

PUBLIC SECURITY AND POLICE REFORM IN THE AMERICAS



EDITED BY

**JOHN BAILEY AND
LUCÍA DAMMERT**



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..... **IN THE AMERICAS**

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ABBREVIATIONS

ACLU	American Civil Liberties Union Unión Americana de Libertades Civiles
AFI	Agencia Federal de Investigación Federal Investigation Agency
CAI	Centros de Atención Inmediata Immediate Service Center
CBP	Customs and Border Protection
CCAN	Cincinnati Community Action Now
CIA	Central Intelligence Agency
CIEP	Centro de Información Estratégica Policial Center for Strategic Police Information
CIHD	Comisión Investigadora de Hechos Delictivos Investigative Commission for Criminal Acts
CISEN	Centro de Investigación y Seguridad Nacional Center for Research and National Security
CNSP	Consejo Nacional de Seguridad Pública National Council on Public Security
COMSTAT or COMPSTAT	Computer Statistics
CPRP	Citizen Police Review Panel
CUSEP	Cuerpos de Seguridad Pública Public Security Forces
DHS	Department of Homeland Security
DIC	Departamento de Investigación del Crimen Department of Crime Investigation
DIJIN	Dirección de Policía Judicial e Investigación Bureau of Judicial and Investigative Police

ELN	Ejército de Liberación Nacional National Liberation Army
FARC	Fuerzas Armadas Revolucionarias de Colombia Revolutionary Armed Forces of Colombia
FBI	Federal Bureau of Investigation Oficina Federal de Investigación
FESPAD	Fundación de Estudios para la Aplicación del Derecho Foundation for Studies of Law Enforcement
FMLN	Frente Farabundo Martí para la Liberación Nacional Farabundo Martí Front for National Liberation
FNSP	Fundo Nacional de Segurança Pública National Public Security Fund
GDP	Gross domestic product
INFOSEG	Sistema de Integración Nacional de Informaciones de Justicia y Seguridad Pública National Integrated Justice and Public Security Information System
IIS	Internal Investigations Section
ILO/OIT	International Labor Organization Organización Internacional del Trabajo
ISI	Import substitution industrialization
ISPCV	Instituto São Paulo Contra a Violência São Paulo Institute Against Violence
IUDOP	Instituto Universitario de Opinión Pública Public Opinion Institute of the Central American University
NGO	Nongovernmental Organization
OMI	Office of Municipal Investigations
ONUSAL	Misión de Naciones Unidas en El Salvador United Nations Mission in El Salvador
PPF	Policía Federal Preventiva Federal Preventive Police
PGR	Procuraduría General de la República Attorney General's Office
PNC	Policía Nacional Civil National Civilian Police
PNSP	Plano Nacional de Segurança Pública National Plan for Public Security

SEDENA	Secretaría de la Defensa Nacional National Defense Secretariat
SEGOB	Secretaría de Gobernación Interior Ministry
SENASP	Secretaría Nacional de Segurança Pública National Secretariat for Public Security
SNSP	Sistema Nacional de Seguridad Pública National Public Security System
SSP	Secretaría de Seguridad Pública Public Security Secretariat
WHO	World Health Organization

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Public Security and Police Reform in the Americas

John Bailey and Lucía Dammert

Insecurity is a powerful force in private life and in politics, and fear and apprehension about crime and violence are driving change throughout the hemisphere. With few exceptions, the general pattern in the Americas was a significant increase in crime and violence in the mid-1980s and again in the mid-1990s. This pattern appeared on a global scale as well, for reasons that are not entirely clear. These trends clearly burdened the economies and societies of the affected countries. They complicated democratic governability as well, although we lack systematic, comparative studies (Bailey and Godson, 2000). The main exception to these trends in “common crime” was the United States, where crime rates peaked about 1990 and then declined over the decade (see Blumstein and Wallman 2000). But the sense of well-being brought by declines in crime was shattered by the terrorist attacks of September 11, 2001. In sum, whether due to criminal violence or terrorism, the issue of insecurity has risen to the top of the public agenda throughout the hemisphere.

This book examines the experiences with public security and police reform of six countries in the Americas: Brazil, Chile, Colombia, El Salvador, Mexico, and the United States. Our selection of cases (see table 1.1) includes countries representing the largest and smallest in size and population, federal and unitary in governmental organization, post-civil war and relatively pacific, in the midst of democratic transition and fairly well consolidated. *Public security*, as we use the term, differs from *national security* in that it emphasizes protection of persons, property, and democratic political institutions from internal or external threats. National security, in contrast, emphasizes protection of the state and territorial integrity from other state actors, as well as

from transstate actors, such as organized crime, terrorism, and the like. Apprehension about crime and violence against persons in their daily lives throughout the hemisphere puts priority on public security.

Along with the overviews of public-security challenges and responses, we present examples of police reform drawn from the same countries. The police play a central role in political life, and their roles in democratic systems—as Miguel Cruz emphasizes in his chapter on El Salvador—are especially significant. They are the active, visible presence of democratic governance. Their respect, or lack thereof, for civil and human rights sets the tone of government–civil-society relations. And their effectiveness in preventing and repressing crime is a crucial measure of government competence, which in turn affects the legitimacy of democracy as a political regime.

Police reform refers to improving police forces' operational efficiency and effectiveness in preventing and repressing crime as well as to strengthening their democratic ethos and accountability. Police reform is the most frequent first response to perceptions of increased insecurity, and we present a case for

1.1 General country information, 2002

	Population (millions)	Population growth rate (annual %)	GDP per capita ^a (thousands)	Unemploy- ment rate (rates total)	Poverty level ^b (%)	Gini coefficient (2001)
Brazil	174.5	1.2	4,644	10.5	22	0.59
Chile	15.6	1.1	5,436	7.8	22	0.56
Colombia	43.7	1.5	2,274	15.7	55	0.57
El Salvador	6.5	1.9	1,763	10 ^c	48	0.51
Mexico	100.9	1.5	3,713	2.1	40	0.52
United States	288.4	0.9	31,977	5	13	0.41

Sources: World Bank Development Indicators, <http://www.worldbank.org/data/countrydata/countrydata.html>; International Labor Organization, <http://www.ilo.org/public/english/employment/strat/kidm/index.html>; Human Development Report 2001, <http://hdr.undp.org/reports/global/2001/en>; Instituto Nacional de Estadística y Geografía, México, <http://www.inegi.gob.mx/inegi/default.asp>; Instituto Nacional de Estadística y Censo, Argentina, <http://www.indec.mecon.ar>; Instituto Brasileiro de Geografia e Estatística, Brazil, <http://www.ibge.gov.br>; Latin-Focus.com, 2003, <http://www.latin-focus.com>.

^aGDP/per capita based on constant 1995 US\$.

^bData correspond to 2001 for Colombia, Mexico, and United States; 1999 for El Salvador; and 1998 for Brazil and Chile.

^cData correspond to 2001, *CIA World Factbook*, 2003, <http://www.cia.gov/cia/publications/factbook>.

each country that opens a window onto some aspect of governments' efforts to use this instrument. Our selection of police-reform cases was not guided by a single criterion, as, for example, the most typical, most publicized, or most successful. Rather, the cases tell us stories about reform efforts that are interesting in particular national contexts. Our cases cover efforts to demilitarize the police in Colombia, Chile, and El Salvador; the creation of a business-oriented nongovernmental organization (NGO) in São Paulo to promote police reform; community self-help in Mexico to counter a hostile and ineffective state-police force; and a negotiated effort to improve relations between police and the African American community in a U.S. city. The stories illustrate vividly how factors such as political pressures, technology, scandal, leadership, culture, myths, and embedded corruption interact to affect change. Along with the overviews of public-security policies, they provide material to help us extract lessons about the success or failure of policy initiatives.

Although this book is mostly about Latin American countries, we include the United States. As shown in table 1.1, the United States is much more populous, wealthy, and economically equal and enjoys much higher rates of employment. Most discussions of policy problems are premised on the notion that the Latin American and U.S. cases are like apples and oranges. In contrast, we believe that a strength of this collection is to bring the U.S. case into a common framework of public security with other countries in the region. We emphasize two rationales. First, there is little mutual understanding of the different types of public-security challenges faced by the United States and by the other countries of the region. Sheer distance from the terrorist attacks of September 11, combined with a general antipathy in the region toward U.S. unilateralism in foreign policy, especially the March 2003 attack on Iraq, help explain the lack of understanding to some degree. Similarly, the U.S. public—including informed elites—has relatively little appreciation of the severity of crime and violence in the rest of the hemisphere and of their multiple impacts on the polity, economy, and society. For example, as Portes and Hoffman (2003, 70–74) point out, crime and violence have become significant push factors for outmigration from Latin America to the United States. Ignorance about each other's security situation leads the United States and the other countries of the hemisphere to misperceive and misinterpret actions and policies and to "talk past one another." These gaps in understanding may complicate efforts by the American republics to negotiate a successor to the 1947 Inter-American Treaty of Reciprocal Assistance, viewed by many as an outdated relic of the Cold War. In short, the multiple challenges of

insecurity in effect compel us to include the United States in a hemispheric context.

Second, Latin American political leaders, under siege from public demands that something must be done about crime and violence, have cast about anxiously for quick answers. Many of their ideas are drawn from the U.S. experience, which is seen to represent something like best practices. Frequently, the transplanted ideas are not well understood, and they may produce unexpected (often unwanted) results. An apt example is zero tolerance (sometimes called broken windows), drawn from New York City's perceived success and considered for adoption in Brazil and Mexico. A better comprehension of the institutions and values that shape U.S. experience can help guide selections, or at least it can illuminate the problems of policy diffusion from one national setting to another.

Dual Transitions and Public Insecurity in Latin America

Beginning in the late 1970s and continuing to the present, most of the Latin American countries experienced profound changes in both economic and political systems. These structural and institutional changes both coincided with and partially account for the upsurge in crime and violence. On the economic side, countries began transitions away from import substitution industrialization (ISI), with its emphasis on market protection and state-led promotion of domestic industry and toward greater emphasis on promoting trade and investment externally and deregulating the domestic market. ISI had been pursued to one degree or another throughout the region since the 1950s. While important advances in industrialization had been achieved by the 1970s, the overarching pattern was one of an inefficient industrial plant, unable to compete internationally in price and quality, and a public sector overburdened by multiple programs of economic promotion, regulation, and social welfare. Without exception, the countries experienced recurring and often severe bouts of inflation, along with balance-of-payments problems and fiscal deficits. The energy crises of the 1970s, with negative impacts on both oil-exporting and oil-importing countries, set the stage for the abandonment of ISI in the 1980s.¹

The economic transition to more open markets brought pain and sacrifices in the short term (and possibly in the long term as well), along with important benefits. Fiscal crises forced cutbacks in a variety of public programs, which in turn caused layoffs in public employment and the reduction or elim-

ination of subsidies. Governments retreated from industrial-promotion activities and began to sell off assets through privatization programs in, for example, telephones, transportation, agricultural-product processing, and a host of other activities. Reduction in tariffs and other forms of import barriers exposed economies to new pressures across the board, pressures that many domestic industries were unable to absorb. On the positive side of the ledger, most countries reduced fiscal deficits and overall levels of inflation and made progress on a variety of administrative reforms, including decentralization.

At the same time that Latin American countries experienced economic shocks, many of them (with Colombia as an exception) underwent complex transitions from different forms of authoritarianism to formal, that is, electoral, democracy.² The routes and circumstances varied. Of the countries included here, Brazil and Mexico followed a more gradual, negotiated path; El Salvador's democracy was negotiated in a formal treaty in 1992, ending its decade-long civil war; and Chile's seventeen years under military rule (1973–1990) ended with a peaceful plebiscite. Whatever the route of the transitions, the forms of democracy that emerged tended to be shallow and fragile (with Chile as an important exception). These democracies (including Colombia's) met the minimum requirements of competing parties, periodic elections that were reasonably clean, and elected leaders that exercised at least some degree of control over their bureaucracies. But constitutional guarantees were unevenly enforced, legislative bodies and courts operated ineffectively, subnational governments (states, provinces, cities) were generally inefficient and starved for resources, and democratic political culture and engaged civil society were generally lacking. Outside of the urban middle and upper strata, law enforcement was typically precarious, perverse, or nonexistent (Mendez, O'Donnell, and Pinheiro 1999).

Guillermo O'Donnell (1994) insightfully characterizes these emerging regimes as a type of delegative democracy. This is a species of democracy that in his view meets minimal criteria of procedural democracy but lacks horizontal accountability in the sense that powerful presidents are not checked by effective legislatures or courts. O'Donnell questions whether these new democracies will naturally evolve toward forms of representative democracy, with better enforcement of constitutional rights, more effective horizontal accountability, and more robust civil societies, or whether they will suffer what he calls a slow death of violence, corruption, inefficiency, impunity, and poor-quality decision making. Some countercurrents, however, such as more assertive legislatures and courts and more active civil-society organizations,