



## **‘FULL CYCLE’ AND ‘SINGLE CAREER’ LEGISLATIVE PROPOSALS AND THEIR FAILURE ON ATTEMPTS OF ADOPTION IN BRAZIL**

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**Abstract:** This study aims to investigate the conditions for the formulation, conduction and approval of legislative bills related to the full cycle and single career in the area of public safety. Such proposals aim both to give proactive police the prerogative of investigation and to regulate the functional promotion of the police forces. The question that guides the study is whether full cycle and single career propositions are inadequate to the point of hindering their debate and consequent approval. To answer it, we use data from the House of Representatives, the Federal Senate, and scientific indexers to understand the quality of the bills and the context of the debate. The results show in particular large temporal gaps, primacy of the legislative over the executive, reduced academic debate and, consequently, low argumentative quality of the bills.

**Keywords:** Public Policy; Public Safety; Legislative Behavior.

### **1 Introduction**

After the Brazilian redemocratization, there were several attempts at legislative changes aimed at structural changes of the current Public Safety system, which is arranged in the *caput* of article 144 of the Federal Constitution (FC) of 1988. Among these proposals are those that seek to give proactive police the full cycle, as well as those that try to facilitate access to higher positions in institutions through a kind of functional promotion, called single career. The idea of the proponents of such legislative bills seems to be to transfer these two models (which are already in operation in other countries) to Brazil, in a kind of transfer of public safety policy.

Starting from the premise that the police only carry out part of the Public Safety cycle. That is, or they only take care of crime prevention or its investigation, it began to propagate the idea that to reduce criminal rates, it was necessary that any and every police agency could perform both functions, and not just the one for which it was created and is currently structured. This is commonly referred to as the full cycle police. Countries like France and Chile adopt a

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similar model. For advocates of this change, the police corporations, from these legislative changes, would work fully, that is, patrolling and investigating<sup>1</sup>.

A second matter is recurrent in the bills to modify the public safety system, namely the attempt to ascend to the highest positions of the police institutions without the necessary specific public tender, that is, by functional promotion. In other words, what is wanted is to enable members of less complex positions (on the hierarchical scale of police organizations) to be able to achieve higher-ranking positions without appropriate public tender. It must be borne in mind that functional promotion was a means of filling public positions, but the Supreme Tribunal Court (STF) prohibited it<sup>2</sup>. This attempt is called single career entry. Countries like the United States (Federal Bureau of Investigation, FBI) adopt a similar model.

Given this background, the present work has as its object the proposals to implement the full cycle and the single career. The purpose of the research is to offer an original study on the formulation, referral and political acceptance of such propositions in the Legislature. This approach is justified because, to date, the themes are being analyzed based only on legal references, and not based on the premises of scientific research and based on relevant Political Science literature (on public policy cycles, transfer of public policies, institutional change, limited rationality, among other lines)

The historical reluctance of the rulers to approve propositions on these two themes justifies the interest of the study of the Brazilian case. The two propositions treated here (present in the Brazilian case) were chosen to be studied because they materialize historical, repetitive and unsuccessful attempts to change the system, denoting a certain repellency, that is, those proposals that do not have sufficient social and political acceptance.

By combining these two (apparently tight) phenomena in a single research into a typical case of collective design, it is possible to corroborate the hypothesis even more generic than the proposal drawn here, that is, any public safety policies with repellent labeling would not achieve political success. This is also one of the objectives of the paper, which is to ensure even greater generalizing capacity (external validity) to what is being proposed here, to contemplate other equally inappropriate legislative propositions.

Finally, the fundamental question of the research is: can it be said that the full cycle and single career proposals presented in the post-redemocratization period were qualitatively inadequate for their political acceptance and, consequently, approval? Thus, the main hypothesis is

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<sup>1</sup> It must be made clear that the unification of the police into one that can accomplish all the tasks is not being discussed here, but the multiplication of identical police, removing the character of constitutional specialization. For this reason, proposals for legislative amendments such as PEC 60/1990, PEC 321/2013, PEC 432/2009 and PL 6666/2002 were not addressed in the research.

<sup>2</sup> In this sense, see the content of Binding Precedent no. 43 of the Supreme Court, approved on April 08, 2015: “It is unconstitutional any type of provision that allows the server to invest, without prior approval in a public tender for its provision, in a position that is not part of the career in which previously invested” (BRASIL, 2015).

that full cycle and single career proposals are inadequate, which may partly explain their failure or lack of attractiveness between legislators and rulers. Fully investigating this question will require the analysis of aspects such as: who are the initiators of such proposals – region of provenance, party and their ideology, legislators or presidents; temporal distribution of proposals in the post-redemocratization period (1988-2019); the context and academic discussion about the proposals listed here. Finally, the quality of bill justification, measured by textual analysis and categorization of key terms based on the political science literature – such as budget discussion, local peculiarities of public policy, and form of transfer between countries, among others. From the evaluation of these elements, it will be possible to infer, albeit descriptively, possible variables that explain the failure of the proposals under study.

Regarding the methodology, it is a primarily qualitative work. Observational analysis of data available in public databases was performed to try to prove or disprove the hypotheses raised, although it is accepted that other variables may also influence such a process of continued denial of these bills. The backbone of this research is the information collected from bills that are processing (and/or have been processed) in the House of Representatives and the Federal Senate. In such virtual sites, we sought information not only about each of the bills, but mainly about their proposers and their respective political parties. In addition, intense documentary research was carried out in the annexes of each of these legislative propositions to assess their content and consistency – in accordance with relevant aspects addressed in the public policy literature. Finally, in search sites, the existing academic papers on the themes were researched, to identify the amount of scientific elaborations on such themes. It follows that this procedure is important to find out if these objects are so relevant as to promote considerable exchange between researchers and the political class.

The article is divided into two parts. In the first, which comprises the next five sections, the theoretical assumptions related to the actions of political actors and the issue of public policy diffusion and agenda are presented – to underline the relevant elements to conjecture the variables that affect the phenomenon under study. The second part begins by detailing the methodological procedures and hypotheses and then presenting the results and their analysis in the next four sections. Finally, in the conclusion, we summarize the most relevant aspects of the research and point out a possible agenda of studies on the theme – which can reverberate in other works on public policy and even safety-related works.

### **The rationality of political actors and the possible costs of inappropriate policies**

The perspective adopted here is based on the thesis that political actors (members of the Legislative and chiefs of Executive) are considering not only giving voters what they want but also whether any legislative propositions can turn against the electorate and therefore make

them lose their initial political support. It can be stated that the logic identified by Arnold (1990, p. 17), regarding the behavior of US congressmen when seeking to estimate the preferences of their electoral base before joining or formulating a proposal applies equally to the chiefs of Executive and members of the Legislative in Brazil. Not that it can be thought that the Brazilian population wants the full cycle and single career to be implemented, because we assume that, on the contrary, these measures are undesirable in the eyes of voters. In any case, it is based on the rationality assumption that the following question was sought to be answered: have politicians been rejecting the implementation of such public policies of public safety because they understand them to be inadequate?

It is assumed that politicians know that the population may be the target of inadequate interventions produced by these changes, and hence the unfavorable impact to be exploited by their political opponents in any other elections becomes potential. In these terms, such a modifying public policy may be understood as a repellent public policy. Politically repelling preferences generate lasting costs, as political opponents can exploit the vote for such a proposal in the media and in future elections, because the vote in favor of such a proposal can be exploited in the media and, in future elections, by political opponents (ARNOLD, 1990).

It is believed that the perception about the causes and effects of these proposals for legislative change were of fundamental importance so that they did not prosper. Not only for their prospective bias, but also for their retrospective bias. In that first approach, the risks of the deconstruction of an already positive public safety system can be predicted, leading to the collapse of the social protection web. In retrospect approach, it is easy to see that the current public safety system has been consolidating for decades, and a drastic change can make us go back to ground zero. Changing the system can bring great risks to what has been historically achieved, even though there are also possibilities for small gains.

In the case under study, when we seek to deduce possible hypotheses of the phenomenon, the following stand out: the lack of academic discussion about the proposals listed here and the impacts of their implementation; the use of merely rhetorical arguments in legislative bills, which may indicate the absence of scientific evidence on the part of the bill proponent; the lack of mention in the justification of the bills on the information exchange protocol, which indicates that the transfer of public policy did not follow the expected procedure, which makes the results of its implementation even more uncertain; the lack of information about similar countries that adopt these systems and what are their similarities with Brazil; lack of information on the budgetary impact of change, which would act as one of the main barriers to affirmative policies decision making; and the lack of agenda holders, and the appropriation of the agenda by the President of the Republic, to facilitate this implementation process (with or without political bias).

The paper seeks to demonstrate that the lack of information on such topics, instead of masking the wrong premises of the proposals, have different effects from those desired by the

interested parties. Misinformation is also likely to increase the level of uncertainty about political, budgetary, institutional and legal costs, more than, even, if information about repellent bills was given. In other words, hiding the problems of such propositions can end up with worse consequences than expressly mentioning them: their political impracticability. In this sense, assessing the different variables listed in the previous paragraph will help to answer the main research hypothesis. To this end, it seems essential to understand what would be the assumed costs that politicians would consider when making their decision.

One of the most important obstacles to such proposals (especially that the full cycle) would be the increase in budget expenditures to implement such a modification, because the Police, previously only proactive, would need structural increment to carry out investigative tasks and vice versa. The multiplication of expenses to maintain identical corporations, organized in full cycle, is undoubted. In addition, one should not think that it will be possible to eliminate one or the other police, aiming to avoid double spending. It can be conjectured, therefore, that the lack of mention in the justifications of bills or constitutional amendments on the budgetary impact of such changes increases the chances of failure of such public policies.

In addition, the judicial (legal) risks of carrying out failed investigative acts due to lack of technical and legal capacity could increase the amount of judicial errors and, ultimately, undermine the credibility of public institutions. These risks would also be present in full cycle and single career proposals. Social perception about the usefulness and relevance of such changes is a very important factor in further raising the debated political risks. As politicians fail to see massive popular support for these propositions, the lower the chances that they will pass. Finally, it can be assumed that the perception of the unpopularity of the implementation of these bills encourages the political class to move away from their approval.

Note, then, that there are plausible reasons why, on the political path, rulers fear that voters will remember more of the early years disasters of this unreasonable “revolution” than of any good repercussions (to be seen after decades). As stated by Arnold (1990, p. 29), citizens are not always able to understand the entire causal current of an adoption process of public policy. In this case, short-term effects may be more obvious and lasting in their memories. This is an account, even, that those who adhere politically to such types of propositions may pay. The political cost is undeniable.

There are still other possible barriers. First, public policies of this level would not negatively affect only a certain group of voters, namely the poorest and resident in more peripheral neighborhoods. Thus, Public safety is understood to be a distributive public policy that encompasses all citizens, regardless of income and place of residence. In addition, public policies that subvert the form of police approach can draw the attention of people who usually do not care about such a theme. This is a great risk because when reporting gross errors in investigations or

even in the face of truculent actions, one can (unfavorably) warn the attention of voters who were previously uninterested (ARNOLD, 1990).

It seems interesting to us to understand that these controversial propositions have been conveyed in the guise of public policies imported from countries that are successful in combating their domestic crime without, however, analyzing the different contextual nuances that permeate these countries. This inadequate analysis can pose a major structural problem for Brazilian Public Safety.

### **The legislative dominance**

Without entering into the legal discussion whether such proposals for legislative change need to materialize in Proposals for Constitutional Amendment (PECs) and in Bills (PLs), what matters is that, in one way or another, both the President of the Republic, as well as members of the legislative can propose them. In addition, the dominance role of the Executive in the legislative process is usually assumed to be due to its high power of initiative. Pereira and Mueller (2003, p. 740), for example, point out that the Executive has instruments (constitutional powers of initiative, "centralization of decision-making process by party leaders of the majority coalition", and prerogative in the "distribution of political and financial resources") that give it an advantage in this area

Obviously, these factors are no impediment for Congress to do so, reclaiming its original power to trigger the legislative process – as the authors themselves acknowledge, by looking at the institutional arrangements available to the Legislative to counteract the Executive. Therefore, if it is found that these proposals for altering the structures of the Public Safety System came from the Brazilian legislature, why would the Executive be disinterested in placing this theme on the decision agenda? Hence, it can be conjectured that the Brazilian Presidents of the Republic have little interest in appropriating such subjects/agenda, which increases the chances of non-approval.

This assumption of Executive dominance in the face of the Brazilian Legislative process is important in two respects: the first because, even in an Executive dominance system, there may have been no original interest of the President of the Republic to modify the constitutional structure of Public Safety (through policy agenda domain tools). The second is that the Executive may never have appropriated any bill of this type (started in the Legislative) and, therefore, has not guided it until it was approved. The chief of Executive's interest is always very similar to that of representatives, namely, to remain in power by voting. This rational presumption is important, because if no President of the Republic (since 1988) has made the decision to implement such changes in the public safety system (especially the full cycle), it is because they did not see such a change as appropriate.

Another important argument is that the Executive's lack of interest in this process may have been caused by the lack of an agenda holder with sufficient capacity to make the internal legislative articulation or even to encourage the Executive Branch to buy such an idea and then appropriate those bills. At this point, specifically, the lack of clear information about the causes and effects of such bills (especially the risks of negative impact) may explain why no representative (or even the President of the Republic) risked losing his/her political capital. It is important to stress that the agenda holder can be anyone, provided he/she has specific knowledge about the object, as well as being able to centralize negotiations and serve as a reference point for others (SILVA; ARAÚJO, 2013).

This aspect is particularly important because it is asked whether the same attitude of disinterest would be present regardless of the political party of the representatives, or even whether the national government was right or left. We then hypothesize that, regardless of the political party, representatives have little interest in acting as agenda holders and working to approve the proposals.

Therefore, the combination of the Executive's lack of interest, the lack of agenda holders in the Legislative, the irrelevance of ideology and the complexity and social risks of these modifications may be essential factors in understanding why such proposals have never been successful.

### **Improper transfer of public safety policies from other countries**

The justification given by the sectarians for such changes is that other countries already adopt similar structures in public safety and are extremely successful. In short, they argue that proactive police (including militarized ones) can do the entire safety cycle, including the investigative part in the face of crimes perpetrated by civilians. In addition, it is argued that there are other police institutions in which the initial entry into a police career allows the subsequent ascension to the highest positions of the organization, without holding a public tender open to broad competition.

There is no denying that the Public Policy literature focuses on the real possibility of transferring a policy from one country to another, which is quite common. In fact, it is possible that only part of a model is transferred, which makes it possible to transfer the full cycle and single career to Brazil. As Marsh and Sharman (2010, p. 42) point out, it is rare for a policy to be copied in its entirety, and it is more common to build programs that integrate external and internal (hybrid) elements into the community in question – this initiative assists in the implementation process under other conditions. Therefore, the problem is not the copying of part of a foreign system, but rather the lack of geopolitical and economic framing of these attempts.

Finally, it is necessary to illuminate the minimum vectors for a transfer of this carat to be successful. It is worth noting that there are requirements indicated by the literature itself for this transfer of police models to be adequate; if absent, it would tend to a resounding failure (SHIPAN; VOLDEN, 2012). The complexity of the policy to be transferred is also an important (and risky) factor for its success (DOLOWITZ; MARSH, 1996). The internalization of these new public policies of public safety is not a single-stage policy, in which a slight partial change of legislation would have miraculous effects on society. In fact, multiple stages (and high costs) would be involved.

It should be borne in mind that public safety policies may also be considered inappropriate when there is no information on their purpose, as well as on the success of their implementation; when they deal with an irrelevant part of a foreign system being copied; and finally, when the country being copied from the system is very different from the country copying it (in this case, Brazil). Therefore, when it is here defined that a public policy is considered inappropriate, we choose to forget the conceptual difference between uninformed, incomplete and inadequate public policy (JAMES; LODGE, 2003), allocating them all under the same label.

In light of the above concepts, it is important to note that advocates of adopting these foreign safety models start from the mistaken assumption that countries go through the same criminal problems as Brazil. It can be said that the number of crimes (and the dominance of some of these crimes over others) are peculiar to each social reality. For this reason, it seems to be a contestable decision to import a police model into Brazil without considering the gaps that separate it from other countries. The country, for example, does not seem to have the same problems of terrorist attacks such as those that occur in some European countries. Indeed, militia action, structured corruption and the magnitude of national organized crime appear to be peculiar and much more relevant problems in Brazil.

It is not difficult to infer that, therefore, current French or English models may not be compatible with Brazil. On the other hand, trying similarities with the Chilean model seems inappropriate, because it is a unitary country and linked to a much smaller territorial portion than Brazil. There are other differences, of course. These differences, however, come to our eyes. Therefore we conjecture that the lack of mention in the justifications of bills or constitutional amendments on information from countries with similar characteristics to Brazil (geopolitical and economic similarities, for example), which already adopt such systems, denotes lack of knowledge about the necessary compatibility for the transfer of public policy and therefore the chances of approval are diminished.

This is why the transfer attempts based on ephemeral technical visits are considered inadequate. What there is in these cases is what we call a “tidy home visit”, in which the pioneer country always shows the recipient the best in its model, hiding existing visceral problems, not to disturb the good fame enjoyed by other countries. A visit of a few days in such a place does

not allow the in-depth analysis of the social aspect, the effective form of State organization, the nuances of relationship between the Branches, the economic aspect, the political bias and, finally, the ideological issue of the populations of the country. If one really wanted to learn from the other country (which would be an authentic policy learning process), one would need to immerse the intricacies of that system in something very similar to what is done in a usual ethnographic study (prolonged engagement in field).

Furthermore, there does not seem to have been a major requirement for the occurrence of an “adequate transfer of public policy”, in the course of any of these various legislative proposals analyzed, that is, that there was a formal protocol for exchanging information and experiences. This is said, because a transfer should not occur based on "hearing that", based on what is found on the internet and, even worse, through the copy of arguments from previous bills. For this reason, we infer that the lack of mention in the justifications of the bills or constitutional amendments to the information exchange protocol indicates that there is not enough information about such intended changes.

In the event of a failure in the transfer, not only the country that copies may be harmed, but also the one that lends the bases of public policy. After all, the country that lends it may have shaken the credit of its model, as it will become evident that such a structure, by itself, is not the panacea for the world's problems. In this sense, Dolowitz and Marsh (2000) underline that, despite the frequent expectation of success in policy transfer, there are elements that can hinder the process. Lack of attention to information obtained from the pioneer country, the existence of institutional aspects (and that explain the success) that have not been transferred, and contextual differences (economic, social, political, etc.) may result, in order, in uninformed, incomplete or inadequate transfers.

### **The flows for changing public safety policies**

Classical Political Science literature argues that the right time to put a theme on a government's decision agenda occurs when there is a confluence of three factors: current problems, the political will to solve them, and preexisting solutions. Such sets of variables, according to Howlett, Ramesh and Perl (2013) in reference to John Kingdon's work, are characterized as the flow of problems, the flow of public policy and the political flow.

It should be noted that, even before constructing a solution to the problem (flow of solutions), it is advisable to search for specialized scientific knowledge, which has the ability to formulate adequate hypotheses to solve these safety problems. The lack of such primary debates, which usually involve “bureaucrats, parliamentary advisers, academics, and think tank researchers” (ZAHARIADIS, 2014, p. 33), may be one of the reasons that none of these proposals has been successful. This is the reason for conjecturing that the insufficient academic

debate about the repercussions of the implantation of a new system results in the current failure of the listed proposals.

Therefore, in addition to the three flows cited above, it is necessary for a great conductor to organize such processes in the face of a window of contingency opportunity that opens for short periods, especially in times of spare external pressures; for example, in circumstances of war or alarming rates of certain crimes (GOERTZ; LEVY, 2007). The alignment of these factors, passing through this window together, is what indicates the success in the implementation of a public policy.

As seen, this window only opens according to the alignment of flows (problem, policy and solutions). Therefore, each event is likely to open a particular window. However, if the wrong window is opened, major problems can occur to achieve the desired changes. An example mentioned by Zahariadis (2014, p. 35), quoting George Avery, is when, on an occasion of bioterrorism, such an event is framed in the line of safety rather than public health, which limits the ability to "institute broad and grounded reforms that could improve not only the ability to conduct terrorist incidents but also meet other public health needs".

Therefore, in public safety crises, due to the lack of crime prevention, it does not seem appropriate that proactive police corporations, which are failing to achieve their institutional goals (mainly to prevent crimes), can change their position in the safety system arrangement to achieve additional functions and privileges. In this case, the window would not be adequate: one thing is the window focused on real solutions to public safety problems; another is the window for repositioning corporations in the safety system.

Therefore, rhetorical and repetitive arguments about public safety crises (as well as high crime rates) are not enough to open the window for the reform of the Public Safety system, especially when it is noticeable that legislative amendment bills are aimed at increasing the power of corporations and their members. Not only that. The argument for a public safety crisis should be accompanied by feasible and properly constructed solutions rather than by the choice of random remedies that can have even worse effects. For these reasons, we deduce that bills or constitutional amendments use repetitive arguments in their justification, which indicates that perhaps not even the proponents can understand the reason for such a proposition, which makes it even more difficult for governments and other legislators to convince and accept such bills.

### **The windows of constitutional opportunities and the possibilities for reform**

The present work assumes that, in the current constitutional order, there were two major windows of opportunity for structural change to be proposed by interest groups and political entrepreneurs: the first, in the course of the National Constituent Assembly (Portuguese acronym: ANC) itself; and the second in the period of constitutional revision.

Although the findings of the literature do not clearly show that the first major window of opportunity for interest groups occurred during the ANC period itself, due to insufficient data to show their performance in the Houses of Representatives (SANTOS, 2014), it is very likely that the first moment for defensive advocacy in this regard was between 1987 and 1988. After this, the second stage of lobbying (the second constitutional window) took place between 1993 and 1994, during which time the express possibility of constitutional revision existed (SANTOS, 2014).

The information about these two windows of opportunity is very relevant for this work because what should be expected is that any structural change bills would have more recurrence in these periods. However, the logic with regard to full cycle and single career bills seems to have followed a different trajectory due to the failure of undemocratic bills that accompany them. It is said that, steeped in the renewed democratic spirit, it seems unviable that there have been incentives for legislators (and the Executive itself) enact such contradictory bills in the face of the advent of the New Republic. For this reason, in short, we conjecture that the period of Brazilian redemocratization caused an even more inadequate environment for proposing full cycle and single career bills.

It is also hypothesized that these changes are being resisted by the fact that it is not certain about the solution based on the granting of even more power to the proactive police, especially militarized ones, as well as guaranteeing a market reserve for the already policemen. The reason for the repellency is simple. The assumption is that proactive police are not achieving success in preventing crime and are therefore equally ineffective in the face of the new mysteries they are seeking. In the case of the single career, the offense to the universal principle of public tender, preventing any person (whether or not in an institution) from competing (by accumulated knowledge) for the highest positions in a corporation, giving classist privileges to those already in the corporations, sounds undemocratic. Anyway, these attempts to change the set rules, fostered by unsuccessful members in their original role, needing to reinvent the structures of the system to seek their repositioning, are a good example of the phenomenon known as institutional displacement (MAHONEY; THELEN, 2009).

### **Methodology and hypotheses**

All the hypotheses formulated in the previous sections were built with previous support in an extensive literature review, which gives the right direction for the descriptive and causal inferences we aim to reach. The methodological construct has as its main function to seek to answer the fundamental question of the research: can it be said that the full cycle and single career proposals presented in the post-redemocratization period were qualitatively inadequate for their political acceptance and, consequently, approval? Thus, it appears as the main hypothe-

sis of the research: full cycle and single career proposals are inadequate, which may partly explain their failure or lack of attractiveness between legislators and rulers.

In addition, the intention is to seek confirmation of the secondary hypotheses, which specify the main hypothesis, namely: (1) the lack of mention in the justifications of the bills or constitutional amendments on the budgetary impact of such changes provides the failure of these public policies; (2) the perception of the possible unpopularity of the implementation of these bills makes the political class to move away from their approval; (3) Brazilian Presidents of the Republic, regardless of party, have little interest in appropriating such topics/agenda, which increases the chances of non-approval; (4) Regardless of the political party, representatives have little interest in serving as agenda holders and working for the approval of proposals; (5) the lack of mention in the justifications of bills or constitutional amendments on information from countries with similar characteristics to Brazil, which already adopt such systems, denotes lack of knowledge about the compatibility for the transfer of public policy and, therefore, decreases the chances of approval; (6) the lack of mention in the justifications of the bills or constitutional amendments to the information exchange protocol indicates that there is insufficient information on such intended changes; (7) the insufficient academic debate about the repercussions of the implantation of a new system results in the current failure of the listed proposals; (8) bills or constitutional amendments use repetitive arguments in their justification, which indicates that perhaps not even the proponents can understand the reason for such a proposition, which makes it even more difficult for governments and other legislators to convince and accept such bills; (9) the period of Brazilian redemocratization caused an even more inadequate environment for proposing full cycle and single career bills.

It is emphasized that the present work intends to observe the original proposal of the bills and of constitutional amendment aimed at the granting of full cycle of police and single career for the police institutions. However, it will not interfere in the in-depth discussion of substitutes to these bills, nor in the face of eventual appendices, nor will any major or minor changes be noted during the respective processing, which may be the object of future research. The idea is to construct a panorama about the diffusion of such propositions to produce sufficient descriptive and causal inferences to confirm or reject the hypotheses raised here, and not to understand their legislative process in their details.

The construction of data collection methodology considered the main legislative objects "full cycle" and "single career". Regarding the full cycle of police, the research was not limited to propositions dealing with a particular police corporation, even though the focus on the full cycle propositions of militarized police seems to be even more central. As for single career proposals, identical parameters were applied.

Information such as the bill number, the main author, the state and the party to which he/she is linked (whether Right, Center or Left), the date of the proposal and the President's

party at the time of the proposition are key information that needed to be brought up to enable important descriptive inferences for the research (and for future ones). Regarding the categorization of political parties, it starts from the classification given by the work organized by Krause, Machado and Miguel (2016).

To analyze the dynamics and intensity of these propositions, considering the time series since 1987, we began to compile the information of bills that are processing (and have been processed) in the House of Representatives<sup>3</sup> and the Federal Senate<sup>4</sup> until 03/01/2019. To this end, using the search tools of the legislature's own websites, keywords were used to find all the Bills and Constitutional Amendment Bills that dealt with the two themes mentioned above, regardless of the corporation to which they were linked.

Unpublished description tables were constructed aiming at evidencing the existence of a pattern of temporal distribution of such bills, as well as the characteristics of their proposers, which could help in descriptive inferences and, therefore, in future inferences about the causes that caused such opposition to such propositions in all legislatures after redemocratization. This analysis allowed the construction of better test parameters (in search of the construct validity), allowing to improve even the hypotheses already formulated.

Some additional observations were made, such as the party of the President of the Republic at the time of the proposal to amend the legislation, to infer whether, in view of the ideological component, in mandates of left Presidents, there is a prevalence of such propositions. This secondary hypothesis seeks to demonstrate the existence of a political framing for legislative propositions. The idea is to show whether these bills for changing the structure of public safety are favored by leftist ideology or not.

Another point that needed to be investigated is whether the propositions were linked to the initiation of representatives or followed the tendency of legislative dominance of the Executive Branch. According to Silva and Araújo (2013, p. 24), "the phenomenon of the appropriation of the agenda is verified when bills or provisional measures of the government are inspired by proposals that are being processed in Parliament", acquiring different features and degrees. According to the same authors "from 1995 to 2010, 18.5% of the provisional measures and 40% of Executive bills came about through the appropriation of the Legislative agenda" (SILVA; ARAÚJO, 2013, p. 25). This is a relevant point because the Executive Branch's lack of interest in the appropriation of the referred legislative amendment bills may indicate the possible absence of agenda holders to lead their approval.

It was decided to perform simple bibliometric analysis about academic works focused on the objects under study. The idea is to verify if there were (or not) enough academic debates

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<sup>3</sup>Câmara dos Deputados. Propostas legislativas. Link: <https://www.camara.leg.br/busca-portal/proposicoes/pesquisa-simplificada>

<sup>4</sup> Senado Federal. Atividade legislativa. Link: <https://www25.senado.leg.br/web/atividade/materias>

about such propositions and, therefore, to analyze if this variable may have contributed to the failure of any and all proposals that dealt with “full cycle” and “single career”. The methodological option was not only to quantify such academic works and to allocate them in the timeline, but mainly to categorize the works by the author's academic qualifications (academic degree). Moreover, in a similar bibliometric framework, it was decided to analyze, in the referred legislative bills, the repetition of words and arguments to prove the presence or absence of adequate and necessary information for the decision for approval.

### **Description tables of the bills in the House of Representatives**

It will be possible to notice from the data below that, of the 12 legislative proposals about full cycle, eight are from Representatives of the Southeast Region, which indicates a possible cluster to be studied. Another important observation is that only two proposals were materialized in common bills, and the others materialized in proposals for constitutional amendments. This can be because the rules dealing with the structure of Public Safety, listed in article 144 of the Federal Constitution, are constitutionalized and, therefore, only by constitutional amendments could be changed.

It can also be seen that the propositions had a time gap between the years following the ANC, only appearing around the year 2000. A very important point that was raised is that the first proposals to appear, almost 10 years after redemocratization, were in order to municipalize public safety, giving full cycle to municipal police, which may indicate greater repellency (in periods closer to the ANC) when the full cycle to be debated is linked to the military forces. In this sense, they are PEC No. 124/1999, No. 250/2000 and No. 291/2000 (BRASIL, 1999, 2000a, 2000b).

Another interesting point is that no proposal came from the chief of the Executive Branch, showing his/her disinterest in piloting bills in this direction. Moreover, there is a very balanced relationship between proposals for legislative change in Right and Left governments. Six were elaborated in Workers' Party (PT) governments and another six by other governments (Fernando Henrique Cardoso, Michel Temer and Jair Messias Bolsonaro). As for the proposing representatives, seven came from right representatives, two from left, two from center and one from left/right coalition representatives.

**Table1** - Full Cycle Proposals in the House of Representatives

NUMBER	AUTHOR	DATE	PARTY	STATE	PRESIDENT AT THE TIME OF THE PROPOSAL
PEC 124/1999	Félix Mendonça	09/30/1999	PPB - D	BA	Fernando Henrique Cardoso - PSDB
PEC 250/2000	Ronaldo Vasconcellos	05/25/2000	PFL - D	MG	Fernando Henrique Cardoso - PSDB
PEC 276/2000	Cunha Bueno	08/09/2000	PPB - D	SP	Fernando Henrique Cardoso - PSDB
PEC 291/2000	Mauro Benevides	10/05/2000	PMDB - C	CE	Fernando Henrique Cardoso - PSDB
PEC 181/2003	Josias Quintal	10/16/2003	PMDB - C	RJ	Luiz Inácio Lula da Silva - PT
PEC 7/2007	Indio da Costa	02/14/2007	PFL - D	RJ	Luiz Inácio Lula da Silva - PT
PEC 266/2013	Félix Mendonça Júnior	05/24/2013	PDT - E	BA	Dilma Rousseff - PT
PEC 423/2014	Jorginho Mello	08/06/2014	PR - D	SC	Dilma Rousseff - PT
PEC 431/2014	Sub-lieutenant Gonzaga	10/29/2014	PDT - E	MG	Dilma Rousseff - PT
PEC 127/2015	Reginaldo Lopes and Rosângela Gomes	09/09/2015	PT and PRB - E/D	MG and RJ	Dilma Rousseff - PT
PL 9814/2018	Captain Augusto	03/20/2018	PR - D	SP	Michel Temer - PMDB
PL 1004/2019	Captain Augusto	02/21/2019	PR - D	SP	Jair Messias Bolsonaro - PSL

**Source:** Prepared by the author.

Regarding the legislative evolution of single career proposals, it is clear that there were fewer single career proposals (6) than full cycle proposals (12), which could indicate that proactive police advocacy would be more intense than that of internal interest groups of corporations seeking functional advancement. This point needs to be further investigated in future work.

Furthermore, although there was a dominance of the legislative, in a period close to the ANC, the Executive Branch has withdrawn its legal prerogative and proposed two bills for the single career. This point is important because, as far as the full cycle is concerned, the President of the Republic never made a proposal, which may be derived from the absolute lack of agenda holders, as well as by the presumption of greater repulsion of such proposition.

**Table 2** – Single Career Proposals in the House of Representatives

NUMBER	AUTHOR	DATE	PARTY	STATE	PRESIDENT AT THE TIME OF THE PROPOSAL
PL 3531/1989	Executive Branch	09/11/1989	-	-	José Sarney - PMDB
PL 3607/1989	Executive Branch	09/11/1989	-	-	José Sarney - PMDB
PEC 44/2007	Carlos Willian	04/17/2007	PTC - D	MG	Luiz Inácio Lula da Silva - PT
PL 6440/2009	Captain Assumção	11/18/2009	PSB - E	ES	Luiz Inácio Lula da Silva - PT
PEC 361/2013	Otoniel Lima	12/03/2013	PRB - D	SP	Dilma Rousseff - PT
PEC 273/2016	Sub-lieutenant Gonzaga	10/26/2016	PDT - E	MG	Michel Temer - PMDB

Source: Prepared by the author.

Moreover, it is possible to see in table 2 that the proposals also suffered a temporal abyss, as also seen in the full cycle proposals (between 1989 and 2007), which may indicate similar resistance of the Legislative to proposals of this nature in the period near redemocratization.

In addition, of the six proposals from the legislature, four of them are linked to federal representatives from the Southeast, which could suggest a hypothetical cluster of ideological action. Finally, with regard to the party of the President of the Republic at the time of the proposition, three were proposed in PT governments and the other three in governments of the Brazilian Democratic Movement Party (PMDB). Which may indicate that, for both left-wing and right-wing governments, they understand that such proposals may bring them risks of loss of votes and, therefore, they would have no interest in proceeding with such proposals, nor in promoting them the appropriation. With regard to the political parties of the proposing representatives, two proposals came from representatives from the right, and two came from representatives from the left, which reinforces the above hypothesis.

### **Description tables of the legislative amendment bills in the House of Representatives**

The number of full cycle Proposals for Constitutional Amendments pending in the Federal Senate is much less significant than those proposed in the House of Representatives. In fact, this was already expected, as the Federal Senate is not usually the dominant initiating House in the Brazilian constitutional system. Finally, it is possible to see that there were three PECs, all

of which were proposed by a set of Senators, making it impossible to hermetically analyze the party of the main proposer, as well as his/her national origin.

Anyway, it can be seen that, prior to 2005, no such bill had been proposed in that legislative house. It can be observed that there was a clear prevalence of propositions at the time of the PT government. This may have been due not to political affinity, but to the fact that there was greater legislative abstinence in the Federal Senate after such redemocratization in 1988. Another point of great interest is that the authorship of such bills, it is often joint and multiparty, indicating once again that party affinity may not be sufficient cause to explain recalcitrance in the proposition of unsuccessful full cycle and single career bills.

**Table 3 - Full Cycle Proposals in the Federal Senate**

NUMBER	AUTHOR	DATE	PARTY	STATE	PRESIDENT AT THE TIME OF THE PROPOSAL
PEC n° 21/2005	Senador Tasso Jereissati and others	2005	Several - Undetermined	Several	Luiz Inácio Lula da Silva - PT
PEC n° 51/2013	Senador Lindbergh Farias and others	2013	Several - Undetermined	Several	Dilma Rousseff - PT
PEC n° 131/2015	Senador Tasso Jereissati and others	2015	Several - Undetermined	Several	Dilma Rousseff - PT

Source: Prepared by the author.

In a similar way, regarding the legislative evolution of proposals on the single career, it is possible to realize that the legislative abstinence on this theme, after the redemocratization of 1988, was even greater than on the full cycle, because the first proposal only happened in 2011.

**Table 4 – Single Career Proposals in the Federal Senate**

NUMBER	AUTHOR	DATE	PARTY	STATE	PRESIDENT AT THE TIME OF THE PROPOSAL
PEC n° 102/2011	Senador Blairo Maggi and others	2011	Several - Undetermined	Several	Dilma Rousseff - PT
PEC n° 51/2013	Senador Lindbergh Farias and others	2013	Several - Undetermined	Several	Dilma Rousseff - PT
PEC n° 73/2013	Senador Anibal Diniz and others	2013	Several - Undetermined	Several	Dilma Rousseff - PT

Source: Prepared by the author.

In conclusion, all the data and inferences listed in this section are necessary and appropriate for some of these possible causal relationships to be demonstrated. Future research may raise other hypotheses that complement this work.

### **Description tables of scientific articles**

The relevance of scientific work for understanding the cycle of public policy, including Public Safety, is undeniable. Therefore, it was necessary to analyze whether the construction of solutions to public safety problems, based on full cycle and single career proposals, came from specialized academic premises (from research based on the correct use of scientific methodologies) or whether based exclusively on works of little expression and based on mere legal rhetoric.

Finally, the following tables were built focusing on academic publications, regardless of the way the paper was published (journal, periodic, book or website), as well as whether or not they were favorable to such proposals. If the intention was to highlight the academic disinterest in such topics, this methodology is apt to do so. Another point that needed to be clarified is whether a good part of these works come from authors who are (or were) members of (mainly military) police forces, which could indicate that there is great interest from corporate groups in the dissemination of biased information about these new models.

On this point, it is important to emphasize that the choice to dichotomize academic works between those produced by masters/doctors and those of authors with lesser degree-education is not unreasonable. Those works are presumed to have greater methodological rigor, more relevant evidence and, mainly, they are linked to longer time for research development. Based on these assumptions, the terms "full cycle" and "Police" were searched in the search engine of the Brazilian Digital Library of Theses and Dissertations (BDTD)<sup>5</sup>, Scielo portal<sup>6</sup> and, finally, Google Scholar<sup>7</sup>. These searchers found hundreds of thousands of results, referring to texts that have mentioned such expressions, even though they did not necessarily address the most insightful discussion on the subject. Therefore, only those texts that had adequate debate on the subject, and not just brief or circumstantial mention, were cataloged.

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<sup>5</sup> Instituto Brasileiro de Informação em Ciência e Tecnologia (Ibict). Biblioteca Digital Brasileira de Teses e Dissertações (BDTD). Link: <http://bdtd.ibict.br/vufind>.

<sup>6</sup> Scientific Electronic Library Online (Scielo). Link: <http://www.scielo.br/cgi-bin/wxis.exe/iah/?IsisScript=iah/iah.xis&base=article%5Edlibrary&fmt=iso.pft&lang=i>.

<sup>7</sup> Google Acadêmico. Link: <https://scholar.google.com.br>.

**Table 5** - Academic Works on Full Cycle

Year	Quantity	Master / Doctor Degree	Public Safety
Between 1988 and 2000.	0	-	-
Between 2000 and 2010	4	2	4
2011	0	0	0
2012	0	0	0
2013	5	1	3
2014	4	3	2
2015	3	0	3
2016	7	3	4
2017	7	0	6
2018	6	2	6
2019	2	0	1
Total	38	11	29

Source: Prepared by the author.

The above data is very important, as it indicates that the amount of scientific work produced on this specific subject is very small. Since 1988, the production of only 38 works of this nature indicates a possible lack of interest of the academy for such theme. It is noticeable that major strength of works only starts from 2013, for reasons that need further investigation. Of the 38 papers cataloged in the present research, masters or doctors (including work on the completion of *stricto sensu* graduate studies) carried out 11 of them; the other 27 papers came from lower academic categories. Another interesting point is that 29 of the 38 cataloged works were carried out by members (and former members) of the public safety secretariat (22 military), which reinforces the hypothesis that interest in such topics is restricted to corporate bias, not coming from experts in general.

Finally, the same methodology applied in the construction of the full cycle debate table was replicated for the construction of the single career study. What was peculiar was that the terms “single career” and “police” were searched in the BDTD search engine, and no results of interest returned. In addition, similar terms were searched in the Scielo search engine, and no results were found. Finally, similar terms were searched in Google Scholar, and only two were the relevant texts found, the authors being linked to Public Safety. It should be noted that these

searchers found thousands of results (more than 60,000), referring to texts that have mentioned such expressions, even though they did not necessarily have a more insightful discussion on the subject. Therefore, only those texts that had adequate debate on the topic, and not just quick or circumstantial mention, added to other objects of discussion, were cataloged.

**Table 6 - Academic Works on Single Career**

Year	Quantity	Master / Doctor Degree	Public Safety
2017	2	0	2

Source: Prepared by the author.

### Description table of bill justifications

Going a little beyond what was built above, it was necessary to verify if the justifications of the referred legislative bills usually bring similar arguments, which could indicate a lack (and repetition) of information used as a background to such propositions and, therefore, the poverty of the evidence and the basis for the construction of the proposals. Therefore, it is important to note that the two types of informational nuances analyzed in this paper (lack of academic papers and use of repetitive terms in justifications) aim to demonstrate this theoretical poverty of bills. Hypotheses 7 and 8 above (cf. p. 15) would then be clearly linked. The fact is that we did not envisage an endogenous relationship that imposed the choice of one and the discard of another, because, in our view, the lack of academic work can cause poverty in the justifications of the bills, and the opposite is not necessarily true.

Finally, the next table is based on the use of repetitive arguments and justifications in the 12 full cycle bills of the House of Representatives and the three of the Federal Senate. It seems appropriate to assume that the use of a justification standard for bills of these carats can demonstrate the lack of knowledge of the authors of the bills on the subject, which would act as a barrier to the emergence of real political entrepreneurs. It should be remembered that agenda holder is always knowledgeable about the topic.

It should be clarified that the set of arguments that were collected in the justification of the bills did not consider the number of times they were repeated in the same text, but whether or not they were used in the various bills. For example, nine of the 15 full cycle bills used the "high rates of criminality" a dominant argument for changing the public safety system. Another dominant argument is the "lack of resources" (6), even though there was no analysis on the budget cost for implementing this new model in any bill. Moreover, although the impactful expressions above have been used as justifications for changing the Brazilian public safety system, there was no thematic confrontation as to why increasing the powers of the police, who

cannot prevent crimes, be the most appropriate solution to the case, and it was not even indicated from where, knowing of the budgetary shortfall, the money for the cost of such changes would arise.

**Table 7** - Repetitive arguments on Full Cycle (House of Representatives and Federal Senate)

Arguments	Number of Bills
High crime rates in Brazil	9
Lack of resources	6
Crime is caused by various problems (social, economic, etc.)	5
In Brazil, police have incomplete functioning	5
Excessive bureaucratization of police work	4
The present model only exists in Brazil	4
Reference to other PECs already proposed in the justification text	3
Mention on the safety system of other countries	3
Mention on the budget cost of such change	0
Mention about the existence of information exchange protocol	0

**Source:** Prepared by the author.

It is clear from the table above that the argument that the present safety model has “incomplete functioning” (5) is accompanied by the argument that the aforementioned paradigm “only exists in Brazil” (4). However, only on three occasions were international safety systems cited (superficially), and in no bill analyzed was there a formal protocol for information exchange between countries mentioned. Another curious point is that there was mention, in the justification of the bills, of other PECs (which happened on three occasions), which may indicate the revisiting of themes and arguments previously faced by the House of Representatives, but giving them new guise.

As for single career bills, six were proposed in the House of Representatives and three in the Federal Senate. In the light of what was accomplished in the full cycle bills, here will also be presented what were the arguments repeatedly used to justify the police single career.

Although adjectives such as “merit” (4), “isonomy” (3) and “democratic” (2) were used to justify such bills, there was no thematic confrontation about the undemocratic approach of limiting broad competition in public tenders for the highest positions in corporations. Moreover, only on one occasion was a safety system cited from other countries, although superficially. Finally, there was no mention, in any of the bills, about the budgetary cost of such change, nor about the existence of an information exchange protocol.

**Table 8** - Repetitive arguments on Single Career (House of Representatives and Federal Senate)

Arguments	Number of Bills
Merit	4
Isonomy	3
Efficiency	3
Institutional strengthening	2
Valorization	2
Democratic	2
Mention on the safety system of other countries	1
Mention on the budget cost of such change	0
Mention about the existence of information exchange protocol	0

**Source:** Prepared by the author.

In conclusion, it is important to gather what can be understood from the data presented. Following the order of the last four sections, we have evidence that partially corroborates hypothesis 3: the last presidents, regardless of the political party, have shown little interest in the proposals listed – using their initiative power only in two cases for single career proposals. Important was the inference that there was dominance of the legislature in such propositions, breaking with the expected paradigm of dominance of the Executive. In addition, the total number of bills and the time gap are in line with hypothesis 4, although there is a greater interest from representatives from the Southeast, who may, in the future and with more elected representatives from the safety forces, actually act as agenda holders. In any case, it is perceived that the ideological cleavage does not, so far, lead to greater interest on the part of both presidents and representatives, given the relative ideological-partisan balance between proponents and presidential mandates.

Regarding scientific production, a vector for a more qualified debate on such proposals, it is clear that there is insufficient research on the repercussions of adopting the full cycle and single career – partially corroborating the scenario of hypothesis 7. It is worth remembering that most of the work produced came from members or former members of the safety forces, and were mostly prepared by authors who do not have the degree of master or doctor. Apparently, even from the analysis of the justifications of the bills presented, even these few works had no influence on the debates in the Legislative. This is because, moving in a direction that converges with hypotheses 1, 5, 6, and 8, there is little support from proponents based on basic information on budget requirements, information from countries with similar systems, and the use of repetitive arguments, to cite the main aspects.

Finally, it is clear that during the windows of opportunity of the constituent period (1987-1988) and constitutional revision (1994-1995) there was no adequate scenario for such proposals to succeed in the legislative process. In fact, there was an even longer than expected quarantine period. It is noteworthy that this occurs despite the growing presence of members of the safety forces in the House of Representatives over the years<sup>8</sup>. All of this reinforces a picture of convergence with hypothesis 9, but not just that; because from all the foregoing discussion of the rationality of political actors and the public policy cycle, it can be deduced that the full cycle and single career actually appear as repellent public policies – in support of hypothesis 2.

Recognizing that such a phenomenon is multicausal, and that a broader knowledge of incident variables would require other methodologies, we are careful not to recognize that such hypotheses are fully proven. Only with broader research as well as the triangulation of other methods will it be possible to clarify these points. In any case, we hope that this work will offer firm subsidies so that this agenda of studies on public safety, public policy and legislation is raised.

### **Final considerations**

This work aimed, mainly, to assess the evolution, in the Federal Legislature, of some proposals associated with structural changes of the Brazilian Public safety, namely, the full cycle and single career. Through a literature review, regarding the rationality of political actors and the elaboration and diffusion of public policies, we raise possible hypotheses to deduce the reasons why such proposals have not been successful.

From the assessment of the qualitative data, regarding the legislative bills and the context of the evidence-based debate, it was possible to show, in response to the research question, that the proposals are inadequate and that there is little discussion about the factual implications and possibilities of transferring such policies from contexts elsewhere to Brazil. We then deduce that these elements contribute to the current scenario of complete failure of these proposals in the Legislature. Other variables that compete to hinder their progress, or gain political support for approval, should be raised in future research.

Here, using information from bills that are processing (and have been processed) in the House of Representatives and the Federal Senate, based on data from official (and open) sources of the legislatures themselves, we built description tables with data on the bills presented. In addition, we categorize academic papers related to thematic to assess the quality of the evi-

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<sup>8</sup> This finding comes from the reports of the Inter-Union Parliamentary Advisory Department, from which it can be observed that six representatives (among police officers, firefighters, delegates and military) were elected to the 2007-2011 Legislature (DIAP, 2006); four to the 2011-2015 Legislature (DIAP, 2010); 18 to the 2015-2019 Legislature (DIAP, 2014); and finally 32 to the 2019-2023 Legislature (DIAP, 2018). Despite this, such proposals have not flourished, evidence that these representatives lack the background, preparation or even experience to convince their peers.

dence-based scientific debate. From these efforts, it was possible to identify some regularities that contribute to the literature of public safety policies. The small number of proposals, their time gap in the post-redemocratization period<sup>26</sup> and the scarce basis of the bill justifications – converging with the volume and quality of the corresponding academic production – contribute to explain the failure of the full cycle and single career proposals.

Although there was a clear choice for a documentary research design, there is no denying the possibility of proving the hypotheses listed here by using other methods of scientific investigation, such as survey or even the process analysis methodology (process tracing). In fact, for the sake of parsimony – and the practical difficulty of operating on other methodological standards – that it has not evolved into the construction of a questionnaire to be sent to key actors in these processes. The fact is that, in the future, it is intended that, in association with other methodologies, the much desired methodological triangulation is achieved. This work is expected to contribute to the research agenda, not only in formulating a new research design, but also in assessing issues related to windows of opportunity, and the kind of public policy changes that would be most willing to approve (displacement, layering, drift, conversion). These objects will also greatly contribute to the construction of a robust literature on Legislative Branch and public safety policies.

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