13891971>
- Sousa Júnior, C. C. S. (2015). Estudos sobre a natureza jurídica do controle externo da atividade policial pelo Ministério Público. *Boletim Científico ESMPU*, 14(45), 107–141.

Supremo Tribunal Federal. (2025). Arguição de Descumprimento de Preceito Fundamental 635 – Rio de Janeiro (Rel. Min. Edson Fachin, julgado em 03/04/2025). <https://jurisprudencia.stf.jus.br/pages/search>

Viegas, R. R., Loureiro, M. R. G., & Abrucio, F. L. (2022). Do controle externo à simbiose com o sistema de justiça: A ação normativa do CNJ e CNMP. *Revista Brasileira de Ciências Sociais*, 37(110), e3711005.

Vieira, A. V. (2025). O papel do Ministério Público no controle externo da atividade policial: Tendências e desafios contemporâneos. *REI – Revista Estudos Institucionais*, 11(1), 21–45. <https://doi.org/10.21783/rei.v11i1.889>