



## Police abuse in the State of Paraíba and human dignity in local journalism

### *Abusos policiales en Paraíba y dignidad humana en el periodismo local*

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**Abstract:** The violation of the principle of human dignity through police abuse and the sensationalist approach made by the media is a reality that plagues the State of Paraíba. In view of this, it is necessary to analyze how this problem occurs and how it represents an impasse for the realization of Human Rights. Thus, the present study, through an analytical and hermeneutic methodology, makes a bibliographic review, based on the analysis of Brazilian legislation on the subject and an exploratory and descriptive research, by examining newspaper articles that report cases of police abuse. in the studied State and, also, when verifying what the jurisprudence of the Court of Justice of Paraíba says about these specific cases. In the meantime, it is clear that the minimum guarantees listed in the Federal Constitution of 1988 and the Universal Declaration of Human Rights of 1948, even after a few decades, still need to be truly implemented in the context of the State of Paraíba, since detainees lose only their political rights, but they are holders of all the others listed throughout the constitutional text, including the right to dignity, however, in practice it is noticeable that this does not occur. Therefore, it is concluded that these constant violations by the media and the public security agents themselves are the result of a problem deeply rooted in the Brazilian reality and that affects, mostly, those who are on the margins of the State, suffering from its neglect of the situation.

**Keywords:** *Police Abuse; Human Dignity; Human Rights; Journalism; Paraíba.*

**Resumen:** La violación del principio de la dignidad humana a través del abuso policial y del enfoque sensacionalista realizado por los medios de comunicación es una realidad que azota al Estado de Paraíba. En vista de ello, es necesario analizar cómo ocurre este problema y cómo representa un impasse para la realización de los derechos humanos. Así, el presente estudio hace una revisión bibliográfica, basada en el análisis de la legislación brasileña sobre el tema y una investigación de nivel exploratorio y descriptivo, examinando los artículos periodísticos que relatan casos de abuso policial en el Estado estudiado y también verificando lo que dice la jurisprudencia del Tribunal de Justicia de Paraíba sobre estos casos concretos. Mientras tanto, queda claro que las garantías mínimas enumeradas en la Constitución Federal de 1988 y en la Declaración Universal de los Derechos Humanos de 1948, incluso después de algunas décadas, todavía necesitan ser realmente implementadas en el contexto en que se encuentra el Estado de Paraíba, ya que los detenidos pierden sólo sus derechos políticos, pero son titulares de todos los demás enumerados a lo largo del texto constitucional, incluyendo el derecho a la dignidad, pero en la práctica se nota que esto no ocurre. En resumen, se concluye que estas constantes violaciones por parte de los medios

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de comunicación y de los propios agentes de seguridad pública son el resultado de un problema profundamente arraigado en la realidad brasileña y que afecta, sobre todo, a aquellos que se encuentran al margen del Estado, sufriendo con su negligencia ante la situación.

**Palabras clave:** *Abuso Policial; Dignidad de la Persona Humana; Derechos Humanos; Periodismo; Paraíba.*

## **INTRODUCTION**

Since the inclusion of the Principle of the Dignity of the Human Person, expressly stated in Article 1, item III, of the Federal Constitution of 1988 - CF/88, the affirmation of the Principle of the Dignity of the Human Person as a human, imprescriptible, irrenounceable, and fundamental right has been enshrined in the legal sphere. However, if we emphasize the historical and political aspects of the theme together with the police efforts to fight crime, as well as the journalistic coverage in Paraíba, we can see that the mere legal-formal affirmation of this fundamental principle is far from meaning its effectiveness in contemporary society.

In this sense, it is primordial to reflect if human rights are being assured in Paraíba's police approaches, operations and articles, since the Principle of Dignity of the Human Person has the purpose of protecting the basic rights, namely the right to life, to liberty, to dignity, to physical and moral integrity, and to security.

According to the Brazilian Yearbook of Public Security 2022, the state of Paraíba is the federal unit that provides the least budget for policing in Brazil, although it is clear that from 2020 to 2021 there was a positive variation of 68%, the state still has a shy budget compared to the rest of the country. Therefore, it strongly impacts the non-observance of fundamental rights.

In addition, the Federal Constitution protects the rights to life and to security. In this regard, the Public Prosecutor's Office of Paraíba in 2021 recommended the installation of body cameras in the uniforms of the police, once tested in the state of São Paulo, such a measure showed a reduction in police lethality, a drop of 49% from 2020 to 2021, as well as a decrease in the rates of violence in police operations, according to the Brazilian Yearbook of Public Safety 2022.

Moreover, Law No. 2.083, of November 12, 1953, regulates the Freedom of the Press, which prohibits the practice of slandering, insulting or defaming someone, as well as inciting the practice of any crime. However, in view of the police news, recognized reporters at the state level, such as Sikeira Jr. and Emerson Machado, known by the nickname "Mofi", repeatedly trivialize some rights enshrined in the Universal Declaration of Human Rights and violate the infra-constitutional legislation on freedom of the press, for example, the several times they celebrated the death of "bad guys" in police operations, trivializing violence. Thus, it is essential that the media be a partner in bringing the public agents of

security closer to society, contributing so that citizens understand police activity as a service rendering, putting aside the "belief of incompatibility of police-work with human rights" (CERQUEIRA, 2001, p.74), for the promotion of a safer and more harmonious community.

To do so, this paper starts from the following question: How is police abuse treated by the press in the State of Paraíba and by the jurisprudence of the Court of Justice of Paraíba, considering the guidelines of human rights, specifically the Principle of Dignity of the Human Person?

In this way, we intend to promote a discussion, in an objective and scientific way, about the particularities of this problem that moves away the fundamental guarantees enshrined as fundamental clauses by the Constitution, and results in harmful effects mainly for those who are accused or convicted of some criminal practice and on the fringes of society and of the sensationalist media that, constantly, expose them to vexatious and humiliating situations, making it impossible to realize human rights throughout the social body and, specifically, in the research in evidence, in the State of Paraíba.

Taking into consideration the current scenario, it can be noticed that there is a gap in the effectiveness of the guarantees of human dignity represented by the police abuse in the state of Paraíba and also by the inappropriate way that the local newspapers expose the events. Thus, this study is justified by the need to address the abusive conduct of public security agents, through physical, verbal or even property violence, in addition to portraying the role that the media in Paraíba plays on individuals, restricting the dignity of the human person, which is a fundamental guarantee for individuals in society.

## **THEORETICAL FOUNDATION**

### **Human Rights and Dignity of the Human Person**

Bobbio (2004) defines human rights as those that belong, or should belong, to all men, of which no man can be deprived. Dallari (2004) states that human rights are those that neither the laws nor the authorities can contradict. Meanwhile, Braun (2001) states that human rights are not granted to man, because man is born with these rights, as they arise from human dignity itself.

Human rights have as characteristics the historicity, universality, relativity, non-renounceability, and inalienability, imprescriptibility, unity, indivisibility, and interdependence (BARRETO, 2018). As for the change in human rights, Bobbio (2004) states that the list of human rights has changed, and continues to change, with changing historical conditions. That is, society has changed and the rights have also changed, especially as far as the rights of man are concerned. In this, every human person has rights, but the amount of them varies from one to another, since some have more rights than others and some countries have more respect for fundamental rights than others (Dallari, 2004). Thus, human rights can

become fully universal when they are accepted by all countries, regardless of customs, which does not happen when they are rejected in Islamic fundamentalist countries, for example.

This situation of dominance by religious fundamentalists happens because of the situation in which the region finds itself, such as the insecurity felt by the population in these places of strong Islamic presence, which makes them resort to dogma and sectarianism, as it also happens in Brazil, with the "evangelical bench" and the demonstrations against artistic freedom and freedom of expression. That is, seeking security in religion is not a problem, but it can become one if the limits of tolerance are exceeded and begin to serve to sustain religious fundamentalism. In this way, in the name of the promise of certainty, stability and security, the worst violations of human rights can occur, so that various governments and authorities try to repeat the same words, in order to seduce men and women into a dangerous cause. Although human rights are thought of globally, their effects are felt locally, since they only gain concrete meaning in the local culture of the people (ABREU, 2019).

The Universal Declaration of Human Rights emerged as one of the strongest measures of the nations that emerged as a power after World War II, after the devastating effects of the confrontation, to establish world peace and respect human rights, given the events resulting from World War II and the Cold War in force at the time of its implementation. There was a great desire to respond to the atrocities and horrors committed by the Nazi regime, presenting the State as the great violator of human rights, in which Hitler's era was marked by the logic of destruction and disposability of the human person. (PIOVESAN, 2004)

Despite its lack of binding force, the Universal Declaration of Human Rights served as the basis for many international treaties and agreements, in addition to the drafting of several articles of the fundamental guarantees of the 1988 Federal Constitution. From this, the American Convention on Human Rights of December 22, 1969, provides citizen rights as follows:

Art. 11 - Protection of honor and dignity

Everyone has the right to the respect of his honor and the recognition of his dignity.

2. No one shall be subjected to arbitrary or abusive interference in his private life, in his family, in his home or in his correspondence, nor to unlawful attacks on his honor or reputation.

3. Everyone has the right to the protection of the law against such interference or such offenses.

Art. 70 - Right to personal liberty [...] 3. No one shall be subjected to arbitrary arrest or detention.

The set of values about human rights in the Federal Constitution of 1988:

Art. 5 - All are equal before the law, without distinction of any nature, guaranteeing Brazilians and foreigners residing in the country the inviolability of the right to life, liberty, equality, hope and property, in the following terms: [...]

III - no one shall be subjected to torture or to inhuman or degrading treatment; XLIX - respect for physical and moral integrity is assured to prisoners.

Every action of the State must be governed by respect for these constitutional foundations. When human rights are disrespected, the Declaration becomes more a semantic norm than a normative one, and thus political reality is used to mask the attitudes of the elites, which transmits to the people a false democratic feeling, while in fact inequality and political corruption reign, giving rise to state violence against minorities and common citizens, disrespecting human dignity and fundamental rights. The violence of the police in arresting someone is inadmissible, since the dignity of the human person and the limit of the State's actions are considered to be the mainstays of human rights. The actions of the State must be reevaluated, since the police itself is disconnected from its true actions, running away from what is ordered by the Constitution itself, thus hurting the precepts of human rights. Soon, the Federal Supreme Court (STF) is issuing a lot of jurisprudence related to Human Rights, constantly placing the dignity of the human person at the apex of its decisions, such as the binding Precedent No. 11 STF (2008):

Handcuffs may only be used in cases of resistance and well-founded fear of escape or danger to one's own or another's physical integrity by the prisoner or a third party, and must be justified in writing, on pain of civil and criminal disciplinary liability on the part of the agent or authority and the nullity of the arrest or the procedural act to which it refers, without prejudice to the civil liability of the state.

This precedent brings one of the most common forms of abuse by police authority: the use of handcuffs as a means of public humiliation of suspects of crimes, in which the press transmits to the viewers the image that justice has already been done before even providing the suspect the right to adversarial proceedings and full defense, hurting, besides several of his rights, the principle of the Dignity of the Human Person, in a practically joint action with the police, who do not prevent the commission of such acts and, many times, even assists such attitude.

Therefore, Human Rights have been given great importance in legal systems around the world, especially after the Universal Declaration of Human Rights of 1948, held by the United Nations (UN), and it is also one of the most important bases for the Federal Constitution of 1988. Thus, the Dignity of the Human Person arises, a principle that is extremely connected to Human Rights themselves, and that, together, despite not being fully respected by the whole planet, are fundamental for the exercise of the rights to life,

liberty, fraternity, and many others. Thus, police and media abuses arise, which are challenges to the full effectiveness of these achievements.

### **What is police abuse?**

According to Meirelles (1996, p.115) the police power is the power that the Public Administration has to condition and restrict the use and enjoyment of goods, activities and individual rights for the benefit of the community or the State itself. Thus, we also consider:

“Police power is a state activity that limits the exercise of individual rights for the benefit of the public interest, this power works as a true brake mechanism, where the Public Administration through it can contain the abuses of individual right. The State conditions the exercise of rights to the collective welfare, using the police power. (PIETRO, 2006, p. 128).”

In this sense, we understand that police officers have the prerogative of manipulating state power, where it must be used in accordance with the public interest and with a well-defined purpose. Therefore, when the public agent exceeds the limits of this power that are established by law, using it abusively, this action will be considered illegal, since the police power is limited and cannot violate the fundamental rights assured by Title II, Fundamental Rights and Guarantees, of the Federal Constitution of 1988.

In view of the above, abuse of authority is committed by someone invested with public powers who, under his management, performs acts contrary to the duties under the law, in a way that causes material or moral harm to the person. In the Brazilian legal system, the infra-constitutional legislation that governs this agenda is law No. 13,869, enacted in 2019 by President Jair Bolsonaro, it has been in force since January 3, 2020, after the passage of *vacatio legis* and enactment of the parts arising from the derubbing of vetoes by the National Congress, it repealed law N°. 4,898/65, considered generic and obsolete for the current reality.

Furthermore, historically, the first law that governed this theme was the aforementioned Law No. 4.898/65, enacted during the military dictatorship regime and approved by the 1988 Constitution, which aimed to penalize and limit excessive actions by public agents. Innovative, it was enacted during a troubled period in the country, bringing important definitions such as the concept of what would be considered abuse of authority, who could be the active subject, and what would be authority.

About the military dictatorship, it is said that:

The previous law, enacted during the military dictatorship, lacked a comprehensive reform, adapting it to current times. In this profile, it is extremely relevant to highlight that the criminal types of law 4.898/65 were much more open and not restrictive

than the scenario offered by law 13.869/19. To be sure of this, it is enough to read art. 3, a, of the previous law: any attack on freedom of locomotion constitutes abuse of authority. It would be perfectly fitting to this criminal type any and all preventive detention decreed without just cause or even a coercive driving outside the legal hypotheses. (NUCCI, 2019)

In the meantime, the Law of Abuse of Authority (LAA), defines in its article 2 who can be the active subject of the crime, they are: any public agent, whether public servant or not, of the direct administration, indirect or foundational, of any of the Powers and of the Union, the States, the Federal District, Municipalities and Territory. Furthermore, it defines that the crime of abuse of authority reaches two passive subjects, i.e., the victims of the crime, namely: the person (natural or legal) directly harmed by the abusive conduct and the State, whose image, reliability and assets are offended when a public official commits an abusive act.

In addition, there is a special subjective element; the crimes foreseen in the LAA are all intentional, in addition to the intent, article 1, paragraph 1 of the law in question requires the presence of a specific purpose for the criminal conduct to be configured:

Art. 1 [...] §1º The conducts described in this Law constitute a crime of abuse of authority when practiced by the agent with the specific fi-nality of harming others or benefiting himself or a third party, or, still, for mere caprice or personal satisfaction.

Finally, Chapter VI, Crimes and Penalties, of Law No. 13,869 of 2019, lists 24 unlawful acts that can be committed by public agents, they are: Decree of measure of deprivation of freedom in manifest disconformity with the legal hypotheses, decree of coercive conduction of a witness or investigated manifestly unreasonable or without prior summons to appear before the court, omission regarding the communication of the arrest in flagrante delicto to the judicial authority within the legal deadline, embarrassment of a prisoner or detainee, embarrassment to testify, under threat of arrest, of a person who must keep a secret or protect the confidentiality of a function, ministry, office or profession, omission of identification or false identification of the prisoner, submission of a prisoner to police interrogation during the period of night rest, preventing or delaying the forwarding of a prisoner's request to the competent judicial authority, restricting without just cause a prisoner's personal and private interview with his lawyer, keeping prisoners of both sexes in the same cell or confinement space, keeping a child or adolescent in the company of an adult or in an unsuitable environment, housebreaking in a context of abuse of authority, special procedural fraud in a case of abuse of authority, embarrassing an official or employee of a public or private hospital institution to admit a dead person for treatment, obtaining

evidence by manifestly illicit means, requesting or initiating investigative procedure without any evidence, disclosing a recording unrelated to the evidence that is intended to be produced, exposing the intimacy or private life of the investigated or accused person, false information on judicial, police, fiscal or administrative procedure, initiation of criminal, civil or administrative persecution without just cause or against whom he knows to be innocent, unjustified procrastination of investigation to the prejudice of the investigated person, denial of access to the records of investigative procedure and of extraction of copies of documents, demand for information or the fulfillment of an obligation without express legal support and the use of public office or function or the invocation of the condition of public agent to avoid a legal obligation or to obtain undue advantage or privilege, excessive and unjustified delay in the examination of a process of which he has requested the collegiate body to examine, anticipation of attribution of guilt by means of communication, including social network, before the conclusion of the investigations and the formalization of the accusation, as well as the violation of rights and prerogatives of the lawyer.

### **Legitimate defense, exclusion of legality and other issues**

The majority doctrine defines that a crime is constituted by a typical fact, an unlawful and culpable fact, where the typical fact is the human conduct, positive or negative, that causes a result and is foreseen in the criminal law as an offense. In this sense, the elements of a crime are the typical fact (the human action described in the law as a criminal infraction), the illegality (it is the contradiction of an action or omission practiced by someone in relation to the legal system, putting at risk the legal goods protected by law) and the culpability (it determines whether the agent, who commits the typical and illegal fact, should receive the appropriate punishment).

Therefore, every typical fact is initially considered illicit, unless some cause occurs that removes the illicit character. Such reasons may be legal, where the Brazilian Penal Code exposes in article 23 the exclusion of illegality, which are: the state of necessity, self-defense and strict compliance with legal duty or in the regular exercise of the right, or supra-legal, are applied analogously in the absence of a legal provision. With this, the Military Penal Code ratifies the exclusions of illegality provided for in art. 23 of the Brazilian Penal Code by art. 42 of Decree-Law 1.001/69.

In this sense, according to article 25 of the CP, "legitimate self-defense is understood to be the one who, using the necessary means moderately, repels an unjust current or imminent aggression against his own or another's right" and the sole paragraph, recently included by Law no. 13,964 of 2019, adds "observed the requirements provided for in the caput of this article, the public security agent who repels aggression or risk of aggression to a victim held hostage during the commission of crimes is also



considered to be in legitimate self-defense." Therefore, one can conclude that self-defense is not unlimited and occurs when the agent defends himself from an unjust, current or imminent aggression by using means compatible with those of the aggressor.

In order for the exclusion of illegality in self-defense to occur, five causes are necessary: unjust, current or imminent aggression; the rights of the aggressor or of third parties who are attacked or threatened with damage; the use of necessary means; moderation in the use of necessary means; and knowledge of the aggression and the need for defense. Also, four forms of legitimate defense are found in the doctrine: subjective legitimate defense (ex parte for excusable type error), successive legitimate defense (repulsion against the excess), real legitimate defense (art. 25 of the Penal Code) and putative legitimate defense (false perception of the existence of the aggression or its injustice).

Furthermore, according to article 24 of the Penal Code, "the person committing the act is considered to be in a state of necessity in order to save his own or another's right from actual danger, which he did not cause by his own will nor could have avoided in any other way, the sacrifice of which, under the circumstances, was not reasonably required". Therefore, the state of necessity is a situation of present danger to interests protected by Law, in which the agent, in order to save his own good or the good of a third party, has no choice but to harm the interest of another. When the good sacrificed is of equal or greater value than the one preserved, there will be exclusion of culpability; there will only be exclusion of illegality when the good saved is of greater value. For the state of necessity to occur, it is fundamental that two requirements are met: a dangerous or necessary situation and an injurious conduct or necessary fact. The forms of the state of necessity are also presented: regarding the ownership of the protected interest, it can be a state of necessity of its own (intervention to save a legal good of the subject) or of a third party (intervention to save a legal good of a third party). As to the third party that suffers the necessary offense, it can be an aggressive state of necessity (the good of the third party that did not create the dangerous situation is sacrificed) or a defensive state of necessity (the good of the person that caused the dangerous situation is sacrificed).

Finally, as for the strict compliance with legal duty or the regular exercise of the right, art. 23, section III of the Penal Code ensures that "in strict compliance with legal duty or in the regular exercise of the right". Therefore, in this situation, whoever fulfills a duty cannot, at the same time, commit a criminal offense, so this exclusion only occurs when there is a duty imposed by objective law. The police officer, on the other hand, has no duty to kill, it is not within his competence, and, therefore, there is no strict legal obligation to cause the death of anyone. Thus, it is understood that the police officer practices legitimate self-defense, be it his own or that of a third party, when he defends a colleague or another person.

## **METHODOLOGY**

The methodological approach to the elaboration of this article is analytical and hermeneutic, it is based on qualitative research of exploratory and descriptive levels, bibliographic and documental technique through the observation of concrete cases of police abuse and journalistic disrespect to the Principle of the Dignity of the Human Person, expressed in art. 1, item III, of the Federal Constitution of 1988. Thus, the focus of this work is to verify the effectiveness of this principle within the Paraíba crime control policy, through the analysis of journalistic reports and the jurisprudence of the State of Paraíba.

In addition, the empirical basis of this work is the documental and bibliographic analysis about the concretion of the principle of the Dignity of the Human Person in the reports and the police abuse in the state of Paraíba. The sample analyzed is about vast jurisprudence coming from the Federal Supreme Court, the Law of Abuse of Authority (Law no. 13.869/2019), Law of Criminal Execution (Law 7.210/84), Civil Code (Law no. 10.406/2002), Code of Criminal Procedure (Decree-Law no. 3.689/1941), Court of Justice of Paraíba (2010, 2019, 2022), State of Paraíba, and Law 13.964/19, as well as news articles taken from the vehicles G1, Jornal da Paraíba, O Globo, O Norte, and Portal Correio. Based on this data, amidst a historical, legal and bibliographical introduction (especially with reference to the works of Bruno Appolinário Farias, Larissa Lucena dos Santos and Maria da Penha Medeiros), the judicial and journalistic samples will be presented, accompanied by an analysis of such samples in order to show how the concrete cases affect the legal and human order, in addition to the position adopted by the authorities before these infractions, as well as the behavior of the media before such situations and how it takes advantage of them to acquire audience, so that it takes advantage of sensationalism to misrepresent certain events and manipulate them into a great story that is attractive to the public.

In face of all these notes and analyses, the goal of understanding if it is possible that the Human Rights, established by the International Organizations and sedimented in the Federal Constitution of 1988 through the fundamental guarantees, are truly consubstantiated in the State of Paraíba, once the police abuse represents a barrier for that.

In this sense, the aim of this study is to understand how journalistic approaches to police abuse in the State of Paraíba contribute to the violation of the principle of the dignity of the human person, listed as a foundation of the Federative Republic of Brazil in Article 1, III of the Federal Constitution of 1988, and to analyze what the decisions of the TJ-PB say about these approaches. In this way, we question, without any value judgment, if the State, as a legal entity of Public Law that is responsible for the actions of its agents, fulfills its duty to care for the physical and moral integrity of those who are under its custody, as determined by item XLIX of Article 5 of the Constitution.

## **RESULTS AND DISCUSSIONS**

### **Concrete cases of police abuse in the State of Paraíba**

After the strengthening of Neoconstitutionalism, the Brazilian Constitution came to symbolize an open system of principles and rules, permeable to supra-positive legal values, in which the ideas of justice and the realization of fundamental rights play a central role, in such a way that the Magna Carta of the country has a high evaluative load, a symbol of a post-positivist era. In this sense, according to Luís Roberto Barroso, jurist, professor and, currently, minister of the Supreme Court, the importance of the axiological load of the constitutional principles is such that it disqualifies the validity of public or private acts that are not in conformity with them. This is the so-called negative effectiveness of principles, which implies the immediate attempt to stop the application of any rule or legal act that is in disharmony with a previously established principle. In the object of study of this paper, the constitutional principle that is in disagreement with the reality of the facts is the dignity of the human person, which should be guaranteed to all citizens, without exempting, therefore, those who are accused or convicted of any criminal practice

In this sense, the growing indices of violence represent a problem that plagues the entire Brazilian territory, including, therefore, the State of Paraíba. In view of this, a kind of "feeling of impotence" is generated in the population, due to the impunity that the media system tries to propagate through its sensationalist reports. Thus, society begins to clamor for a more significant action by the police and the government, considered to be directly responsible for the control and reduction of crime rates. However, what is obtained is an opposite result, since by imposing the need for a more rigid intervention on the factors of marginality, a certain kind of "pressure" is generated so that the agents of public security provide the "results" expected by the population, and thus the police become involved in the promotion of large and complex operations marked by immoderate publicity and self-aggrandizement of their institutions (MEDEIROS, 2010).

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Therefore, the press, with its sensationalist character, exposes the suspect of the crime to public execration without the slightest modesty, even before he has been convicted by a final judicial process, so

that he has his human dignity infringed, dispensing with the proof of concrete damage because it arises from the fact itself.

In this perspective, it is necessary to question: Does the media appeal and abusive police approach in the State of Paraíba help to realize the function of the penalty in the Brazilian legal system, which is the reintegration of prisoners to life in society? In order to answer this question, it is enough to analyze that in the prisons of Paraíba it was proven, through inspection by the National Council of Justice (CNJ), that there is no favorable environment for the social reintegration of the convict. The CNJ, through on-site observation, reports the appalling conditions of hygiene and infrastructure of the prisons, which violates, among others, the principle of human dignity enshrined in the Brazilian Constitution.

Now, the police usually organize press conferences to show the press the "objects" of their megalomaniac operations, in a situation where these individuals are handcuffed, with their faces exposed, like caged animals in zoos. In other opportunities, even when the prisoners try to hide their faces, the public agent raises their heads to show them off as a trophy in the fight against crime (FARIAS, 2011).

Therefore, analyzing the police abuse in the State of Paraíba and the dignity of the human person in the local newspaper, it is substantial to understand, at first, that the Magna Carta of the country established in its Art. no. 5, subsection LVII, as a basic guarantee for the recognition and exercise of citizenship, the principle of presumption of innocence, qualified as an undeniable individual right that seeks to guarantee the individual the certainty that he will not suffer the deleterious effects of a criminal conviction, whether in the criminal, civil or administrative sphere, until the judgment is *res judicata*.

From the principle of presumption of innocence emanates a "rule of treatment" that prevents any anticipation of a condemnatory moral judgment based on unstable legal situations. This judgment can be manifested by situations, practices, words and gestures not only by the media, but also by public security agents. Thus, it is possible to exemplify the violation of this principle through the inappropriateness of keeping the accused in humiliating exposure in the dock, the use of handcuffs when unnecessary, the abusive disclosure of facts and names of people by the media, the dissemination of biased images or that expose the accused to a vexatious situation, the decree or maintenance of unnecessary precautionary arrest, the requirement to be taken to prison to appeal because of the existence of conviction in the first instance, etc.

In this regard, it is worth noting an Enunciation of the Inter-American Court in the Cantoral Benavi-des Case that was sentenced on 18.08.2000, paragraph 119: "It is contrary to the presumption of innocence to exhibit a person to the media dressed in infamous attire."

This is an issue that has been constantly emphasized by the Supreme Court. Let's see:

The legal prerogative of freedom - which has constitutional extraction (CF, art. 5, LXI and LXV)- cannot be offended by doctrinal or jurisprudential interpretations that, founded on worrying discourse of authoritarian content, culminate in enshrining, paradoxically, to the detriment of fundamental rights and guarantees proclaimed by the Constitution of the Republic, the ideology of law and order. Even in the case of a person accused of the alleged practice of a heinous crime or legally equivalent, and until an unappealable criminal sentence has been handed down, it is not possible - due to an insurmountable constitutional prohibition (CF, art. 5, LVII) - to presume his guilt. No one can be treated as guilty, whatever the nature of the criminal offense he or she has been accused of committing, without a final and unappealable court decision. The constitutional principle of presumption of innocence, in our legal system, consecrates, in addition to other relevant consequences, a rule of treatment that impedes the Public Authorities from acting and behaving in relation to the suspect, the accused, the reported or the defendant, as if they had already been definitively convicted by sentence of the Judiciary. Precedents." (HC 115.613/SP, Reporting Justice CELSO DE MELLO)

We must warn - the State cannot treat the accused or the defendants as if they were guilty. The presumption of innocence thus imposes on the government a duty of treatment that cannot be disregarded by its agents and authorities, as this Supreme Court has warned in successive judgments (HC 96. 095/SP, Reporting Justice CELSO DE MELLO - HC 121.929/TO, Reporting Justice ROBERTO BARROSO - HC 124.000/SP, Reporting Justice MARCO AURÉLIO - HC 126.846/SP, Reporting Justice TEORI ZAVASCKI - HC 130.298/SP, Reporting Justice GILMAR MENDES, v.g.)

From this perspective, in an attempt to solve the crimes of abuse of authority, Law No. 13,869/2019 emerged in the Brazilian legal system, called the Law of Abuse of Authority, which seeks to penalize that public security agent who exceeds the limits of his work. With regard to the subject, it is worth highlighting the following provisions of that law, which deal with the exposure and production of false information about the investigated.

Art. 13 - Forcing a prisoner or detainee, by means of violence, serious threat or reduction in resistance capacity, to

I - exhibit himself or have his body or part of it displayed to public curiosity;

II - submit to a vexatious situation or embarrassment not authorized by law;

Art. 28 - Divulging a recording or excerpt of a recording unrelated to the evidence to be produced, exposing the intimacy or private life or hurting the honor or image of the investigated or accused:

Penalty - detention, from 1 (one) to 4 (four) years, and fine.

Art. 29 - Providing false information on judicial, police, fiscal or administrative proceedings, with the aim of harming the interests

of the person under investigation: Penalty - detention, from 6 (six) months to 2 (two) years, and fine.

In addition, according to Law 7.210/84, known as the Lei de Execução Penal (Criminal Enforcement Law), persons under state custody are entitled to "protection against any form of sensationalism". (art. 41, VIII) and it is forbidden to servers and members of the organs of penal execution to disclose any occurrence that exposes the prisoner to inconvenient notoriety while serving his sentence (art. 198):

Art. 41 - Constitute rights of the prisoner:

[...]

VIII - protection against any form of sensationalism;

Art. 198. It is defense to the member of the organs of criminal execution, and the server, the disclosure of occurrence that disturbs the safety and discipline of the establishments, as well as expose the prisoner to inconvenient notoriety, during the completion of the sentence.

The Civil Code, in its article 43, establishes the possibility of the liability of legal entities of public law for the acts of their agents, in the event of eventual damage.

Art. 43. The legal entities of internal public law are civilly responsible for acts of their agents that in this capacity cause damage to third parties, with the exception of regressive rights against those who caused the damage, if they are at fault or are at fault.

Therefore, the State has the duty to indemnify, since it is understood that it is not possible to separate "its will" from the will of the agent, who acts on behalf of the Public Power. Thus, the acts of public security agents, whether good or bad, represent the will of the Public Power. This situation makes it evident that when a police officer exposes the prisoner to be filmed or photographed, either by raising his head, or by making a press conference, or by imposing him to answer to the press, he acts as if he were the State (FARIAS, 2011). In this case, the honor, the private life, the image of the individual are frontally violated by the State itself that, through the agent, points that person as a criminal, without there being a final judicial decision.

In this sense, the Code of Criminal Procedure establishes in its Article 3-F that the judge of guarantees must ensure that the rules for the treatment of prisoners are observed, avoiding the abuses committed by sensationalist television programs that violate human dignity and subject prisoners and even victims to embarrassment and other situations prohibited by law.

Article 3-F. The judge of guarantees should ensure compliance with the rules for the treatment of prisoners, preventing the agreement or arrangement of any authority with press organs to exploit the image of the person subjected to arrest, under penalty of civil, administrative and criminal liability.

Sole paragraph. By means of regulation, the authorities shall discipline, within 180 (one hundred and eighty) days, the way in which the information about the arrest and the identity of the prisoner will be, in a standardized manner and respecting the normative programming referred to in the caput of this article, transmitted to the press, ensuring the effectiveness of criminal prosecution, the right to information and the dignity of the person subjected to arrest (Included by Law No. 13,964, 2019).

Therefore, it is convenient to analyze some facts and situations that reflect the violation of human rights of Paraíba's citizens, through police abuse reported by the local or national press. Let's see:

In the year 2009, the *Jornal da Paraíba* reported an event of police authority abuse towards students in the city of Campina Grande who were promoting a protest on the morning of 03/19/2009.

A protest promoted by Campina Grande students, in the city center, against the readjustment of urban transportation fares, on the morning of March 19th 2009 ended in fights and arrests. The troop was called in by the Campina Grande City Hall, and started beating young people, including minors, near the Passenger Integration Terminal, at Largo do Açude Novo. In total, eight students were arrested - including two minors. The confusion began when, after the arrival of a strong apparatus to the protest site, at the Integration Terminal, the MP shock troop started to search the protesters. A student refused to be searched, claiming that she would only be allowed to be searched by a female police officer. Angry, the military police officer started to beat her, which generated a wave of protests and fights. More than a thousand students participated in the protest. The confrontation, as it was reported, shows the abusive way in which the police operation was conducted, the attempt to search a young female student by a male police officer shows the disrespect for the dignity of the human person, which started the whole mess. According to the media, the young woman only asked to be searched by a police authority of her same sex, which is a natural right of any citizen.

Portal Globo (2009) and Portal O Norte (2009) respectively reported a case in Paraíba, where a video recorded scenes of torture committed by prison guards against an individual.

A video made by an amateur filmmaker registered the scenes of torture committed by prison guards against a prisoner, Carlos José Soares de Lima, 26 years old, accused of killing six people from the same family. The crime happened in the neighborhood of Roger, in the capital of Paraíba. The brutal scenes of torture

that occurred in the Roger prison, also located in João Pessoa, and to where the inmate was taken, caused the removal of one of the prison's directors, Dinamérico Cardim. The video, recorded with a cell phone, shows the agents violently beating the prisoner with punches, slaps in the face, and kicks. According to lawyer Alexandre Guedes, president of the Human Rights Commission of the Brazilian Bar Association (OAB), the case will be taken to the State Council for Human Rights: "This is a serious crime because it is a crime committed within the structure of the State. We always receive denunciations, but we still didn't have visual evidence. It is absurd, because people paid by the State are committing an illegal act that can cause damage to the State itself [...] It is not a question of whether the victim of torture is guilty or innocent. But the agent of the state can not practice personal revenge against the prisoner," said Guedes.

The Court of Justice of Paraíba, in the year 2010, posted a news item with the following headline:

"Military policemen from Paraíba, accused of participation in extermination groups, have Habeas Corpus denied". According to the accusation, in June 2006, in the Marcos Moura neighborhood, in Santa Rita, Clodoaldo Lima da Silveira Filho, Francisco José dos Santos, Edvaldo Pereira da Silva and Antônio Marcos Plácido da Silva would have committed homicide against four people, in an alleged formation of an extermination group. "The formation of an extermination group is characterized by the arbitrary use of violence, threats and the establishment of a climate of insecurity in the population. Given this context, the decree of preventive detention is justified based on the convenience of criminal investigation and preservation of public order. This was one of the reasons that made the Criminal Chamber unanimously deny the request for Habeas Corpus No. 033.2006.003890/004, which aimed to set four military police officers free. They are accused of alleged participation in an extermination group operating in Santa Rita. For the rapporteur of the case, the incarceration of the policemen is necessary, in view of the dangerousness demonstrated by the modus operandi of the crime of which they are being accused. "A true massacre, qualified by the fact that the accused are police officers. The insecurity, in this case, is caused by the involvement in crimes of people whose functional duty is precisely to promote the protection of society," argued Judge João Benedito.

Next, on January 29, 2019, the Court of Justice of Paraíba reported an overview about the case of police officers accused of torturing, killing and hiding the corpses of two men:

The Criminal Chamber of the Court of Justice of Paraíba decided unanimously, this Tuesday (29), that 10 military police officers accused of torturing, killing and hiding the corpses of Givaldo José Bezerra and Alex Oliveira Freitas will go to the Popular Jury, in the County of João Pessoa-PB. The decision was made during the trial, which originated in the 1st Circuit Court of Santa Rita, PB, where the crimes, in theory, took place. The appeal was



reported by Judge Arnóbio Alves Teodósio and his vote was in harmony with the opinion of the Public Prosecutor's Office. The crime occurred on August 6, 2009, around 6 pm. According to the investigation, the victims Givaldo and Alex got on a bus Viação Sonho Dourado, which made the line Marcos Moura-Centro de Santa Rita, when public transport passed near the Valtex Factory and the local Forum, three Military Police cars, with the ten defendants, determined to stop the bus. According to the accusation, the defendants, when they got out of the vehicles, ordered all passengers to get off, at which time they started searching them. Also according to the indictment, the officers then ordered all passengers to return to the bus, except for Givaldo José Bezerra and Alex Oliveira Freitas, who were taken to a thicket near the Forum. There, according to the investigation, the victims were tortured and beaten to death. The bodies of the victims were not found. The defendants are police officers in the 7th Military Police Battalion in Santa Rita. One of them was commander of the Battalion and director of the Silvio Porto Prison.

On February 7, 2022, the website of the Court of Justice of Paraíba published the following news about the compensation that the State of Paraíba should pay to a citizen who suffered aggressions by a military policeman.

The Fourth Civil Chamber of the Court of Justice of Paraíba upheld the sentence from the 2nd Court of the Treasury of Campina Grande in which the State of Paraíba was ordered to pay the amount of \$ 30 thousand, by way of moral damages and \$ 5 thousand, aesthetic damages, as well as the amount of \$ 614.35 of material damage, due to physical assaults caused by military police, a fact that occurred on September 7, 2007, in the city of Lagoa Seca. The victim, according to the records, was surprised by the abusive and violent action of a garrison of the Military Police, belonging to the 6th Company of the Campina Grande unit. On that occasion, the commander of the garrison allegedly punched and kicked her several times, causing the injuries described in several medical certificates, reports, and hospital records. The injuries occurred in the abdominal region, and he suffered internal hemorrhages of the liver, spleen, intestine, and pancreas, and had to undergo surgery at the Regional Hospital of Urgency and Emergency of Campina Grande. The plaintiff reports that due to the serious injuries, he spent several months without working, besides having physical and psychological sequels. The rapporteur of the case No. 0012063-55.2008.8.15.001, Judge Oswaldo Trigueiro do Valle Filho, noted in his vote that the damage suffered by the plaintiff resulted from the failure of the police officer on duty, which is why there is no way to rule out the civil liability of the state. "As for the moral damage, aesthetic and material, also deserves to be fully confirmed the verdict a quo, since the magistrate well elucidated these issues, given the specifics of the case in the light of governing law," the rapporteur pointed out.

Thus, when analyzing the cases of abuse of authority reported by local journalism in the State of Paraíba, it can be seen that they represent examples of situations that certainly should have been closely followed by the Federal Public Prosecutor's Office and the Special Secretary for Human Rights, since they are in the state sphere, where political influences are more biased, resulting in possible impunity for offenders. Therefore, it is necessary that the issue stops being seen with such substantiality and starts being faced as a real problem of a real society. As an activity that puts human beings at risk of their own dignity, it is necessary to understand the social structure in which this happens, deeply mediated by a self-righteous protagonism.

In light of the facts that demonstrate evident cases of police abuse in the State of Paraíba, it is substantial to analyze what the Jurisprudence of the State of Paraíba has been saying about the theme:

CIVIL - Civil Liability - Action for compensation for moral damages - Dismissal of the claim - Civil Appeal - Newspaper headline - Abuse of freedom of information - Occurrence - Highlight that does not correspond to the news conveyed about the author - Unfaithful mention of the facts occurred - Use of adjective that undermines the morals of the citizen - Reformation of the sentence - Provided. - It would not be up to the press to condemn the citizen in advance, because he is only responding to a police investigation, presenting a headline distorted from the facts ex-posted in a newspaper report. - The Magna Carta in its 5th article, section X, protects the inherent right to image, establishing the duty to indemnify for moral damage resulting from undue use. - The amount of compensation for moral damage must be reasonably established so as to serve as compensation to the victim and punishment to the responsible party, while avoiding, on the other hand, that it becomes a source of unjustified enrichment.

NECESSARY REMITTANCE AND CIVIL APPEAL. PUBLIC CIVIL ACTION. VERDICT OF DISMISSAL. LIABILITY FOR ADMINISTRATIVE IMPROBITY. MILITARY POLICE OFFICERS. PRACTICE OF THREATENING AND ASSAULTING CITIZENS. MALICE CHARACTERIZED. VIOLATION OF THE GUIDING PRINCIPLES OF PUBLIC ADMINISTRATION. IMPROPER CONDUCT TYPIFIED IN ART. 11 OF LAW 8.429/1992. APPLICATION OF THE CIVIL FINE PROVIDED FOR IN ITEM III, OF ART. 12 OF LAW NO. 8.429/1992. REFORMATION OF THE DECISION. PARTIAL DISMISSAL OF THE APPEALS. - Law 8.429/92, in arts. 9, 10 and 11, defines that acts of administrative misconduct include those that generate unlawful enrichment of the agent to the detriment of the public function, the malicious or culpable acts that cause damage to the public treasury and those that violate administration principles. - The subjective element is essential to the configuration of improbity, requiring malice to configure the typical hypotheses of arts. 9 and 11, or at least guilt, in the case of art. 10, all of Law 8.429/92. - The typology of acts of misconduct is subdivided into: (a) acts that imply illicit enrichment (art. 9 of LIA); (b) acts that cause damage to the public treasury (art. 10 of LIA); and (c) acts that violate

administration principles (art. 11 of LIA), with their respective subheadings in art. 11 of LIA. 11 of LIA), with their respective subjective elements (necessary for imputation of the conduct to the type) divided as follows: malice is required to configure the typical hypotheses of arts. 9 and 11, or at least guilt, in the situations of art. 10." (STJ. AgRg no AREsp 535720 / ES. Rel. Min. Gurgel de Faria. J. em 08/03/2016). (TJPB - COURT/DECISION of Process No. 00039616820138150011, 1st Specialized Civil Chamber, Rapporteur: Des. José Ricardo Porto. Judged on 24/10/2017).

CRIMINAL APPEAL. CRIME OF ABUSE OF AUTHORITY. SENTENCE OF CONVICTION. INCONFORMITY. SENTENCE IN CONCRETE. RETROACTIVE STATUTE OF LIMITATIONS. EXPIRATION OF PUNISHABILITY. RECOGNITION BY THE COURT OF ITS OWN MOTION. DECLARATION REQUIRED. The statute of limitations elapsed between the date of the receipt of the accusation and the date of the publication of the recurring conviction, determined by the 'in concreto' penalty, and the sentence having become final and unappealable for the prosecution, the punishability of the accused is declared extinguished by the expiration of the State's punitive pretension, in the retroactive mode. CRIME OF TORTURE COMMITTED BY MILITARY POLICE OFFICERS. DENIAL OF AUTHORSHIP. PLEA FOR ACQUITTAL. IMPOSSIBILITY. EVIDENCE OF MATERIALITY AND AUTHORSHIP. EXPERT REPORT THAT PROVES THE INJURIES. THE VICTIM'S WORD IN CONSONANCE WITH THE BODY OF EVIDENCE. MAINTENANCE OF THE CONVICTION. MEASURE THAT IS IMPOSED. REGIME. ADJUSTMENT. RECOGNITION BY THE COURT OF LAW. DISMISSAL OF THE APPEALS.

In crimes of torture, which are essentially clandestine, especially when committed by police officers, the word of the victim assumes special relevance, especially in consonance with the other probative elements gathered in the case records. It is impossible to speak of acquittal if the body of evidence is consistent in pointing out the participation of the appellants in the offense described in the complaint, and their criminal responsibility clearly emerges. The plea of declassification of the conduct for light bodily harm does not deserve to prosper, when it was demonstrated that the crime committed was torture as defined in Law 9455/97. In accordance with current jurisprudential orientation, the closed regime is no longer obligatory for those convicted of the crime of torture, and must comply with the provisions of art. 33 of the Penal Code. (TJPB - COURT/DECISION OF CASE No. 00066777320108150011, Specialized Criminal Chamber, Reporting Judge: DES. JOÃO BENEDITO DA SILVA, j. on 29-11-2018).

Moreover, it is worth highlighting the importance of the custody hearing for the protection of human dignity, since its purpose is to protect and ensure the physical and psychological integrity of the person arrested, preventing excesses such as torture, mistreatment, abuses at the time of arrest, or any violation of human rights, which must be observed by the judge of the custody hearing.

This institute was first provided for in the United Nations International Covenant on Civil and Political Rights and the American Convention on Human Rights, and later in Brazil from ADPF No. 347/DF of the Federal Supreme Court in the year 2015. In 2019, with the advent of Law No. 13,964/19 - "anti crime" package was finally incorporated into the Code of Criminal Procedure, the art. 310, which provides for custody hearing.

Art. 310: After receiving the writ of arrest in flagrante delicto, within no more than twenty-four (24) hours after the arrest, the judge must hold a custody hearing with the presence of the accused, his lawyer or a member of the Public Defender's Office and a member of the Public Prosecutor's Office (...).

Therefore, freedom of the press, guaranteed by art. 220 of the Federal Constitution, must be ensured at all costs, because it is one of the pillars of democracy. However, information must have public utility, fulfilling its social function. It is of no public use to show the image of a prisoner, who is already at the bottom of the social scale, stating that he is a "bum" and "marginal". (FA-RIAS, 2011).

Thus, from an analysis of what is disclosed in the State of Paraíba, it can be concluded that there is a completely antagonistic and distant conjuncture to the ideals of justice and dignity brought and sought by the 1988 Citizen Constitution, so that it is necessary a reorganization of the whole conjuncture that influences, directly or indirectly, this problem.

### **The form of journalistic communication and the Dignity of the Human Person**

Freedom of information is fundamental for a plural and democratic society, since it is from the diffusion and reception of information that the individual creates conditions to be able to express himself. However, constantly the press organs, in their publications about crimes, do not take into consideration and violate the right to presumption of innocence and precondemn the alleged before society, in which may cause irrecoverable damage to honor, image and privacy. In this perspective, local newspapers in the state of Paraíba are increasingly damaging in the transmission of cases of arrest, disrespecting the principle of the dignity of the human person. For example, we have the cases in which the media divulges the image of the individual at the moment of his arrest, even when there is no social interest in the matter, without the express authorization of the arrested accused, that is, restricting the right to image, which is a fundamental right of human dignity and cannot be violated. Thus, it is certain that it is of no public use to show the image of a prisoner, who is already at the bottom of the social scale, affirming that he is a "bum"

and "marginal". And this situation is even more serious, because it directly affronts the principle of presumption of innocence, as provided for in art. 5, LVII, of the Supreme Law.

In the understanding of Sidney César Silva Guerra (1999, p.145):

It is noted, unfortunately, according to a historical reality, that there has always been a lack of respect for the right to image, on the part of the press that, without the least care for legal precepts or ethical concepts, exposes to public execration the image and particularities of the life of people who, before any possibility of defense, They are often condemned by public opinion, induced by factitious materials, always incomplete, that impose only shame and moral and material damage to those accused.

Talking about revealing the image of prisoners in the media necessarily involves a conflict of interests that oscillates between the exercise of the right to image and the right to information and freedom of the press. The imprisoned person deserves to have his dignity preserved, since the sentence imposed should be limited to the deprivation of liberty, and the authorities cannot, at their own will, add other measures, much less those that cause him humiliation and embarrassment. However, the TV media and the police are disrespecting the law and violating the constitutional provisions by revealing the images of the prisoner. Moreover, not only the morals are attacked, but also their physical integrity, because how many times we see the exhibition of scenes of displaced people with handcuffs and being placed in humiliating situations.

In this sense, one can cite, for example, the program Portal Correio in the state of Paraíba, which behaves as a sensationalist newspaper, in view of the fact that during the exposition of news it does not prize the respect for the dignity of the human person, but rather the approximation of entertainment offered to the viewers. Exemplifying, the group of people who were arrested with drugs in downtown João Pessoa. An 18 year old woman and three other men had their images widely exposed, being humiliated and pre-judged, while the reporter asked several questions, such as: "were you arrested for suspected of trafficking? The reporter asks some similar questions to the other accused. By analyzing other positions of the reporter, we can see the lack of journalistic ethics, in which her questions are totally unnecessary, embarrassing and humiliating for the prisoners. Thus, it is clear the breach of the Principle of Dignity of the Human Person, as provided in the Federal Constitution of 1988, in art. 5, XLIX, prescribes that it is assured to prisoners respect for physical and moral integrity.

In addition, Law No. 13,869/19 provides for the crimes of abuse of authority, committed by public officials, public servants or not, who, in the exercise of their functions or on the pretext of exercising them, abuse the power vested in them. In this sense, let's see what art. 13 says

Art. 13 - Forcing a prisoner or detainee, by means of violence, serious threat or reduction of resistance, to

I - exhibit himself or have his body or part of it displayed to public curiosity;

II - submit to a vexatious situation or embarrassment not authorized by law;

III - (VETOED).

III - producing evidence against oneself or a third party:

The crimes exposed in the media through police and news programs are making violence a banal act, treated as if it were something normal and everyday. According to Magalhães (2018), it is not difficult to find on social networks and other communication vehicles, videos and images of flagrant inadequate or inappropriate police approaches, clearly demonstrating the unpreparedness for the profession of police authorities throughout Brazil. Therefore, the way some communication vehicles show and give their opinions about these cases of police abuse can influence attitudes of support and multiply this type of violence. Daily we are bombarded with shocking news that show how brutal the actions of the police are, torturing, executing and using excessive force unnecessarily, while they should ensure the public safety of all citizens. Therefore, it is noticeable that the media is increasingly stimulating police violence, because there is an erroneous view of the justice system, in which the police must confront the criminal and use violence to defend themselves and protect the population. Thus, it is necessary to control the way the media disseminates information, guaranteeing the right to freedom of expression and information, as long as it is based on truth and objectivity, aiming to enlighten citizens and encourage citizenship, besides alerting viewers when there are abuses of authority by the police. In order to make abuses less and less recurrent, and so that society has greater protection and legal backing against such attitudes.

## **CONCLUSIONS**

In view of all the above, it is possible to observe that there is a great discrepancy between the concrete reality of Paraíba and what is established by instruments such as the Principle of Dignity of the Human Person and Human Rights, as well as the legitimate defense, the exclusion of legality and other issues that protect certain attitudes are transposed and are not enough to safeguard the abusive attitudes of police officers. This situation also applies to the Freedom of the Press, which is not enough to protect the sensationalist practices of the press.

In this, despite there being so many norms that defend the Dignity of the Human Person of suspects and convicts - such as the Law of Abuse of Authority, the Law of Criminal Execution, art. 43 of

the Civil Code, the Guarantee Judge, the Custody Hearing and others, as well as jurisprudence regarding this issue - police abuse is still very present in Paraíba, as pointed out in several cases, reported by portals such as O Globo and Jornal da Paraíba, between 2009 and 2022, and confirmed with scientific data, throughout this work. Likewise, there is the issue of the press, with newspapers like Portal Correio, which present a sensationalism that hurts the suspects' dignity, many times even before they are duly judged, according to data observed in Sidney César Silva Guerra's studies.

Thus, in the face of the analysis of what is published in the State of Paraíba, one can conclude that there is a conjuncture completely antagonistic and distant from the ideals of justice and dignity brought and sought by the 1988 Citizen Constitution, in such a way that it is necessary to reorganize the entire conjuncture that influences, directly or indirectly, this problem, both on the police side, by committing harmful acts against the accused or convicted, and on the press, which hurts their image.

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