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Sustaining Reform: *Democratic Policing in Central America*

by Rachel Neild

Central America's police reforms emerged following brutal civil wars during which military and police forces killed over 300,000 civilians. In this context, it was abundantly clear that the former military and police forces were neither operationally nor politically fit to police in peacetime and could not support post-war democratization. Together with the military, police participated directly in conflicts through political spying, illegal detention, torture, death squads, and ethnic cleansing. Police were also key guarantors of impunity, failing to investigate and hold military and paramilitary forces accountable for egregious human rights violations. This history made police reform a necessary condition for building lasting peace.

Over the last eight years, major police reforms have been undertaken in Central America. Their central goals are to separate the police from the military, establish civilian control of the security forces and remove the region's militaries from internal policing. At the same time the reforms seek to bring an end to impunity while creating accountable, non-partisan police forces that respect human rights. These holistic reforms address police recruitment, training, disciplinary systems, leadership development, operations, resource provision, management and administrative systems, information systems, technical skills development, and budget and resource management. The Washington Office on Latin America (WOLA) has monitored the reforms, publishing a number of reports and other papers analyzing their progress and making recommendations both to international donors and national policymakers (see publications list at the end of this brief).

Despite opposition from sectors with vested interests in the old security order, the reforms included purges of old personnel, implemented new recruitment and training processes, and changed the names and mandates of the new police. These measures brought important public support for the new forces – at least in their early days. However, as the new police forces struggle to contain rapidly rising rates of common crime and social violence, they have come to be seen as weak and inefficient by local populations. In the short term, it has proved easier to endow a new police force with political legitimacy than with operational credibility. In response to calls for a “tough on crime” approach, governments have maintained or reintroduced a military role in policing, undermining the commitment to demilitarized internal security. Other responses – increasing police powers and increasing penalties – further threaten to erode still-fragile human rights guarantees. Difficulties with politicization, corruption and human rights violations have tarnished the image of the new police.

Central America's police reform efforts have made important strides, but they face constant resistance and challenges from authoritarian sectors including the military, political parties, and elites who see their prerogatives threatened by democratic change.

This is a publication of WOLA's Public Security Program. Through this program WOLA analyzes policing in Latin America, monitors international police assistance, and supports civil society engagement with issues of citizen security.



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Central American reforms focused on the demilitarization of policing, the establishment of civilian control, and on ending the impunity that police enjoy for human rights abuses in the past.

Facing these pressures as well as public demands for tough action against crime, regional governments' commitment to police reform has often been sporadic or weak.

Despite these obstacles, public security reform processes in Central America have altered profoundly the security situation and changed the nature of debates about public security in the region. Police abuse persists, but government-sponsored police terror is mostly a plague of the past. Police corruption is notoriously difficult to contain, but in some cases authorities are investigating abuses and punishing those involved. Police investigations remain weak, mostly due to poor technical capabilities and not because the police guarantee impunity to criminals.

The challenge is to consolidate and advance police reforms, while improving police effectiveness and respect for basic rights in this still-hostile environment. Yet over time, serious concerns have arisen about the weaknesses of the police and sustainability of democratic police reforms in high crime environments and a culture that remains profoundly marked by the authoritarian histories of the region. Negative trends are facilitated by the absence of pro-reform constituencies. In countries with long histories of militarized and repressive policing, few people will protect the gains of police reforms; there is little civilian expertise in public security matters and few alternative models are offered by government, academia, or civil society.

Concerned by the dynamics described here, WOLA has encouraged national human rights organizations in the region to become engaged with issues of public security reform. To this end, WOLA has supported efforts by local civil society groups to learn about and advocate for democratic policing in the region since 1996. In 1999, WOLA launched the project "Civil Society and Citizen Security: a Comparative Study of Public Security Reforms in Latin America." This two-year project provided intensive support to five counterpart organizations in El Salvador, Guatemala and Honduras to conduct in-depth research on three aspects of police reform: accountability, community relations, and transparency. These themes were chosen in consultation with our project partners as key issues in the effort to democratize policing. The project was completed in September 2001, by which time each organization had published a report and organized a national conference to present their findings. The following report presents the findings of the research and provides comparative analysis of the advances and challenges that public security reforms face in each of these three broad areas.¹

The origins and dynamics of police reforms

In Central America's transitional settings, police reforms have been designed to correct past problems of police partisanship, militarization and impunity. While similar, each process has its distinct characteristics. The creation of the National Civilian Police (*Policía Nacional Civil/PNC*) in El Salvador was a central focus of the peace accords and is set out in great detail in technical annexes to the accords. Guatemala's PNC, by contrast, is only sketchily outlined in the peace accords and was poorly implemented. Honduras never had a major internal conflict, but did suffer from extensive spill-over effects from its neighbors' conflicts.²

El Salvador's 1993 police reform is one of the best known and is generally considered a significant success story. The structure of the reform is now famous for its effort both to civilianize the PNC (with sixty percent new civilian recruitment) and to build confidence through limited incorporation of combatants from both sides (twenty percent former police and twenty percent FMLN). The institutional design of the new police was

also highly decentralized, in an effort to build in checks and balances and external oversight. Thus the police academy, responsible for recruitment as well as training, was separated from the PNC and reported independently to government authorities rather than the PNC Director General.³ An Inspector General (IG) position was also created directly under the Vice-Minister for Public Security, independent of the police chief with the task of overseeing the internal disciplinary system.

In the negotiation of the peace accords in **Guatemala**, police issues were to be dealt with by a technical commission for justice. This commission never came to grips with the task.⁴ In fact, the Arzú government signed a bilateral agreement with the Spanish *Guardia Civil* (GCE) to be the exclusive donor even before the Accord was finalized, and the police law passed shortly after the signing of the Accord disregarded a number of key principles. As they began their police reform in 1997, observing the new Salvadoran police's slow response to crime, Guatemalan authorities prioritized the rapid deployment of the new police. They staffed the new Guatemalan PNC primarily from personnel recycled from the old police briefly retrained. A majority of the beat cops and the entire police leadership is drawn from former police personnel.⁵

In **Honduras**, the police were subject to partisan manipulation prior to 1963. After the 1963 military coup, the police were transferred to military control where they remained until 1993 when human rights scandals led to the creation of an Ad Hoc Commission to review the situation. This body proposed the separation of investigative and preventative functions and the creation of a new Criminal Investigative Division (*Dirección General de Investigación Criminal/DGIC*) under a new Public Ministry. The old preventive police and new DGIC existed under distinct authorities until 1998 when Congress approved a new police organic law (*Ley Orgánica*). A civil society coalition called the *Foro Ciudadano* conducted a remarkable advocacy effort around the legislation,⁶ arguing for a more thorough purge of abusive and corrupt individuals, and for the two police to remain under separate authorities. *Foro Ciudadano* lost this battle, however, and the new law created a Security Secretariat to oversee both the preventive and investigative police. However, as a result of the *Foro Ciudadano's* pressure, the law did create an Internal Affairs Bureau and a National Council on Internal Security (*Consejo Nacional de Seguridad Interior/CONASIN*) with extensive oversight powers over public security personnel. Nearly half of CONASIN's members are drawn from civil society.

These police reforms in El Salvador, Guatemala and Honduras represent a huge institutional shift away from Central America's history of partisan, militarized and abusive policing. They raise expectations in democratic sectors and among the general population for a genuine police service that would provide basic security to the population without prejudice or preference. Yet, as noted above, these processes remain troubled and partial. This report provides a picture of policing in Central America today. It highlights key challenges that the region must confront if it is to advance toward democratic policing and to provide the security its citizens desire while preventing a backslide into the poor practices of the past.

Sustaining democratic police reforms

Police accountability

Accountability is a key element of all of the definitions put forth in the increasing literature on the nature of "democratic policing."⁷ David Bayley argues that democratic policing is characterized in part by the existence of multiple accountability mechanisms

This monitor is based on reports written by five Central American non-governmental organizations under the auspices of WOLA's **Civil Society and Citizen Security Project**. The reports present the results of in-depth research on three aspects of police reform: accountability, police-community relations, and transparency. The counterparts and their reports are:

Guatemala

- ▶ *Sociedad Civil y Seguridad Ciudadana* by Relatives and Friends Against Kidnapping (FADS)
- ▶ *Relaciones Policía-Comunidad en Guatemala* by the Institute for Training in Sustainable Development (IEPADES)
- ▶ *Un Estudio de los Mecanismos Internos y Externos de Control de la Policía Guatemalteca* by the Institute for Comparative Studies in Criminal Science (IECCPG)

El Salvador

- ▶ *Información y Gestión Policial en El Salvador* by the Center for Criminal Law Studies (CEPES) of the Foundation for Applied Legal Studies (FESPAD)

Honduras

- ▶ *Evaluación de la Reforma Policial, Tres Años Después* by Leticia Salomón and Julieta Castellanos, academics and leaders of the Citizen Forum on Public Security (*Foro Ciudadano*)

The creation of accountability mechanisms are an important advance in Central America, where institutions confront a culture shaped by decades of war and political repression.

to multiple audiences. Democratic police should be upwardly accountable to government and state authorities, as well as downwardly accountable to the general public for their performance in confronting crime and maintaining public order, and for adherence to human rights standards. From a pragmatic viewpoint, the likelihood that any one mechanism may or may not function at a given time makes fall-back accountability mechanisms desirable.

The project research examined internal and external accountability mechanisms, including:

- ▶ specialized police accountability mechanisms, including internal disciplinary systems and external police oversight or policy committees;
- ▶ state institutions with powers to review police performance including ombudsmen's offices, parliaments and the judiciary;
- ▶ the engagement of non-governmental organizations with issues of police reform.⁸

Central American reforms focused strongly on the demilitarization of policing, the establishment of civilian control, and on ending the impunity that police enjoyed for human rights abuses in the past. To this end, two common components of the reforms are an internal disciplinary system and an external advisory council on public security that includes civil society. These are the two aspects of the reforms examined in greatest detail in this project.

How do the police police themselves? Internal disciplinary systems

In several earlier reports and articles on police reforms, WOLA identified the key role that internal disciplinary systems play in preventing the re-emergence of abuse within new, reformed police forces. Internal disciplinary systems are also an important demonstration of police and political authorities' commitment to professional conduct and the rule of law.

Few modern police forces operate without an internal affairs bureau or disciplinary system that investigates police misconduct, abuse and crime. In cases where police are found to have committed a crime, disciplinary systems pass the case to criminal courts for prosecution.⁹ Until recently in Latin America, some very large police forces operated without any specialized disciplinary system. Those that did have a system in place tended to focus heavily on maintaining institutional hierarchy and discipline, barely addressing the nature of police contact with the public. Despite the major overhauls of internal discipline undertaken in these reform processes, the project studies found major problems with the disciplinary systems in each country.

El Salvador's police reform first created an internal system under the authority of the police Director General composed of a disciplinary investigative unit (*Unidad Investigativa Disciplinaria/UID*), and a Disciplinary Tribunal and Control Unit (*Unidad de Control/UC*). These bodies reviewed compliance with institutional codes and procedures, orders and use of resources. The entire system was supervised by an external Inspector's Office (*Inspectoría*, or IG) falling under the Vice-Minister of Public Security. Because of pressures for rapid deployment of the police and limited resources, little attention was paid to the disciplinary system which only began to function in 1994, one and a half years after the initial deployment of the PNC. Furthermore, ambiguities in police law and the lack of a normative framework led to confusion, as different units took on tasks that did not correspond to their mandate. This overlap of functions led to poor information sharing, increased bureaucracy and inefficient use of resources.

These problems were compounded by the overwhelming number of cases entering the system and the slow rate of resolution, creating a serious backlog.¹⁰ In addition to the normative confusion noted above, the disciplinary regulations also failed to define the disciplinary powers of supervisors in cases of minor wrongdoing. This loophole allowed local chiefs and supervisors reluctant to address misconduct among their personnel to send even minor cases through the formal disciplinary system. This overwhelmed the system and allowed local commanders to “pass the buck” on decisions, thereby weakening the authority of local management.

Initial efforts to improve the system focused on modifying the disciplinary regulations. A first effort in 1993 (before the disciplinary system was even in place) and another effort in June 1995 took steps to improve the definitions of misconduct. In 1999, an additional Internal Affairs Unit (*Unidad de Asuntos Internos/UAI*) was created to work in coordination with the prosecutor’s office investigating possible criminal acts committed by police. In August 2000, a change to the police organic law was approved specifying the disciplinary powers and duties of supervisors and local chiefs, and emphasizing the Inspector General’s responsibility for making the system function as a whole. The system was also decentralized with the creation of regional, national and special tribunals to hear cases of “any conduct incompatible with police work.”

It remains unclear whether the above measures will be able to correct problems in the disciplinary system.¹¹ In mid-2000, the system clearly was unable to prevent or tackle serious, ongoing misconduct and criminality in the PNC. In response to media revelations about police involvement in organized crime, a massive purge of the police was undertaken based on presidential decree #101 of August 2000. This decree endowed police authorities with extraordinary powers to fire police based on suspicion alone. Local sub-commissioners and supervisors were asked to provide lists of “*depurables*” (“purge-able” individuals) and were informed that they would be held liable for further incidences of misconduct in their units. This led many commanders to provide extensive initial lists based on flimsy evidence in the hopes of avoiding problems later on. The number of cases reviewed grew from an initial 200 cases to over 1,500. From a force of about 20,000-strong, 1,568 police were fired (including 20 *sub-comisionados* and *sub-inspectores*) between August and December 2000.

It is clear that the purge allowed the rapid removal of many problem officers and it obliged the senior officers to take their disciplinary responsibilities more seriously. However, it does not appear to have made progress in dealing with the weaknesses and problems of the formal disciplinary system. Denial of due process in this purge violated a number of constitutional guarantees. Decisions were made at the discretion of the Director General while the Inspector General was responsible for investigations. This placed the Inspector General under the Director General’s control, thus voiding the Inspector’s ability to act as an external control on the system. Indeed, recent changes in the law have formally moved the Inspector General’s position under the authority of the Director General.

The public at large has very little awareness of police disciplinary systems. While the PNC does inform the media of cases of police involved in illegal activities, there is very little knowledge about what ultimately happens to cases within the force. Thus it is very hard to develop any broader sense among the public as to the impact of the purge of police or whether the process has been impartial. Some view the process with suspicion and cynicism. In the view of the former chief of police – who is now a parliamentarian – the disciplinary process was designed to have a maximum impact on public opinion. Another legislator suspected that it was designed to allow the chief to

International Advisory Board

The following people served as advisors to the “Civil Society and Citizen Security Project” from 1999 to 2001.

David Bayley, Professor, School of Criminal Justice, State University of New York at Albany

Paul Chevigny, Professor of Law, New York University Law School

Laura Chinchilla, Former Coordinator for Central America, United Nations Development Programme’s justice programs; Former Minister of Public Security for Costa Rica

Gino Costa Santolalla, Executive Secretary, Ad-Hoc Commission, Defensoria del Pueblo, Peru; Former advisor to MINUSAL on police reform in El Salvador. Currently Minister of the Interior, Peru.

Hugo Fruhling, Centro de Estudios del Desarrollo, Santiago, Chile; Former advisor to Ministry of Interior on Public Security Policies in Chile

Paulo de Mesquita Neto, Senior Researcher, Center for the Study of Violence, São Paulo, Soros Senior Justice Fellow, Brazil

Juan Mendez, Director, Center for Civil and Human Rights, University of Notre Dame Law School; Former Executive Director, Inter-American Institute for Human Rights, Costa Rica

Franco Montealegre Callejas, former Director General, Nicaraguan National Police

PROJECT CONSULTANT
Gustavo Palmieri, Centro de Estudios Legales y Sociales (CELS)

get rid of elements he did not want in the force. Accusations of personal vendettas and other abuse of the process have led the new Human Rights Ombudsman, Beatrice Alamanni de Carillo, to announce that she will examine the process.

Lack of consideration of the victims of police abuse is a common problem throughout the disciplinary process. The focus lies on the investigation and punishment of the perpetrator; there is no provision for notification of the victims about the investigation process or its outcomes, nor are there mechanisms through which victims can seek information. In addition, there are no means for victims to seek reparation beyond a formal, legal request. None of these cases or reports are fed into a larger analysis of patterns and tendencies within the force. Such an analysis could be used to change institutional policies in order to reduce the incidence of wrongdoing.

The Spanish *Guardia Civil* (GCE) is the primary provider of international police assistance in **Guatemala**. Guatemala's police instituted a new disciplinary system in August 1997 (amended in May 2000) closely based on the GCE disciplinary system. The model reflects a highly militarized police force and is notable for permitting abuse of police personnel by superiors while, to date, completely failing to provide a viable channel for citizens to complain of abuse at the hands of police.

Disciplinary regulations allow members of the public to make complaints and for police supervisors to order investigations. However, the system does not provide a mechanism to allow police personnel to initiate complaints of abuse against a superior. The police organic law does not adequately define misconduct and the relative degrees of punishment.¹² (Nor is there adequate regulation of the use of force by police, leaving this highly sensitive issue to be defined largely by institutional regulations.) The disciplinary system classifies several levels of misconduct and identifies distinct procedures for each level. However there are no clear defining criteria, giving great discretion to superior officers. Under this system it is entirely possible for legitimate actions to be punished, while other examples of clearly inappropriate police conduct are not defined as infractions.¹³

Within the quicker disciplinary process for lesser incidents (*faltas menores*) there are few if any restrictions on the authority of the superior officer. The same supervisor generally initiates, investigates and rules on the process. This permits abuse of authority and gives superiors a powerful weapon by which to ensure the unquestioning obedience of their personnel. The policeman or woman under investigation has no right to legal counsel for lesser incidents, even though rulings including detention for up to thirty days are permitted in these cases.

The system also prioritizes the use of preventive arrest during the investigation (*detener para investigar*), rather than the transfer of the person under investigation to an administrative assignment. The period of arrest starts from the initiation of the investigation, even though at that time no finding of guilt has been established.¹⁴ Thus police are punished prior to any finding of fault. Few police ever appeal their punishments as they have generally already served all or most of the period of detention imposed. There is no requirement to compensate those unjustly detained under this system.

The disciplinary regulations contain further serious problems. All categories of infraction may be annulled (*cancelados*), even in cases of serious offenses against citizens. The regulations also establishes an excessively short statute of limitations for serious abuses, permitting significant human rights violations to go unpunished within the force. There is nothing to prevent those responsible for abuse from taking senior positions in the police force.

Lack of consideration of the victims of police abuse is a common problem throughout the disciplinary process in El Salvador. There is no provision for notification of the victims about the investigation or its outcomes, nor are there mechanisms through which victims can seek information.

Rather than develop a strong disciplinary system that can support human rights standards and good police conduct, the government has sought to use the present system to remove inappropriate personnel from the new police. There was no serious vetting of the large numbers of personnel rolled over from previous police forces. Poor educational standards in the police academy failed to weed out inappropriate candidates or provide serious retraining. In May 2000, the government “reformed” the disciplinary system to allow for the removal from the force of police personnel who were deemed to have “affected the prestige of the force,” even without a specific accusation of misconduct. This disposition allows police commanders extraordinary discretionary authority; it also reverses the burden of proof, requiring the accused to prove his or her innocence.

Police authorities would not provide project researchers with more up-to-date data, but examining statistics up to June 1999 they found that:

- ▶ Not one of the police punished was involved in a case of abuse of a member of the public, and no case initiated by a member of the public resulted in police being punished;
- ▶ Most punishments were for issues of internal discipline and hierarchy, where these investigations had been initiated by superior ranking officers;
- ▶ Most PNC personnel who came to the attention of the disciplinary system were punished, including those involved in disputes that could have been resolved through other means.

In interviews with police, the researchers found widespread ignorance of regulations and procedures. Police perceive the system as rigorous because it maintains tough discipline. However, the highly bureaucratic procedures are poorly understood and often not followed. Personnel in local police stations, for example, sometimes fail to respect the authority of investigators sent out to investigate a complaint. While police did state that they knew appeal procedures, they tend not to use them, partly because many have already served their punishment, and also because the authorities often refer them to the wrong appeal authority in the notification of their punishment. A final, powerful disincentive to appeal is that agents fear retaliatory actions by chiefs who perceive the act of appealing as a challenge to their authority and to police hierarchy.¹⁵ While the officers consider the system and procedures to be fair,¹⁶ the majority of agents said that the procedures are fair, but that the system is not applied equally to different ranks.

Police are aware of the right to know the charges against them and to be heard, but not of the right to know the evidentiary basis of the finding. Interviews with police further found that they recognized the existence of police abuse of the public. The majority indicated that the disciplinary system is not capable of preventing these abuses.

Despite ongoing human rights violations by the Guatemalan PNC, in interviews with 756 members of the general public in Guatemala City, the researchers found that interviewees in all areas considered that the treatment of the public by the police had improved under the new PNC. (Ongoing abuse was reported at a higher rate in poor rather than wealthy areas of the city.)¹⁷

The interviews revealed that very few abuses are reported to the police, due to the belief that the police will not do anything, fear of reprisals, lack of information about where to make a complaint, and because police threaten people and tell them not to

Despite ongoing human rights violations by the Guatemalan PNC, in interviews in Guatemala City many considered that the treatment of the public by the police had improved under the new PNC.

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complain. Of the interviewees who did complain, most said that they had no idea what had happened beyond the receipt of the complaint, while some never even received confirmation of receipt. None knew whether the policeman or woman had been punished or whether the case had been sent on to judicial authorities. The citizens interviewed all stated that they knew nothing of the police disciplinary procedures.

The new Internal Affairs Bureau in **Honduras** has barely functioned since its creation following the establishment of the new police law. The first Secretary for Public Security, Elizabeth Chuiz, staffed the Internal Affairs Bureau with people selected on political criteria. She opposed removing police for disciplinary reasons,¹⁸ and in a number of cases she intervened in investigations.

In reality, the Internal Affairs Bureau has been most notable for its slow pace and low profile. From February 1999 to February 2000, investigations were completed in only 27.8 percent of the cases. The Bureau holds little credibility with human rights organizations who criticize that it either does not investigate or that the processes are far too slow. Human rights groups also complain that the Bureau will not provide information, and that the punishments prescribed are generally limited to relocation to another police station. Of thirty cases that the human rights organization *Comité de Defensa de los Derechos Humanos* (CODEH) presented to Internal Affairs in 1999, only one investigation had been concluded by mid-2001, six remained under investigation, twelve were pending investigation but lacked resources to move forward, and eleven received no response at all. (These cases involve twelve homicides, three extra-judicial executions, three cases of torture, one rape and a variety of other abuses.)

The Bureau is centralized in Tegucigalpa and is inaccessible to most of the population. It rarely has adequate resources to pursue investigations outside the capitol. The office does not inform complainants of the progress of their case unless they request information. When a case is resolved, the findings are used to punish the officer, and the results are posted in public view outside the Internal Affairs office. In the case of criminal issues, the courts continue with criminal proceedings. However, the results are never used to reorient police training or to provide feedback regarding police practices.

Despite the creation of the Internal Affairs Unit, the preventive police retained their own disciplinary system under the Office of Professional Responsibility (*Oficina de Responsabilidad Profesional/ORP*)¹⁹ until recently, although it did not appear in the police law and, legally speaking, was unconstitutional. In reality, complaints against the police were being received in three places: the Preventive Police, the Investigative Police, and the Internal Affairs Bureau. Each of the two forces has its own disciplinary structure – the ORP in the case of the preventive police and the Inspector General of the Public Ministry in the DGIC. These two bodies reviewed complaints and acted as filters, deciding which cases should go before the Internal Affairs Bureau.

Stipulations within the organic law that restrict the firing of police have limited the effectiveness of disciplinary actions. In some cases the Internal Affairs Bureau referred cases of illegal behavior by police to the judiciary where courts ruled to dismiss the individual in question. However, dismissed police resorted to the civil courts to petition for reinsertion into the force. The lack of coherent standards between criminal and civil proceedings presents a serious impediment to any effort to remove unfit personnel from the police, undermining the Internal Affairs Bureau. In a 2001 interview with then-Secretary of Security Gautema Fonseca, he stated that Internal Affairs could disappear from the institution and it wouldn't make any difference to policing in Honduras.

Nonetheless, in contrast with the Guatemalan experience, Internal Affairs appears to have had some impact within the police force, if not in its dealings with the public. Police interviewed in a focus group viewed the Bureau as slow and inefficient, but also said that they felt that it had a positive impact as it allowed complaints within the police regardless of rank, and created the option of appealing decisions or punishments.

Conclusions about disciplinary systems

While factors such as inexperience and inappropriate international advice and assistance have played a hand in the problems displayed by all three systems described here, it is also clear that control of police misconduct is not a high priority in the reform processes, despite the political rhetoric. Attention to the issues is erratic and reactive, and frequently sidelines the institutional disciplinary system or undermines the efficiency and fairness of the process in the desire to obtain politically-visible results.

In addition to the overall lack of attention to and poor functioning of these systems, issues of particular concern from a human rights perspective are:

- ▶ The limited accessibility of disciplinary systems and limited resources at their disposal;
- ▶ The lack of attention to victims of abuse;
- ▶ The failure to use information collected through the disciplinary system to prevent future abuse by identifying patterns and implementing corrective measures in training, operational practices or management;
- ▶ The absence of any early warning system that could remove abusive police from the streets.

Who guards the guardians – and how? External controls of policing

Various external agencies in theory oversee or influence police actions, acting as accountability mechanisms. Among those examined by the project researchers were parliaments and judiciaries, as well as more specialized mechanisms such as human rights ombudsmen and public security councils.

One of the more innovative elements of the reforms in Central America, most notably in Honduras, has been the creation of high-level public security councils that include civil society participation. These bodies are created to permit greater external oversight of and participation in public security discussions by civilians and civil society. In theory, they should provide an important counterbalance to dominant state actors and improve transparency in the security arena, two major concerns for those seeking democratic institutional reforms in the region. In practice, their record to date is quite uneven.

El Salvador's National Council on Public Security (*Consejo Nacional de Seguridad Pública/CNSP*) was created in 1996 at the recommendation of the United Nations mission, “as a counterweight to the influence of the minister” of Public Security Hugo Barrera.²⁰ The CNSP was designed to be a pluralistic body with five distinguished members appointed by the president. It was to analyze public security problems and policies and make recommendations. The members’ limited experience in public security issues, as well as their poorly defined mandate, made for a slow start, but the CNSP published a series of useful studies. Their recommendations (many echoed by international donors) included the need to improve information systems, to strengthen police management and investigative capabilities, and to harmonize the different elements of the judicial branch. Despite the fact that the Minister of Public Security presided over the CNSP, these recommendations were never seriously considered in decision-making.²¹ Barrera “knew how to neutralize the council and has

One of the more innovative elements of the reforms in Central America has been the creation of high-level public security councils that include civil society participation.



refused to put into practice the proposed corrective measures.”²²

Many problems identified by the CNSP were never confronted by the government and police authorities in a serious manner and continue to be problems to this day. Ironically though, the current government’s institutional plan for the PNC for 1999-2004 bears a marked resemblance to an earlier report of the CNSP. Yet authorities never consulted the CNSP regarding this five year plan, despite their willingness to consult with international agencies and other ministries. With the change in government in June 1999, the structure of the CNSP changed,²³ and it was given responsibility for implementing social crime prevention policies. This change in the CNSP may mean the loss of an important

external advisory body on public security, increasing policymakers’ dependence on information received directly from the police themselves.²⁴

The state institution that has played the most important role in increasing police accountability in El Salvador has been the Human Rights Ombudsman’s office (*Procuraduría de Derechos Humanos/PDH*) under the tenure of Victoria de Avilés from April 1995 to March 1998. Avilés took on police abuse aggressively. As a consequence, she gained a very high profile and increased public confidence in the ombudsman’s office. The PDH became the main avenue for citizens to present complaints against officials. The majority of such complaints were against the police and judiciary.

Poor management practices and the lack of a broader strategic vision limited both the impact and sustainability of the PDH’s work. The PDH remained highly reactive and never sought to go beyond the investigation of individual cases to analyze patterns and practices or suggest preventive actions in police procedures or training. This occurred despite its mandate to “promote reforms in state entities to promote human rights” and “to propose and promote measures that it considers necessary to prevent abuses of human rights.” The PDH’s coordination with the police disciplinary system was poor, and Avilés never sought to strengthen mechanisms to improve the PNC’s internal treatment of abuse, or to alleviate some of her workload by monitoring police investigations in selected cases rather than conducting her own. Nor did the PDH ever examine the functioning of the Inspector General, as the mechanism authorized to supervise the disciplinary system.

The choice of Avilés’ successor appeared based largely on a desire to reduce the profile of the office. Eduardo Peñate Polanco was appointed ombudsman to a chorus of opposition from human rights groups. Peñate was a judge who had been accused of arbitrary acts, and in one case was cited by Avilés herself for violation of due process. In February 2000, Peñate was removed. The office stayed vacant until August 2001 due to political wrangling over the post.²⁵

The **Guatemalan** peace accords called for the creation of an Advisory Council on Security that included civil society participation. This council has never been con-

The Human Rights Ombudsman’s office in El Salvador became the main avenue for citizens to complain against officials.

firmed, and Guatemalan NGOs continue to press for its creation. The Guatemalan researchers considered the role of both the parliament and the judiciary in keeping the police accountable and transparent. The record is not good. The main tools of parliamentary action are to call ministers to testify, to call votes of no confidence, as well as control over the annual budget process.²⁶

The parliamentary committee that oversees the Ministry of *Gobernación* (which is in charge of the PNC) has only weak knowledge of the issues, and does not request or receive regular information. In 2000, the Minister of *Gobernación* and head of the PNC were called to testify (*interpelado*) more frequently than any other government officials. This reflects the fact that crime rates were the Achilles' heel of the Administration and a key issue with which a hostile parliament could attack the government. Attacks on or defense of specific officials called before congress reflect their party affiliation as well as their performance. Under the current government, the police have become a battleground between political factions in struggles producing rapid turnover in the top positions in the Ministry of *Gobernación* and the PNC. Far from building accountability, the manner in which congress uses its powers has probably undermined confidence in legislative oversight. Civil society participation in committee hearings is extremely rare.²⁷

The approval of the annual budget by the Congress ought to provide an important accountability mechanism and indicate the public security policies and priorities in the allocation of financial resources. However, the budget process rarely deals with policy issues. With much of the information kept secret, interminable debates focused on abstract financial figures. Given the lack of any indicators that would measure the effectiveness of police management of the budget, it is impossible to verify whether they have succeeded in their objectives or not, let alone why. (See further discussion on transparency below.)

Nor does budget oversight provide a useful accountability tool given the accounting practices in the PNC. The law allows great discretion in transfer of funds between accounts (*partidas*). For example, a research fund may appear to have been disbursed because the monies were paid out, when in fact they were reallocated to another fund and the research activities never carried out. These practices foster corruption and allow policies to be derailed. Another serious issue in Guatemala is the transfer of monies from the police to the military budget to reimburse the military for expenses incurred related to joint patrols with the police.

The International Criminal Investigative Training Assistance Program (ICITAP), a program of the United States Department of Justice, tried to improve police budgeting by training 130 police personnel in the development of local budgets at the *Comisaría* or local police station level. The objective was to facilitate the tracking of expenditures and assign clear responsibility for spending. The budget developed through this process was ignored by the Minister and police authorities who presented the usual budget format, thereby maintaining the centralized and hierarchical control of the Minister of *Gobernación*.

The **Honduran** police reform created one of the most innovative external control bodies. The National Council for Internal Security (*Consejo Nacional para la Seguridad Interior*/CONASIN) is presided over by the Secretary of Security. Other members include the Secretary of Justice, the Attorney General, a representative of the Supreme Court, and the Human Rights Commissioner. Civil society members are also present, including representatives of the business sector, the unions, peasant farmers, women's organizations, the Mayor's association and human rights groups. CONASIN works,

Guatemala's police perceive the system as rigorous and maintaining tough discipline. However the highly bureaucratic procedures are often not followed.

The results of disciplinary investigations in Honduras are never used to reorient police training or practices. Civil society's capacity to press for full implementation of reforms needs to be more fully developed.

among other tasks, to propose strategies, evaluate police functions, present a list of candidates for police chief to the president, advise the president and Security Secretary, review police regulations and the budget, and follow complaints against the police. The National Council is to have access to all police departments and records.

Through the creation of CONASIN, the Congress hoped to dispel concerns voiced by the *Foro Ciudadano* and others about potential political influence on the police, and the need for accountability and further demilitarization. However, the council has not managed to perform effectively.

CONASIN first decided to oversee police training, focusing on police manuals and regulations required by the police law but never issued (they still have not emerged from the Security Secretariat). Policy differences emerged between Minister Chuiz and civil society members of CONASIN who opposed her support for local security committees. (See further discussion of these committees under the discussion of community policing below.) This confirmed Chuiz's view of the council as an obstacle to her management.

The weakness of CONASIN can be explained by two factors.²⁸ First, there was a lack of political will on the part of Secretary of Security Chuiz and the president himself. They saw CONASIN as an attempt to control their realm of action and refused to meet with the council on two occasions when meetings were requested. Chuiz ran interminable meetings that would often last six to eight hours and never produced any results. For many members, participation rapidly became a waste of time, and eventually many members ceased to attend the meetings.

The second factor underlying the council's failure lies in the lack of engagement and knowledge among the civil society members of CONASIN. Following the approval of the police organic law, civil society groups stopped following the process so closely, assuming that implementation would follow the passage of the law. The council received no training and had no budget control or ability to conduct activities independently of the Secretary of Security. Chuiz' successor noted the difficulty of discussing security questions with so large and varied a group. Neither official ever saw civil society representatives as valid participants in state security discussions. For their part, the civil society groups never made any effort to defend this space or broaden its profile; very few people know about CONASIN, and members of civil society sectors are often unaware of who is representing them on the council. Just as civil society groups failed to engage with CONASIN effectively, the Supreme Court never bothered to send a representative to the meetings.

Conclusions

Although a range of different external accountability mechanisms were examined by the researchers in each country, some more general comments about the external controls of policing can be put forward. The creation of accountability mechanisms represents an important advance in the democratic structures of Central American states, but the institutions continue to confront a political culture that has been profoundly shaped by decades of war and political repression. The post-conflict environments opened important political space for the creation of new mechanisms to serve as watchdogs, holding the police and other state authorities accountable. However, it is clear that external controls are weak, susceptible to political pressures, and require further consolidation.

State authorities resist external monitoring, and political hostility has seriously limited the activities and influence of public security councils. Civil society, like the government, tends to view accountability functions primarily in terms of a hostile oversight

relationship rather than as a collaborative effort to strengthen state functions and services. The tendency of those in charge of external accountability mechanisms to focus almost entirely on denouncing ongoing abuses perpetuates this attitude by wasting a valuable opportunity to address underlying institutional weaknesses.

It is clear that if external accountability mechanisms are to move forward, knowledge, experience and leadership must be built. In the case of CONASIN in particular, it was profoundly unrealistic to expect that such a broad-based body could function without technical assistance and capacity-building for all of its members, and particularly for the representatives of civil society. However, it is also important to recognize that no amount of capacity-building can overcome a lack of political commitment to the body from both civil society and government officials.

Important advances have been made in terms of asserting the principle of civil society participation in discussions of public security policies, and this represents a break with the history of militarized security in the region. But many state authorities continue to do little more than pay lip service to the notion of civil society participation, and continue to assert their own control.

The history of CONASIN speaks to the weakness of civil society, in this case the inability of civil society to make use of new spaces for interaction with state authorities even when they are implemented. This tendency to view structural and institutional change in very formal terms is a common trait in many sectors beyond civil society. But the capacity to follow up and press for full implementation of reforms needs to be more fully developed if civil society is to increase its impact on democratization processes in the region. At the same time, it must be recognized that the task of supporting the implementation of institutional reforms is extremely difficult in political environments that remain highly polarized and where former human rights abusers continue to serve in important government positions.

Police-community relations

The project also examined the impact of the reforms on relations between the police and the communities they serve. In particular, researchers examined initiatives to build local police-community relationships and how concepts of community-policing are being translated to the region.

Community policing approaches are being encouraged in Latin America by a range of donors and other international actors. A number of police forces and civil society groups in Latin America have begun to explore the potential of community policing to address the challenges in improving their public legitimacy and operational effectiveness. There have been a small number of efforts to evaluate these experiences. Frustratingly, many initiatives are launched without serious consideration of how a range of policing strategies developed in wealthy nations can be applied in poor and war-torn societies. At best, community policing offers a strategy for making the police more responsive, and accountable to local communities and their security needs. At worst, community policing could reproduce past structures and practices of repression, while supporting the continued dominance of privileged sectors within communities.

The questions addressed in the research into police-community relations are: to what extent have these reforms actually overcome the appalling history of police repression and abuse that existed in each of these countries? Have the reforms been able to create some “downward” or direct police accountability to the communities they

Despite the political rhetoric, control of police misconduct is not a high priority. State authorities resist external monitoring while civil society tends to view accountability in terms of a hostile oversight relationship.

serve? What have been the accountability mechanisms used? What do these experiences say about the potential of community policing models as a strategy to continue and deepen reforms?

The country with the largest number and most advanced initiatives is **El Salvador** where there have been four efforts to develop community policing initiatives in recent years.

The PNC has a community policing division mandated to promote community policing practices across the country. The division coordinates local community relations offices that function primarily as public relations units for the PNC. Although the office does coordinate regular meetings with local communities to discuss problems and propose responses, its ability to follow up is limited due to lack of resources and its structural separation from local police commanders.²⁹ While some of the chiefs appreciate the work of the community policing division, it has had a very low profile and little impact on the management and organization of the PNC, which remains highly centralized and therefore not conducive to the development of community policing.

In 1998, the National Council on Public Security (*Consejo Nacional de Seguridad Pública/CNSP*) started a working group that included international and civil society participation to develop a community policing pilot project. This initiative collapsed before the project was implemented due to a change in police chief in 1999. The civil society groups withdrew from the working group, unwilling to work on policing projects under the new director general who they opposed due to his background as head of the presidential intelligence unit. For their part, government authorities redefined the role of the CNSP (as discussed above) orienting the body toward youth crime prevention programs.

The largest program to date is the Community Oriented Police Patrol or PIP-COM. Initiated by ICITAP in 1999, the program seeks to have a rapid impact in reducing crime rates by increasing police presence in the streets and improving data gathering to support targeted police patrols. The program develops a register of suspects,³⁰ assesses crime rates and the socio-cultural nature of different areas of the municipality, and then assigns police to permanent beats.³¹ The approach required a change in the management, moving from fixed police posts to police patrols as the central component of police work. It has required greater differentiation of police personnel, delegation of responsibilities for specific areas, re-assignment of resources, and training of police to patrol, use bicycles, develop lists of suspects and compile crime data. These changes mark major and mostly positive shifts for the PNC.

According to ICITAP, PIP-COM achieved a remarkable sixty percent reduction in homicides in Zacamil during the first six months of the project.³² Apparently these results – achieved in moderate crime areas – have not translated to high crime areas. Unfortunately, beyond tracking crime data, project evaluation has been very limited, as ICITAP is neither required nor has the resources to evaluate its programs despite repeated criticisms of this weakness in its programs.

A small survey reviewing the first six months of the project in Zacamil found that eighty percent of the population was unaware of the project, though 97 percent had noted an increased police presence on the streets.³³ The same was true in Mejicanos, the first area where PIP-COM was launched. None of the participants in training workshops organized by FESPAD in Mejicanos knew of the program, although they had noted increased police presence. Workshop participants stated that PIP-COM programs do not always establish coordinating mechanisms with local elected authorities, who

A number of police forces and civil society groups in Latin America have begun to explore the potential of community policing to address the challenges in improving their public legitimacy and operational effectiveness.

were often only invited to the event launching the project. In their view, the program has not involved outreach to the community and cannot be viewed as a mechanism to facilitate community participation, much less to improve community monitoring of the police.

While the program faces some resistance from police, and has been hampered by the re-assignment of PIP-COM area chiefs to other duties (for instance, to staff an anti-kidnapping campaign) the PIP-COM model is being duplicated across the country. It is

questionable whether the program should really be described as community policing given the limited role of the community. PIP-COM is probably better described as information-based, targeted patrolling. This is an important innovation in a police force that previously relied on a highly reactive policing model. The PIP-COM model encourages more efficient use of resources, and increased police visibility and does appear to reduce crime rates – although how much is likely to remain a matter of debate absent a more systematic approach to evaluation.

While at first glance the issue of how to describe the program may appear to be purely semantic, it is important. Among the Salvadoran civil society and human rights activists who have focused on these issues, the use of the term “community policing” arouses a set of expectations about community engagement, dialogue and a greater community role in orienting and even monitoring police work that the PIP-COM program does not meet. Indeed, PIP-COM was not designed to meet these goals. Yet, judged on the basis of these expectations, the program is a failure even while judged by crime rates and police management criteria its achievements are important.

Another pilot project with a greater focus on community participation was sponsored by the Inter-American Institute of Human Rights (IIDH) in Ilobasco, a poor, high crime area with a serious gang problem. The project started with a diagnostic of the local crime problems, followed by a workshop with different sectors of the local community to share the findings, note possible responses and jointly formulate a plan of action, including anticipated results and assignment of responsibilities. Contacts were established with the local youth in gangs, which generated the expectation of social reinsertion programs.³⁴ The plan included the creation of a municipal public security committee, neighborhood security committees, police patrols targeting highest crime areas, regulation of liquor sales and installation of a 911 emergency call system.

However, despite the project’s goals which included broad and inclusive participation, the municipal security committee included only state representatives and was coordinated by the police. There was constant turnover of the individual members of the committee and broader participation was also hard to sustain. Civil society sectors felt that the plan had become a police public relations exercise and that civil society was seen as an informant rather than a partner. Some civil society groups



JEREMY BIGWOOD

Many state authorities pay little more than lip service to the notion of civil society participation in discussions of public security.

The Guatemalan peace accords called for the creation of an Advisory Council on Security that included civil society participation. This council has never been confirmed.

created a parallel committee, but this rapidly disintegrated as it simply duplicated the municipal committee. Despite the low level of civil society participation, and eventual withdrawal of municipal authorities from the committee, some prevention activities continued, for example at sports events and street demonstrations calling on the government to take strong measures against crime. There has been no measurement of the impact of the project.

Despite the problems in this particular case, the basic model of conducting an initial diagnostic and sharing it with different sectors in the community to attempt to formulate a joint plan is a useful one. The difficulties point to the challenge of cross-sector collaboration in Central America around security issues given the police's strong sense of ownership over security matters and reluctance to cede what they view as "their territory." Local elected officials report great difficulty in working with the police in their communities, noting that the strong hierarchy and centralization of the force keeps local police commanders focused on pleasing the central authorities rather than working at the local level.³⁵

None of the community policing efforts in El Salvador have been rigorously assessed, making it difficult to evaluate these initiatives adequately. However, the number of disparate initiatives and actors involved and the scattershot approach indicate the lack of a coherent vision of the program within the PNC. No framing policy or concept of community policing been adopted within the PNC. Some police see it purely in terms of public relations, while others think it will allow greater attention to emergency response or social service aspects of police work.

The PNC has made no effort to coordinate with local elected authorities. Overall, security policies and police management remain highly centralized, as central authorities make personnel assignments and constantly rotate regional chiefs. This is incompatible with community policing's need for continuity to build relationships and trust at the local level. The ongoing weaknesses of civil society and problems of unrealistic expectations and inconsistent participation also have to be factored into the problems these programs have faced.

Guatemala's local security councils started as an effort to capture resources for the new PNC as it deployed. In 1998, then PNC Director General Rodolfo Mendoza created Pro-Construction Neighborhood Committees to raise funds and in-kind donations to equip the new police and their stations. They were regarded as a significant success by Mendoza who, with a 1999 General Order, launched the local security councils (*Juntas Locales de Seguridad/JLS*). There was no consultation with civil society, or parliamentary action in the JLS initiative. The general order placed the JLS under the Office of Public Relations and Information (*Oficina de Relaciones Informativas y Sociales/ORIS*). It called for the councils to be presided over by the mayor, a well respected local resident and the chief of the local police, and required that they be open to participation by all local inhabitants. Mendoza told the researchers that the JLS were a mechanism to inform citizens of the new police and their role, and encourage citizen participation in the reform process. An ORIS official told researchers, however, that "there was never a strategy – or any mechanism – to publicize the creation and objectives of the local security councils and the only informational work was done within the police itself."³⁶

Despite the weaknesses of the process, JLS now exist in 231 of the country's 331 municipalities.³⁷ In interviews, the researchers found that the police have a positive view of the JLS, finding them a useful space for citizen contact information gathering.

Experiences appear to vary widely across communities. In some areas, the JLS have become vehicles for local powers seeking greater influence through clientilistic relations with the police. In Rabinal, an indigenous rural area, the mayor said that he feared engaging with the police because they were criticized and he feared a negative impact on his own political image. Other mayors in the region also expressed concerns that creating a JLS would cause problems rather than help resolve them.³⁸

In order to examine the impact of the police reform on community-police relations and consider the possibilities for community policing strategies in Guatemala, the researchers examined five different communities in Guatemala. They focused in particular on the community's experience of the war and its effect on community-police relations in their participation in JLS. The communities included urban and rural areas, *ladino* and indigenous.³⁹

As indicated in Table 1, the Quiché was the hardest-hit area during the conflict. The region had massive forced participation in the Self-Defense Patrols (*patrullas de autodefensa/PACs*).⁴¹ Interviewees in Quiché repeatedly voiced their concern that JLS was a PAC in a new guise and a mechanism for spying on the community. Mayors in the area said that they had no interest in creating another forum for security issues – “the police should do their work and we’ll do ours.” The Quiché is also one of the regions with a large number of lynchings, some of which reproduce the forms of violence perpetrated in the past by the military and the PACs.⁴² Local police in Chichicastenango, noting limited community trust, said that the ability to speak the local language was key to building trust and facilitating their work.

Researchers also examined police-community relations in the majority indigenous town of Santiago Sacatepéquez. This community historically had a good relationship with the military, and local men voluntarily joined the military. There is a high degree of local community participation in public order maintenance and crime prevention, as seen in neighborhood watches and other activities, and a high degree of public collaboration with the police. The community had formed a security council even before the initiation of the JLS, and saw the JLS as a useful mechanism to press the PNC to be more responsive to community needs. This relationship appears largely unaffected by the fact that only one of the twenty local police speaks the local language (Kaqchikel).

The contrast between the town of Santiago Sacatepéquez and the trends in the Quiché department points to the influence of the conflict in the ongoing relationship between the community and the new police. The PACs closely resembled a number of community policing strategies, albeit through the distorted lens of counter-insurgency. This history of egregious abuse must be taken into account when considering how best to improve police-community relations. Strategies that appear to reproduce the PACs – even with the best intentions – should probably be avoided, at least in the short-term, while other approaches seek to build trust and confidence in the formerly-conflictive communities.⁴³

TABLE 1: Relation between human rights violations during the conflict and creation of JLS⁴⁰

Department	# HR victims during conflict	% of total abuses	JLS formed
Sacatepéquez	3	0.005	1998
El Progreso	38	0.07	Created May 1999, recreated August 2000
Guatemala, zones 10 & 14	421	0.765	October 2000
El Quiché	31,400	55.07	Never created

The areas in which the Guatemalan PNC is deployed bears little relation to the need to rebuild realtions with war-torn communities.

TABLE 2: Assignments of local language-speaking police in case study areas⁴⁵

Municipality	Total # PNC in municipality	# police in municipality speaking local language	# police speaking local language in PNC overall
Chichicastenango	41	3	553
Santiago S.	20	1	329
Nebaj	21	7	50

Representativity of the police and their ability to speak local languages is an important precursor to community outreach efforts.

undertaken by the United Nations Verification Mission in Guatemala (MINUGUA). But neither President Alvaro Arzú nor President Portillo have ever followed up this initiative. While 17.85 percent of the PNC speak indigenous languages (60 percent of the population is indigenous), almost all indigenous police are listed as “transferable,” and are not allocated to the area where they speak the language. In a police force that primarily values institutional control and hierarchy, the largely *ladino* police commanders resist multi-lingualism in the force. MINUGUA’s March 1999 report noted that some police commanders do not trust police agents under their command who speak local languages.⁴⁴ (See Table 2.)

A brief examination of the relation of police deployment to crime rates demonstrates that the ratio of police to population is highest in the capital city and areas where there have been good relations with the military.⁴⁶ The Quiché, on the other hand, has very few police. Although the data for police to population ratio was not available for El Mezquital, this area – which has the highest crime rate of the areas examined – has half of the police allotted by the PNC’s national deployment plan (34 of the 66 allocated). The deployment of the PNC bears little relation either to crime rates or to the need to rebuild relations with war-torn communities. Rather the PNC continues to respond to traditional relationships and elite influence.⁴⁷

Honduran authorities have encouraged the creation of local security committees (*comités locales de seguridad* or *comités de seguridad ciudadana*). These committees have no clear legal status. Local mayors may create security councils and levy local taxes to provide a budget that is managed by the councils. In January 2000, 563 local security committees had been created throughout Honduras.

As Secretary of Security, Elizabeth Chuiz encouraged the creation of committees, inaugurating many of them around the country and providing an official credential to committee members. The credential requests that police, judicial and military authorities provide assistance to the bearer of the ID, and specifies reasons for removal from the committee, such as committing crimes, public or habitual drunkenness, claiming to work for the police, and abuse of authority using the credential. Official interest in these bodies reflects the shortage of police in Honduras. The preventive police have no presence in 51 of the country’s 299 municipalities, especially in small villages in rural areas. The DGIC has 550 investigators and received 61,000 crime reports in 2000.

When Chuiz and the preventive police started to issue identity cards to committee members, they bypassed CONASIN despite its mandate to review regulations and policies. As noted above, civil society sectors strongly opposed Chuiz’s encouragement of local security committees and the issue led to clashes within CONASIN. For many

In considering how to improve relations, the research indicated that the representativity of the police and their ability to speak local languages is an important precursor to further community outreach efforts. Unfortunately, the Guatemalan government has displayed little interest in living up to its commitments under the peace accords which called for the creation of a multiethnic and multicultural police. An important effort to recruit indigenous police was

citizens, the committees bring back concerns about *orejismo*, the official and military promotion of informants within communities during the 1980s. At that time, neighbors forced or persuaded to spy on and denounce each other fed information to human rights violators, wreaking tremendous damage on community cohesion and trust.

The researchers divided the experience of the security committees into two broad categories, those focused on preventive activities and those oriented toward repression of crime. Within each category they distinguish between two experiences, preventative and repressive.

Preventive:

- ▶ Residents organize to design prevention strategies and cooperate with police in implementing them, for example providing gas for police patrol activities;
- ▶ Security committees that work closely with municipal authorities who levy a security tax that is managed by the committees. The tax is generally used to obtain further resources for the police.

Danlí is a case of a committee with strong local legitimacy. A local security council run by the mayor, police and judges organizes the committee. It has a budget raised through a local tax that was approved in a municipal plebiscite. It functions with relative independence from the municipality and manages its own budget. The committee members may carry arms if they have personal gun permits. They occasionally carry out arrests, but only as a last resort and usually in coordination with local police. There appear to be some checks against abuse. In one case, a judge imprisoned a member of the committee for negligence.

Repressive:

- ▶ Residents organize patrols themselves, in some cases with police advice.
- ▶ Committees take on policing functions, displacing or substituting for the police; they are armed and carry out arrests.

The North of Honduras is the most industrialized area of the country with a large assembly industry. It is the most violent region in the country. In Juticalpa and other areas, the local security committees are seen as a substitute for the police. They are heavily armed and are accused of involvement in “social cleansing killings” of gang members. Local citizens appear ambivalent. On the one hand they feel that some action is warranted by the level of insecurity, while on the other hand they also voice many concerns about the committees. Business sectors reportedly provide financial support to the committees, who also receive police assistance. This situation worries some people who fear a reappearance of death squads.

There is also evidence in a range of areas that some committee members have abused their position in order to settle personal scores, while others have committed crimes while “on duty,” yet the state takes no responsibility for their actions. Given the committee’s lack of legal status and the lack of regulations, the responsibility for their actions is murky.

Conclusions

This study is only an initial and partial review of the issues around police-community relations and some of the policy initiatives in this area. Yet it indicates a number of disturbing dynamics. Reforms do not appear to have significantly re-oriented the

Local security committees in Honduras bring back concerns about *orejismo*, the official and military promotion of informants within communities during the 1980s.



allocation of police resources to improve services to previously neglected (or repressed) communities. Government initiatives often appear motivated more by public relations or the desire to compensate for the absence of police than any serious interest in new approaches to community safety. Almost all of these initiatives have been launched without serious consideration of the design of the policies, and function with few resources, limited institutional support and with little or no regulation or oversight.⁴⁸ The primary exceptions of the experiences

examined here are the two initiatives launched by international actors – the IIDH and PIP-COM programs in El Salvador.

The history of egregious abuse must be taken into account when considering how best to improve police-community relations.

The role of local elected authorities appears highly variable. In Guatemala, mayors from formerly conflictive areas are very reluctant to address public security issues, maintaining that security is the concern of national, not local government. Yet in less conflictive areas, some have developed strong crime prevention initiatives. In affluent areas, the JLS have proven to be primarily a resource generating mechanism for the police. In El Salvador, a growing number of mayors are increasingly concerned with security problems in their communities yet receive no support or collaboration from the police force, despite other police initiatives that aim to reduce local crime rates. Honduras demonstrates a range of experiences from positive community collaborations to extremely alarming accusations of extra-judicial executions. In each of these countries, each of these variations could probably be identified in different regions and communities.

Civil society engagement has also been very limited. Many civil society sectors, particularly human rights groups, see similarities between community policing and local security committee initiatives and past counter-insurgency practices. Given the gross abuses perpetrated under those past structures, many remain mistrustful of these approaches in the Central American context where accountability mechanisms, regulation and oversight remain weak or absent.

It is clear that further thought needs to be given to the way in which community policing techniques developed in wealthy countries might be transferred to nations that continue to suffer under extreme poverty, inequality and the legacies of war and repression. This is not to say that efforts to improve community-police relations are not needed – they are urgently needed. A key goal of democratic police reforms should be precisely to provide policing services to poor and marginalized communities; democratization of police services must ensure that security is no longer only for the wealthy, and that “security” does not come in the form of police repression of the poor and “dangerous classes.” Furthermore, local, “popular” responses to increasing insecurity and violence may also be highly abusive – such as the lynching that has become common in

Guatemala and has started to appear in El Salvador and Honduras. That said, many community policing practices both can serve to control and repress a community or support collaborative problem-solving. It is clear that understanding local contexts is key to determining the impact and success of such practices.

The Guatemalan study is particularly interesting for its implications for post-conflict settings as it indicates that the local legitimacy of the force must be rebuilt before more collaborative local crime prevention and security strategies can be implemented. National police reform alone is not enough to overcome the legacy of past repression at the community level. Further confidence building measures, including efforts to make the police representative of the local community, must be undertaken first. Sadly, the Guatemalan government shows no interest in addressing these problems.

In the efforts to create local mechanisms for police-community consultation and to improve community security, there are many reasons to be concerned at the lack of accountability in the initiatives launched in Guatemala and Honduras. These initiatives appear at best only loosely regulated and lack oversight mechanisms. If community policing is to be explored further in Central America, greater community and civil society participation should be sought, regulatory frameworks and clear national standards should be developed, and clear accountability and oversight mechanisms should be put in place. The only project to attempt to fulfill these criteria was the IIDH project,⁴⁹ and its limited achievements indicate how difficult the challenge of re-orienting the nature of police-community relations remains.

For its part, the PIP-COM experiment appears to offer a useful model of improving police management and operational strategies. It does not, however, appear to improve either police accountability or increase community participation, even as community support of the police may increase with greater police visibility and some reductions in crime rates. PIP-COM does appear to have produced some important achievements in improving police management and attaining some level of crime reduction. Concerns raised by local actors examining PIP-COM, however, and the disappointment that some of them express indicates the importance of maintaining clear goals and expectations. The term community policing has become something of a catch-all phrase bringing with it many expectations but few clear elements. There is need for greater caution in defining “community policing” as projects and strategies are developed and implemented in the region.

Police transparency

Issues of transparency are rising to the fore, both for police reformers who note that inadequate and unavailable information greatly impedes improved policymaking, and to human rights organizations and other sectors trying to monitor police reforms and promote democratic practices.⁵⁰ The history of political spying and use of police intelligence points to the need to introduce accountability mechanisms that can prevent a recurrence of past abusive practices. Coming out of this experience, many human rights groups, civil society and political sectors have been deeply mistrustful of police intelligence activities.

Yet, there is increasing recognition that the police must improve their information gathering and analytical capabilities if they are to confront crime in a more effective manner. Even following profound police reforms in Central America, the police forces have tended to continue with highly reactive strategies, generally dominated by fixed post duties and routine patrol. Research and experiences in the U.S. and other countries indicate that information-based police strategies that target clearly identified crime

Local legitimacy of the force must be rebuilt before more collaborative local crime prevention and security strategies can be implemented. National police reform alone is not enough to overcome the legacy of past repression at the community level.



problems or patterns are far more effective. Furthermore, the police are, or should be, a key source of information about crime issues for policymakers. Decisions about resource allocation will be more effective if based on solid documentation of dynamics and trends. Furthermore, public access to such information is needed to promote a more informed public and policy debate and to hold policymakers accountable for the demonstrated results of their decisions and resource allocations.

Thus, there is keen interest in issues of information gathering

and analysis in terms of both of accountability and effectiveness. The issues considered by the researchers under this theme dealt with the production and use of information on crime and policing, both internally for police management and externally in debates and policymaking. In particular, the researchers highlighted issue of public access to information, and the nature of public debates on issues of crime, violence and policing.

The production and use of information within the police

The most serious effort in the region to improve information systems has taken place in **El Salvador** under the current PNC Director General, Mauricio Sandoval. The weakness of information systems had previously been identified by both the UN and the CNSP as a priority for institutional capacity building in the PNC. Efforts to create systems foundered, in large part due to management weaknesses. Only in 1997-98, did the Salvadoran PNC start to collect basic data on major crimes such as homicides, car theft, and major theft. Data gathering, however, was not systematized between different police divisions and regional departments.

In 1999, Sandoval established a new data gathering structure with a centralized statistical unit (*Unidad de Estadística Policial, UEP*) charged with of collecting and processing data received from regional and local units. The information is first collated and analyzed at the regional level (*delegaciones territoriales*). The effort is to make the regional (*delegación*) chiefs analyze their crime statistics and develop short and medium term operational plans based on their analyses.

The PNC is currently working toward a system in which they will be able to generate indicators of effectiveness including: detailed crime statistics per 1,000 and 100,000 of population; numbers of arrests per 100 police; numbers of arrests according to categories of crime; numbers of seizures (*decomisos*); and distribution of manpower at regional and national levels. These statistics would allow tracking of crime trends in each region and establish a correlation between the population size, the crime rate and the number of police assigned to the area and their effectiveness.⁵¹ Another institutional evaluation process is to identify weak areas and provide inputs for a complete organizational manual. The unit in charge, the Institutional Planning Unit (*Unidad de Planificación Institucional/UPI*) was also given the task of developing an institutional plan for the period of the Flores government (1999-2004).

The Guatemalan PNC claims to use statistics to evaluate their own performance. However, there is little attention paid to the quality of the statistics beyond the formal obligation to report gross numbers.

In October 2000, Sandoval launched the EFICACIA program under which chiefs of regions and special units met weekly to review the situation and police response. These meetings have been opened to some participation by international cooperation agencies, the CNSP, the police academy and some individuals from the private sector and media. They are used to decide on leadership transfers and assignments, appropriate police strategies to respond to the security needs of an area, and respective resource requirements.⁵²

Two years into the management of Sandoval, the PNC's new information and evaluation systems remains a work in progress. Problems include police resistance and lack of capacity. Locally, many of the personnel inputting data have not received training and have difficulty assigning incidents correctly among categories. Many local police stations lack computers, and computing capabilities at the national level are also limited and impede rapid computation and analysis of the data.

More troubling is the resistance of local supervisors and officers. Local chiefs, who tend to continue to apply highly reactive, short term responses to local problems, appear unpersuaded of the importance of information in policing. They do not provide adequate resources to the information system, and tend to take personnel assigned to these functions and put them on other duties. The frequent rotation of personnel prevents the development of skills and knowledge. Some local police stations, when told to send their data immediately, simply resubmitted the previous months' statistics again.⁵³ The UEP is working on these problems, meeting with the local (*delegación*) chiefs, and is considering designating inspectors to supervise the quality of these processes and provide additional training. Some authorities note that the process of systematizing evaluation criteria has met with resistance from local chiefs who feel threatened by the evaluation processes or fail to see its importance.

The level of cooperation between PNC departments is also limited, with little cooperation beyond data exchange between the UEP and the UPI. Broader inter-institutional cooperation and coordination also continues to be a significant issue. A cross referencing of police data with data from the national Prosecutor's office (*Fiscalía General de la República*) found that the prosecutor reported a steady crime level while the police presented a decrease based on homicide figures. An European Union study determined the reduction in homicides to be at 4.3 percent while the police were claiming a ten percent reduction for the same period. Statistics on homicides for 1999 display major variations between the 2,278 reported by the PNC and the 3,845 reported by the prosecutor's office (two institutions that are supposed to work in close coordination and share all homicide reports between them). In the case of homicides, where very few incidents go unreported, it is particularly difficult to explain this massive discrepancy. Senior officials in the institutions can offer no explanation. There is no inter-agency effort to coordinate their data systems, cross reference their findings and identify and correct the sources of the problem.

The **Guatemalan** PNC claims to use statistics to evaluate their own performance based on fluctuations in the overall rate of crime. The PNC asserts that their detention rates indicate efficiency, but provides only gross numbers of arrests without further information about the types of crimes or outcomes of investigations. The PNC's assertion means little or nothing given that large numbers of arrests are made *in flagrante* and for minor offences and never reach the courts. There is little attention paid to the quality of the statistics beyond the formal obligation to report gross numbers. Of the five PNC directors since 1993, only Mario Rene Cifuentes made a serious effort to address the problem,⁵⁴ and he was removed from office after only

The process of systematizing evaluation criteria in El Salvador has met with resistance from local chiefs who feel threatened by the evaluation process or fail to see its importance.

Reforms do not appear to have significantly reoriented the allocation of police resources to improve services to previously neglected or repressed communities. Government initiatives often appear motivated more by public relations than any serious interest in new approaches to community safety.

three months. His efforts to improve data collection and use were not continued by subsequent directors.

Police information is collated weekly at the district office which provides aggregate figures monthly to authorities who compile national monthly crime statistics. There has been some progress in training cops to gather data but almost none in the analysis of that data. Beyond providing information about complaints received by police, gross numbers of arrests and other police actions, the statistics are of little use for evaluation or policymaking.⁵⁵ For example, the statistics do not specify the reason for arrests, so the police cannot compare the number of complaints for specific crimes and the number of arrests for that crime. Even the most fundamental data is often lacking and figures disputed.⁵⁶ Until recently, there was no single form for crime reports, rather each police station used its own form, preventing the gathering of consistent national statistics. ICITAP helped the Guatemalan National Civilian Police to develop a uniform crime reporting form, but police authorities left its use to the discretion of local police commanders and serious inconsistencies remain. Each station and sub-station compiles its own data from citizen reports and police work and fills out a report sheet.

There is no effort to compensate for the weakness of police data by using victimization surveys. The authorities say that they lack the resources to conduct regular surveys. Surveys conducted by private organizations provide some useful information, but authorities make no effort to utilize them. Also, because of differing methodologies, many of the results of private surveys are not easily comparable with police statistics. For instance, while one recent survey indicated increased use of firearms in homicides, police statistics do not report the type of weapon used.

It is important to note that the police are far from alone in these poor practices which are typical of state institutions in Guatemala. MINUGUA notes that the public ministry (*Ministerio Público*) also fails to update and use its statistics.⁵⁷ There are major discrepancies in data gathering between the different institutions of the criminal justice system. For example, despite efforts to institute a new case management system to assign a single case number for use throughout the criminal justice system, each institution still uses its own case numbering system.

The **Honduran** police produce daily crime reports. In theory, the information is used for operational planning and resource assignments. In reality, personnel and resource assignments are made in an improvised and reactive fashion. Police themselves say that currently seventy percent of their actions are reactive, while thirty percent are preventive. They are currently receiving U.S. assistance from ICITAP in support of an effort to develop computerized crime mapping.

The information available to the public provides levels of crime broken into three broad categories: crimes against life, crimes against property and other crimes. The data lacks important details that limit its usefulness in policymaking. There is no information about the time or place of the incident, for example, or on the age or sex of the victims or perpetrators. Thus, the Congress debates proposals to reduce the age of criminal responsibility in order to control the wave of violence associated with youth gangs, but there are no crime statistics capable of showing whether in fact youth are responsible for an increasing number of incidents.

The researchers faced some difficulty in obtaining further information about the use of information in police management. In part, this reflects the lack of transparency in policing. The researchers also believe, based on the comments of a number of police

officials, that the police have considerable difficulty in putting together the data they requested and in providing inputs for police management.

Clear tendencies can be observed across the police information systems in each country. Grave weaknesses persist in data gathering:

- ▶ The categories of data collected fail to provide adequate detail to support improved policing and crime prevention;
- ▶ The poor education levels in the police forces impede accurate gathering of crime data as police agents are often incapable of filling out forms accurately;
- ▶ Mid-level police commanders, local chiefs and line supervisors have little comprehension of and thus interest in information-based based policing. They do not value or prioritize information gathering, and are reluctant to review and adapt their operational practices on the basis of data and analysis.

In Honduras, the police appear aware of the problems but it is not clear whether they are taking adequate steps to reform and improve their practices. While in Guatemala, there is no interest. Indeed, more often there is active disinterest in changing a system that currently serves personal and political interests, while actively impeding accountability. El Salvador represents the only really serious effort to get to grips with the issues, and problems there provide good indicators of the challenges faced in professionalizing policing in the region. However, as indicated in the following section, there are some reasons for concern about trends in police information and analysis in El Salvador also. More broadly, efforts to coordinate crime data across agencies involved in different aspects of the criminal justice system (or with national data registries of deaths) are limited and, in practice, have faced institutional resistance and/or serious technical difficulties.

Police Transparency and Outside Access to and Use of Information

El Salvador's constitution establishes the right of citizens to petition in writing for information from public officials on issues relating to their functions. The officials are to respond in writing. El Salvador is also party to the Inter-American Convention on Human Rights and the International Pact on Civil and Political Rights which, in articles 13 and 19 respectively, recognize the right of all persons to see, receive and disseminate information as a central aspect of the right to liberty of expression. However, no mechanisms exist that allow citizens to access information generated by government agencies, and many police authorities still regard information on security issues as confidential. In theory, police information should be available to the public except in ongoing criminal investigations in which only the parties to the case have access. In practice, the police often give the press information about ongoing cases.

PNC Director General Sandoval created a Communications and Public Relations Unit under his office to manage information requests. Despite this effort to formalize the system, there are no criteria to determine when information may be provided in response to a verbal request and when a written request is required. This sometimes creates a labyrinthine process for those seeking information. In the experience of the Salvadoran research team, greater centralization tends to impede access to information. When researchers requested information (on police discipline and basic statistics) from national police authorities, it usually required extensive paperwork and a considerable investment of time, while it was far easier at the level of the *delegaciones*. At the national level, there are no established timeframes or routines for releasing information.

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JEREMY BIGWOOD

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the fact that very few of the studies have been followed up by advocacy campaigns that would draw more attention to the findings and recommendations.

The Salvadoran press is increasingly active, demanding crime statistics, analyzing them, and generating debates about police work and its effectiveness. In part, this is due to a new generation of young reporters and special sections of the newspapers devoted to investigative journalism. Increased access to police statistics is probably due more to media pressures than to any policy of increasing openness on the part of police or government authorities. Scandals uncovered by the media have also provoked rapid police responses.⁵⁹ The opening up and deepening of the public debate, with broader participation from non-governmental sectors still has a way to go yet, as officials still tend to argue that many aspects of security are confidential or the exclusive domain of government.

In **Guatemala**, the police organic law and other legislation governing policing suffer from serious flaws. The police law categorizes as “professional secrets” all information police obtained through the exercise of their duties. This appears to conflict with the Constitutional establishment (in Articles 30 and 31) of a broad right to information

Police authorities state that under EFICACIA statistics are published on a weekly and monthly basis, but they are only circulated to the participants in the meetings. This impedes the social accountability of the police. Indeed, the researchers in El Salvador fear that the increasing centralization of information may threaten the relative openness of the regional and local chiefs.

The lack of external demand for information from the police in part permits these ongoing poor practices. Apart from the recent increase in press interest in crime statistics, the number of people trying to get information on policing is very small, limited to a few government agencies, a handful of academics and NGOs, and some international actors. Very few civil society organizations are examining policing, in part due to limited sources of financing and limited knowledge of the issues. None of the universities offer public security issues in the relevant courses of study and, with one exception,⁵⁸ there are no departments of criminology or other disciplines that study public security, despite increasing attention to the issues of crime and violence. For all the limitations of external studies, valuable contributions have been made and the prominence of issues of crime and violence has led more groups to consider the problem. Salvadoran authorities remain resistant to civil society scrutiny, and their attitude is facilitated by

and public access to official information. The law reflects a larger tendency to view security matters including crime rates as confidential issues. There is still no regular publication of crime statistics. In March 2001, the Vice Minister of *Gobernación* said that crime statistics would be published quarterly, but nothing has happened to date. Civil society organizations' access to data has depended on the attitude of particular Ministers.⁶⁰ Frustratingly, authorities will show documents to researchers during interviews but never provide copies of them.

ICITAP tried to work with the Office of Professional Responsibility (*Oficina de Responsabilidad Profesional/ORP*) to develop a monthly system of reports of police misconduct broken down by the type of incident, the location and the rank of officer involved. This was started in January 2000, but if not institutionalized it will simply become another initiative that is abandoned under a successive director. The ORP sends monthly statistics to the PNC Director as well as unit and regional chiefs, and provides a monthly report to the president. Some of those statistics are published. Civil society groups can request these statistics in writing from the ORP, but have only obtained statistics covering limited periods.

The Guatemalan press has reported on police scandals as well as crime issues. Press reports force authorities to respond, but government officials often make contradictory statements and offer weak or distorted statistics to make their case. Their information loses credibility as a result. Police statistics are often produced in an effort to rebut stories of rising crime, which adds to the perception that statistics are politicized and manipulated. Under the current government, less information has been made available and different factions within the government battle out their differences with polemical attacks in the media.

The impact of press reports on public security debates goes only so far. While media coverage of policing has increased since the start of the reform, it tends to respond to specific situations and problems, and rarely addresses broad issues.

There are no formal mechanisms for civil society groups or individuals to request and obtain official information (although, to date, organizations have not advocated for their creation either). NGOs are weak and have not been able to open broader spaces for analysis and discussion. There is very little sustained monitoring. Human rights organizations have tended to focus on individual cases of police abuse or simply react to problems. They rarely look beyond the immediate scandal to the underlying structural weaknesses in training, doctrine, and culture. This also contributes to the lack of more informed debate about the PNC.

Since the peace accords, MINUGUA has played a key role in bringing human rights problems to light – including a detailed report in August 2000 on serious police abuses covered up by superiors. Guatemalan authorities have tended to respond by criticizing these reports as unwarranted attacks on the country's sovereignty. Nonetheless, MINUGUA has been an important body despite the fact that its findings are not always accepted or acted on by authorities. Its resources and access have made MINUGUA a valuable source of information and expertise on police reform and the human rights record of the PNC.

Confronting military impunity or ongoing police abuses can be dangerous in Guatemala as demonstrated by recent attacks on human rights organizations and *Casa Alianza*, a group taking police to court for the killing of street children. Even as a number of organizations are developing capacity to monitor the public security reform,

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none of the human rights organizations are monitoring police abuse in a systematic fashion. As in El Salvador, an increasing number of think tanks and academic centers are starting to work on public security issues, but their approaches are not always very inclusive or coordinated and are sometimes very theoretical. MINUGUA's scheduled departure in 2003 raises serious concerns about the future of policing and the transparency of public security under a government elected on a law and order platform and associated with past human rights atrocities.

While human rights abuses remain an issue of public concern in Guatemala, they are increasingly overshadowed by issues of crime and violence. Even though 67 percent of Guatemalans associate the military with criminal acts, 52 percent support their involvement in fighting crime. In mid-2001, the Guatemalan Congress approved the indefinite extension of joint military-police patrols despite the lack of any indication that they are effective. There was no serious debate about the move as the current opposition supports joint patrols, which were first started under the previous government. The joint patrols are in fact undermining the police as all the military's costs associated with these patrols are paid for out of the police budget. Meanwhile, many police stations lack gas for their cars and other basic resources.

In **Honduras**, there is regular coverage of crime issues in the media including regular publication of official statistics in newspapers and on television.

The Honduran researchers examined civil society views of the police reform through a series of four regional workshops with 200 participants. The participants said that the police's human rights record has improved, and that the level of corruption had diminished although it remains a serious problem. The participants were unaware of crime rates and derive most of their sense of security from media reports – often sensationalist crime stories.

Workshop participants said that they had no information about police disciplinary processes or their outcomes. They felt that the entire government lacks transparency, particularly the police who are accustomed to hiding information. Hondurans prefer to take any complaints of police abuse to the Human Rights Ombudsman as they fear police reprisals. Participants further noted that the police now provide more information when they arrest someone. Civil society groups feel that police reject their engagement on public security issues – as witnessed by their attitude to CONASIN – preferring to establish ties with individual residents through the local security committees.

Conclusions

Standards and processes to create greater transparency in government in Central America have yet to be developed. The principle of transparent government continues to be resisted by governing authorities, particularly in the realm of security matters, where information has historically been kept within the security apparatus and classified as secret. However, the issues are also new to sectors of civil society that have not focused extensively on or advocated effectively for greater openness in public security policies and practices.

At the official level government authorities seek to control and manipulate information for political gain or self-protection. Police authorities tend to resist increased openness, even as there are some improvements. The countries studied range from the truly abysmal practices that continue in Guatemala, to relative openness but poor data management practices in Honduras, to the important efforts to improve data in El Salvador. However, the top-down, centralized approach, and the fact that the improve-

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ments in information management in El Salvador are being promoted by a former head of presidential intelligence, give weight to civil society concerns about potential abuses in information management in the Salvadoran PNC.

In general the role of different sectors – the police, press and civil society among others – also varies considerably across the countries. A very serious concern is the lack or inadequacy of processes to obtain official information. The press plays a key role here, but civil society has yet to get to grips with serious challenges regarding opening up government and improving transparency at all levels. Proposals for appropriate mechanisms to access information need to be developed, and broader coalitions must be built among the many civil society sectors with strong interests in improving government transparency across the full range of official functions and services.

There is increased access to information about policing and public security practices; the work completed by this research project itself speaks to this reality. However, serious analysis and discussion of the issues remains at an elite level and has little impact on policy debates that continue to be driven by public alarm at insecurity, pandering to the popularity of “tough on crime” approaches despite their clear dangers. It is disturbing in an era of police reforms that seek to democratize institutional practices to observe public policy debates uninformed by either crime statistics, or by a wider range of crime fighting and prevention policy alternatives. Instead, popular support for draconian and authoritarian policy responses abets official rejection of oversight mechanisms, as authorities claim that such measures hamper their efforts to fight crime.

Conclusions and recommendations

The research conducted by this project indicates the change in the security environment following Central America’s police reforms in at least two ways. First, the information gathered by the researchers – albeit with considerable difficulty and some serious gaps – demonstrates a new and important degree of openness and a possibility for greater civil society attention to security issues following reforms. Second, the organizations in this project and other civil society groups are moving beyond simple documentation of individual cases of abuse to a deeper examination of institutional reforms and specific issues in police management and performance. That said, the research also clearly shows that these achievements are limited, fragile and in need of ongoing attention and pressure if they are to be consolidated.

Each of the three countries’ reform processes have had an important impact in improving the legitimacy of the new police. They have also reduced human rights abuses and levels of corruption – though both continue to be significant problems in each of these police forces. Other problems continue as well. Police frequently request fees for service, and in many places – particularly rural areas – police presence remains very limited or non-existent.

What is less clear is the impact of reforms on police effectiveness. Crime reporting rates remain low due primarily to the sense that the police are ineffective, and that reporting a crime will not produce any results, and to the perception that the police work hand in hand with criminals. The reformed police are perceived as weak and this feeds support for ongoing military engagement with public security tasks in El Salvador and Guatemala, nourishing the still-prevalent attitude that being tough on crime requires a repressive approach to policing.

The lack of external demand for information from the police in part permits these ongoing poor practices. Apart from the recent increase in press interest in crime statistics, the number of people trying to get information on policing is very small, limited to a few government agencies, a handful of academics and NGOs, and some international actors.



RYAN BEILER

Ongoing military engagement with public security nourishes the attitude that a “tough on crime” approach requires repressive policing.

Despite the differences in each process, a broad assessment can be made of each country’s progress in police reform.

It is clear that police reform in **El Salvador** has gone the furthest of the three examined here. It is the only country where the government has articulated a public security policy, and is making serious efforts to address management and operational weaknesses in the PNC. Despite some internal police resistance to changes in operational practices, reforms appear to be under way in a serious fashion. However, there is reason for concern that one of the outcomes of the professionalization⁶⁰ and restructuring of the police is an increase in the power and control of the Director General of the PNC. This comes at the cost of reduced accountability and transparency. These concerns are increased by the lackluster track record on police disciplinary issues, despite police involvement in serious crimes. It remains to be seen whether the purge of the force – a process spurred by revelations in the press about police wrongdoing – will correct the persistent problems of the PNC’s still-weak disciplinary mechanisms.

In **Guatemala** the rapid pace of the reform and massive recycling of the old police into the PNC has led to low levels of public confidence in the new force, though there is also widespread recognition that the police are no longer as corrupt in terms of demanding bribes or fees for services. Low confidence in the police is aggravated by the presence of individuals implicated in serious past human rights abuses now in the government and in senior public security appointments, and the involvement of the PNC in ongoing human rights violations. This particularly affects civil society sectors and indigenous areas that suffered most during the conflict. The government displays no willingness to live up to the peace accords’ commitment to multiethnic and multicultural policing – a key step in overcoming difficult police-community relations in war-traumatized indigenous areas. The broader public reaction to police weakness in controlling rising crime is massive support for military involvement in policing. Policymaking remains extremely weak, determined by the Minister of *Gobernación* in the absence of any framing national public security policy. Thus, policies change with each change in the cabinet – a frequent occurrence. The instability in top police appointments aggravate these tendencies and their negative outcomes, as different factions in the government and former police forces fight for positions of power in the new PNC.

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In **Honduras**, interviews examining police and civil society attitudes towards the reform indicated some deep differences in perception and assessment of the process. Police see an important improvement in community relations since the reform. For all the failings of CONASIN, police feel that they are subject to significant external scrutiny – mostly by citizens, civil society and the press. In their view, fear of the police has ended and an important level of transparency has been established. The perception of citizens stands in contrast; few have a clear sense of the reforms and there has been some erosion of confidence in the process. Public trust in the investigative police (DGIC) has declined following the DGIC’s removal from the *Ministerio Público* and

reintegration into the Security Secretariat. The DGIC suffered an erosion of resources and political support as former Secretary of Security Elizabeth Chuiz favored the preventive police over the DGIC, who she saw as hostile because they had sought to remain under the authority of the *Ministerio Público*. Serious ongoing human rights violations – including alarming numbers of killings of street children and abuses by local security committees in some areas – have also contributed to public skepticism about the real depth of the reforms.

Each section of this brief has specific conclusions relating to the three themes of the research, accountability, community-relations and transparency. The following conclusions focus on broader trends or traits of police reform in Central America.

While significant reforms have taken place, the level of institutional consolidation of democratic policing remains limited and highly dependent on the quality of individual leadership. Good practices are easily undermined, while new leaders must struggle, not only to develop policies and put them into action, but also to build institutional capacity to support and sustain policy implementation. This is true, not only for the police and political authorities in charge of policing, but also in institutions charged with key accountability roles, such as the Human Rights Ombudsman's office in El Salvador.

A conceptual problem of police reforms in Central America is the overwhelming focus on the police institution itself, with only very limited engagement of policymaking and broader civilian sectors. For its part, international assistance has tended to treat police reforms primarily as a transfer of skills from international police professionals to the national police. Outreach to build state capacity and encourage the development of pro-reform public constituencies is extremely limited. As crime rises and the public calls for tough actions against crime, who will protect the gains of the reforms and the values of democratic policing?

Top government authorities in the region show little interest in developing serious national strategies to address crime and violence. Policymaking capacity in the executive offices and parliaments remains weak, with little leadership and much authoritarian rhetoric. Only El Salvador has a national public security strategy guiding policymaking and setting priorities.

El Salvador's more strategic approach, which includes specific efforts targeting kidnaping and the PIP-COM program, appears to be producing some results. Authorities claim that crime is falling and, while others dispute those figures, the dramatic increases in the crime rate appear to have reached a plateau, and may have started to decline. However, the concomitant concentration and centralization of hierarchical power in the Salvadoran case clearly indicates that there is no simple correlation between police professionalization and democratic policing.

Civil society's role in public security issues remains weak. NGOs' failure to monitor and advocate for police reform in part stems from the historically antagonistic relationship between the security forces and civil society, and a history of attacks on civil society. Like communities, organizations remain deeply mistrustful of security reforms even as they understand that reforms are vital. As they engage with public security issues, civic groups confront further challenges; resources are scarce and the work is difficult. NGOs face a steep learning curve on issues that have previously been the purview of the military – an institution that remains powerful and frequently continues to resist public security reforms. As with the institutional aspects of police reforms, developing civil society capacity to support and advance democratic public security practices is also a

Civil society's role in public security issues remains weak, stemming from the historically antagonistic relationship between the security forces and civil society. Like communities, organizations remain deeply mistrustful of security reforms even as they understand that reforms are vital.

List of Acronyms (In English)

CEPES	Center for Criminal Law Studies
CNSP	National Council on Public Security
CONASIN	National Council on Internal Security
DGIC	Criminal Investigation Unit
FADS	Friends Against Crime and Kidnapping
FESPAD	Foundation for Applied Legal Studies
GCE	<i>Guardia Civil</i> , Spain
ICITAP	International Criminal Investigation Training Assistance Program
IIDH	InterAmerican Institute of Human Rights
IECCPG	Institute for Comparative Studies in Criminal Science
IEPADES	Institute for Training in Sustainable Development
IG	Inspector General

—continued on the following page

long-term prospect that will require ongoing support. Building this capacity is essential to protecting the gains of fragile police reforms and to efforts to deepen these processes.

Community engagement with public security also presents profound challenges. Decentralization offers some promise to increase the accountability of the police and to improve the service they offer communities, rather than continuing the militarized model of hierarchical and centralized police actions. However, given the potential for abuse by local authorities and, in some areas, local support for authoritarian actions and even lynching, there is a clear need to increase the accountability of local security practices. It is asking for trouble to decentralize policing and delegate responsibilities without clear and enforceable national standards. Enthusiasm for translating developed country models of “community policing” must be tempered by a realistic consideration of the ongoing weakness of local accountability mechanisms, even as these models may offer some interesting strategies for making the police more locally accountable, responsive and effective.

What is clear is that, over time, there is a quite radical shift in the way in which police reforms are being evaluated in these settings. Reforms which were first designed and evaluated on the basis of their ability to overcome past problems are now measured by their ability to confront very high rates of crime and violence. This leads to increased emphasis placed on effectiveness and less concern with police accountability. This is cause for considerable concern in a region where many authoritarian practices and attitudes persist and where, as this research indicates, human rights guarantees in policing have not been a high priority either for the police or for the governments. With governments seeking rapid, high-impact policies to confront crime, human rights are more often seen more often as an impediment to law enforcement than as a central element of professional and democratic policing.

Ongoing efforts to sustain democratic policing in the region need to support strategies that address both police accountability and effectiveness. Such strategies should include support for continued capacity-building in the state and civil society as well as in the police forces themselves. These strategic priorities point to the need for engagement with issues of public security by a broader range of actors in the international assistance community, including but not limited to the police trainers and foreign law enforcement agencies that currently run most assistance in this area. Democratic policing and public security policies are clear issues for the governance and development agendas being pursued by many donors in Central America. Further attention to key aspects of the governance agenda – such as promoting government transparency, broadening and deepening participation, and strengthening policy-making capacity – could provide invaluable assistance to the democratization of public security and public order in the region, sustaining and deepening the important gains that the reforms have made so far.

Notes

- ¹ While broadly comparative, there are divergences in the data gathered during the project research, as each participating organization selected those aspects of the themes that were most prominent in that national setting and that had greatest bearing on their advocacy interests.
- ² Honduras was an important staging post for the U.S.-backed contras fighting against Nicaragua’s Sandinista government. The country also suffered a high degree of militarization of internal security and serious human rights abuse, albeit not on the scale of its neighbors. It also has a history of highly politicized policing.
- ³ This arrangement came to create problems as PNC leaders criticized the academy as too academic and far removed from the concrete needs of the force. The academy is now being brought under the authority of the Director General of the PNC.
- ⁴ The Guatemalan peace accords are long on principle and short on detail. Police reform provisions within the accords included neither restrictions on the number of former police personnel who could be rolled into the

new PNC nor agreements about a vetting process. While other sectoral accords required the creation of technical commissions to develop specific recommendations for implementation of reforms, there was no technical commission for the “Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society.”

- ⁵ Hugh Byrne, Rachel Garst and William Stanley. *Rescuing Police Reform: A Challenge for the New Guatemalan Government*. Washington DC: Washington Office on Latin America, January 2000.
- ⁶ The Foro arose out of a proposal by the Human Rights Ombudsman, in part inspired by participation of one of his staff members on a WOLA delegation to examine the Salvadoran police reform. It is a loose coalition of some 36 civil society organizations and additional individuals.
- ⁷ See David Bayley, *Democratizing the Police Abroad: What to Do and How to Do It*, U.S. Department of Justice: Washington, DC 2001; Charles Call, *Pinball and Punctuated Equilibrium: the Birth of a ‘Democratic Policing’ Norm?* March, 2000; Otwin, Marenin, ed. *Policing Change, Changing Police: International Perspectives*, Garland Press: New York, 1996.
- ⁸ The role of the media is considered in the discussion of “transparency” and communities under “community-police relations.”
- ⁹ The more advanced systems are also setting up early warning systems that track complaints against individual officers and alert superiors to any pattern of repeated complaints, even if they are not investigated or proven. This helps to identify officers who may require counseling, additional training, or allows supervisors to take the officer off the streets until they have determined whether there is a problem.
- ¹⁰ After only two years of operations, 800 serious cases (*faltas graves y muy graves*) were awaiting investigation, and 30 new cases were coming into the system each month. Cases took about two years on average to go through the system.
- ¹¹ Long delays remain, which are particularly problematic since preventive measures are often taken that suspend police without pay for the duration of the process.
- ¹² There are different codes for trainee police in the academy than for sworn police personnel. There is no protection of the rights of police trainees to protection from abuse by the professors and academy trainers.
- ¹³ Examples of the former include constitutional guarantees such as freedom of association, of collective bargaining, which are defined as faults in police disciplinary codes. Examples of the latter include the failure to wear clear identification (name or number tags), searching individuals of the opposite sex, falsifying police reports, and using professional contacts to steer people toward specific legal services, among others.
- ¹⁴ The disciplinary system allows police to be arrested and detained for criminal acts for longer periods than those stipulated in the criminal code.
- ¹⁵ Local police supervisors use transfers to areas far from the capitol as an effective unofficial punishment.
- ¹⁶ Supervisors are rarely disciplined. When they are, they are likely to have legal assistance while agents do not – except before external authorities such as the Human Rights Ombudsman. Officers are also more likely to appeal the finding.
- ¹⁷ Exploring police abuse, it is clear that poverty is stigmatized and associated with criminality. One of the most common forms of abuse is illegal detention which is associated with *redadas* (neighborhood sweeps) only conducted in poorer neighborhoods. The other most commonly mentioned abuses were physical and verbal harassment, illegal searches, demanding bribes, threats and destruction of documents.
- ¹⁸ Chuiz stated at one point that, “if we keep on with these investigations, we’ll have no police left.”
- ¹⁹ ORP was created in 1992 with support from ICITAP, and disbanded in December 2000.
- ²⁰ Gino Costa. *La Policía Nacional Civil de El Salvador (1990-1997)*. San Salvador: Editores UCA, 1999, p. 221. (Translated by WOLA.)
- ²¹ Some recommendations were contradicted by the policies supported by the government. This was the case with a 1998 CNSP study on firearms in El Salvador which called for stricter gun control laws. In 1999, the ARENA-dominated parliament passed a law increasing public access to firearms including high caliber weapons. Costa, *op cit*.
- ²² It is no longer presided over by the Minister but by a presidential appointee.
- ²³ Despite the accountability concerns, increasing concern with crime prevention is much needed and an important development in El Salvador.
- ²⁴ At the time of her appointment, Aviles was associated with the FMLN. Immediately following her departure from the PDH, she announced her candidacy in the internal FMLN presidential primaries, deepening the partisan profile of her work at the PDH. Following Peñate’s departure, further highly politicized candidates were put forward. The Congress then suggested an open selection process requesting suggestions from citizens. This led to further debasement of the process as a wild variety of names were put forward. The nominations process stalled for some time, until a serious candidate was proposed and accepted in 2001.
- ²⁵ While researchers did not examine the role of the legislature in El Salvador, that body has taken some initial steps in police oversight, calling the PNC Director General to testify several times before committees.
- ²⁶ In April 2001, parliamentarians attempting to pass a vote of no confidence in then Minister Byron Barrientos, contacted FADS seeking information about his record. This is one of the few instances in which the researchers have been able to participate directly in a parliamentary process.
- ²⁷ Neither CONASIN nor the Academic Council – created to oversee police training, including university participation – have ever played their designed roles.
- ²⁸ The results of the activities are reviewed by the head of the division who makes recommendations to the local commander on possible measures to apply to respond to identified needs.
- ²⁹ Human rights groups have concerns that the “*ficha de contacto ciudadano*” may violate the principle of presumed innocence. More broadly, intelligence gathering remains an extremely sensitive issue throughout

List of Acronyms

(continued)

JLS	Local Security Councils
MINUGUA	United Nations Verification Mission in Guatemala
ORIS	Office of Public Relations and Information
ORP	Office of Professional Responsibility
PACs	Self Defense Patrols
PDH	Human Rights Ombudsman’s Office
PIP-COM	Community Oriented Police Patrol
PNC	National Civilian Police
UAI	Internal Affairs Unit
UC	Control Unit
UEP	Police Statistical Unit
UID	Disciplinary Investigative Unit
UPI	Institutional Planning Unit

Central America, given the serious abuses of the past, strong resistance to intelligence reforms, and the limited accountability and oversight that exists in the area.

- ³¹ This is a measure resisted by some chiefs.
- ³² An ICITAP official mentioned that there had been some indicators of displacement, i.e. that some of the local reduction in crime is the result of displacing crime into neighboring areas.
- ³³ This survey, with a sample of 150 people, was conducted by the Inspector General's office.
- ³⁴ According to MOJE (*Movimiento de Jóvenes Encuentristas*), a local NGO working with youth, police abuse of youth did not decrease but rose after initiation of the program. They noted several cases of revenge killings of gang members the responsibility for which has never been clarified. (Their concern increased because these killings were positively viewed by various sectors in the municipality.)
- ³⁵ This observation stems from meetings in Washington with representatives of the Salvadoran Association of Mayors in September 2001.
- ³⁶ IEPADES interview with Edgar Morales, ORIS PNC official, June 4, 2001.
- ³⁷ The willingness of some local officials to participate in JLS was also negatively affected by Ríos Montt and the FRG's congressional victory on a law and order platform.
- ³⁸ But in Purulhá, after not creating a JLS for these reasons, following a meeting between police, the mayor and neighbors, a JLS was formed, in part on the basis that it would help to avoid lynching. Police also promised to put up a complaints box.
- ³⁹ El Mezquital, a marginalized settlement in the department of Villa Nueva; Zona 10, a wealthy neighborhood in Guatemala City; Guastatoya, a municipality in the eastern Guatemala, department of El Progreso; Santiago Sacatepéquez, a largely indigenous Kaqchikel speaking municipality in the department of Sacatepéquez; Chichicastenango, an indigenous municipality of K'iché ethnicity in the department of Quiché; Santa María Nebaj, an indigenous municipality of Ixil ethnicity in the department of Quiché.
- ⁴⁰ Source: IEPADES; *Sociedad Civil y Seguridad Ciudadana: Relaciones Policía-Comunidad en Guatemala*. Guatemala City: IEPADES, 2001; Commission for Historical Clarification. *Guatemala: Memory of Silence*. Guatemala City: CHC, 1999.
- ⁴¹ The PACs were a central element of social control and counter-insurgency in Guatemala. The military forced male villagers to join PACs, and took reprisals against communities that resisted. PAC members were forced to kill other community members; they were also used on occasion to pursue local vendettas.
- ⁴² MINUGUA's December 2000 report also found that the Quiché had the highest incidence of lynchings of all of Guatemala's departments, and verified cases in which former PAC members instigated or participated in lynchings.
- ⁴³ A similar history is evident in El Salvador, where a proposal to create neighborhood watch committees was abandoned over concerns about the recent history of repression during the war.
- ⁴⁴ Supplement to the 9th report, MINUGUA, March 1999. Police commanders are overwhelmingly ladino and rolled over from the old police force.
- ⁴⁵ Source: IEPADES; Commission for Historical Clarification.
- ⁴⁶ Guastatoya 1/420; Guatemala City zones 10 and 14 1/1, 133, and Santiago 1/1, 132.
- ⁴⁷ Guastatoya is an area that many police come from. Even here, however, police assignments lack coordination with local initiatives. Guastatoya also had changes in the local commissioner that impeded work of JLS. This dynamic was also observed in Santiago, where constant rotations of personnel caused the Santiago JLS to complain.
- ⁴⁸ For example, personnel assignment practices are a serious impediment to many other police strategies, such as developing a relationship with the community or building specialized skills. One *delegación* in El Salvador had three police chiefs in three months. Many donors and project managers find that that police personnel trained for new projects or strategies are removed from the posts and assigned new duties with no regard for the impact on the project.
- ⁴⁹ Examined here in El Salvador, but also undertaken in Guatemala, Honduras, Nicaragua and Panama.
- ⁵⁰ David Bayley. *Reforming Police Abroad*. Washington, DC: National Institute of Justice, 2001.
- ⁵¹ However, the Director General has declared that he will not approve increases in personnel and that the data will have to be used for reallocation of resources within areas for the moment.
- ⁵² Reportedly, the EFICACIA meetings provided the basis for the decision to rotate 75 percent of the division, delegación and specialized unit chiefs in October 2000 to new posts. Some of the assignments have not followed the normal track through the institutional hierarchy and did not reflect a strategy of planned rotations coordinated with the human resources department. Rather, they appear to reflect the judgement of the Director and a small group of advisors. This has created concerns about partisanship.
- ⁵³ Police enthusiasm and engagement with such initiatives may also be colored by past experiences of efforts to improve planning. In 1997, the previous director created the Executive Advisory Office which developed the Operational Procedures Manual – the basic guide to police procedures in all areas. That manual established a “circle of quality” in each region to review local police performance. It was never established due to regional and local disinterest and lack of commitment at top levels. This office also tried to increase the use of statistics in police planning but that advice was never taken up by the director. With the change in chief in 1999, the office disappeared and was replaced by the Institutional Planning Unit (UPI).
- ⁵⁴ Starting with his arrival in office he conducted an emergency institutional review to ascertain how the PNC was functioning, as no adequate data and reports existed previously. During the course of FADS' research, they were often told that information had been deleted from computers and that the systems had to be built up from scratch again.
- ⁵⁵ Reportedly, there is some use of statistics for operational planning and some stations have recently started to use these statistics to map incidents of crime at the local level.
- ⁵⁶ There is no reliable figure on the national homicide rate, for example.
- ⁵⁷ MINUGUA, 2000, *Funcionamiento del sistema de justicia en Guatemala*, pp. 42-3.
- ⁵⁸ The University Institute of Public Opinion (*Instituto Universitario de Opinión Pública*), Universidad Centroamericana.
- ⁵⁹ It was following media reporting of police involvement in criminal activities including kidnapping rings and drug trafficking that the president announced the creation of the special commission to purge the force on May 29, 2000.
- ⁶⁰ Interior Minister Byron Barrientos said that his office has to authorize all access to statistics. Not even the chief of the PNC could do so.

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Washington Office on Latin America • 1630 Connecticut Av., NW • Washington, DC 20009
Tel (202) 797-2171 • Fax (202) 797-2172 • wola@wola.org • www.wola.org

WOLA Staff

Bill Spencer
Executive Director

Kimberly Stanton
Deputy Director

Coletta Youngers
Senior Associate for the Andes and
U.S. International Drug Policy

Rachel Neild
Senior Associate for Haiti, Police
Issues and the Southern Cone

Geoff Thale
Senior Associate for El Salvador,
Cuba and Nicaragua

Vicki Gass
Associate for Economic Issues
and Central America

Jason Hagen
Associate for Colombia

Eileen Rosin
Drug Policy Project Manager

Adriana Beltrán
Program Officer for Guatemala
and Media Coordinator

Rachel Farley
Program Officer for Cuba

Tina Hodges
Program Assistant for Mexico
and the Andes

Gabi Kruks-Wisner
Program Assistant for Cuba
and Central America

Jana Kurtz
Director of Operations

Nadia Malley
Finance Manager

Lori Piccolo
Associate for Financial
Development

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Development Coordinator

Advocacy Training Program

HONDURAS OFFICE
Salvador Segovia
Trainer

NICARAGUA OFFICE
Cirilo Ortega
Trainer

Leandro Martínez
Administrative Assistant

wolanica@ibw.com.ni

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The Washington Office on Latin America (WOLA) is a nonprofit policy, research and advocacy organization working to advance democracy, human rights and social justice in Latin America and the Caribbean. Founded in 1974, WOLA plays a leading role in Washington policy debates about Latin America. WOLA facilitates dialogue between governmental and non-governmental actors, monitors the impact of policies and programs of governments and international organizations, and promotes alternatives through reporting, education, training and advocacy.

In the 1970s, WOLA led efforts to ban US assistance to foreign police forces following programs that aided repressive police in South America. In 1993, changing political circumstances led WOLA to re-examine US police assistance and monitor post-conflict security reforms in El Salvador, Guatemala and Haiti. Through this work, we saw that the long-term consolidation of the police as a professional, effective, and apolitical institution depends on citizen involvement in, and support for, public security reforms. Since then, WOLA has supported capacity building in citizen security for civil society groups in Central America, and has facilitated dialogue on public security strategies between community groups, police and local authorities in Mexico City.

WOLA's ongoing public security program monitors international police assistance, and the conduct of police in Latin America and the Caribbean. WOLA also provides technical assistance to non-governmental and civil society organizations advocating for reform.

To Contact Us

Washington Office on Latin America

1630 Connecticut Avenue, NW
Washington, D.C. 20009

Telephone: 202.797.2171 • Facsimile: 202.797.2172

Email: wola@wola.org • Web: www.wola.org

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