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WOLA ■ WASHINGTON OFFICE ON LATIN AMERICA

# THEMES AND DEBATES IN PUBLIC SECURITY REFORM

A manual for civil society

## External Controls

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## Themes and Debates in Public Security Reform Introduction to the Series

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The Washington Office on Latin America (WOLA) has monitored police abuse and U.S. and international police assistance since our founding in 1974. Peace processes and political transitions set the stage for efforts to reform public security functions, demilitarize internal security, professionalize police forces and increase democratic accountability for security policies. In El Salvador, Haiti and Guatemala, large-scale reform processes have been undertaken and have received significant support from the United States and the international community. More than any other region, Central America and Haiti have been a testing ground for international assistance for post-conflict security reforms.

As WOLA monitored the evolution of police reform in the region, we became convinced that the long-term consolidation of the police as a professional, effective, and apolitical institution depends on developing greater citizen involvement in and support for public security reforms. Reform processes are taking place in the context of dramatic increases in crime and face constant resistance and challenges from authoritarian sectors. Without a strong domestic constituency for police reform, these processes may founder. To support civil society organizations in the region seeking to engage with issues of citizen security, WOLA launched the “Advocacy Training Program for Police and Judicial Reform” in Central America in 1996 with support from PRODECA.

*Themes and Debates in Public Security Reform* aims to make the issues of public security reform more accessible to civil society organizations. This series examines selected key aspects of police reform, drawing on lessons from Central America, the United States, and the world. Each section frames the debates on the issues, provides examples of how issues have emerged and been resolved in different contexts, and offers examples of civil society advocacy for police reform. *Themes and Debates* also explores how key actors have affected police reform in various countries, including the role of international donors, national decision-making structures, and civil society. The series includes:

1. Police Recruitment
2. Police Training
3. Internal Controls and Disciplinary Units
- 4. External Controls**
5. Community Policing
6. Criminal Investigations
7. International Police Assistance

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## EXTERNAL CONTROLS

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U.S. scholars who have conducted comparative international studies of police accountability and “democratic policing” concur with the view that multiple channels of accountability are required for effective police accountability. Paul Chevigny notes: “We need a permanent, tripartite system of accountability including a fact-finding body for complaints, an auditor with power to obtain documents from the department, and an internal inspector general who can make sure that the findings of the other bodies are turned into working policy by the department.” (Chevigny 1995: 114) David Bayley observes that:

“The second distinguishing feature of democratic police forces is that they are accountable to multiple audiences through multiple mechanisms.<sup>i</sup> Police in developed democratic countries are watched and supervised by elected politicians; by civil, criminal and administrative courts; by the media; and, increasingly, by independent ombudspersons and civilian complaint-review boards. All of these are supported by accountability to written, democratically enacted law. In other words, democratic police forces are open to monitoring by outsiders. They may not always like being watched and second-guessed, but they recognize that this is inevitable in a democracy. Indeed, reflective police officers understand that their effectiveness in providing security depends almost entirely on their willing acceptance of outside supervision.” (Bayley 1997: 5)

A broad array of actors play roles in overseeing police institutions and activities including legislatures, courts and prosecutors, ombudsmen’s offices, civilian review boards or civilian police auditors, and inspector generals. This section will briefly review parliamentary and judicial controls of the police, and will then focus in greater depth on the relatively new and more specialized oversight bodies such as civilian review boards, auditors, and inspector generals. Civilian review, in its various forms, is a relatively new and growing trend in police accountability around the world, and one that, in theory, should facilitate direct citizen participation in holding police accountable.

External controls of police vary in effectiveness. Many factors play into the effectiveness of different controls, one of the most important being the engagement of external actors to the task of controlling police actions. It is common to see parliamentarians hold hearings and investigate police following media revelations of misconduct. It is far rarer to find sustained attention to monitoring police practices and budgets, tasks that require a serious commitment to the issues and resources including staff with some know-how. Likewise, at the local level, when they are dissatisfied with police services or outraged at police misconduct, communities will often mobilize and demand a response from political authorities and the police. However, the activists who demand oversight are often not included in the mechanisms that are set up as a result of their pressure. The politicization of the process creates mistrust and undermines the collaboration those mechanisms require if they are to work effectively.<sup>ii</sup> Another common dynamic is a dramatic decline in public interest in policing issues once the immediate crisis has been resolved, as few community members have the time or inclination to participate in ongoing

oversight mechanisms. This is a natural and probably inevitable dynamic. It brings to the fore the role of professional watchdog organizations such as the American Civil Liberties Union (ACLU) in the United States and human rights organizations throughout Latin America whose mandates and resources are expressly dedicated to these tasks.

At another level, studies indicate that different forms of control may serve different purposes. External controls may in fact not always have much influence over police behavior but may play an important role in reassuring minority or fearful communities that there is political will to address their security needs.

While this paper does not discuss the role of the media in raising issues of police abuse and practices, media attention frequently spurs political attention to these issues. Throughout Latin America, journalists are investigating police misconduct, sometimes at great personal risk. On the other hand, media coverage of crime is often sensationalist and generates further popular fear and demands for police crackdowns. Others also note the prevalence of violence on TV and in entertainment media as a factor underlying rising societal violence.<sup>iii</sup>

Neither does this paper explore the role of academics and universities in police reforms. In the United States, Europe, and other wealthy nations, there is a clear trend of hiring better-educated individuals to serve in police forces. In these countries, also over the last twenty years or so, universities have undertaken extensive research on policing and police effectiveness. In some cases, universities have also developed specialized courses for police managers that inform them of innovations in policing and help them advance in their careers.<sup>iv</sup> Such programs are extremely rare in Latin America, yet they could play an important role in improving both civilian and police capacities and in broadening and informing the dialogue about public security policies.

The following sections discuss parliamentary and judicial controls, and evaluate and discuss the genesis of external review mechanisms in the United States. The paper closes with a discussion of external controls in Latin America and four case studies of specially created police oversight bodies and human rights ombudsmen's offices that focus in large measure on police abuse.

Ombudsmen's offices and other forms of civilian oversight are being created throughout Latin America. While there are a number of studies and papers available, they remain largely descriptive and dedicated to spreading awareness and understanding of these offices. More in-depth and comparative analysis of the strengths and weaknesses of different external controls needs to be done to increase the effectiveness of these oversight bodies and the contribution they can make to the consolidation of participatory democracy in the region.

## 1. Parliamentary Controls

In an excellent review of legislative control and oversight of public security forces, James Dempsey, an expert on the control of the Federal Bureau of Investigations (FBI) in the United States, outlines the following parliamentary control functions:

- Parliaments have the power to pass legislation that clearly delineates police responsibilities and powers; separates the police from other institutions such as the military; establishes strong oversight mechanisms; and provides for access to information. Police organic laws, penal codes, criminal procedures codes, laws endowing the judiciary with oversight of undercover police operations (such as the power to authorize use of wiretaps), and laws such as the U.S. Freedom of Information Act, which provides for citizen access to information, should all reflect the values of democracy and human rights. Congress may also pass laws requiring other governmental agencies to make public reports on their activities each year.
- Parliamentary committees responsible for authorizing and overseeing police budgets should have complete access to information from the police and executive branch, and should be empowered to compel testimony. Oversight should be conducted through public hearings whenever possible. While there will be issues and cases that require closed sessions for security reasons, these should be kept to a minimum.
- Parliaments also have the power to create ad hoc or investigative committees to look into scandals or developments regarding police. Such committees are often created to respond to media reports. They also should be able to subpoena witnesses and require documentation. Generally, parliaments will examine cases after they are closed and do not exercise control of daily operations. It is important to note that parliaments should not have the power to influence, initiate, or terminate specific investigations. Parliaments may look into and call for the suspension or termination of ongoing cases if they have reason to believe that they are politically motivated or abusing rights. But parliamentary oversight seeks to protect security operations from political influence, not substitute the political influence of the parliament for that of the executive.
- The United States Congress created a body called the General Accounting Office (GAO) which conducts audits and evaluations to see that government funds are being properly spent. For many years, the GAO had an office inside the FBI.
- Parliaments confirm senior officials and have impeachment powers. While in practice it is rare for a Congress to reject a presidential appointee, it does happen. In 1994, for example, the Haitian Senate rejected President Aristide's appointee for chief of police.

## **1.1 Parliamentary oversight of police in Latin America**

In Latin America, parliamentary oversight is improving, but remains weak. As a region, Latin America is known for a long history of strong presidents and authoritarian governments. While the age of politically subordinate “rubber-stamp” parliaments has largely ended, parliamentary checks and balances remain relatively weak in many countries. At a practical level, many parliaments have been and continue to be poorly equipped, with few staff and almost non-existent research or investigative capabilities. Politically, parliaments have faced direct attack. As recently as 1992, President Fujimori unilaterally disbanded the Peruvian parliament and rewrote the Constitution curtailing parliamentary powers, including ending parliament's

power to approve the nominee for chief of police.

In much of Latin America, laws governing police and public security policies are antiquated, or have been modernized without reconciling new and old provisions, have overly broad definitions of crimes and police powers, fail to reflect international standards of human rights and police conduct, or are simply ignored in the daily practices of the police and other authorities. There are increasing efforts to rewrite and reform laws governing police and public security practices. These reforms are significantly improving the legal framework for public security. Importantly, they are incorporating international standards on the use of force, and the code of conduct for law enforcement officials on professionalization and accountability. Yet many laws are flawed in ways that often reflect the newness of the terrain to civilian policymakers. In El Salvador, the police disciplinary codes underwent three rewrites during the years following the creation of the new National Civilian Police (PNC), when the definition of types of misconduct and procedures to address each proved excessively cumbersome in practice. (FESPAD 1997) In Buenos Aires, Argentina, the new police law laid out a range of provisions to restructure the police and tighten ties to local communities and citizens, but failed to stipulate criteria for police management and administration, which created a range of problems as the reform was implemented. (Abregú, Palmieri, and Toscornia 1998)

Police frequently resist parliamentary oversight. The most common police response is to accuse parliamentary efforts to reform legislation or increase oversight of public security policies of being an unwarranted political interference. Despite the weakness of parliamentary oversight, in the wake of the region's democratic transitions, civil society groups are making parliaments a target of advocacy campaigns and working to improve the legal framework guiding policing and public security. The challenge is to continue to press parliaments to become more effective in the ongoing oversight roles outlined above.

Another trend in Latin America is the creation of national advisory councils on public security. Composed of civilian "notables" or a mix of government officials and civil society representatives, these bodies have yet to establish a track record. In theory, they provide for broader input into public security policies across the board, rather than specifically overseeing police actions. In El Salvador, the United Nations mission recommended the creation of such a commission. Its performance was lackluster at first as the members had little or no experience in security policymaking and little concept of the commission's role and mandate. The Salvadoran council has improved somewhat over time, hiring a small staff that produces reports for Council members. In Honduras, the new police organic law creates a similar council, half of whose members are drawn from the government (including the human rights ombudsman) and the other half from civil society. The group has significant powers beyond making policy recommendations to the president and Minister of Public Security. These powers include policy formulation, inter-agency coordination, oversight of the police, promoting citizen participation, and selecting the list of names from which the president chooses the director generals of the two police forces (preventive and judicial). Unfortunately, many of the council members have no experience in the field, have received no assistance, and have been slow to exercise their powers. This lackluster beginning led some Honduran activists to suggest that it should be dismantled or reformed a mere year after its creation.

## **Parliamentary Oversight in Argentina**

Despite the creation of various agencies charged with police accountability in Argentina, almost none have managed to progress toward the objectives identified for them by law. Federal police frequently assert their independence of all political control, and ministerial oversight of police is almost non-existent. When the federal police presented a bill to create a judicial police force, parliamentarians called the Minister of the Interior (who has authority over the federal police) to account for the bill's excessive restrictions on individual rights. In his defense, the Minister of the Interior pleaded ignorance, saying that he had never seen the bill.

The Buenos Aires police reform process created a bicameral oversight committee in the provincial legislature that would monitor and oversee the reform process, but gave it no staff or budget. The committee, composed of eight senators and eight deputies elected by their respective chambers, has powers to: require local and national authorities to provide information, subpoena witness testimony, prevent people from leaving the country, and make proposals for reforms to the executive branch. It is to publish a public report each year and another report for Congress only. Despite these wide-ranging powers and duties, the commission's work has been unsystematic and sporadic, conducting no ongoing routine oversight tasks. Observers attribute these limitations primarily to the lack of interest of its members.

Yet state authorities can exert significant control over state police. The Secretariat for Security created during the Buenos Aires police reform has played a central role in police oversight and was responsible for firing thousands of police. (Abregú, Palmieri, and Tiscornia, 1998)

## 2. Judicial Controls

Criminal prosecution of abusive police has long been demanded by the human rights community monitoring police abuse in Latin America. Ongoing police impunity remains an extremely serious problem in countries throughout the region. The Inter-American Commission on Human Rights reports that in the wake of the region's democratic transitions, police rather than military forces commit the majority of the human rights abuses, and they continue to enjoy impunity as the military did in the past. (Gutierrez 1998) Basic principles of accountability require that criminal acts be prosecuted and that the punishments reflect the seriousness of the crime.

Yet U.S. scholars note that from the perspective of seeking effective tools to hold police accountable and promote improvements in police practices, criminal prosecution is the most cumbersome. Criminal prosecutions occur after the fact; it is largely a matter of chance whether a case has sufficient proof for conviction; and the burden of proof is high, while the chances of success are small. As a result, criminal prosecutions are only a patchy deterrent to police abuse and, when police executives disagree with decisions to prosecute, are likely to have no impact at all on police policy and practice. One clear exception to this finding is the occasional major law suit that changes underlying constitutional law and forces states and cities to alter their practices. In 1985, the U.S. Supreme Court ruled that the common practice of allowing police to shoot at fleeing felons was unconstitutional unless the suspect was armed and dangerous (see paper 3 in this series, "Internal Controls and Disciplinary Units"). (Chevigny 1995: 101) But in many cases, a criminal process may not be a good indicator of what policies should be changed or implemented to prevent excessive use of force. Such policies must be shaped by police regulations, training, and practice. Prosecution can also be a political tool by which officials respond to public outrage over a police action and police see themselves as victimized for doing their jobs. (Chevigny 1995: 98-101) This is not to say that when police commit crimes, they should not be prosecuted. This analysis simply posits that other accountability mechanisms are probably more effective for changing police practice "before the fact" to try to reduce the number of incidents of abuse.

The human rights movement in Latin America has dedicated tremendous energy to "breaking the cycle of impunity" and, to this end, has frequently pressed particular cases of human rights abuse through the courts. Cases are chosen on the basis of the egregiousness of the crime or as examples of broader practices and patterns of abuse. Recent cases in El Salvador have drawn the attention of policy-makers and the public to issues of police planting evidence, witness tampering, and cover-ups. In some countries, changes in criminal codes allow non-governmental organizations (NGOs) to be parties to criminal cases. NGO participation has facilitated the prosecution of human rights cases in which victims may have few resources and face many impediments, including fear and threats, in pressing their cases before the courts. While such cases have helped to stem police abuse or change regulations in some countries, many Latin American nations have become quite adept at offering up the "sacrificial lamb" – prosecuting the police directly responsible for the abuse but never holding superior officers accountable or addressing bad practices and policies underlying the abuse.

In addition to criminal cases, civil litigation seeking compensation in cases of police



abuse has increased in the United States over the last twenty years. Supreme Court rulings have held that local municipalities are liable if their police department displays “deliberate indifference” to constitutional standards of behavior. In other words, citizens can sue for damages from the local government. In smaller cities that cannot afford to pay out large damages or see their insurance premiums soar, this may have some deterrent effect. But in large cities, the city government will frequently settle with complainants rather than go to court. The settlements, which are paid from city funds and not out of police budgets, simply become another cost of doing business. Between 1987 and 1992, New York City paid out damages of over \$50 million in civil suits, an average of \$400 for each officer in the force. Yet this amount was still small next to the police budget of some \$1 billion annually. (Chevigny 1995: 101) To date there is little indication that civil suits have a larger impact on police practices. Police tend to see suits as frivolous, poorly founded, or politically motivated. Until recently, police departments have not monitored or kept track of civil suits. There is some indication that, as juries become more willing to award larger sums in compensation, some police departments (including New York City’s) are starting to take civil claims into account in the evaluation and promotion of officers.

In Latin America, most citizens are poor and have little or no access to the courts to seek redress through civil actions. While human rights organizations in some countries are starting to explore the possibilities for public interest litigation through the courts, this channel has yet to demonstrate significant potential as a tool for police accountability in Latin America.

In many countries of Latin America there is almost no judicial control of police actions even when these include arbitrary detentions, violations of privacy, and other abuses. Judges generally only question police actions in cases of extreme illegality. Judges overlook crimes committed by police in the course of their duties and ignore accusations that police exceed their authority. Generally, judges are disinterested to the point of giving police a blank check, allowing wiretaps, searches conducted without warrants, searches of individuals, and detentions based on “police instincts.” Recently, in Argentina, the nation’s highest criminal court ruled that judges could not require an undercover agent to appear and testify in court, even in a case where the prosecution was based almost entirely on the uncorroborated evidence of the undercover agent. The agent had refused to appear, saying he was afraid for his personal security. When the court insisted on hearing testimony, the higher court overruled it. (Abregú, Palmieri and Tiscornia, 1998: 62) In Mexico, confessions and evidence obtained through torture and other human rights violations are often admissible in court. Despite a 1991 law banning coerced confessions from the legal process, judges often refuse to reject retracted statements, even if torture is evident. Judges also rule confessions obtained during arbitrary detention valid as long as the victim admits guilt. (HRW 1999a) Rather than controlling it, Latin American judiciaries are often complicit in police abuse.

In addition to the litigation of cases of police abuse, the courts can play key roles in controlling police behavior through the role of judges and prosecutors in guiding police investigations, authorizing police actions such as wiretaps and undercover operations, and ruling on the admissibility of evidence. (These issues are dealt with in greater depth in the sixth paper in this series on criminal investigations.)

### 3. Civilian Review

Civilian review is a relatively new trend in police accountability. Civilian review arose because of tensions between minority, generally inner city, communities and the police. The first civilian review body was established in the United States following recommendations of the 1965 McCone Commission, which examined the causes of major riots in Los Angeles. A sharp debate has since developed between advocates of internal police review and advocates of civilian review. Advocates for internal discipline argued that “internal discipline can be swifter and, because [it is] imposed by the officer’s own superiors, more effective [than external review],” (1967 Joint Task Force on the Police, cited in Perez and Muir 1995) while civilian review proponents asserted that “Some civilian review of police conduct, whatever the form, is always essential. Ultimately, the police are responsible to the public, not to the chief of police.” (Former U.S. Attorney General Ramsey Clark, cited in Perez and Muir 1995) There is a long and ongoing history of minority community mistrust of internal police disciplinary processes in the United States. That this remains a serious problem is evidenced by the failures of internal police discipline documented in the 1998 Human Rights Watch report *Shielded from Justice: Police Brutality and Accountability in the United States*.

Analysts note that civilian review is a political rather than managerial solution to police misconduct. The creation of a review board often resolves the political crisis that provoked its creation, but the process may do little to assure the success of the board. In the worst cases, review boards are given few staff with no training and limited budgets, are overwhelmed by complaints, and face police resistance. Some are closed down a few years after their creation, as happened in Washington, D.C. Yet others have played important roles in building community confidence and reining in abusive police.

### **3.1. Different models of civilian review**

There are a number of different models of civilian review, the most prominent of which is the “civilian review board” mentioned above. Other forms of citizen review do not entail creating multi-member boards. In the United States, 82 percent of citizen review bodies are multi-member and 17 percent single-member. (Walker and Wright 1995) Most citizen review in the United States only examines complaints against police, although a small number also oversee other government agencies.

Citizen review bodies have been classified in a number of ways, mostly focusing on factors of independence and levels of citizen participation. In what is probably the best-known classification by Sam Walker, there are four classes of civilian review:

*Class I* is the most independent model. This system employs paid, civilian, professional investigators to receive complaints, conduct an initial fact-finding inquiry, review police reports, and make recommendations to the chief of police. In this model, the citizen review serves as an alternative to the police internal disciplinary unit.

*Class II* systems employ a civilian or board of civilians who review police investigations and reports and then recommend action. Police personnel carry out the initial fact-finding investigation following the receipt of a complaint.

In *Class III* systems, the police internal affairs department receives complaints, conducts initial fact-finding and any later investigation, and recommends action to the chief. If the complainant is dissatisfied with the result, he or she may complain to an appeal board including civilian personnel. The board reviews the complaint and can make recommendations to the chief.

*Class IV* systems entail an auditor who does not investigate individual citizen complaints but reviews the police complaint procedure and makes recommendations. In San José, California, the independent police auditor reviews all complaints of unnecessary force and at least 20 percent of all other types of complaints using a callback system to contact complainants and see how satisfied they are with the process. (Walker 1998) A similar system was established in São Paulo, Brazil (see discussion in section 4.4).

## 3.2. Powers of citizen review in the United States

- ⑨ Very few review boards can do more than make **recommendations for discipline**. Many boards have the option of choosing to make a private or public recommendation, and whether or not to send a case to the courts for prosecution. Citizen review authorities may make a private recommendation with the direct or implicit threat of going public should the police fail to act appropriately. However, citizen review boards in Detroit and Milwaukee were given direct disciplinary powers. Experts note that, in reality, even mandatory powers have limits given that the police have tremendous powers of resistance.
- ⑨ Forty percent of review boards have **subpoena powers**.
- ⑨ One-third of review boards allow for **legal representation** for the complainant, the police officer, or both.
- ⑨ Some review boards can **mediate** between the parties and seek a solution through conciliation rather than formal disciplinary measures. This approach can be useful for certain types of incidents. It is more flexible, less costly, and less time consuming than a formal investigation. However, if mediation and conciliation are offered, there must be guarantees for complainants so that they will not be pressured into accepting a mediation process they do not want.
- ⑨ In addition to receiving and reviewing complaints against the police from citizens, many review bodies are also authorized to **review policies and procedures** and **make recommendations for changes**. This function is always limited to an advisory power, but is seen as an important measure for prevention of misconduct.
- ⑨ Citizen review may channel public complaints into **early warning systems** or to police counseling programs that identify at-risk personnel and offer services and/or issue warnings.

- ⑨ Almost all citizen review bodies **publish reports**. The level of detail varies significantly, as do rules about what information is confidential and what is open to the public.
- ⑨ Many review bodies provide complaint forms, publish brochures, and otherwise **advertise** their activities. (Walker and Wright 1995)

### 3.3. Criticism and debates

There are now over 90 citizen review bodies in the United States. Their performance record is mixed and has generated considerable debate. Due to a variety of factors – including poor leadership and staffing, as well as hopelessly slow procedures and backlogs – some review boards have functioned poorly and have failed to have any impact on police misconduct. (Walker 1998)

Civilian review can be a very expensive undertaking, particularly the highly independent boards that employ professional investigators and conduct their own inquiries separate from internal police processes. Thus it is disquieting that, overall, civilian review has been found to sustain fewer cases than internal police disciplinary processes. (Perez and Muir 1995) It is not clear, however, that these statistics disprove the value of external review of police conduct. Police abuse is notoriously hard to prove, particularly in the many cases where there are no witnesses and it comes down to the police agent's word against the civilian's.

Human rights groups generally press for a high degree of independence as a measure of the board's credibility and legitimacy. Generally, the highly independent bodies receive more complaints. Yet this form of review is also the most threatening to the police commander and force, and creates great tension in the relation between the board and police, thus hindering police cooperation. This prompts some experts to argue that civilian review officials must see themselves as being in a partnership with police. Yet if a review body seeks to work intimately with the police, it can often jeopardize its credibility with the community.

Other research indicates that the more bureaucratic and formal the disciplinary review process, the less impact it has on individual police behavior. In an adversarial system with formal hearings and processes, police tend to defend innocence at all costs and rarely allow that the complaint has any legitimacy. This creates a difficult tension: more due process means less impact on behavior, yet more secrecy means less legitimacy. Thus internal disciplinary systems are more likely to affect police behavior, particularly because they also influence police careers, as findings are incorporated into personnel files and affect promotions, transfers, beats, or partner assignments. (Perez and Muir 1995)

Most U.S. civilian review systems focus entirely on individual complaint adjudication; few undertake systematic analysis of complaints and policy. Many civilian review supporters argue that they can and should play more of a role in analyzing practices and recommending policy or training changes to support learning processes within the police, and that police themselves are often interested in identifying the tactics that generate complaints.

Political dynamics, which affect civilian review systems in diverse ways, must also be

taken into account. For example, a community often demands civilian review after an incident of police misconduct provokes public outcry. In such cases, local political leaders rush to respond and appoint a review body. Frequently, however, they appoint a committee that reflects political concerns rather than the community. The community loses faith in the effort and does little to support the review board, which then loses the attention and support of political authorities. In Los Angeles, political dynamics affected civilian review differently. The post of the Inspector General (LAIG) was created to confront police abuse problems. The LAIG is hired by civilian authorities and not accountable to the police chief, can investigate any complaint from police or civilians, and has full access to police files. The first inspector general was widely recognized as an aggressive and effective investigator of police abuse. Political authorities supported her investigations and findings. Yet following the resignation of the police chief and the appointment of a new chief, who enjoyed the support of local political authorities, those authorities had little interest in a high-profile inspector general whose findings could undermine the new police chief.

Despite the criticisms of civilian review, it continues to be promoted by civil rights organizations and is spreading throughout the United States, particularly in urban environments where minority relations with police are difficult. The ACLU argues that civilian review is important because: (1) it establishes the principle of police accountability; (2) it can be an important source of information about police misconduct; (3) it can alert police administrators to the steps they should take to curb abuse; and (4) the implementation of civilian review can help ensure that reforms are implemented. The ACLU also notes that civilian review works in that it nearly always reduces impediments to bringing complaints, reduces public reluctance to file complaints, and enhances public reporting of statistics on complaints. (ACLU 1997: 13-15)

## 10 Principles for an Effective Civilian Review Board

1. **Independence.** The power to conduct hearings, subpoena witnesses, and report findings and recommendations to the public.
2. **Investigative powers.** The authority to independently investigate incidents and issue findings on complaints.
3. **Mandatory police cooperation.** Complete access to police witnesses and documents through legal mandate or subpoena power.
4. **Adequate funding.** Should not be a lower budget priority than police internal affairs systems.
5. **Hearings.** Essential for solving credibility questions and enhancing public confidence in the process.
6. **Reflect community diversity.** Board and staff should be broadly representative of the community it serves.
7. **Policy recommendations.** Civilian oversight can spot problems and provide a forum for developing reforms.
8. **Statistical analysis.** Public statistical reports can detail trends in allegations, and early warning systems can identify officers who are subjects of unusually numerous complaints.
9. **Separate offices.** Should be housed away from police headquarters to maintain independence and credibility with the public.

## 4. External Review in Latin America

Most countries in Latin America have created national ombudsmen's offices and/or human rights ombudsmen's offices that have police oversight powers.<sup>v</sup> Their mandates are limited – they can only issue findings and forward cases to the courts – and their track records are mixed. Despite these limitations, the human rights movement has supported the creation of ombudsmen's offices and often advocates for increasing their powers, prominence, and budgets.

Even in the most adverse political conditions, dedicated ombudsmen have been capable of providing an important measure of protection to individuals and a public profile for human rights issues. In Honduras, for example, a committed and independent ombudsman has played a key role in gathering information and pressing for trials of those responsible for disappearances and other human rights abuses under past regimes. This office has also supported civil society initiatives advocating police reform. Yet some ombudsmen have a limited sense of their powers and obligations and do very little and only poor quality monitoring and investigations of abuse. Governments all too often simply ignore non-binding recommendations made by ombudsmen, or their political profile is so low as to bring little attention to the issues they raise.

In some cases, governments have paid lip service to the notion of accountability by

creating ombudsmen's offices while restricting their mandates. In Peru, the ombudsman's office is barred from receiving complaints about or examining human rights violations by the military, the institution long responsible for the majority of human rights violations and, during extended states of exception, responsible for public security tasks in as much as half the country. Nonetheless, the Peruvian ombudsman's office has played an important role in studying cases of individuals detained under draconian anti-terrorism laws and recommending the release of thousands of innocent detainees, many of whom had spent months in jail with no legal recourse.

Even where ombudsmen conduct good investigations, they do not necessarily have an impact on government policies. The human rights unit of the Colombian attorney general's office has conducted excellent investigations into human rights abuses in Colombia, the country with the highest rates of political violence of the region. These reports have made no difference in the practices of powerful and autonomous military and paramilitary forces, nor have they helped curb impunity. The government has not repudiated attacks on the unit's investigators by paramilitary forces, nor has it actively supported the office.

In addition to external oversight of police by ombudsmen's offices, several areas of Latin American, including Argentina, Colombia, and São Paulo, Brazil, have created civilian review of police. Their track records are also mixed. The Argentina initiative is too recent to evaluate here. In Colombia, the body was closed down three years after its creation. In São Paulo, however, it represents an important step forward in police accountability, and other cities in Brazil are now in the process of creating a police auditor based on the São Paulo model.

The following sections examine three Latin American efforts to strengthen civilian control and oversight of police forces: São Paulo's police auditor, the civilian review board in Colombia, and the human rights ombudsman's office in El Salvador. The paper ends with some conclusions about the factors contributing to their relative successes and failures and the potential for expanding civilian review in Latin America.

## 4.1 Civilian review of police in Colombia

In 1993, Colombian authorities initiated a major police reform process after police raped and killed a nine-year-old girl in a Bogotá police station. With this outrage, the reputation of the corrupt, brutal, and inefficient Colombian National Police (CNP) force hit rock bottom, and police authorities were forced to recognize the need for reform. The process started with the creation of two commissions, one internal to the police and the other an external commission that included academics and civil society representatives.<sup>vi</sup>

The 1993 police reform law incorporated several of the external commission's recommendations, many of which sought to increase civilian control and improve police-community relations. Among these steps was the creation of a National Police Commissioner, a civilian authority who would oversee police disciplinary processes; receive, process, and analyze

complaints about police conduct from citizens; and develop statistical analyses and program evaluation. These functions were beyond the purview of other governmental human rights offices, which can receive and investigate complaints against the police but have limited ability to press for changes in police policy and practice.

The proposal met immediate police resistance. Sharing disciplinary powers is resisted by police in many countries, and was anathema to Colombia's highly militaristic police force. The commissioner did not receive needed support from other governmental sectors, including the first civilian Minister of Defense (which has jurisdiction over the CNP). The law establishing the commissioner's role failed to clarify the role and powers of the office. Government officials did not understand or were totally unaware of the office and its role. Other governmental human rights offices (such as the human rights ombudsman) were reportedly unaware of its creation. (Goldsmith) There was a considerable delay in appointing the first commissioner, and he resigned six months later. The office had two more commissioners during its brief life span, both of whom complained of police resistance, inadequate budgets, and lack of government support. (Goldsmith)

Critics of the office maintain that by focusing almost entirely on after-the-fact investigations into abuse (the "traditional human rights lawyer" approach), the commissioner's office focused excessively on punishing abusive cops and fed police antagonism.<sup>vii</sup> Yet given the levels of police resistance encountered by the commission and later dynamics of police reform described below, it is not clear that police would have been more open to recommendations for changes in practices aimed at reducing human rights abuses.

Human rights groups gave little support to the commissioner's office. They were not invited to join the civilian commission studying police reform, but did have relations with and confidence in certain members of the commission.<sup>viii</sup> In part this reflects the relatively low profile of the office, its work, and its leaders. It also reflects the fact that, in the context of Colombia's protracted counter-insurgency efforts and ongoing human rights crisis, overwhelmed human rights organizations with limited resources did not prioritize civilian review of police.

The political dynamics of police reform in Colombia changed with the inauguration of President Samper and his appointment of former CNP Inspector General Serrano as National Director of the CNP. In 1995, Serrano initiated an aggressive, police-driven reform process. He fired over 5,000 police suspected of misconduct – most for corruption rather than abuse – and reinstated the inspector general's office, which had been closed in 1993 with the creation of the commissioner's office. The various reform efforts of the 1990s have reduced levels of police corruption and improved their public image. Nonetheless, police continue to be implicated in massacres, "social-cleansing killings," and other human rights abuses, and are complicit in paramilitary actions in the conflictive regions of Colombia. (HRW 1999b: 111) Serrano's reform did not undertake larger institutional or structural changes to increase police accountability.

As reform became more police-driven, support for the commissioner's office diminished further. In late 1995, the budget for the police commissioner's office was cut by eighty-five percent. In September 1996, President Samper issued a decree disbanding the office, and it closed a year later. The Supreme Court ruled that his action was illegal, but nothing has been



done to reinstate the National Police Commissioner.

While the effort to include significant civilian engagement in review of police abuse and police practices no doubt contributed to the pressure on the police to clean house, it failed to advance the goals of increasing civilian control of police or confronting police abuse of human rights. Factors contributing to the failure of civilian review in Colombia included police resistance, weak governmental support, and a low profile. None of the police reform efforts have adequately addressed the issue of how to achieve broader institutional reform of the police.

## 4.2 The role of the Salvadoran human rights ombudsman's office in police accountability

In 1992, a negotiated peace agreement put an end to El Salvador's decades-long civil war. The peace accords set out a detailed blueprint for police reform and also created a Human Rights Ombudsman's office (*Procuraduría para la Defensa de los Derechos Humanos*, PDH). (WOLA 1993, 1996; Costa 1998) The PDH has a tremendously broad mandate. It is to hear complaints against any government employee; monitor legislation to assure its concordance with human rights standards; monitor prison conditions; and monitor economic, social, and cultural rights, and the rights of women, children, the elderly, and the environment. (From the beginning, however, the PDH has failed to prioritize its resource allocation among the different areas of this mandate.) The office is large, with a staff of close to four hundred, an annual budget of about U.S. \$4 million, and field offices throughout El Salvador. In 1996, United Nations representatives in El Salvador identified the PDH as playing a key role in monitoring the police reform process.

The PDH receives complaints, determines their admissibility, conducts investigations, and issues findings. During investigations, the PDH has the right to all necessary documentation from the authorities accused of the misconduct under investigation. The law determines that, if those authorities refuse to provide requested information, their refusal permits the PDH to presume that the allegations are true. Thus, non-cooperation may contribute directly to the upholding of a complaint. In the finding on each case, the PDH is to include recommendations for measures to correct the problems that gave rise to the violation. (FESPAD 1997) The PDH can also offer to mediate between the victim and the perpetrator to settle cases and help victims obtain compensation. The PDH has an unusual power over internal police disciplinary mechanisms in the form of veto power over the appointment of the police inspector general.

The PDH receives far more complaints of police abuse than do police disciplinary mechanisms – the police control unit and the inspector. From mid-1996 to mid-1997, the PDH received 2,500 complaints of police abuse, including forced disappearances, murder, attempted murder, and other abuses of personal integrity. Half of all complaints made to the PDH were

about police misconduct. In 1997, the PDH sustained 214 complaints of police abuse. (FESPAD 1997: 26)

The role and profile of the PDH has depended primarily on its leadership. The first ombudsman, a corporate lawyer with no experience in human rights issues, failed to define and advance a mandate for the office. Avilés, the second ombudswoman, rapidly made her mark as an energetic and high-profile rights advocate, developing a good relationship with the human rights community. Under her tenure, the PDH played a prominent role in monitoring police abuse.

Avilés focused the PDH's investigations on both high-profile cases and cases of the most serious abuse. The focus on high-profile cases demonstrated that police were not above the law and could be held accountable by the judiciary and civilian authorities. In certain cases, the PDH's investigations and findings had significant political impact. In one instance, the PDH revealed highly problematic practices by the Minister of Public Security and forced a controversial advisor to leave.<sup>ix</sup> However, the PDH frequently did not investigate other police misconduct and never developed criteria for deciding which cases should be investigated further and which should not.<sup>x</sup> One important consequence was that the PDH never managed to develop analyses of patterns of abuse and police practices contributing to misconduct.

Despite the significant size and budget of the office, it has confronted a number of difficulties in investigating police misconduct. Avilés complained of lack of police cooperation and of financial constraints in investigating the huge number of complaints she received. Another factor that has hampered PDH investigations of police misconduct is the office's shortage of qualified personnel and total lack of staff with expertise in policing. (Costa and Nuñez 1996: 8)

The role of the PDH in controlling police misconduct has not been coordinated with police internal disciplinary mechanisms. During the early days of the police reform, there was a delay of over a year in appointing the police inspector general. This vacuum allowed police misconduct to go unpunished and threatened to create an atmosphere of institutional tolerance of misconduct. While the PDH was receiving complaints of police abuse, laws and procedures failed to create mechanisms for the PDH to inform the police immediately of complaints so that police commanders could initiate their own investigations, or take other measures such as transferring the officer to desk duties or placing him/her on leave. This situation continues and there are often long delays before police units learn of incidents of abuse. This also reduces the ability of the PDH to choose to oversee police investigations as an alternative to undertaking its own investigations of all complaints. (FESPAD 1997)

Despite assessments that made a range of management and administrative recommendations to improve the functioning of the office, Avilés did not consolidate a professional staff or improve strategic planning during her tenure. (Costa and Nuñez 1996: 8) She failed to develop a broader approach to issues of police misconduct or promote staff professionalization and development. Her managerial weaknesses have left the office vulnerable to leadership changes and highly dependent on the commitment and skills of the next ombudsman, who proved to be a disaster and left the office after less than a year.

Nonetheless, the PDH has clearly played an important role in holding police accountable for individual cases of serious abuse, thus reinforcing the credibility of the police reform process

with the Salvadoran people. It is possible that the office could have had a larger impact on police behavior had it also devised a way to analyze patterns of police practice and make recommendations for change. Despite police opposition to the PDH's work, the dimensions of the police reform undertaken in El Salvador meant that there was a relatively good environment in which to press for procedural and operational changes.

However, over the longer term, the PDH's work alone is not enough to check police misconduct and keep the reform process on track. By early 1999, high-profile cases revealed police involvement – including senior commanders – in cover-ups of killings in which police were implicated, and cases in which police planted and manipulated evidence. (WOLA 1999) Other problems include allegations of high-level corruption, and the Minister of Public Security continues to create special units that report directly to him and undermine the institutional chain of command. (WOLA 1998) The continued weakness of the new Salvadoran police reinforces the fact that reform processes are protracted processes.

## 4.3 The police auditor of São Paulo, Brazil

São Paulo has a strong human rights movement with over 40 organizations, many focusing on police abuse. In the wake of egregious police abuses which received extensive media coverage, the human rights movement demanded and won the creation of a Council for the Protection of the Human Person (CONDEP). Eight of CONDEP's ten members represent civil society sectors. CONDEP made a number of proposals on police issues, many of which sought to increase controls on police behavior. (Not all proposals focused on accountability. Among other recommendations, the Council proposed the creation of a fund to benefit the families of police killed on duty.)

In November 1995, following the election of a new governor, the state government of São Paulo created a Police Auditor to receive complaints from civilians about abuses committed by the military and civilian police. CONDEP plays a key role in the appointment of the auditor, providing the governor with three names, one of which he selects. The auditor's term is for two years, renewable once, and once appointed, the auditor cannot be removed from office. The auditor is supported by an advisory council of 10 prominent figures. He has the power to demand any document from any police office. As of mid-1997, the office had a staff of 25 to oversee police forces totaling some 20,000 personnel, policing a population of 15 million people. (Pinheiro 1998: 184)

The first auditor, Benedito Domingos Mariano, was a human rights activist who had worked for years with the Archbishop's human rights office in São Paulo. Before starting his work, Mariano went on a tour of the United States and Canada and visited four different civilian review boards. He drew on those lessons as he structured his approach.<sup>xi</sup>

Mariano prioritized cases of police killings, torture, abuse of authority and threats. In

these cases of serious police misconduct, the police must provide a report on their investigation of the incident to the auditor who then decides whether the investigation and outcome were satisfactory. If he is not satisfied, he takes the case to the Minister of Public Security and asks for another investigation, which a staff person monitors very closely. There is no punishment for a poor first investigation, but if police refuse to accept the auditor's recommendation, the Minister of Public Security can impose a punishment. The auditor has found that police treat the cases he follows very seriously and, over two years, he has found the proceedings unsatisfactory in only 10 cases.<sup>xii</sup>

In addition to receiving complaints, the auditor can hold public hearings with testimony from civil society groups, government, and police authorities. The office issues a report every trimester and annual reports that are given to the government and public simultaneously. (Ouviodoria 1996, 1997) The government has no right to edit or censure these reports.

The auditor can also propose changes in police policies and practices. He has made 15 recommendations, five of which have been acted upon to date. As a result of one recommendation, the civilian police changed their targets for shooting practice to emphasize shooting to disable rather than kill. (The military police, however, refused to implement this recommendation.<sup>xiii</sup>) The state government also accepted his recommendation to revise the military police's internal disciplinary regulations, by incorporating more regulations on interaction with the public. Mariano was involved in drafting a new police disciplinary code. The auditor can also send cases to the courts for prosecution, where he has pressed for expedited trials so that victims of police abuse or their families can receive indemnities within a four-month period. Finally, the auditor is advocating for parity in compensation for families of victims of police brutality and families of police killed on duty.

Public confidence in the auditor's office grew over time and the office gained a higher profile. During the first three months of the auditor's office opening, Mariano received complaints in only about ten percent of cases of police use of lethal violence. As the office received more publicity and human rights organizations brought their complaints to the auditor, the number of complaints received increased massively. By 1998, almost every case was reported to his office.

One human rights activist argues that the auditor's profile should be higher, stating that the office has "not gone deeper into the popular conscience"<sup>xiv</sup> and should do more to help change the popular viewpoint that the police are brutal and unaccountable. This inability to build popular trust limits the office's potential contributions to improving police-community relations and supporting new community policing pilot projects in São Paulo.<sup>xv</sup> Another factor that potentially conditions public support for the auditor is the high level of popular support for police violence against perceived "criminal elements."<sup>xvi</sup>

In two-and-a-half years the office has received 16,000 complaints and followed 8,000 cases. Roughly twenty percent of those complaints are cases of serious abuse and are closely scrutinized. Mariano states that 1,382 police have been punished who probably would have escaped discipline otherwise.<sup>xvii</sup> The auditor notes that he would benefit from having his own investigative capacity for use in serious cases where the police investigation is too slow, so as to provide a report directly to the Minister of Public Security.

The police auditor has received crucial political backing. Both the state governor and legislature have supported the auditor's office. Media coverage has also been favorable with six editorials supporting the auditor's work during 1998 in the *Folha do São Paulo*, Brazil's most influential daily.<sup>xviii</sup>

Another demonstration of political support for the office was the decision to locate it in the offices of the Ministry of Public Security, side by side with top police officials. While this location has intimidated and deterred some complainants, their denunciations reach the office via human rights organizations. This political backing played an important role in forcing the police to accept the office. Nonetheless, Mariano confronts significant police resistance. He has received hate mail and is fighting two court cases brought against him by police for "moral damages."<sup>xix</sup>

Despite the guarantees built into the appointment process and the tenure granted to the auditor, the office is vulnerable to changes in the political winds. There are no budget guarantees, and the office is totally dependent on the Ministry of Public Security for its financial support. Thus a less friendly state government could easily incapacitate the auditor's office.<sup>xx</sup>

The work of the police auditor has clearly improved police accountability. How much the auditor is responsible for a decline in police killings is less clear. Police killings in São Paulo peaked in 1992, when police killed 1,190 civilians. By 1996, a year after the auditor's office was established, this number had declined dramatically to 106. (HRW 1997) In addition to the improvement in internal police disciplinary procedures, which analysts attribute to the work of the auditor's office, the military police also created a Program to Retrain Police Involved in High Risk Situations (PROAR). The program conducts psychological counseling and evaluation over a period of three months during which the officer is removed from regular shifts and generally assigned a desk job. (HRW 1997) Analysts note that the threat of reassignment is probably more responsible for the drop in police killings than any other factor. Reassignment removes them from their regular twenty-four hour shifts, which allow them to maintain second jobs, and places them on regular eight-hour office days, which restricts their ability to bring a second pay check home or earn income from street corruption. In 1998, however, the number of police killings of civilians rose again to 282. (Sussekind 1999)

## 5. Conclusions

Political will and government commitment to reform the police and assure effective civilian oversight and control remain the driving factors in the success or failure of civilian control of police in Latin America. But the issue of political will needs to be analyzed in respect to relative civilian expertise and capabilities in public security policy-making, as well as in terms of military, police, and elite opposition to reform.

In the Colombian case, weak political leadership and a lack of serious commitment to reform, combined with strategic or design errors, rendered the civilian review mechanisms vulnerable to police hostility or simple neglect. The level of engagement of the human rights community has also been weak.

In El Salvador, the peace accords created a propitious environment for civilian review despite the limited commitment of the conservative elite and the military. This enabled a committed director of the PDH to play an important role in holding police accountable for abuse. But managerial weaknesses led to a failure to consolidate the institution, and a politically contentious style increased government opposition even as it won civil society support.

In Brazil, the auditor has also clearly improved police accountability. His contribution to the diminishing police use of deadly force is less clear; it may have resulted more from a practical change in procedure – reassigning abusive police to desk jobs – and the consequent threat of the loss of income. Furthermore, this office remains vulnerable to political tides. It is not clear whether the support of the media and human rights community would be able to sustain the office in the event of a change in state governor, particularly in the face of police resistance and popular support for targeted police violence.

Reform requires leadership, but leadership can come from various sources – political or police authorities or even a human rights ombudsman can play a role in reforming police. While government opposition will prevent or terminate a reform process, it is not clear that active political support on the part of the government is a requirement for reform to advance. Reform requires permission from political regimes, not active direction. (Bayley 1997: 6) In situations where the government is not actively directing police reform, other actors must drive the process. Civil society and the human rights movement can and should play a key role.

Political will is key but is not sufficient to assure that civilian oversight is effective in improving police accountability. These brief case studies indicate that there are a number of factors to be considered in seeking to create durable and effective civilian oversight in Latin America. Some issues are structural, involving the challenge of institutional consolidation, including guarantees for an adequate budget, building a professional staff, and providing assistance with strategic planning and the development of priorities. (United Nations 1995) The importance of leadership that is smart about building relations with police, civil society, and political sectors is also evident.

What can civilian review reasonably be expected to achieve in Latin American contexts? It is clearly not a magic wand that can bring about the broad institutional reforms that most Latin American police forces desperately need. Nonetheless, civilian review offers some important benefits. In addition to identifying and holding individual police officers accountable for misconduct, civilian review bodies can fill a number of voids. First, civilian review can play a role in strengthening internal police discipline, either through reviewing and reforming police disciplinary manuals and processes or by spurring the police to undertake preemptive reforms that they can control internally. (On the other hand, as the Salvadoran case demonstrates, if civilian review is not properly coordinated with the police's own disciplinary mechanisms, its ability to remove allegedly abusive police from the streets in a timely fashion may be very limited.) Secondly, civilian review bodies can provide the public and human rights organizations with information that was previously unavailable. Without such information, it is extremely difficult for most organizations to develop more sophisticated analyses of police misconduct and press more effectively for police respect of human rights. Finally, civilian review provides a source for recommendations for reform of police practices and policies based on extensive

quantitative analysis rather than extrapolation from limited data, or assertions based on ideology or lifted from other country contexts – all of which have happened repeatedly in Latin America.

The question of the human rights community's relationship to civilian review of police in Latin America warrants further exploration. It seems that the more independent, bureaucratic, and formal the civilian review process – benchmarks for civilian review's legitimacy and credibility in the eyes of the human rights movement – the less impact it has on individual police behavior and the less likely it is to achieve institutional reforms. In Latin America, this question is complicated by two urgent, competing needs: ending gross violations of human rights by police and making the police more professional and effective through institutional reform. Police reform processes are partial, erratic, and long-term, so even as certain human rights groups begin to engage in more technical discussions of institutional reforms, many will continue to monitor police abuse and the progress of human rights cases.

From the case studies, it would seem that the ability of civilian review to support larger police reform processes is limited by an understandable tendency to prioritize police accountability for specific incidents of abuse and by limited capabilities in many cases to undertake institutional analyses of police. The emerging dual role for the human rights community – encouraging reform and condemning continued abuse – underscores the contradictions and uncertainties of reform efforts and points to the inherent tensions the human rights community faces in carving out a role of critical engagement.

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## ENDNOTES

1. Bayley's first distinguishing feature of democratic policing is "downward responsiveness," that is, a police force should be responsive downward to calls for service from the disaggregate public rather than responsive upward to the needs of the regime.
2. Wendell Young, former police officer and Assistant Director of Personnel, City of Cincinnati, Ohio. Conference on "International Association for Civilian Oversight of Law Enforcement (IACOLE)," MacLean, Virginia, September 25-28, 1996.
3. These issues are discussed in a series of papers prepared for the Inter-American Development Bank, *Reunión sobre "El Desafío de la Violencia Criminal Urbana,"* Rio de Janeiro, Brazil, March 2 to 4, 1997.
4. Meeting with Prof. Sheldon Greenberg of Police Executive Leadership Program (PELP), which offers part-time courses leading to a masters degree for police officers who can study as they continue to work. Johns Hopkins University, Baltimore, Maryland, April 21, 1998.
5. For more information on ombudsmen's offices in Latin America, see *Comisión Andina de Juristas (CAJ) (1996), Defensoría del Pueblo: Analisis Comparado*, Lima, Peru: Federación Iberoamericana de Ombudsmen, Defensoría del Pueblo del Perú, Instituto Interamericano de Derechos Humanos, and CAJ (1999), *Memoria: III Congreso Anual de la Federación Iberoamericana de Ombudsmen*, Lima, Peru: Defensoría del Pueblo del Perú.
6. This account draws heavily on Andrew Goldsmith, *Police Accountability Reform in Colombia: The Civilian Oversight Experiment*, and María Victoria Llorente Sardi, "Perfil de la Policía Colombiana."
7. Interview with former government advisor on police reform, Washington, DC, November 1, 1998.
8. Author telephone interview with Gustavo Gallón, Executive Director of the Colombian Commission of Jurists, March 31, 1999.



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9. Author telephone interview with Kelly Josh, Trainer for Police and Justice Reform, Washington Office on Latin America, San Salvador, El Salvador, March 23, 1999.
  10. Ibid.
  11. Author interview with Bendito Domingos Mariano, Police Auditor, São Paulo, Brazil, July 22, 1998.
  12. Ibid.
  13. Ibid.
  14. Interview with Denis Mizne of the Instituto “Sou da Paz” of São Paulo, Washington DC, March 18, 1999.
  15. Ibid.
  16. Author interviews with Nancy Cardia, Núcleo de Estudos da Violência, Universidade de São Paulo, July 24, 1998, and São Paulo State Deputy Eloi Pietu, São Paulo, July 23, 1998.
  17. Author interview with Bendito Domingos Mariano, Police Auditor, São Paulo, Brazil, July 22, 1998.
  18. Ibid.
  19. Ibid.
  20. Author interview with Nancy Cardia, Núcleo de Estudos da Violência, Universidade de São Paulo, July 24, 1998, and São Paulo State Deputy Eloi Pietu, São Paulo, July 23, 1998.

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