

A REPORT OF THE CSIS  
AMERICAS PROGRAM

# Police Reform in Latin America

IMPLICATIONS FOR U.S. POLICY

*Authors*

Stephen Johnson  
Johanna Mendelson  
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Katherine Bliss

February 2012



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# CONTENTS

<b>Acknowledgments</b>	v
<b>Abbreviations</b>	vi
<b>1. Introduction</b>	<b>1</b>
<b>2. Background</b>	<b>5</b>
Trends in Latin America	6
Shifting Focus—U.S. Efforts to Date	14
<b>3. Selected Cases in Criminal Environments and Police Reform</b>	<b>23</b>
Where Needs Are Less	23
Where Needs Are Greater	27
Future Challenges	37
<b>4. Multilateral Efforts</b>	<b>40</b>
Growing Capabilities of Hemispheric Actors	41
Multilateral Organizations	42
<b>5. Conclusions and Recommendations</b>	<b>45</b>
Final Observations	48
<b>About the Authors</b>	<b>50</b>





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## ABBREVIATIONS

CARSI	Central American Regional Security Initiative
CIA	Central Intelligence Agency
CIACS	Illegal security forces and clandestine security organizations
CNP	Colombian National Police
CSBI	Caribbean Basin Security Initiative
FARC	Revolutionary Armed Forces of Colombia
FBI	Federal Bureau of Investigation
GDP	Gross domestic product
HNP	Honduran National Police
ICITAP	International Criminal Investigative Training and Assistance Program
ILEA	International Law Enforcement Academy
INL	International Narcotics and Law Enforcement Affairs
JSCA	Justice Studies Center of the Americas
OAS	Organization of American States
OPS	Office of Public Safety
PNC	National Civilian Police (El Salvador)
PNP	Panamanian National Police
PRI	Partido Revolucionario Institucional
SICA	Central American Integration System
UNODC	United Nations Office on Drugs and Crime
USAID	U.S. Agency for International Development
WHINSEC	Western Hemisphere Institute for Security Cooperation

# 1

## INTRODUCTION

Historically, U.S. policy on improving the performance of foreign police forces has been inconsistent. It has served different purposes over time largely aligned with U.S. threat perceptions and often did more to equip and train law enforcement for certain missions than to alter conduct and structure. Because of complicated legal restraints, implementation has been spread among various agencies of the U.S. government in an uncoordinated manner. That said, implementation has not been wholly unsuccessful. However, it has not been as successful as it might have been and still could be.

In determining the outlook for police reform in neighboring Latin America and the implications for U.S. policy, we pose two questions to lead the discussion: Why spend tax dollars on this? and, Where are needs the greatest?

First, the economy and security of the United States depend on the stability and prosperity of its neighbors. The United States has an investment in the democratic trend that has swept Latin America over the past 30 years. Mexico has become its number-three trading partner, and the rest of Latin America is number four. Although only 5 percent of the world's maritime cargoes pass through the Panama Canal, 70 percent of that traffic is between U.S. East and West Coast ports. Crime is a drag on these economies. And, while nearly all Latin American countries now have freely elected civilian leaders, democratic institutions need strengthening, particularly in the areas of law enforcement and justice. Along with poverty, perceptions of insecurity have ignited illegal migration from various countries at various times, movements accompanied by predatory crime that ultimately affects U.S. security.

Second, the daily news tells us that needs are greatest closest to the U.S. border—in Mexico, Central America, and the Caribbean. Over the past 30 years, drug trafficking has become a \$300–400 billion global enterprise, challenging nations whose gross domestic product (GDP) is sometimes a fraction of that amount. Accompanying arms and human trafficking are kidnapping, murders for hire, extortion, and gang violence. Meanwhile, the criminal networks that support all this activity are expanding and now reach into most U.S. cities and east to Europe and Africa. Even if illicit narcotics were not the oxygen that currently feeds this phenomenon, other criminal money-making activities would take their place.

The same globalization—ease of travel and communicating—that has enabled world economic expansion has facilitated the rise of criminality that touches U.S. citizens by virtue of geographic proximity. Fortunately, not every country in Latin America is so affected. But needs are greatest where ungoverned spaces have allowed criminal networks and insurgencies to flourish, where justice systems have not kept up with the times, and where political will has faltered in bringing criminal bands to justice.



As we consider how to move forward, several questions come to mind. How has the United States aided police reform in the past? Is there a single model that makes the most sense? Why are some reform measures more effective than others?

The answers are not so simple. Although so-called nontraditional threats (such as transnational crime and natural disasters) are now on the rise in Latin America, the United States has always been wary of dealing with foreign police. In fact, Congress banned using the U.S. military in law enforcement roles after the Civil War. In addition, because police forces in the United States were established first and foremost at the municipal level, they lack a natural foreign engagement component. U.S. leaders have also at times been wary of helping foreign constabularies that, under the wrong leadership, might turn around and commit crimes.

Throughout Latin America, with the exception of Mexico, the United States has a fairly lengthy history of providing security assistance in the form of military training and equipping, as well as some advising on law enforcement, beginning with military interventions in the early twentieth century and continuing with development aid and security assistance. However, the mission changed from imposing stability and order to rooting out Soviet/Cuban-backed insurgencies and then later to helping neighbors deal with criminal threats that have little to do with ideology.

Throughout, U.S. policies have mostly chased trends rather than anticipating them. When the Organization of American States (OAS) issued its Declaration on Security in the Americas in 2003,<sup>1</sup> some in the then-current administration and the Washington policy community were surprised that so little emphasis was placed on traditional war and subversion, while so much discussion centered on terrorism, transnational crime, human trafficking, natural disasters, poverty, and HIV/AIDS. Such nontraditional threats are now accepted by U.S. policymakers and are at the heart of local concerns as citizen safety becomes more critical in many countries.

In fact, law enforcement is beginning to eclipse traditional defense in security calculations in Latin American countries. As police come up short in addressing such challenges, more questions arise. Are numbers of police important? Is effectiveness a matter of training and equipping or of culture? Does community involvement help? Is an educated citizenry a factor in developing lawful societies? Does good law enforcement depend on support from other institutions?

Answers become even more complex when the range of policing models that have grown out of various histories and local traditions are considered. In some countries, the police and armed forces come under a single ministry. In others, the police fall under a separate public security or interior ministry. Some are divided between urban forces and a territorial constabulary. In many, soldiers have been tapped to augment police that are either insufficient in numbers or lack functional capacity. Not all of those models square with U.S. wariness of mixing law enforcement and making war.

Some challenges are not yet on policymakers' radar screens. Coming changes in Cuba's government, for example, will probably mean a shift in police mission from enforcing authoritarian rule to guaranteeing public safety. Venezuela's law enforcement, once decentralized in a federal system, has been usurped by a more centralized national police but may undergo restructuring when its current president leaves office. Under authoritarian populist rule, Bolivia's police have also become more politicized.

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1. "Declaration on Security in the Americas," Organization of American States, Mexico City, October 28, 2003, <http://www.oas.org/csh/CES/documentos/ce00339e04.doc>.

In this context, lawmakers and policymakers have some work to do in reorganizing U.S. police assistance efforts. To meet the challenge, they should, at a minimum:

- Anticipate that citizen security challenges will continue to surpass traditional defense threats in certain Latin American countries.
- Improve coordination of U.S. foreign police assistance efforts by centralizing coordination in a single agency, instead of allowing piecemeal implementation.
- Clearly define the police assistance roles among departments with national security responsibilities, through presidential directive and legislation.
- Establish clear policy guidelines based on lessons learned, such as that U.S. aid should be consistent with American values of promoting democracy and human rights and that it should support the development of more professional forces as well as meet current mission needs.
- Replace Section 660 of the Foreign Assistance Act of 1961 governing assistance to foreign law enforcement, removing the tangle of exceptions that have accumulated with fresh prescriptive guidelines that avoid confusion on what U.S. agencies can and cannot do.
- Identify what U.S. assistance can do best, such as helping with equipping and forging bonds between police and citizens at the community level, while partnering with other countries on training.

In regard to foreign priorities, they should:

- Rely less on temporary initiatives designed to have a limited life span directed at a specific problem in favor of sustained, adequately funded support for long-term law enforcement reform.
- Make Mexico the first engagement priority. It is the closest Latin American neighbor of the United States. Mexico recognizes its problem but needs political support, intelligence sharing, and bilateral cooperation in turning around a traditionally weak justice system.
- Identify Central American countries on Mexico's southern flank as the next engagement target. Here, the spillover effect is undeniable, with violent crime rates the highest in the world.
- Consider Haiti and the Caribbean a third priority. For now, United Nations peacekeepers have kept a lid on crime in Haiti. However, they will not be there forever.
- Ensure that law enforcement assistance goes hand in hand with development programs to help shape the policing environment.
- Stress better data collection to eliminate gaps in knowledge.
- Bolster foreign exchanges to improve skills and share the latest technologies.
- Promote best national practices for managing private security firms in multilateral settings. This reform is essential for ensuring that such companies are not part of the problem in aid-recipient countries.
- Encourage international lenders and the growing number of foreign donors to coordinate visions and goals so that assistance does not serve conflicting purposes.

In sum, police reform is a complicated undertaking, with no easy formula for success. Regrettably, such reform is most often contemplated when governments are helpless to reduce high

crime rates. During those times, prospects for true reform are dim, as local authorities are less inclined to make major changes, although Colombia's experience is an exception. Still, prosperity, stability, and even lives depend on effective law enforcement. To the extent that the United States helps its neighbors develop such institutional capabilities in a democratic setting, it looks after its own interests.

# 2

## BACKGROUND

*I pledge to you that the United States will be there as a friend and a partner, because our futures are inextricably bound to the future of the people of the entire hemisphere.*

—President Barack Obama, 2009 Summit of the Americas,  
Port of Spain, Trinidad and Tobago, April 17, 2009

Helping neighbors is a way of keeping their problems off one's own doorstep. Just as a family worries about its own home when a neighbor's catches fire, U.S. policymakers should be concerned about challenges that nearby states face from threats that cross borders. Experience shows that conflicts and economic disparities tend to produce dislocations that affect U.S. cities and exact a social welfare cost. Domestic consumption of illicit drugs has fueled a narcotics industry that has brought foreign criminal organizations into every major U.S. city, despite fences and other controls we impose at our borders. To the extent that Latin American countries have become secure and prosperous, however, their markets help support U.S. commerce: indeed, Mexico is the third-largest U.S. trading partner, and the rest of Latin America represents its fourth-largest commercial relationship.<sup>1</sup>

Being helpful requires an examination of historical trends to see why some countries are under increasing threat of criminal predation. Demographic trends, political currents, economic models, and evolving law enforcement capacities are part of the mix. Moreover, differences in history, size, and culture affect ways in which donors like the United States might engage. Spanish explorers founded Chile and Nicaragua; yet these countries share little more than language in common. Belize is a fusion of cultures, a former British colony that some geographers do not consider Central American. Brazil speaks Portuguese and has one of the most industrialized societies in the Americas, but most of its income is concentrated among the very rich.

Then there is the U.S. record of assistance. Aiding foreign police reform has evolved from an asterisk in foreign policy strategies to a major component of nation building in such places as Afghanistan and Iraq. Over time, it has served various purposes, from supporting U.S. efforts to promote stability, to aiding the defeat of Communist insurgencies, to eradicating drug trafficking. Today, U.S. goals seem to be to promote more professional law enforcement in democratic environments respectful of human rights and the rule of law. But that is no easy task, given the tangle of laws and entities several U.S. Congresses and administrations have elaborated to govern and carry out this mission.

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1. "Product Profiles of U.S. Merchandise Trade with a Selected Market," Global Patterns of U.S. Merchandise Trade, International Trade Administration, U.S. Department of Commerce, 2010, <http://tse.export.gov>.

## Trends in Latin America

During the past half-century, Latin America has experienced tremendous change, not all of it easy to absorb. Now, more people live in cities than in the countryside, economies have opened to external markets, and populations have become more mobile. Even so, education has lagged, and job opportunities are not as plentiful as they could be, owing to the lingering power of political and economic monopolies. Political upheavals during the 1970s and 1980s displaced hundreds of thousands and created the need for young fighters who entered adulthood with few other skills. Police and justice systems accustomed to protecting elite interests were suddenly unprepared to serve broader populations that included large numbers of poor people.

When cocaine use jumped in the United States, narcotics production began to invade former combat zones and depopulated rural areas. Big drug cartels appeared in Colombia and began to operate in Central America. As they came under attack, crime organizations in Mexico took their place. The growing availability of cars, planes, boats, trade, and communications that we call “globalization” facilitated crime as much as it did legitimate commerce. Youth gangs flourished as an outgrowth of civil conflicts. All the while, crime rates and perceptions of insecurity began to rise throughout the region.

### Demographics

At the beginning of the 1900s, most Latin American states depended on farming and mining. The dominance of prominent families and authoritarian governing styles favored corporatist societies that tended to stay the same. The military and law enforcement helped maintain the status quo. As a result, industrialization occurred at a much slower rate than in the United States and Europe: by 1950, some 41 percent of Latin Americans still lived in rural areas,<sup>2</sup> working either on plantations or in mines or making a living by subsistence farming. Farm mechanization and the gradual end of closed-market economic models encouraged migration to urban areas. By the year 2000, about 75 percent of Latin Americans lived in cities.<sup>3</sup> Education levels kept advancing but not fast enough for large numbers to move into higher-paying jobs.

While the overall fertility rate in Latin America has dropped significantly since the early 1960s, from 6.0 percent to 2.5 percent growth per year, the youth population is increasing. Bolivia, Guatemala, Haiti, Honduras, Nicaragua, and Paraguay all have populations in which 30 percent are considered youth.<sup>4</sup> In Brazil, Costa Rica, Ecuador, Nicaragua, Panama, and Peru, a so-called youth bulge will continue for at least another decade. In the poorer countries such as Bolivia, Guatemala, Haiti, and Paraguay, the youth bulge could continue beyond that.<sup>5</sup> Typically, this growth

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2. *World Population Prospects: The 2008 Revision* (New York: Population Division, Department of Economic and Social Affairs, United Nations Secretariat), <http://esa.un.org/wup2009/unup>; and *World Urbanization Prospects: The 2009 Revision* (New York: Population Division, Department of Economic and Social Affairs, United Nations Secretariat), <http://esa.un.org/wup2009/unup>.

3. Ibid.

4. Richard Jackson and Neil Howe, *The Graying of the Great Powers: Demography and Geopolitics in the 21st Century* (Washington, D.C.: Center for Strategic and International Studies, 2008), 176–77.

5. USAID, “At-Risk Youth in Latin America and the Caribbean: A Concept Paper” (USAID, Bureau for Latin America and Caribbean Affairs, Washington, D.C., September 2010), 5, <http://www.usaidcarsi.org/~usaidcar/downloads/at-risk-youth-in-lac-concept-paper.pdf>.

is centered in rural areas, where the population has low educational attainment and high teen pregnancy rates.

Not surprisingly, countries with a large youth bulge and higher unemployment such as El Salvador, Guatemala, and Honduras also tend to experience a higher incidence of crime.<sup>6</sup> The majority of gang members in Guatemala, for example, are reportedly less than 24 years of age.<sup>7</sup> In El Salvador, perpetrators of violent crimes were identified as men with a peak age of 23 in 2000. In all six Central American nations, a third of homicide victims are males aged 15–34.<sup>8</sup>

## Political Change

As late as the 1970s, the U.S. Department of State noted that only a third of the people in Latin America and the Caribbean lived under democratic rule.<sup>9</sup> Up to that time, economic and political elites typically devised governmental arrangements with the armed forces and police that protected their interests ahead of those of the general public.

From 1976 to 1986, however, the region experienced a marked shift away from authoritarianism. Fragile as they were, competitive elections, constitutional guarantees, and public controls over government agencies began to emerge. Because law enforcement existed primarily to protect the prevailing political order and special interests, many prior governments neither structured nor funded them to assume the role of protecting society at large. Moreover, it would take time for legislatures and courts to begin to rein in the authoritarian habits of officials from the president on down. In some countries, this change never happened, or it failed to take hold.

Owing to the separate evolutions of law enforcement throughout the region's new democracies, distinct models of organization have appeared. Some police are centralized and controlled at the national level, while others are federalist, that is, managed at national, state, and local levels. Some come under a ministry of defense; yet others fall under public security or interior ministries. Among those controlled by defense ministries, some function as a fourth military branch, while most consider themselves civilian. Although decentralized organization is preferable, as it facilitates accountability to local authorities and close contact with citizens in their own neighborhoods, centralized command has been used in cases where local government is weak or absent.

Argentina, Brazil, Chile, and Uruguay emerged from repressive but comparatively peaceful military rule in the 1980s and steadily developed civilian law enforcement institutions that supported elected authority. While they are not alike—the police in Chile, for example, are still centralized and the others are more federally organized—broadly shared civic expectations have shaped what law enforcement should do, and the public supports adequate funding.

El Salvador, Guatemala, and Honduras converted their military constabularies into civilian forces as they were exiting a period of violent conflict. Despite foreign aid from the United

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6. Ibid. Today, the largest at-risk youth populations are in Colombia and the Dominican Republic.

7. USAID, “Central America and Mexico Gang Assessment” (USAID Bureau for Latin America and Caribbean Affairs, Office of Regional Sustainable Development, Washington, D.C., April 2006), 66, <http://www.usaidcarsi.org/~usaidcar/downloads/central-america-and-mexico-gangs-assessment.pdf>.

8. Rodrigo Serrano-Berthet and Humberto Lopez, *Crime and Violence in Central America: A Development Challenge* (Washington, D.C.: World Bank, 2011), 15.

9. Bureau of Public Affairs, “Democracy in Latin America and the Caribbean: The Promise and the Challenge” (Special Report 158, Bureau of Public Affairs, U.S. Department of State, Washington, D.C., March 1987), 1.



States and other donors, funding was generally constrained by the limited budgets of fledgling democratic governments. Meanwhile, elites began to rely on private security contractors to such an extent that they began to outnumber police. About this time, South American drug traffickers began arriving to take advantage of the weak authority and the direct route these countries offered to U.S. narcotics markets. The United States aggravated the situation by deporting thousands of undocumented migrants—many with criminal and gang backgrounds—without coordinating with recipient governments.

Mexico's police were federally organized like those in the United States. However, in contrast to U.S. practice in which the police function with broad authority at the municipal level and are respected public servants, the reverse is true in Mexico. During seven decades of single-party rule under the Partido Revolucionario Institucional (PRI), the municipal police were ineffective, poorly trained and paid, prone to seeking bribes, and subservient to local politicians more than to the law. The armed forces ensured order at the national level until the 1970s, when they were withdrawn from that role after participating in the violent repression of student protesters.

With the election of an opposition party president in 2000, links between the police and party bosses began to break down. Powerful drug trafficking organizations, which had developed convivial relationships with the PRI bosses and kept a low profile, came under attack as National Action Party governments began bringing them to justice. No longer able to operate in the shadows, they brought their violence into the open. To bolster weak police forces in combating them, two successive National Action Party administrations have brought the armed forces back to augment police and even take the lead in counternarcotics.

## Police Institutions

Because public security forces vary in structure and mission throughout the hemisphere, strength in numbers is difficult to compare, especially as military or national guard organizations are periodically tasked to augment them. Generally, most are close to the Latin American and Caribbean median of 283 police per 100,000 of population.<sup>10</sup> Some have been restructured many times. Costa Rica and Panama abolished their standing armies in 1949 and 1990, respectively, to keep soldiers out of politics; yet their constabularies have taken on some defense functions. Argentina's *gendarmería* and Chile's *carabineros* are longstanding territorial guards and predate reorganized national and municipal police forces. Brazil's police are controlled primarily by state governors, whereas Colombia's national police serve under the Ministry of National Defense. In Mexico and Central America, the armed forces assist civilian law enforcement in fighting drug traffickers as well as in guarding borders and coasts.

Structural differences complicate cooperation among neighbors and donor nations trying to work together against transnational crime threats. Police who are tracking drug smugglers in Guatemala might have to exchange information with the army on Mexico's side of the border. In

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10. Stefan Harrendorf and Paul Smit, "Attributes of Criminal Justice Systems—Resources, Performance Punitivity," in *International Statistics on Crime and Criminal Justice*, ed. Stefan Harrendorf, Markku Heiskanen, and Steven Malby, 113–52 (Helsinki: European Institute for Crime Prevention and Control, 2010), 115, [http://www.unodc.org/documents/data-and-analysis/Crime-statistics/International\\_Statistics\\_on\\_Crime\\_and\\_Justice.pdf](http://www.unodc.org/documents/data-and-analysis/Crime-statistics/International_Statistics_on_Crime_and_Justice.pdf). The average for Canada and the United States is 207 per 100,000. Note also that personnel rolls are an inexact measure of effectiveness as countries often do not differentiate between officers and support personnel in reporting.

turn, Mexico's federal police might have to coordinate with a county sheriff on the U.S. border or with the U.S. Department of Homeland Security's Bureau of Alcohol, Tobacco, and Firearms. The growing number of private security contractors throws another curveball, especially in Central America where their use is prevalent. Many are unlicensed and untrained, clients who rely on them may not report all crime to authorities, a few guards may also be working for crime organizations on the side, and they may not cooperate fully with legal authorities. In Guatemala, private security guards now outnumber the country's 25,000 police by more than 5 to 1.<sup>11</sup>

Efforts to improve coordination are ongoing. The Central American Integration System (SICA), established in 1991, is a multilateral body that seeks to harmonize political, trade, and security goals in that subregion. In 2007, it released its Central American Security Strategy. Although not an action plan, it provides a framework for discussing the topic. Still, differences in political will, funding, and policies among member states hinder cooperation. Note relative spending differences expressed as a percentage of GDP in table 2.1 between Central American countries and Colombia, which is only now beginning to resolve its security problems.

**Table 2.1 Public Expenditures on Security as a Percentage of GDP for Eight Latin American Countries, 2010**

	Belize	Colombia	Costa Rica	El Salvador	Guatemala	Honduras	Nicaragua	Panama
Expenditure	2.8	4.5	2.5	3.5	2.2	2.8	3.1	2.9

Source: United Nations Development Program, *Información sobre el gasto público de seguridad y justicia en Centroamérica 2006–2010*, Resultados preliminares para la Conferencia de apoyo a la Estrategia de Seguridad en Centroamérica (Panama: UNDP, 2011); and *Logros de la Política Integral de Seguridad y Defensa para la Prosperidad* (Colombian Ministry of Defense, May 2011). Cited in "Responding to Violence in Central America: A Report by the United States Senate Caucus on International Narcotics Control," 112th Cong., 1st sess., September 2011, 34, <http://grassley.senate.gov/judiciary/upload/Drug-Caucus-09-22-11-Responding-to-Violence-in-Central-America-2011.pdf>.

Legal systems affecting law enforcement are undergoing a slow transformation. Thanks to homegrown and externally supported efforts at justice reform, written procedures in place since the Spanish conquest have gradually been replaced by oral proceedings, roles of prosecutors and judges have been more clearly defined, and legal representation for the indigent has been established in many Latin American states. Legislatures are streamlining and overhauling criminal codes. However, costly infrastructure to support these changes, such as new courthouses, case-tracking programs, forensic investigative capacity, and evidence archives, are not yet fully functional in many jurisdictions.

## Globalization

Vast improvements in communications technology and travel and increasing volumes of trade have facilitated smuggling of all kinds as well as money laundering. Compared to the 1980s when land lines limited options, global communication is possible by cell phone, computers over the

11. "Private Security Is Good Business in Guatemala," Homeland Security Newswire, March 22, 2010, <http://www.homelandsecuritynewswire.com/private-security-good-business-guatemala>.



Internet, and touchpad devices. As much as they facilitate commerce, they also simplify money laundering and criminal connections. Cyber crime, unknown 30 years ago, is a growing threat. Weapons caches from previous regional conflicts help arm criminals, as well as unregulated over-the-counter arms purchases in the United States and other countries.

As much as the development of physical infrastructure helps small producers and businesses get products to market, it also helps move illicit goods. Containerized shipping transports billions in goods each year but also conceals movements of guns, drugs, and people. Over the years, aircraft manufacturers have produced a large fleet of airplanes, many still in service. Drug traffickers can steal or buy them for one-time use and crash-land them in remote areas of Guatemala, Honduras, and Mexico, where drug cargos then move over land.

## Cyber Crime

Since the late 1990s, criminal and malicious activity using computers has expanded throughout the region. Threats include cyber attacks, illegal access, data theft, interference, cyber forgery, child pornography, software piracy, and computer-related fraud. Lagging regulations and poorly trained law enforcement in this area permit higher cyber crime rates than one would expect for the moderate penetration of Internet use—27 percent of the population in Central America and 40 percent of the public in South America.<sup>12</sup> Seven of the top 10 countries with the highest proportion of malware-distributing servers are in South and Central American nations.<sup>13</sup> By comparison, China and the United States have a larger number of Web servers with malicious content, but they also have a larger percentage of servers with benign content.<sup>14</sup>

Mexico now appears to be a world leader in other types of cyber crime. Rodrigo Pérez-Alonso, head of Mexico's Congressional Special Commission on Digital Access, claims that his country has more reported cyber crime incidents than anywhere else in the world. The most reported are piracy and information theft—60 percent of the total. Fraud follows at 20 percent, hacking at 10 percent, sabotage at 7 percent, and child pornography, invasion of privacy, unauthorized access, and interception of e-mails follows at 3 percent.<sup>15</sup>

Alia2, a Spanish nongovernmental organization, claims that Mexico is among the top three countries in the volume of files exchanged containing child pornography. Mexican cartels are also getting involved in the cyber crime business to maximize their profits. For example, fake Microsoft software has been found on sale with the stamp of the Familia cartel. Furthermore, cartels are using the Internet to distribute online videos to make threats and to communicate more easily

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12. See Internet World Stats, <http://www.internetworldstats.com>.

13. In the percentage of malicious versus benign websites, Honduras comes first at 7.5 percent, Bolivia is next at 6.25 percent, then Peru at 6.11 percent, Argentina at 6 percent, Paraguay at 5.13 percent, Ecuador at 5.05 percent, and Colombia at 4.54 percent. See "State of the Web—Q1 2010: A View of the Web from an End User's Perspective," Zscaler, <http://www.zscaler.com/zscaler-state-of-the-web-q1-2010.html>.

14. Larry Barrett, "Malware Is South America's New Growth Industry," *eSecurity Planet*, May 20, 2010, <http://www.esecurityplanet.com/trends/article.php/3883331/Malware-Is-South-Americas-New-Growth-Industry.htm>.

15. Hannah Stone, "Mexico Moves into Cyber Crime," *In Sight: Organized Crime in the Americas*, March 3, 2011, <http://www.insightcrime.org/insight-latest-news/item/625-mexico-moves-into-cyber-crime>.

with the public.<sup>16</sup> Government websites are a favorite target. Zone-H, a monitor that tracks website attacks, reports that official sites in Brazil, Colombia, Ecuador, and Venezuela have been defaced 1,250, 480, 230, and 200 times, respectively.<sup>17</sup>

Most countries in Latin America—except Brazil, Guatemala, Haiti, Honduras, and Nicaragua—have enacted laws to address cyber crime.<sup>18</sup> Argentina’s 2008 Act on Cyber Crime (Ley de Delitos Informáticos) includes all acts defined as such by the United Nations and the Council of Europe’s 2004 Cybercrime Convention. In 2009, Colombia adopted a law that criminalizes the illegal acquisition and sale of personal data, phishing (obtaining personal data by fraudulent means), hacking, use of malware and viruses, and computer theft.<sup>19</sup>

Despite the progress made by some jurisdictions, the region in general continues to face major challenges. To begin with, regional and international cooperation is still limited. As computer crimes are often transnational in character, harmonization between different national laws, more effective legal tools for investigation, and specialized law enforcement entities and equipment are needed. In addition, the skills, knowledge, and training of judges and prosecutors need to be improved.

## Crime Rates

High rates of homicide, robbery, kidnapping, and other criminal activity have made Latin America one of the world’s most violent regions. Drug trafficking organizations, *maras* (transnational gangs), *pandillas* (local gangs), and other organized criminal groups have overwhelmed the region’s national police capabilities. As discussed earlier, this crime wave had its origins in the civil conflicts of the 1970s and 1980s when guerrillas and governments recruited and trained large numbers of combatants.

Especially in Central America, violence displaced rural inhabitants, took away work opportunities, and drove many to migrate to places like the United States. While demobilization brought an end to the upheaval, some former combatants turned to crime, migrants who got in trouble in the United States were deported back to the region and formed gangs, and drug traffickers moved in to take advantage of the void in law enforcement as police reforms began.

At the beginning of the past decade, Colombia led the region in homicides, kidnappings, massacres, and terrorism. Since then, the pattern has shifted. Violent crime now affects Venezuela and the “northern triangle” of Central America: El Salvador, Guatemala, and Honduras. These four countries have the world’s highest homicide rates, driven primarily by violence from drug trafficking. The World Bank cited a study showing the total economic costs of crime and violence in

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16. Ibid.

17. Jim Wyss, “Political Hackers Are One of Latin America’s Newest Headaches,” *Miami Herald*, October 31, 2011, [http://www.miamiherald.com/2011/10/31/2481208\\_p2/political-hackers-are-one-of-latin.html](http://www.miamiherald.com/2011/10/31/2481208_p2/political-hackers-are-one-of-latin.html).

18. OAS, “National Legislations” (Organization of American States, Department of Legal Cooperation), [http://www.oas.org/juridico/english/cyber\\_nat\\_leg.htm](http://www.oas.org/juridico/english/cyber_nat_leg.htm).

19. See Renato Opice Blum and Cédric Laurant, “Cybercrime Court Decisions from Latin America—Legal Policy Developments,” paper prepared for the High Technology Crime Investigation Association International Conference, Atlanta, Georgia, September 20, 2010, <http://www.slideshare.net/cedriclaurant/cybercrime-court-decisions-from-latin-america-legal-amp-policy-developments-htcia-conference-atlanta-ga-usa-20-sept-2010>.

Central America's northern triangle at between 3.6 percent and 10.8 percent of GDP.<sup>20</sup> Table 2.2 indicates the effect in each country.

**Table 2.2 Cost of Violence in Five Central American Countries as a Percentage of Gross Domestic Product or Economic Activity, 2008**

	Costa Rica	El Salvador	Guatemala	Honduras	Nicaragua
Health	1.5	6.1	4.3	3.9	4.5
Justice system	1.0	1.5	1.0	2.8	1.6
Private security	0.7	1.8	1.5	1.9	2.3
Property losses	0.4	1.4	0.8	1.2	1.5
Total	3.6	10.8	7.7	9.6	10.0

Source: Carlos Acevedo, "Los costos económicos de la violencia en Centroamérica," Consejo Nacional de Seguridad, San Salvador, 2008, cited in *Crime and Violence in Central America: A Development Challenge* (Washington, D.C.: World Bank, 2011), 7.

## Perceptions of Police Performance and Insecurity

Since 2007, crime has been the number-one public concern in Latin America today, according to the most recent polling.<sup>21</sup> In addition, surveys typically show public trust in police tends to be low, ranking below the military, business, and banks. Typical complaints include corruption, impunity, and unequal treatment. Throughout the Americas, including North America, the level of trust in police was 46.9 percent compared to 61.7 percent for the army, according to a 2010 USAID-sponsored report.<sup>22</sup> Latinobarómetro has published similar findings. A 2009 poll showed that 28.3 percent had "no confidence" in the police, 37 percent "a little confidence," 27.2 percent "some confidence," and 7.5 percent "a lot of confidence." Furthermore, 43.0 percent of those surveyed said they were "not very satisfied" with the way police work, and 21.1 percent said they were "not at all satisfied." Aggregate confidence in the military was 45 percent, versus 34 percent in the police.<sup>23</sup>

Perceptions of police involvement in crime may be one reason for the low ranking. In a 2008 Americas Barometer survey, more than 44 percent of respondents said that their local police were involved in crime, while only 38 percent said their local police protected citizens. In Argentina, Bolivia, Guatemala, and Venezuela, more than 60 percent of those surveyed thought that their

20. Serrano-Berthet and Lopez, *Crime and Violence in Central America*, 7, [http://siteresources.worldbank.org/INTLAC/Resources/FINAL\\_VOLUME\\_I\\_ENGLISH\\_CrimeAndViolence.pdf](http://siteresources.worldbank.org/INTLAC/Resources/FINAL_VOLUME_I_ENGLISH_CrimeAndViolence.pdf).

21. *Informe 2010* (Corporación Latinobarómetro, Santiago, Chile, December 2010), 16, [http://www.infoamerica.org/primera/latinobarometro\\_2010.pdf](http://www.infoamerica.org/primera/latinobarometro_2010.pdf).

22. Margarita Corral and Mitchell A. Seligson, "Legitimacy, System Support, and Political Tolerance," in *The Political Culture of Democracy, 2010: Democratic Consolidation in the Americas in Hard Times: Report on the Americas* eds. Mitchell A. Seligson and Amy Erica Smith (Nashville: Latin American Public Opinion Project, December 2010), 101, <http://www.vanderbilt.edu/lapop/ab2010/2010-comparative-en-revised.pdf>.

23. *Informe 2009* (Corporación Latinobarómetro, Santiago, Chile, November 2009), 33–35, [http://www.jdsystems.es/latinobarometro/LATBD\\_Latinobarometro\\_Informe\\_2009.pdf](http://www.jdsystems.es/latinobarometro/LATBD_Latinobarometro_Informe_2009.pdf).

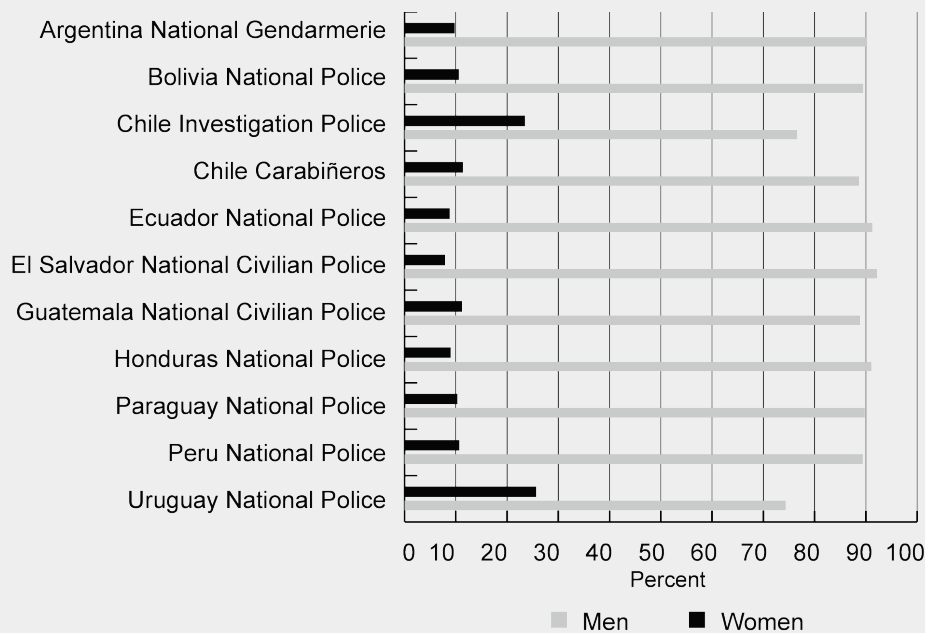
## Female Police in Latin America

Although they represent only 5.5 percent of civil police staff, women have become an increasingly common sight in Latin America's police forces. Initially, some belonged to separate auxiliaries, but the overwhelming trend has been to integrate them into the broader corps, often helping victims of gender-based violence. However, women are increasingly found in professional specialties and management assignments.

Chile has employed female detectives since the 1940s. Uruguay admitted commissioned officers in 1971, and Bolivia created the National Police Female Brigade in 1973. Peru admitted women into its Civil Guard in 1977 and into the Republican Guard in 1984. Ecuador accepted women into its police forces in 1977, and Argentina admitted women to the Federal Police Cadet School in 1978 and as commissioned officers in the National Gendarmerie in 2009. Paraguay's police opened its doors to females in 1992, El Salvador in 1993, and Guatemala in 1997.

Uruguay has the highest proportion of female police, who represent 25.6 percent of all personnel. Chile's Investigation Police are 23.4 percent female. Bolivia, Guatemala, Paraguay, and Peru all have about 11 percent female representation in their forces (see chart below).

**Percentages of Males and Females in Selected Latin American Police Forces, 2010**



Source: Based on Marcela Donadio and Cecilia Mazotta, "Women in the Armed and Police Forces in Latin America," Red de Seguridad y Defensa de América Latina, 2010, <http://www.resdal.org/genero-y-paz/women-in-the-armed-and-police-forces.pdf>.

local police were involved in criminal activities. Only in Belize, Chile, Colombia, Haiti, and Nicaragua were negative views of the police below 30 percent.<sup>24</sup>

Corruption seems to be the public's greatest concern about the police. When asked to identify the main challenges faced by the police, citizens point to corruption (31 percent) and then to understaffing (22 percent).<sup>25</sup> When asked what measures should be taken to combat crime more effectively, 56 percent support hiring more police.<sup>26</sup> Training seems to be another issue. Only 27 percent of respondents felt they would be treated fairly or equally as well as other people by the police, 33 percent said they would not, and 35 percent said "it depends."<sup>27</sup> Uruguay is the only country where a majority (56 percent) says that all citizens would receive equal treatment. Perceptions of equal treatment are lowest in the Dominican Republic (14 percent).<sup>28</sup>

## Shifting Focus—U.S. Efforts to Date

Efforts at U.S. police reform should be studied in both a historical and a political context. The 1878 Posse Comitatus Act divorced the U.S. Army from civilian law enforcement functions upon allegations of abusive conduct toward civilians during Reconstruction after the Civil War. Today, that experience influences ideas of appropriate military versus civilian roles in assisting foreign law enforcement organizations. However, that evolution has been gradual.

Early in the twentieth century, U.S. occupations of Haiti and Nicaragua during periods of instability left behind military-style constabularies in the spirit of practicality and expediency. Fighting communism during the Cold War led to aiding Latin American defense establishments that also controlled the police. That activity raised concerns about human rights abuse and resulted in restrictions on police aid and policies promoting civilianization of law enforcement in the Americas. As public security threats began to shift toward curbing drug trafficking and responding to disasters, military-civilian roles reemerged as a theme.

Meanwhile, a confusing series of authorities based on 1970s-era restrictions has come to govern police assistance, resulting in lack of coordination, interagency rivalries, and duplication of effort. Overall, the pattern of U.S. government engagement in police reform reveals a tendency to create programs and offices without closing them when no longer needed or combining them when greater efficiencies could be achieved. And stated aims of supporting the professional development of Latin American law enforcement agencies have sometimes gotten short shrift over competing needs to help more capable armies and aid social programs.<sup>29</sup>

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24. José Miguel Cruz, "Police Misconduct and Democracy in Latin America," *AmericasBarometer Insights* 33 (2010), 2, <http://www.vanderbilt.edu/lapop/insights/I0833en.pdf>.

25. *Informe 2010*, 95.

26. *Ibid.*, 96.

27. *Ibid.*, 91.

28. *Ibid.*

29. For a comprehensive history of U.S. assistance to foreign law enforcement, see Liana Sun Wyler and Nina M. Serafino, "Overview of U.S. Government Assistance to Foreign Police and Law Enforcement Personnel: Background, Authorities, and Current Issues," Memorandum, Congressional Research Service, July 20, 2011.

## The Office of Public Safety

Attempts to support police training in an organized way began in 1954, when the Eisenhower administration established its Overseas Internal Security Program with an emphasis on training and equipping police in allied countries.<sup>30</sup> In the context of the Cold War, the Kennedy administration placed the function in the Alliance for Progress (later the U.S. Agency for International Development, or USAID) and called it the Office of Public Safety (OPS). There it developed into a multimillion-dollar agency with 400 advisers deployed to 52 countries, mostly in Southeast Asia but also in Latin America.

OPS may have trained approximately 1 million police officers abroad as well as in the United States. In Latin America, training took place at the Inter American Police Academy in Panama until 1963, when it moved to the International Police Academy in Washington, D.C. By then, there were OPS advisers in every country in Latin America and the Caribbean except Cuba and Haiti. Elements of the U.S. Central Intelligence Agency (CIA) reportedly worked alongside practicing police officers, giving training an antisubversive focus. In fact, a study group authorized by President Kennedy recommended that the primary role of police assistance programs be to “counter Communist emphasis on subversion aggression.”<sup>31</sup> Within the hemisphere, Brazil was the main recipient of police aid, with as many as 100,000 officers reportedly trained.<sup>32</sup>

## Legal Constraints

By the early 1970s, Congress had become displeased with the goals and impact of the program and concerned by allegations of misconduct by OPS officials. In 1974, Congress added Section 660 to the Foreign Assistance Act of 1961, which broadly prohibited the use of foreign assistance funds for training police, building prisons, or supporting internal intelligence and surveillance programs. Not long after, efforts to provide assistance to law enforcement in foreign countries began to be conducted through temporary exemptions to Section 660. For instance, the International Security and Development Act of 1981 lifted prohibitions on police training in Haiti from 1982 to 1983 to help stop illegal immigration.<sup>33</sup> The International Security and Development Assistance Authorizations Act of 1983 permitted antiterrorism training for foreign police in the United States.<sup>34</sup>

Increasingly, Congress began authorizing foreign assistance on a case-by-case basis for specific activities such as antiterrorism training, investigative training, police force development, and military training to police. According to the U.S. General Accounting Office (GAO) (renamed the Government Accountability Office in 2004), these authorizations were intended to further such goals as countering the terrorist threats to U.S. citizens overseas or reducing drug trafficking in South America.<sup>35</sup> By 1990, the GAO had identified 125 countries that had received such

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30. David Sylvan and Stephen Majeski, *U.S. Foreign Policy in Perspective: Clients, Enemies, and Empire* (New York: Routledge, 2009), 85, 86.

31. *Ibid.*

32. Martha Cottam and Otwin Marenin, “Predicting the Past: Reagan Administration Assistance to Police Forces in Central America,” *Justice Quarterly* 6, no. 4 (December 1989): 597–607.

33. Public Law 97-113.

34. Public Law 98-151.

35. “Foreign Assistance: Meeting the Training Needs of Police in New Democracies,” Report to Congressional Requesters, GAO/NSIAD 93-109, U.S. General Accounting Office, Washington, D.C., January 1993, 2, 3, <http://archive.gao.gov/d36t11/148413.pdf>.



training and assistance at a cost of about \$117 million. Programs included the Department of State's International Narcotics Control (\$45 million) and Antiterrorism Assistance (\$10 million) programs, the Department of Justice's International Criminal Investigative Training Assistance Program (\$20 million), and the Department of Defense's program to assist national police forces (\$42 million).<sup>36</sup>

## From Countering Subversion to Counternarcotics and Counterterrorism

During the 1980s, El Salvador was in the midst of a civil war between a government struggling to become democratic and leftist guerrillas determined to impose an authoritarian model. Meanwhile, Honduras was simultaneously a target of Cuban- and Nicaraguan-backed subversion and a base for arming Nicaragua's *contra* movement. Security assistance went mostly to the armed forces in both countries but also reached the police, which functioned as a fourth branch of the military at the time. As in the 1960s, the CIA advised the police, which reignited old controversies as allegations of human rights abuse surfaced against a Honduran police intelligence unit.

That focus began to change in 1986. President Ronald Reagan made counternarcotics a priority by issuing National Security Directive 221, as South American cocaine became the drug of choice among users in the United States. The International Narcotics Control Act allowed the Department of Defense to train foreign police in the use and maintenance of aircraft for narcotics-control purposes. Follow-on bills in 1988–90 expanded authorities and provided weapons, ammunition, and equipment such as helicopters. In 1989, the State Department's Bureau of International Narcotics Matters (later the Bureau of International Narcotics and Law Enforcement Affairs) became operational with an "air wing" that managed fumigation operations to eradicate drug crops in Colombia.

After the U.S. invasion of Panama and the subsequent abolition of the military and the restoration of democratic processes there, Congress expanded assistance once again to aid police force development. The Urgent Assistance for Democracy in Panama Act of 1990 provided for training in law enforcement, human rights, and criminal procedures. In 1991, Section 660 was amended to allow U.S. aid to flow to police forces in countries that were members of a regional security mechanism such as the Regional Security System of the Eastern Caribbean.

Training and equipping for conventional law enforcement roles picked up when outside support to Central American insurgencies ended with the collapse of the Soviet Union and as peace processes began to resolve internal conflicts. Following peace accords in El Salvador in 1992, law enforcement responsibilities passed from the military to a new National Civilian Police (PNC) corps comprising former military police and former guerrilla combatants. In 1993, the Honduran Fuerza de Seguridad Pública—under military command since 1975—was replaced with the National Civilian Police with its own police academy under the Interior Ministry and later moved to the newly established Ministry of Public Security.

Meanwhile, U.S. engagement in security matters in Guatemala was complicated by the military government's refusal to accept human rights conditions placed on U.S. assistance in 1977 by

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36. "Foreign Aid: Police Training and Assistance," Report to Congressional Requesters, GAO/NSIAD 92-118, U.S. General Accounting Office, Washington, D.C., March 1992, 3, <http://archive.gao.gov/t2pbat/7/145909.pdf>.

the Carter administration. Military rule ended in 1986; however, training and equipping restrictions remained largely in place for 20 more years. Nevertheless, the United States helped stand up antidrug cadres known as the Department of Anti-Narcotics Operations and the National Civilian Police.

## Antiterrorism Assistance

The Antiterrorism Assistance program represents another exception to the Section 660 ban on foreign police training. Residing in the Bureau of Diplomatic Security at the State Department, it seeks to improve the capacity of foreign law enforcement personnel to protect U.S. personnel and installations abroad. Recipient countries are typically those that lack training and resources to organize effective programs to protect populations and infrastructure against terrorists. Regional security officers at U.S. embassies may recommend training for host-country police, or requests may come from the host government itself. The Bureau of Diplomatic Security develops its own curriculum but uses instructors from U.S. federal, state, and local law enforcement agencies as well as private consultants. Courses include bomb detection, airport security, crime scene investigation, and protection of key people. According to the State Department, the Antiterrorism Assistance program has trained and assisted over 74,000 foreign security and law enforcement officials from 159 countries.

## International Criminal Investigative Training Assistance Program

The International Criminal Investigative Training and Assistance Program (ICITAP) was established in 1986 to address the development and training needs of foreign law enforcement agencies. It started when USAID asked the Department of Justice to initiate projects to improve the investigative capabilities of law enforcement agencies in Latin America and the Caribbean as part of an effort to strengthen democratic institutions. Since then, its scope and funding have expanded. In fiscal year 1991, ICITAP received \$4.9 million for its regional program and \$6.5 million to help train the new civilian police force in Panama. In 1992, ICITAP received \$12 million to begin training and support for El Salvador's police.<sup>37</sup>

Then, it ran into troubles. From 1994 to 1997, frequent changes of directors reportedly led to loose management, inappropriate disclosure of classified information, visa fraud, and failure to follow regulations on hiring practices.<sup>38</sup> Moreover, coordination issues remained, owing to a haphazard division of labor within the agency. And as a dependency of the Department of Justice's Criminal Division that focused on prosecutions, ICITAP got sporadic attention. Better leadership seemed to alleviate most of these problems. And despite the bureaucratic spaghetti, ICITAP's training courses began to meet the needs of police forces in emerging democracies. In Panama, for example, ICITAP provided training in basic police skills with emphasis on community expectations and respect for human rights. In Honduras, ICITAP helped establish an Office of Professional Responsibility to oversee the actions of police officials. And later, in Colombia it helped train prosecutors and court officials for the new adversarial trial system.

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37. "Foreign Assistance: Meeting the Training Needs of Police in New Democracies," 5–6.

38. "Investigation of Misconduct and Mismanagement at ICITAP, OPDAT and the Criminal Division's Office of Administration," Hearing before the House Committee on the Judiciary, 106th Cong., 2nd Sess., September 21, 2000, [http://commdocs.house.gov/committees/judiciary/hju67329.000/hju67329\\_of.htm](http://commdocs.house.gov/committees/judiciary/hju67329.000/hju67329_of.htm).



## The International Law Enforcement Academy

In 1995, the Clinton administration established an academy system, known as the International Law Enforcement Academy (ILEA), to bring together another mixture of U.S. personnel and foreign counterparts to share information on thwarting transnational crime, combating terrorism, and improving public safety. The Department of the Interior, the Drug Enforcement Administration, the Federal Bureau of Investigation (FBI), the Immigration and Customs Enforcement, the Federal Law Enforcement Training Center, and the Bureau of Alcohol, Tobacco, Firearms and Explosives are some of the agencies that collaborate with the six ILEA installations around the world to present classes similar to those of the FBI National Academy. In the Americas, there is an ILEA in El Salvador; a regional training hub in Lima, Peru; and an academic postgraduate center in Roswell, New Mexico. The El Salvador ILEA opened in late 2005 and offers curriculum in curbing drug trafficking, fighting organized crime, handling domestic violence, forensics, crime scene investigation, land border interdiction, and investigating environmental crimes. In 2008, a total of 726 students attended, more than half coming from Central American countries. In 2012, ILEA El Salvador inaugurated a new \$5.5 million main building.

## Western Hemisphere Institute for Security Cooperation

According to its web page, the Western Hemisphere Institute for Security Cooperation (WHINSEC) was established by Congress in 2001 “with the signing of the National Defense Authorization Act for FY 2001, Section 2166, to provide professional education and training to eligible persons of the nations of the Western Hemisphere within the context of the democratic principles set forth in the Charter of the Organization of American States.”<sup>39</sup> The institute replaced the U.S. Army’s School of the Americas, which had become controversial because a small number of Latin American military dictators had once studied there earlier in their soldiering careers.

Unlike the School of the Americas, WHINSEC features congressionally mandated classes in democratic values and human rights in addition to such offerings as joint planning and counter-drug operations. It also provides courses on disaster relief and peace operations support, which are open to foreign police and civilian first responders. Such training helps strengthen civilian capabilities to plan and conduct operations alongside military troops, increasingly typical of modern peacekeeping situations. The institute functions on a \$14 million budget, currently offers 24 courses, and has anywhere from 900 to 1,400 students at any given time.

## Plan Colombia Assistance

Antisubversion and counternarcotics came together as part of a \$1.6 billion emergency aid package passed in 2000 to support Plan Colombia, designed in collaboration with Colombian officials in 1999. At the time, Colombia was described as going from a narco-state to a failed state—particularly alarming for Latin America’s oldest formal democracy. Narco-trafficking guerrillas controlled anywhere from 50 to 70 percent of rural territory, and the main group, the Revolutionary Armed Forces of Colombia (FARC), had even convinced the government to give it a Switzerland-sized sanctuary in the middle of the country. Meanwhile, Colombian National Police (CNP) Com-

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39. “History of the Institute: Introduction,” Western Hemisphere Institute for Security Cooperation, <http://www.benning.army.mil/tenant/whinsec/history.html>.

mander General Rosso Serrano was trying to rebuild what had come to be regarded as a weak, corrupt, ineffective institution, ignoring other menaces to focus on drug trafficking.

Colombia had much to improve about the CNP in size, structure, and culture. Personnel strength was about 100,000 in a nation of 40 million—adequate for peacetime but insufficient to extend police reach much beyond major cities in the midst of a drug-fueled conflict in which the police and other authorities had abandoned some smaller towns. It was ill trained and poorly equipped to work hand in glove with the army in conducting operations against violent drug mafias, leftist guerrillas, and right-wing paramilitaries. Because members of the police force sometimes collaborated with these groups and committed human rights abuses, public confidence declined. Before he left office, President Andrés Pastrana felt compelled to purge some 12,000 police officers accused of corruption.<sup>40</sup>

U.S. assistance was divided among military, counterdrug, and development aid. Like some other Latin American countries, the Colombian National Police was a dependency of the Ministry of Defense. It received some training in tactical operations and intelligence to enable it to work better alongside army units dealing with illegal armies such as the FARC, the National Liberation Army, and the United Self-Defense Forces. The Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) funded the development of a Police Air Service and provided support for drug crop eradication and trafficking interdiction efforts.<sup>41</sup> Programs sponsored by USAID initially contributed by supporting improvements in the justice system, setting up Casas de Justicia (Justice Houses) that provided access to justice services in poor communities—37 by 2005—and assisting the transition from written criminal trials under the Napoleonic system to oral, adversarial trials (35 courtrooms were established by 2005).<sup>42</sup> Later, USAID funded ICITAP programs to provide technical training and logistics support to improve investigative and criminal intelligence functions, to strengthen the skills of the attorney general and national prosecutors, and to bolster crime scene and forensics capabilities.

For its part, the Colombian government under President Alvaro Uribe collected a war tax that generated \$780 million to expand the armed forces and police. Police reforms were intended to improve community policing in urban areas, intelligence collection and tactical coordination with the armed forces in rural zones, and conflict resolution capabilities, in addition to helping reestablish governing authority throughout the countryside. Working together with the army, the CNP developed a network of civilian informants that provided critical information on the location and activities of drug traffickers, guerrillas, and paramilitaries.

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40. Anthony Forster, "The President and His Plan," *Jane's Intelligence Review* (March 1, 2001), 1, cited in Darren D. Sprunk, "Transformation in the Developing World: An Analysis of Colombia's Security Transformation" (master's thesis, U.S. Naval Postgraduate School, September 2004), 45.

41. About \$1.2 billion from fiscal year 2000 to fiscal year 2008. Some \$463 million was dedicated to expanding the CNP's Police Air Service to support aerial and manual eradication efforts that require gunship and search and rescue support for the spray planes, as well as airlift support for the manual eradication teams and associated security personnel. In addition, the service provides airlift for the National Police's commandos unit, as well as associated Justice Ministry personnel. See "Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved, U.S. Agencies Need More Detailed Plans for Reducing Assistance," GAO-09-71, U.S. Government Accountability Office, October 2008, 28, <http://www.gao.gov/new.items/d0971.pdf>.

42. Connie Veillette, "Plan Colombia: A Progress Report," Congressional Research Service Report for Congress, updated June 22, 2005, 12, <http://www.fas.org/sgp/crs/row/RL32774.pdf>.

In 2008, the National Police Intelligence Directorate helped bring down the FARC's second-in-command, Raúl Reyes, in Ecuador. In 2010, the directorate led security forces to FARC commander Victor Julio Suárez Rojas, alias "Mono Jojoy," in the mountains 150 miles southwest of Bogotá. Today, the CNP has some 150,000 personnel. From fiscal year 2000 to FY08, the United States spent some \$92 million on training and equipping the CNP, in addition to providing direct support for counternarcotics operations.<sup>43</sup> However, since 2008, anticipated nationalization of counternarcotics efforts and U.S. budget cuts have led to sustained reductions in assistance.

## The Mérida Initiative

When President George W. Bush met with his counterpart Felipe Calderón in Mérida, Mexico, on the return leg of a Latin American tour in March 2007, he learned of the deteriorating security situation as a result of Calderón's decision to combat drug trafficking and transnational crime ineffectively addressed by previous administrations. The result was an unprecedented \$1.4 billion security cooperation agreement between Mexico and the United States, including Central America, announced in October 2007. Congress approved funding in June 2008.<sup>44</sup>

During the past 30 years, the Mexican government had instituted major public security reforms at least 10 times, with marginal success. During his first two years in office (1994–96), President Ernesto Zedillo cashiered some 22 percent of the Federal Judicial Police for connections to drug cartels. In creating the Federal Preventative Police in 1998, he brought in members of the army's police.<sup>45</sup> President Vicente Fox, the first opposition president in seven decades, looked outside his party to bring in the Mexico City police chief as his security secretary, a choice that validated the status quo. Then like Zedillo, Fox turned to the army.

Although the U.S. Drug Enforcement Administration had worked with Mexican law enforcement before,<sup>46</sup> never had there been a relationship as close as that contemplated under this plan nor such direct cooperation between the U.S. and Mexican armed forces. That cooperation was needed while the Mexican government compensated for police and justice system inadequacies to meet the challenge at hand. Aside from operational goals of disrupting trafficking routes and reducing the demand for drugs, the initiative sought to help Mexico restructure and improve its law enforcement and police intelligence capabilities.

A number of problems complicated timely support. When President Calderón launched his crackdown on crime, he gave the better-trained, less corrupt army the lead. As a partner, that put

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43. Ibid.

44. Originally, the Bush administration requested \$950 million for Mexico and \$150 million for Central America in the first two years of what it envisioned as a three-year program. Congress later added \$2.5 million each for the Dominican Republic and Haiti. For a comprehensive description of the complicated funding, see Clare Ribando Seelke, "Mérida Initiative for Mexico and Central America: Funding and Policy Issues," Congressional Research Service Report for Congress R40135, January 13, 2009, 1–8.

45. President Fox put the secretary of defense in charge of counternarcotics. By 2004, the defense secretariat (SEDENA) was responsible for the majority of drugs and guns confiscated from criminals and crime organizations. See Marcos Pablo Moloeznik, "Public Security and Police Reform in Mexico," in *Public Security and Police Reform in the Americas*, ed. John Bailey and Lucia Dammert, 169–86 (Pittsburgh: University of Pittsburgh Press, 2006), 174–75.

46. The Clinton administration helped train some 1,000 Mexican soldiers and transferred 73 Vietnamese Huey helicopters, unusable for high-altitude operations in Mexico's mountains and at the end of their useful service lives.

the United States back in the familiar, uncomfortable position of helping soldiers fight internal foes while civilian law enforcement caught up. Calderón's decision resulted in certification requirements that U.S. aid would not abet human rights abuse. Moreover, some congressional skeptics wondered whether 40 percent of the initial Mérida aid package should even go toward high-cost items like helicopters for the army and maritime patrol aircraft for the navy.<sup>47</sup> Meanwhile, the Bush administration scrambled to reprogram funds from various agencies and bargain the package with Congress, at the same time it was negotiating deliverables with Mexico and Central American beneficiaries. Little wonder that in July 2010—three years after the Mérida Initiative was developed—the U.S. State and Defense Departments had been able to obligate only 46 percent of the funds approved and spend only 9 percent.<sup>48</sup>

Nonetheless, through 2010, the United States had delivered biometric identification equipment, computers and software, forensics lab equipment, and drug-detecting dogs to Mexico's civilian authorities. It had helped train more than 4,000 police graduates from Mexico's federal police training center, 200 prosecutors, some 300 high-level Public Security Secretariat personnel, and 115 corrections instructors. In Central America, U.S. assistance helped provide computers, software, communications gear, and vehicles to police, as well as training in dismantling violent gangs.<sup>49</sup>

## Central American Regional Security Initiative and the Caribbean Basin Security Initiative

*Under the Central American Citizen Security Partnership that I'm announcing today, we'll focus \$200 million to support efforts here in the region, including addressing, as President Funes indicated, the social and economic forces that drive young people towards criminality. We'll help strengthen courts, civil society groups and institutions that uphold the rule of law. And we'll work closely with regional partners like Mexico, Colombia, Chile, Canada, and international partners like Spain, the European Union and the Inter-American Development Bank.*

—President Barack Obama, March 22, 2011

The Central American Regional Security Initiative (CARSI) and the Caribbean Basin Security Initiative (CBSI) are offshoots of Mérida intended to give these regions their own focus, as opposed to a subsidiary one. Belize and Panama also participate in CARSI, which aims to reduce narcotics and weapons trafficking, gang activities, and transnational organized crime groups, as well as weaknesses in border security and rule of law. Since FY08, the United States has contributed some \$362 million to CARSI.<sup>50</sup> The Dominican Republic and Haiti are now included in CBSI, which aims to strengthen Caribbean maritime security, overall law enforcement, and crime prevention

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47. Seelke, "Mérida Initiative for Mexico and Central America," 13–14.

48. "Mérida Initiative: The United States Has Provided Counternarcotics and Anticrime Support but Needs Better Performance Measures," GAO-10-837, U.S. Government Accountability Office, July 2010, 7.

49. *Ibid.*, 9–10.

50. Peter J. Meyer and Clare Ribando Seelke, "Central America Regional Security Initiative: Background and Policy Issues for Congress," Congressional Research Service Report for Congress R41731, August 30, 2011, p. 21.

programs. CBSI provided Caribbean states \$45 million in FY10, while the Obama administration requested \$73 million for FY12.<sup>51</sup>

Following a meeting with Salvadoran President Mauricio Funes during his March 2011 Latin American tour, President Barack Obama announced a Central America Citizen Security Partnership that would provide \$200 million to help improve policing, justice systems, and crime prevention social programs. However, part of this package may represent some reallocation of funds within CARSI and other programs, as well as an additional \$100 million requested for FY12. Even so, the \$362 million appropriated to date for these seven states looks unbalanced compared to the \$1.6 billion ultimately appropriated for Mexico, considering Central America's weaker institutions and its murder rates, which are three times higher than Mexico's.<sup>52</sup>

## Funding Police Reform

Determining the amount of U.S. support for police reform or improvement activities in a region like Latin America can be difficult. Initiatives like Mérida typically include funding for multiple government agencies, social programs, or equipment that has more to do with performing certain specific functions than improving performance or changing culture. In FY09, USAID claims that it spent \$45 million to fund 40 civilian police assistance programs in 27 countries in activities that ranged from including civilian police in core economic development programs, such as those designed to reduce gender-based violence, to programs that focused explicitly on civilian police performance.<sup>53</sup>

For the same year, the Government Accountability Office reports that the Departments of Defense and State provided almost all of some \$3.5 billion in police assistance in more than 100 countries. Of that, Afghanistan received \$1.6 billion. In the Western Hemisphere, the top 10 recipients were Mexico (\$327 million), Colombia (\$205 million), Peru (\$46 million), Bolivia (\$22 million), Haiti (\$16 million), Ecuador (\$8 million), Panama (\$6 million), Paraguay (\$5 million), Guatemala (\$4 million), and the Dominican Republic (\$3 million). All of the CBSI and CARSI countries—Belize, Costa Rica, El Salvador, Honduras, and Nicaragua—each got less than \$1 million.<sup>54</sup> In each of those separate accounts, one would have to parse out what was spent on actual reform versus equipping, training, and related development goals.

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51. "The Caribbean Basin Security Initiative," Fact Sheet, Bureau of Western Hemisphere Affairs, U.S. Department of State, March 14, 2011, <http://www.state.gov/p/wha/rls/fs/2011/158346.htm>.

52. Meyer and Seelke, "Central America Regional Security Initiative: Background and Policy Issues for Congress," 1.

53. "USAID's Work in Foreign Police Assistance: Lessons from the Field," *Impact Blog*, U.S. Agency for International Development, July 2011, <http://blog.usaid.gov/2011/07/usaid-work-in-foreign-police-assistance-lessons-from-the-field>.

54. Joseph A. Christoff, "Multiple U.S. Agencies Provided Billions of Dollars to Train and Equip Foreign Police Forces," Letter to the Honorable John F. Tierney, Ranking Member, Subcommittee on National Security, Homeland Defense and Foreign Operations, Committee on Oversight and Government Reform, House of Representatives, GAO 11-402R, U.S. Government Accountability Office, April 27, 2011, 4, 20, <http://www.gao.gov/new.items/d11402r.pdf>.



# 3

## SELECTED CASES IN CRIMINAL ENVIRONMENTS AND POLICE REFORM

Situational trends such as demographics, education levels, poverty, unemployment, and presence of security threats are good indicators for predicting where equipping and training needs will be greatest. Institutional factors such as force size, leadership, susceptibility to corruption, climate of rule of law, and degrees of public trust may suggest where reforms are necessary.

Not all countries need external support. With some exceptions, most South American neighbors now have fewer needs for external support like equipping and training or for actual reform. Southern Cone countries such as Argentina, Brazil, and Chile are good examples. During the past 15 years, Colombia's police have gained effectiveness, thanks to internal reforms and outside assistance. In the near term, Central America, Haiti, and Mexico will present the greatest challenges because of negative crime trends and institutional weaknesses. Looming on the horizon are Bolivia, Cuba, and Venezuela, where police have been pressed into protecting the prevailing political order.

### Where Needs Are Less

As shown in table 3.1, Argentina, Chile, and Uruguay have slow population growth, no youth bulges, high educational levels, and relatively low poverty and unemployment and are not on major drug trafficking routes. Brazil is prosperous, but a youth bulge, large income disparities that continue to divide a tiny elite from a large urban poor population, and vast ungoverned spaces that border on major trafficking routes suggest challenges ahead. Colombia has successfully overcome a five-decade old civil conflict but is at the heart of South America's illicit drug production. Argentina, Brazil, and Paraguay share borders near Iguazú Falls, a resort and free trade zone that in past years has been a locus for terrorist financing operations. Beginning in 1998, cooperation among these three states has helped reduce that activity.

### Argentina

More than 200,000 police are organized at the national and provincial levels and nominally at the metropolitan level in Buenos Aires. The national level includes federal police, national gendarmes, airport and harbor police, and naval prefect police, all under civilian supervision. Improving the education and conduct of police and ensuring civilian oversight were priorities following the transition from military government in the 1980s. However, upticks in violent crime during Argentina's deep economic recession (9.2 homicides per 100,000 inhabitants in 2002)<sup>1</sup> and lingering concerns over police performance have led to ongoing attempts at reform.

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1. See Dirección de Política Criminal, Ministerio de Justicia, Seguridad, y Derechos Humanos (Argentina), <http://www.jus.gov.ar/areas-tematicas/estadisticas-en-materia-de-criminalidad.aspx>.

**Table 3.1 Factors Affecting the Policing Environment in Latin American Countries with Less Need for Reform, 2010**

	<b>Argentina</b>	<b>Brazil</b>	<b>Chile</b>	<b>Colombia</b>
Population growth rate <sup>a</sup> (%)	1.0	1.1	0.8	1.2
Youth bulge	No	Yes	No	Yes
Average years of schooling	9.3	7.5	10.2	7.7
Unemployment (%)	7.7	6.7	8.2	12.0
Poverty rate (%)	11.3	25.0	11.5	46.0
Homicide rate (per 100K)	5.5	22.7	3.7	33.4
Security threats	Mod./Low	Mod.	Mod./Low	Mod./High
Police strength <sup>b</sup>	Med.	High/Med.	Low/Med.	Med.
Leadership	Civil	Civil	Civil	Military
Public trust <sup>c</sup> (% favorable)	14	47	47	61

a. Population growth 2010–2015, per thousand persons.

b. Compared to the median for Latin America and the Caribbean of 283 per 100,000 persons.

c. Trust in the justice system was selected as comparable to trust in security policies.

Source of data: *For data on population*, see “Latin America: Estimated Total Growth Rates, by Quinquennium and Country,” ECLAC, Population Division, at [http://www.eclac.cl/celade/proyecciones/basedatos\\_BD.htm](http://www.eclac.cl/celade/proyecciones/basedatos_BD.htm); *The World Factbook*, U.S. Central Intelligence Agency, <https://www.cia.gov/library/publications/the-world-factbook>. Also, for Haiti population growth rate 2005–2010, see UNdata, United Nations, at <http://data.un.org/CountryProfile.aspx?crName=Haiti>.

*For data on years of schooling*, see Robert Barro and Jong-Wha Lee, “Educational Attainment for Population Aged 15 and Over,” Barro-Lee Educational Attainment Dataset, 2010, <http://www.barrolee.com>.

*For data on unemployment and poverty*, see CEPALSTAT/Databases and Statistical Publications, Economic Commission for Latin America and the Caribbean (ECLAC), United Nations, <http://websie.eclac.cl/infest/ajax/cepalstat.asp?carpeta=estadisticas&idioma=i>.

*For data on homicides*, see “Homicide Statistics, Latest Available Year,” United Nations Office on Drugs and Crime, <http://www.unodc.org/unodc/en/data-and-analysis/homicide.html>.

*For data on police strength*, see Stefan Harrendorf, Markku Heiskanen, Steven Malby, eds., “International Statistics on Crime and Criminal Justice,” European Institute for Crime Prevention and Control, United Nations Office on Drugs and Crime, Helsinki, 2010, 135–136.

*For data on public trust in security policies*, see *Informe 2010*, Corporación Latinobarómetro, Santiago, Chile, December 2010, 79. Haiti was surveyed in Dominique Zéphyr, Abby Córdova, and Hugo Salgado, “Haiti in Distress: The Impact of the 2010 Earthquake on Citizen Lives and Perceptions,” ed. Mitchell Seligson (Washington, D.C.: USAID, March 2011), 80.

In July 2002, many of the Interior Ministry's security-related roles and responsibilities were transferred to a new Ministry of Justice, Security and Human Rights.<sup>2</sup> In 2010, national police functions were moved again to a new Security Ministry led by a former defense minister. Shortly thereafter, the Security Ministry and Defense Ministry arranged for the armed forces to assist the police in fighting crime in Buenos Aires as well as in manning surveillance radars along the Bolivian border to detect airborne drug traffickers, moves that would seem counter to efforts to separate defense and police roles. Despite comparatively low homicide (5.5 per 100,000 inhabitants)<sup>3</sup> and other violent crime rates, Argentina ranks second lowest (14 percent)<sup>4</sup> among Latin American countries in public approval of the government's security policies. Thus, restructuring efforts may continue.

## Brazil

Police in South America's largest country also succeeded in transitioning from military to civilian jurisdiction but are still challenged by demographic trends and moderate threats. During the period of military government from 1967 to 1985, Brazil's police were militarized and centralized. After democracy was restored, the 1988 constitution established a new national structure with Federal Police, Federal Highway Police, Federal Railway Police, Military Police, Firefighting Corps, and Civil Police, the latter three bodies being state police forces.

By 1990, growing unemployment and poverty, a sharp rise in crime, and demands for accountability compelled further changes. At the time, the Inter-American Development Bank estimated that violence cost Brazil around \$84 billion, or 10.5 percent of its GDP per year.<sup>5</sup> In 2000, when the homicide rate averaged 30 per 100,000 inhabitants, Brazil enacted its first National Public Security Plan, seeking to integrate security and social policy. Aided by a National Public Security Fund, Brazil's law enforcement academies developed new courses, training standards, and incentives for community policing. In 2002, the government set up organized crime task forces.

Despite market-friendly economic policies and social programs that reduced the poverty rate from 39 percent in 2003 to 25 percent in 2009,<sup>6</sup> as well as police force restructuring, Brazil's homicide rate stayed at moderate levels (22 per 100,000 in 2009).<sup>7</sup> Brazil borders three major cocaine-producing countries in South America and is a major transit and consumer country itself. Favelas, or slums in major cities, are still ruled by drug lords and criminal gangs. Efforts to better train and equip security forces are needed. The next test for Brazilian law enforcement will come with the 2014 Soccer World Cup championships and the 2016 Summer Olympics.

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2. Eduardo E. Estévez, "Argentina," in *World Police Encyclopedia*, vol. 1, ed. Dilip K. Das and Michael Palmiotto (New York: Routledge, 2006), 31.

3. United Nations Office on Drugs and Crime, *2011 Global Study on Homicide: Trends, Context, and Data* (Vienna: UN Office on Drugs and Crime), 93, [http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa\\_study\\_on\\_homicide\\_2011\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf).

4. *Informe 2010*, 79.

5. Paulo de Mesquita Neto, "Public-Private Partnerships for Police Reform in Brazil," in *Public Security and Police Reform in the Americas*, ed. John Bailey and Lucia Dammert, 44–57 (Pittsburgh: University of Pittsburgh Press, 2006), 45; see also "In 2000 Federal Police registered some 4,000 firms with 540,000 employees offering private security services, along with many other unlicensed providers," "Brazil: Citizen Security," Political Database of the Americas (database), [http://pdba.georgetown.edu/Security/citizenssecurity/brazil/brazil\\_e.html](http://pdba.georgetown.edu/Security/citizenssecurity/brazil/brazil_e.html).

6. United Nations Economic Commission for Latin America and the Caribbean, CEPALSTAT, <http://websie.eclac.cl/infest/ajax/cepalstat.asp?carpeta=estadisticas&idioma=i>.

7. United Nations Office on Drugs and Crime, *2011 Global Study on Homicide*, 93.



## Chile

Trend-based challenges are less acute in Chile than elsewhere, but they are growing, stemming from increased trafficking of illicit narcotics. During military rule from 1973 to 1990, a national security policy designed to eliminate internal political threats led to the militarization of Chilean security forces.<sup>8</sup> Following the transition to democracy, Chile moved to adopt international standards in justice administration, such as oral trials, and to improve human rights observance. In 1994, the Puertas Abiertas program promoted police transparency and community relations through “open door” policies at police stations.<sup>9</sup> Another effort, the 1998 Plan Cuadrante, created a new system of beat patrols to help fight urban crime and secure neighborhood support. Performance-based promotion standards replaced adherence to military discipline, reflecting a shift in culture.<sup>10</sup>

Now, a reported 35,000-strong constabulary called the Carabineros focuses on crime prevention, while the 6,000-member civilian Policía de Investigaciones works with prosecutors to carry out investigations.<sup>11</sup> In February 2011, Chile’s police shifted from Defense Ministry jurisdiction to a new Ministry of Interior and Public Security. Chile’s homicide rate for 2010 was the lowest in the hemisphere (1.33 per 100,000 inhabitants),<sup>12</sup> and the impact of crime is calculated at 2.3 percent of GDP. Even so, the new ministry launched a program called Chile Seguro to counter a spike in delinquency and drug-related crimes, which rose from 40,600 to 58,900 during 2009. Chile Seguro is a comprehensive strategy that aims to shape neighborhood environments through education and social programs, as well as to strengthen law enforcement and justice systems.

## Colombia

Law enforcement has progressed in capacity and conduct but is still challenged by long-term threats. Whereas Colombia has succeeded in bringing to an end a half-century-old civil conflict involving three illegal rural bandit armies, its vast ungoverned spaces remain key to South America’s coca and opium poppy production. High poverty and moderate unemployment rates, along with scant police presence in rural communities, portend continuing challenges. Nevertheless, through decisive political leadership, Colombia has boosted the ranks of its national police force from 100,000 to 150,000. During the administration of President Alvaro Uribe, Plan Colombia, and its democratic security strategy, Plan Patriota, and Plan Consolidación, all aided improvements in training, intelligence collection, intelligence coordination, human rights observance, and treatment of minorities and special interest groups. Work remains in improving the performance of judges and prosecutors as well as dissolving any possible links with organized crime and well-known traffickers.

Still, homicides came down from 64 per 100,000 in 2000 to 38 per 100,000 in 2010. Kidnappings dropped from 3,500 in 2000 to 500 in 2007. A reduction in the ranks of rural combatants began with demobilizing paramilitary vigilantes and then leftist guerrillas. Remaining bands that

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8. Lucia Dammert, “From Public Security to Citizen Security in Chile,” in *Public Security and Police Reform in the Americas*, ed. John Bailey and Lucia Dammert, 58–74 (Pittsburgh: University of Pittsburgh Press, 2006), 61.

9. *Ibid.*, 65.

10. Felipe Abbott, “Chile,” in *World Police Encyclopedia*, Vol. 1, ed. Dilip K. Das and Michael Palmiotto (New York: Routledge, 2006), 179.

11. *Ibid.*, 177.

12. “Tasa (c/100 mil hab) de denuncias por delitos de mayor connotación social [rate per 100,000 inhabitants of reported major crimes],” XLS file, Gobierno de Chile, Ministerio del Interior.

**Table 3.2 Factors Affecting the Policing Environment in Latin American Countries with Greater Need for Reform, 2005–2010**

	El Salvador	Guatemala	Honduras	Mexico	Panama	Haiti
Population growth rate <sup>a</sup> (%)	0.32	1.99	1.89	1.1	1.4	1.6
Youth bulge	No	Yes	Yes	No	No	Yes
Average years of schooling	8.0	4.8	7.5	9.1	9.6	5.2
Unemployment (%)	7.1	3.2	6.4	6.4	7.7	40.6
Poverty rate (%)	47.9	54.8	68.9	34.8	26.4	80.0
Homicide rate (per 100K)	66.0	41.4	82.1	18.1	21.6	6.9
Security threats	High	High	High	Mod./High	Mod./High	Mod. <sup>b</sup>
Police strength <sup>c</sup>	Med.	Med.	Low	High	High	Low
Leadership	Civilian	Civilian	Civilian	Civilian	Civilian	Civilian
Public trust <sup>d</sup> (% favorable)	48	22	33	54	33	36

- a. Population growth 2010–2015, per thousand persons.
- b. Since 2004, UN peacekeeping forces have conducted law enforcement in Haiti, resulting in lower incidences of violent crime, despite the absence of an effective domestic police force.
- c. Compared to the median for Latin America and the Caribbean of 283 per 100,000 persons.
- d. Trust in the justice system was selected as comparable to trust in security policies.

Source of data: See data sources for table 3.1.

have refused to demobilize are under relentless pursuit through well-coordinated military and police operations. Colombia is now returning state authority and government services to rural communities in previously conflicted zones. The United States also estimated that coca cultivation in 2008 dropped 29 percent from the year before, from 167,000 to 119,000 hectares. At the request of the United States, Colombia has provided police counternarcotics training to Afghanistan. Today it is helping Mexico and countries in Central America address drug trafficking and transnational crime. While its model of police under defense ministry control may not be applicable to other countries, Colombia’s achievements in interagency coordination are worth study.

## Where Needs Are Greater

As shown in table 3.2, geographic location, adverse demographic trends, and high crime threats present broad challenges to weak law enforcement institutions in Belize, El Salvador, Guatemala, Haiti, Honduras, Mexico, and Panama. In these cases, external support or cooperation is indicated.

## El Salvador

El Salvador, a country of 6 million, sits on the western margin of Central America's drug trafficking corridor and has a high poverty rate (47.9 percent) and a weak criminal justice system subject to corruption. One of the stipulations of the 1992 peace agreement that ended its decade-long conflict was the separation of the armed forces and public security forces. A new civilian police force, the Policía Nacional Civil (National Civilian Police, or PNC) incorporated the National Police, the National Guard, and the Treasury Police, as well as a certain number of former guerrilla combatants. Operating under the Ministry of Justice and Public Security, the PNC now has 20,558 police officers, 86 percent of whom are agents, with a budget of \$233 million.<sup>13</sup>

Unfortunately, Colombian drug traffickers moved into El Salvador in the mid-1990s as the new PNC was getting organized. At that time, violent deaths spiked as high as 165 per 100,000.<sup>14</sup> Youthful deportees sent by the tens of thousands from U.S. prisons to El Salvador with little state-to-state coordination fueled a gang culture that previously did not exist. Although homicides are down to 66 per 100,000, the PNC is still catching up and now faces an onslaught of violence instigated by Mexican cartels. Average pay of the PNC is about \$400–500 per month. Underresourced, the PNC received eight complaints of alleged unlawful killings, 57 complaints of excessive use of force, and 46 complaints of torture in 2010.<sup>15</sup> The army supplements the PNC in rural patrols and in urban areas in special circumstances.

Ongoing reforms are aimed at improving capacity. According to the PNC's "Plan Estratégico Institucional 2009–2014: Seguridad y Tranquilidad, con participación social," by 2014, the Academia Nacional de Seguridad Pública (the National Academy for Public Security) is expected to have trained all officers in community policing.<sup>16</sup> To help combat transnational gangs and drug trafficking organizations, the United States has provided assistance and training in subjects such as border security, corrections programs, and the interdiction of illicit drugs and firearms.<sup>17</sup> The FBI and State Department now share information on youth gangs with the PNC through programs such as the Transnational Anti-Gang Unit and the Central American Intelligence Program.<sup>18</sup> Still, related institutions are weak. Prisons are three times over capacity and dangerous, and the judicial system has a criminal conviction rate of only 5 percent.<sup>19</sup> Police and related justice institutions need infrastructure and leadership. An increase in army personnel to support such missions and the naming of a former general and defense minister as El Salvador's security minister have also raised concerns that the army is once again taking the lead in law enforcement.

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13. "El Salvador," *Índice de Seguridad Pública y Ciudadana en América Latina: El Salvador, Guatemala, y Honduras*, ed. Marcela Donadio (Red de Seguridad y Defensa de América Latina, Buenos Aires, 2011), 25.

14. Charles T. Call, "Sustainable Development in Central America: The Challenges of Violence, Injustice and Insecurity" (CA Working Paper 8, Institut für Iberoamerika-Kunde, Hamburg, 2000), 9.

15. U.S. Department of State, "2010 Human Rights Report: El Salvador," *2010 Country Reports on Human Rights Practices*, U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154505.htm>.

16. USAID, "Community Policing in Central America: The Way Forward" (Washington, D.C.: U.S. Agency for International Development, June 2011), 19–20, <http://www.usaidcarsi.org/~usaidcar/downloads/CARSI-TSS-Community-Policing-English.pdf>.

17. U.S. Department of State, "U.S.-El Salvador Citizen Security: A Shared Responsibility" (Washington, D.C.: U.S. Department of State, March 22, 2011), <http://www.state.gov/r/pa/prs/ps/2011/03/158772.htm>.

18. FBI, "CALEE against MS-13," Federal Bureau of Investigation, November 10, 2009, [http://www.fbi.gov/news/stories/2009/november/calee\\_111009](http://www.fbi.gov/news/stories/2009/november/calee_111009).

19. U.S. Department of State, "2010 Human Rights Report: El Salvador."

## Guatemala

Guatemala, a rugged, mountainous country of 14 million, faces a different set of adverse trends and structural challenges. It is situated at the northern end of Central America's drug transit corridor where shipments are concentrated before going on to Mexico. Large unpopulated spaces, especially the northern savanna region known as the Petén, facilitate trafficking. Inside main cities where violence is concentrated, traffickers compete for territory, many thought to be former members of Mexico's Zetas and Sinaloa cartels or of Guatemala's special forces known as Kaibiles. Guatemala's population has a moderately high growth rate, a youth bulge, and a low average number of years spent in school.<sup>20</sup> The country has a high poverty rate (54.8 percent), and a majority indigenous population that speaks 23 languages other than Spanish.

The peace agreement that ended Guatemala's civil war in 1996 had many of the same security sector reforms as El Salvador's accords. Yet from the start, corruption and links to organized crime undermined the construction of the new National Civilian Police force. The preexisting Department of Anti-Narcotics was closed down in 2002, beset with frequent leadership changes and accusations of involvement in thefts from drug seizures, bribery, kidnapping, and murder.<sup>21</sup> Since then, the civilian police force has faced ongoing organizational problems. At root, there has been low congressional support, a high turnover rate among directors, and inadequate staffing and equipping. Because the police lack air mobility, the military interdicts drug traffickers in rural areas like the Petén, which had become a cemetery for drug-laden planes that crash-landed there at night. It too is constrained. Until recently, 30-year-old human rights sanctions prevented transfer of U.S. surplus equipment. For now, the U.S. State Department is providing helicopters on loan that have suppressed illicit arrivals by air.

In 2010, the National Civilian Police Office of Professional Responsibility received 1,009 complaints of police abuse, including three involving unlawful killings, five kidnappings, and five rapes. Although the Office of Professional Responsibility has referred 348 cases of police officers with links to criminal activity for further investigation and prosecution, few have gone to trial.<sup>22</sup> In addition, organized criminal enterprises known as "illegal security forces and clandestine security organizations" (CIACS) have infiltrated the National Civilian Police.

To help investigate and prosecute corrupt members of the civilian police force and the CIACS, the United Nations helped the Guatemalan government set up an International Commission against Impunity in Guatemala in September 2007. Operating under Guatemalan law, its mandate

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20. See Robert Barro and Jong-Wha Lee, "Educational Attainment for Population Aged 15 and Over," Barro-Lee Educational Attainment Dataset, 2010, <http://www.barrolee.com>.

21. The *2002 International Narcotics Control Strategy Report*, U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (March 2003) attests to these issues: "Since . . . early 2000, there have been four Ministers of Government, seven Directors of the National Civilian Police (PNC), and 11 different directors of the DOAN or SAIA. This constant turnover has made long-range planning for operations and investigations nearly impossible and the formation of working relationships very difficult. With almost no air assets, the Guatemalan police have problems adequately supporting their eradication and drug interdiction efforts. They continue to have trouble providing even basic equipment and provisions to SAIA agents in the field. Corruption is endemic in all sectors and levels of the government and continued to hinder counternarcotics operations significantly during 2002" (see "Canada, Mexico, and Central America," <http://www.state.gov/p/inl/rls/nrcrpt/2002/html/17941.htm>).

22. U.S. Department of State, "Guatemala," *2010 Country Reports on Human Rights Practices*, U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, April 8, 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154507.htm>.

is to combat corruption and dismantle illegal security organizations. Recently, its investigations have led to the removal of corrupt military and police personnel with connections to organized crime, including National Civilian Police directors.<sup>23</sup>

Headed by human rights activist Helen Mack Chang, the Presidential Commission for Police Reform under President Alvaro Colom sought improvements in criminal investigations, crime prevention, professionalization, institutional planning, and the inspector general.<sup>24</sup> One of the key components has been the adoption of the community-oriented policing model. Since 2004, vetted and trained police units, supported by the U.S. State Department's INL Bureau and USAID, have operated model precincts in violent municipalities to provide citizen security.<sup>25</sup>

Through CARSI, the United States is now providing badly needed aviation assets for counterdrug operations, maritime interdiction equipment and training, support for vetted investigation units, and antigang training.<sup>26</sup> Even so, Guatemala's unicameral congress lags in its support, balking at measures to remedy low tax collection (11 percent of GDP)<sup>27</sup> and to adequately fund law enforcement. Reporting to the Ministry of Governance, the National Civilian Police now has a total strength of 24,992 police officers (89 percent of whom are agents) with a budget of \$315 million.<sup>28</sup> The minimum salary is \$480 per month, which compares to the \$180 a month minimum wage. While Guatemala does lack resources, its primary need is a change in culture, better leadership, and the will of political leaders to support a more professional force.

## Haiti

Adverse conditions and weak government pose formidable challenges in Haiti. Until the 2010 earthquake, the country registered a moderately high population growth rate and a youth bulge. Haiti still has high unemployment and a staggeringly high poverty rate—all favorable to rampant criminality and violence. Perhaps Haiti's relatively low homicide rate, which rivals that of developed countries (6.9 per 100,000), is partly explainable by the presence of United Nations Stabilization Mission and foreign assistance providers. However, contributors to the peacekeeping mission and aid donors say they cannot remain there forever.

For more than five decades, Haiti's security forces have been in a constant state of turmoil. In 1958, dictator François "Papa Doc" Duvalier disbanded the army and law enforcement agen-

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23. Morris Panner and Adriana Beltrán, "Battling Organized Crime in Guatemala," *Americas Quarterly* (Fall 2010): 38–42; International Crisis Group, "Learning to Walk without a Crutch: The International Commission against Impunity in Guatemala," *Latin America Report* 36 (May 31, 2011).

24. USAID, *Informe de Situación de Reforma Policial (Guatemala)* (Washington, D.C.: U.S. Agency for International Development, 2011), 21–25, <http://www.scribd.com/doc/62685059/Informe-Reforma-Policial-Final-15-08>.

25. USAID, *Community Policing in Central America: The Way Forward* (Washington, D.C.: U.S. Agency for International Development, 2011), 8–11, <http://www.usaidcarsi.org/~usaidcar/downloads/CARSI-TSS-Community-Policing-English.pdf>.

26. Central America Regional Security Initiative Fiscal Year 2011 Program Activity Descriptions: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

27. Terry Miller and Kim R. Holmes, "Ranking the Countries," in *2011 Index of Economic Freedom* (Washington, D.C., and New York: Heritage Foundation and *Wall Street Journal*, 2011), <http://www.heritage.org/index/ranking>.

28. "Guatemala," in *Índice de Seguridad Pública y Ciudadana en América Latina: El Salvador, Guatemala, y Honduras*, ed. Marcela Donadio (Buenos Aires: Red de Seguridad y Defensa de América Latina, 2011), 47.



cies after an attempted coup. Shortly thereafter, he organized a militia to defend his regime, which enforced order through terror tactics. Popularly known as the ton-ton macoutes after a mythical character that kidnaps children, these militias existed until his son, Jeane-Claude “Baby Doc” Duvalier, was deposed in 1986. The unfortunate residue was a culture of policing outside a legal framework and street gang violence that lasted 30 years.<sup>29</sup>

A new democratic constitution and elections followed Duvalier’s fall. The armed forces were also reinstated. However, political turmoil ensued, including a series of presidents. Then, soon after Jean-Bertrand Aristide was elected in 1990, the army ousted him. Pressure from the international community and a U.S. invasion in 1994 forced the military to step down, allowing Aristide to reclaim the presidency. With international support, Aristide disbanded the armed forces, leaving the weak Haitian National Police as the only national security institution.<sup>30</sup>

U.S. assistance helped found a National Police Academy in 1995 with the goal of creating a 5,000-member police force by the following year. However, efforts to strengthen the police were hobbled by poor coordination among a multiplicity of donors and lack of support from the Haitian government, including the president. Canada and the United States succeeded in training a new institutional police force of 6,000, but by the year 2000, politicization and disorganization had forced out half the force. Related law enforcement institutions such as a new coast guard and the criminal justice system fared no better.

Threatened by violent opposition, Aristide resigned in 2004. Under peacekeepers and a caretaker government, elections in 2006 brought in a new president. In 2011, that president handed over power to newly elected Michel Martelly, the current leader. Today, Haiti’s police are still incapable of managing public security by themselves. UN peacekeepers continue to play a crucial role in supporting the security sector.<sup>31</sup> Although Martelly seems committed to reforms, he plans to make good on a campaign pledge to restore the army. Under current guidelines, the UN mission could not stay if he did. Moreover, Haiti does not need an army for external defense as much as it needs a service to enforce border and territorial security, pursue drug traffickers, and conduct disaster and pandemic response. Ahead of that, an effective police force and functioning justice system are still key priorities.

## Honduras

Like Guatemala, Honduras faces adverse trends and structural challenges. Most of its population of 7.8 million lives in a zone that stretches from Choluteca in the south to San Pedro Sula in the north. Elsewhere, it has large amounts of ungoverned space open to drug transiting, mainly along its northern coast and eastern Mosquitia region. Two-thirds of Hondurans live below the poverty

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29. See Timothy Donais, “Back to Square One: The Politics of Police Reform in Haiti,” *Civil Wars* 7, no. 3 (Autumn 2005): 270–87. See also, David Aponte, “Tonton Macoutes: The Central Nervous System of Haiti’s Reign of Terror,” Council on Hemisphere Affairs, March 11, 2010, <http://www.coha.org/tonton-macoutes>.

30. Security Sector Reform Monitor: Haiti, Ontario, Canada, Center for International Governance Innovation, 2009.

31. For details on recent reforms, see Geneva Centre for the Democratic Control of the Armed Forces, “Haiti: Overview of Police Reform Efforts; the Effectiveness of the Police; Existence of a Police Complaints Authority and Recourse Available to Individuals Who File Complaints against the Police; Initial Impact of 12 January 2010 Earthquake,” Immigration and Refugee Board of Canada, 2010, <http://issat.dcaf.ch/Home/Community-of-Practice/Resource-Library/Policy-and-Research-Papers/Haiti-Overview-of-police-reform-efforts-the-effectiveness-of-the-police-existence-of-a-police-complaints-authority-and-recourse-available-to-individuals-who-file-complaints-against-the-police-initial-impact-of-12-January-2010-earthquake>.

line. A moderate population growth rate plus a youth bulge suggests that finding employment will continue to be a major priority for youth. Two-thirds of its workers are still employed in agriculture. Like El Salvador and Guatemala, Honduras has a significant youth gang presence. More than 25,000 Hondurans were deported from the United States in FY10.

Honduras did not have a civil conflict in the 1980s or go through a peace process but split off its police, known as the Fuerza de Seguridad Pública, from the armed forces in 1998. The new Honduran National Police (HNP), operating under the Public Security Ministry, had 14,491 police officers (83 percent of whom function at a basic level) and a budget of \$151 million in 2011.<sup>32</sup> Honduras has a moderately low number of police at 182 per 100,000 inhabitants, most earning a minimum of about \$450 per month. Honduras has moderate tax rates and collects about 16 percent of GDP.<sup>33</sup> However, a congressional move to oust President Jose Manuel “Mel” Zelaya in 2009 led to a decline in remittances and trade, which constrained the national budget, blocking potential increases in funding.

As with the public security forces of El Salvador and Guatemala, organized crime seems to have infiltrated and corrupted the HNP. Before resigning in September 2011, Minister of Public Security Oscar Alvarez accused 20 police chiefs of acting as “air traffic controllers” for planes carrying drugs into Honduras from Colombia.<sup>34</sup> Honduras is now the most violent country in the Western Hemisphere, with 82 homicides per 100,000 persons. U.S. police assistance to Honduras, under CARSI, consists of funding for border and prison security, antidrug and antigang efforts, and a model precinct program.<sup>35</sup> In February 2010, the Department of Homeland Security’s Immigration and Customs Enforcement agency established Operation Community Shield Task Force in Honduras to train and work with HNP-vetted officers in gang intelligence collection and sharing and enforcement strategies.<sup>36</sup> Even so, reform efforts in Honduras have been the least effective in the northern triangle. Purging corrupt officers remains a priority. And while equipping and training are needed, the police and related justice institutions require reform.

## Mexico

As Mexico embarks on national elections in 2012, its law enforcement institutions face rising challenges and structural inadequacies. First, the major trends include a moderately high poverty rate, rising unemployment and underemployment because of the global economic slowdown,<sup>37</sup> and a

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32. “Honduras,” in *Indice de Seguridad Pública y Ciudadana en América Latina: El Salvador, Guatemala, y Honduras*, ed. Marcela Donadio (Buenos Aires: Red de Seguridad y Defensa de América Latina, 2011), 69.

33. Miller and Holmes, “Ranking the Countries.”

34. Freddy Cuevas, “Top Honduras Security Official Resigns,” *Yahoo!News*, September 11, 2011, <http://news.yahoo.com/top-honduras-security-official-resigns-061245781.html>.

35. “Letter of Agreement Signed between United States and Honduras for CARSI Funds,” news release, U.S. Department of State Bureau of Public Affairs, February 10, 2011, <http://www.state.gov/r/pa/prs/ps/2011/02/156396.htm>.

36. “ICE’s Operation Community Shield Goes Global with New Task Force in Honduras,” news release, U.S. Immigration and Customs Enforcement, August 11, 2010, <http://www.ice.gov/news/releases/1008/100811washingtondc.htm>.

37. Mexico’s unemployment reportedly rose to 6.3 percent and underemployment went up to 10 percent in 2009, figures that seem low by U.S. standards. However, the methodology used by the government counts informal workers as employed and ones who desire more work as underemployed. See “Mexico’s Response to the Crisis,” G20 Briefs, International Labour Organization, United Nations, 2, [http://www.ilo.org/public/libdoc/jobcrisis/download/g20\\_mexico\\_countrybrief.pdf](http://www.ilo.org/public/libdoc/jobcrisis/download/g20_mexico_countrybrief.pdf).

sharp uptick in violent crime in select locations as rival drug cartels battle authorities and each other.<sup>38</sup> Structural weaknesses exacerbate these trends. Under single-party rule for seven decades, Mexico's police were poorly paid and abusive, were renowned for corruption, and for a large part of that time served to maintain the political power structure. In fairness, tepid attempts at reform began in the 1980s, before the end of that period. However, efforts to reduce abusive behavior by the police did not enjoy effective management or sustained leadership.<sup>39</sup> Over the past 30 years, law enforcement has undergone multiple reorganizations and still faces considerable credibility and capacity gaps. Moreover, Mexico's federal system of local, state, and national police forces, coupled with a political class resistant to change, poses an obstacle to quick reform.

Mexico reportedly has between 450,000 and 500,000 police and public security personnel, giving it about 471 per 100,000 citizens, higher than the regional median of about 300 per 100,000 for police presence.<sup>40</sup> Still, Mexico's police, especially its local and municipal forces, are routinely cited as having inadequate capacity for enforcement, investigation, and prosecution. Approximately 10 percent of Mexican citizens were victims of a crime in 2009, with rates much higher in some states.<sup>41</sup> Poor police performance is also evident in the low percentage of federal cases investigated (9 percent in 2009) and the small percentage of those investigations that are even brought to court (15.3 percent in 2009).<sup>42</sup>

By self-admission, corruption is highly prevalent at all levels, including for elected officials, and continues to pose a barrier to police effectiveness in Mexico. One factor could be low wages: most state police earn from MEX\$9,250 (US\$687) to MEX\$18,672 (US\$1,387) per month, depending on rank. Junior police officers in the volatile state of Tamaulipas may earn MEX\$3,618 (US\$268) per month.<sup>43</sup> Those salaries may be more than the going minimum wage, but they pale in comparison to what officers might earn if they cooperate with drug cartels.

Drawing in Mexico's army to compensate for this disparity corresponds to frequent reports of human rights abuses. According to Human Rights Watch, Mexico's National Human Rights Commission received more than 1,100 complaints of human rights violations in the first six months of 2010 alone.<sup>44</sup> Alleged abuses include unlawful killings, forced disappearances, torture or cruel and

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38. Still, Mexico's overall homicide rate at 18 per 100,000 is far lower than those of Mexico's immediate Central American neighbors; these range from 41 to 82 per 100,000. See "Homicide Statistics, Latest Available Year," United Nations Office on Drugs and Crime, <http://www.unodc.org/unodc/en/data-and-analysis/homicide.html>.

39. Daniel Sabat, "Police Reform in Mexico: Advances and Persistent Obstacles" (Working Paper Series on U.S.-Mexico Security Collaboration, Woodrow Wilson Center for International Scholars and Trans-Border Institute, University of San Diego, 2010), [http://www9.georgetown.edu/faculty/dms76/policefiles/Sabet\\_police\\_reform.pdf](http://www9.georgetown.edu/faculty/dms76/policefiles/Sabet_police_reform.pdf).

40. See Daniel Sabat, "Police Reform in Mexico"; and Small Arms Survey, *Small Arms Survey 2011: States of Security* (Cambridge: Cambridge University Press, 2011), 105, also at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2011/en/Small-Arms-Survey-2011-Chapter-04-EN.pdf>.

41. *Séptima Encuesta Nacional Sobre Inseguridad – ENSI-7*, Instituto Ciudadano de Estudios sobre la Inseguridad (ICESI), Mexico City, 2010, [http://www.icesi.org.mx/estadisticas/estadisticas\\_encuestas\\_Nacionales\\_ensi7.asp](http://www.icesi.org.mx/estadisticas/estadisticas_encuestas_Nacionales_ensi7.asp).

42. Daniel Sabat, "Police Reform in Mexico."

43. *Sueldos de Policías Estatales y Municipales*, Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, Mexico City, 2011, [http://www.secretariadoejecutivo.gob.mx/work/models/SecretariadoEjecutivo/Resource/347/1/images/Salarios\\_de\\_Policias\\_2010\\_y\\_2011\\_210911.pdf](http://www.secretariadoejecutivo.gob.mx/work/models/SecretariadoEjecutivo/Resource/347/1/images/Salarios_de_Policias_2010_y_2011_210911.pdf).

44. Human Rights Watch, "World Report 2011: Mexico" (New York: Human Rights Watch, 2011), <http://www.hrw.org/world-report-2011/mexico>.





Weapons collected by Mexican authorities in a raid on members of the Gulf Cartel. Photo by Jesús Villaseca Pérez, 2010, <http://www.flickr.com/photos/frecuenciaspopulares/5049549937/in/photostream/>.

unusual punishment, and arbitrary arrests.<sup>45</sup> Even so, more Mexicans trust and support the use of the military than the police. For example, 83 percent of Mexicans support the use of the army to combat drug traffickers,<sup>46</sup> and more than 72 percent report trusting the armed forces, over 35 percent who say they trust the police.<sup>47</sup>

Although Presidents Ernesto Zedillo and Vicente Fox initiated some security reforms, those undertaken by President Felipe Calderón have been more extensive. Calderón restructured and expanded the Federal Police through the creation of the Federal Ministerial Police and the Federal Police, he augmented police with soldiers in some areas, and he proposed unification of state police forces, with mixed results. Calderón's proposed Unified Command for state-level police met significant congressional resistance.<sup>48</sup>

### *Mérida Initiative*

Since its implementation in 2008, the U.S.-Mexico Mérida Initiative has been the most significant source of aid to the external security sector. Originally, it was intended to provide \$1.4 billion between FY08 and FY10, to help train and equip law enforcement and military counterdrug forces.

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45. U. S. Department of State, "2010 Human Rights Report: Mexico," Country Reports on Human Rights Practices (U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, April 8, 2011), <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154512.htm>.

46. "Crime and Drug Cartels Top Concerns in Mexico," Pew Research Center Publications, Pew Global Attitudes Project, Pew Research Center, August 31, 2011, <http://pewresearch.org/pubs/2094/mexico-mexican-army-drug-traffickers-cartels-united-states-troops>.

47. "Trust in Armed Forces" and "Trust in Armed Forces Greater than Trust in Police," *Results from the 2010 Americas Barometer*, Latin American Public Opinion Project, 2011, <http://www.vanderbilt.edu/lapop/ab2010/2010-comparative-presentation.pdf>.

48. U.S. Department of State, "Mexico," *2011 International Narcotics Control and Strategy Report*, U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, <http://www.state.gov/p/inl/rls/nrcrpt/2011/vol1/156361.htm#mexico>.

## When Capacity, Not Reform, Is the Issue—Belize

The cost of security can seem higher for countries with small populations and limited national budgets. For example, the government forecast expenditures of BZ\$859 million or about US\$429 million in 2010. That might be adequate for a Vermont-sized country of 321,000, if there were no significant challenges.

Yet, Belize sits on the eastern margin of the tide of drugs flowing through Central America into Guatemala and Mexico. A rugged coastline and an intricate network of small islands and cays make for a smuggler's paradise. Rolling hills, pristine jungle, and sparse road networks make the interior hard to patrol. A disputed, unpopulated border with Guatemala is also difficult to monitor. Unemployment stands at 13 percent, and 43 percent of the population live below the poverty line, suggesting conditions criminal organizations could easily exploit. The country's murder rate is currently the fifth-highest in the world at 41 per 100,000.

Its police force of about 1,200 and a similar-sized defense force developed from existing British institutions at the time of independence in 1981. In 2009–2010, they depended on a budget of US\$23 million and US\$17 million, respectively.<sup>49</sup> If salaries and pensions accounted for 80 percent of the budget, as they typically do, 20 percent or about US\$8 million would be left for other recurring expenses such as reequipping and supplies. By means of comparison, a new patrol helicopter at \$15 million would cost twice that amount. Between them, the Belizean defense and police forces have an assortment of land vehicles, 19 patrol boats, and one light twin-engine airplane—but no helicopters and no surveillance radar as of this writing. Following a 2008 self-initiated audit, the Belize Police Force began to address inadequacies in training, police intelligence, and statistics gathering.

With GDP an estimated US\$1.4 billion in 2009, the Belizean budget accounts for about a third of the economy. Among 37 offices and ministries, the National Security Ministry accounts for about a twentieth of government spending. The parliament could allocate more, but there are competing priorities, such as the judiciary, public health, housing, education, roads, transportation, and so forth. Unless Belize develops a significant new income source, police funding will remain insufficient to meet challenges, now occasioned by drug traffickers representing a multi-billion-dollar global criminal enterprise.



Stolen aircraft carrying drugs captured on a highway in Belize in April 2011 shown in Belize Police Department press release. Photos: [http://3.bp.blogspot.com/\\_YRwgbA8G1Dg/TOI\\_hWxQ5II/AAAAAAAAHPo/fYhoQlPv8IY/s1600/Drug+Plane+Land+in+Belize-9.jpg](http://3.bp.blogspot.com/_YRwgbA8G1Dg/TOI_hWxQ5II/AAAAAAAAHPo/fYhoQlPv8IY/s1600/Drug+Plane+Land+in+Belize-9.jpg); [http://4.bp.blogspot.com/\\_YRwgbA8G1Dg/TOI\\_8fOsd3I/AAAAAAAAHPw/ZZnVUZHCzUE/s1600/Drug+Plane+Land+in+Belize-7.jpg](http://4.bp.blogspot.com/_YRwgbA8G1Dg/TOI_8fOsd3I/AAAAAAAAHPw/ZZnVUZHCzUE/s1600/Drug+Plane+Land+in+Belize-7.jpg).

49. "Overcoming the Challenges and Pursuing the Opportunities," Budget Presentation for Fiscal Year 2009/2010, Belmopan, Belize, 421.

A follow-on initiative, Beyond Mérida, is aimed at fighting corruption, building national crime databases, improving vetting and certification procedures, and constructing command and control centers, as well as expanding justice training programs and institutions. U.S. funding for Beyond Mérida included \$143 million in FY11 and a requested \$282 million for FY12 programs.<sup>50</sup>

At this point, Mexican citizens seem to be of mixed opinion on what to do. Polling generally suggests that most would like the problem to go away and do not yet fully back justice sector reforms. According to the 2010 Latinobarómetro poll, only 11 percent of Mexicans believe they are secure, and only 22 percent think they would be treated fairly by their police. Yet, only 35 percent believe that crime is a problem, and some 54 percent approve of the government's current security policies.<sup>51</sup> Meanwhile, the Mexican think tank Mexico Evalúa reports that annual public security spending has risen from US\$1.7 billion under Fox to US\$10.2 billion under Calderón, with scant evidence of results.<sup>52</sup>

## Panama

Serving as a land bridge between North and South America, Panama is heavily affected by land and maritime drug trafficking controlled by Colombian and Mexican traffickers out of northern Colombia, as well as by Colombian FARC guerrillas operating crossborder in the eastern Darién region. In February 2008, the Panamanian National Police (PNP) caught six members of the FARC off the Pacific Coast of the Darién. Despite its status as a middle-income country with a highly developed commercial sector, Panama is still subject to worrisome trends. Although it has a moderate poverty rate of 26 percent, Panama has one of the most unequal income distribution patterns in Latin America, comparable to Brazil and Colombia. Moderate population growth presents it with a slight youth bulge. Transparency International's 2010 Corruption Perception Index score of 3.6 suggests that corruption is a problem.<sup>53</sup>

Panama experienced a significant transformation of its defense and security forces following the 1989 U.S. invasion to capture dictator General Manuel Noriega. The armed forces were abolished, and the police took on a territorial defense role. Restructuring since 2008 has combined the coast guard with a police air wing and spurred the development of a border defense force. Equipment maintenance and tracking of parts inventories present management challenges. The justice system is in transition from written to oral trials, and the Ministry of Government and Justice has been divided into a Ministry of Government and a Ministry of Security. Panama's homicide rate is moderately high at about 22 per 100,000 people.<sup>54</sup> Public trust in the government's security policies is low, according to Latinobarómetro, a prominent Latin American polling organization. However, Panama's police are already on a reform track, which may be helped by strengthening existing cooperation with the Colombian National Police, by developing remote sensor networks in the Darién, and by strengthening and depoliticizing the judiciary.

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50. Clare Ribando Seelke and Kristin M. Finklea, *U.S. Mexican Security Cooperation: The Mérida Initiative and Beyond*, Congressional Research Service Report for Congress, August 15, 2011, 9, <http://www.fas.org/sgp/crs/row/R41349.pdf>.

51. *Informe 2010*, 92.

52. Mexico Evalúa, "Security Spending in Mexico, Observations from the Federal Audit Agency to the Use of Public Resources," *Press Conference Report*, Mexico Evalúa, Mexico, DF, June 28, 2011.

53. "Corruption Perceptions Index, 2010 Results," Transparency International, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).

54. United Nations Office on Drugs and Crime, *2011 Global Study on Homicide*, 93.

## Future Challenges

As suggested in table 3.3, adverse trends, crime threats, and politically charged law enforcement institutions in Bolivia, Cuba, and Venezuela could present challenges if and when these countries exit authoritarian or personality-driven rule. Until that happens, it will not be possible for more democratically governed neighbors, and especially the United States, to provide much cooperative assistance, although in the cases of Bolivia and Venezuela low-level cooperation still exists.

### Bolivia

Trends include a moderately high population growth rate and youth bulge. Bolivia's poverty rate remains one of the highest in the hemisphere. Although its homicide rate is low, public trust in the government's security policies is also low. Despite reforms to criminal justice that introduce oral trials and a new criminal code, the culture of the rule of law remains weak. As with major drug-producing and drug-transit nations, corruption is a problem.<sup>55</sup> Moreover, a split among indigenous communities between coca growers living in the highlands and lowland groups that do not want coca cultivation to expand to their lands has created tensions.<sup>56</sup>

**Table 3.3 Factors Affecting the Policing Environment in Latin American Countries with Authoritarian or Personality-Driven Rule, 2005–2010**

	Bolivia	Cuba	Venezuela
Population growth rate (%) <sup>a</sup>	1.7	-0.1	1.5
Youth bulge	Yes	No	Yes
Average years of schooling	9.9	10.6	7.0
Unemployment (%)	6.5	3.1	8.6
Poverty rate (%)	54.0	N/A	26.7
Homicide rate (per 100K)	8.9	4.6	49.0
Security threats	Mod./High	Low	Mod./High
Police strength <sup>b</sup>	Med.	Unknown	Med.
Leadership	Civilian	Civilian	Civilian
Public trust <sup>c</sup> (% favorable)	30.0	Unknown	31.0

- a. Population growth 2010–2015, per thousand persons.
- b. Compared to the median for Latin America and the Caribbean of 283 per 100,000 persons. See source for years that data was collected for each country.
- c. Trust in the justice system was selected as comparable to trust in security policies.

Source: See data sources for table 3.1.

55. In February 2011, a joint Chilean-U.S. sting brought down Bolivia's antinarcotics chief René Sanabria in Panama reportedly for trafficking 140 kilos of cocaine to Florida. A month later, the Interpol representative in Santa Cruz was arrested on narcotics charges.

56. "Indigenous Protesters March against Jungle Highway," Associated Press, October 20, 2011, <http://www.guardian.co.uk/world/2011/oct/20/indigenous-protesters-march-highway>.



Bolivia's Cuerpo de Policía Nacional, which split off from the armed forces in 1950, has been reorganized many times, most recently following democratic reforms in the 1980s. Rural area patrols and the Fuerza Especial de Lucha Contra Narcotráfico force was created with U.S. help in the 1980s but have always been at odds with the goals of coca growers who wanted to expand cultivation. Reports from the past 20 years stress low pay, rudimentary police education, and the low level of human rights training, which U.S. assistance was beginning to address when President Evo Morales took office in 2007.

Retaining his coca union leadership role despite a conflict of interest with his presidency, Morales gradually withdrew Bolivia's cooperation from U.S. counternarcotics programs. Echoing the rhetoric of ally Hugo Chávez, he expelled U.S. Ambassador Philip Goldberg in 2008 for allegedly meddling in politics. Threats to expel USAID have persisted, but no other source of counternarcotics aid or police assistance has been identified, although Morales has requested equipment from the European Union and the United Nations. The special counternarcotics force continues to function, and Morales maintains that his government is "anticocaine" but not "anticoca." However, U.S. support is minimal.<sup>57</sup>

## Cuba

Currently, totalitarian Cuba faces few of the adverse conditions affecting some of its Latin American neighbors. Cuba's growth rate is low, and there is no youth bulge, as the average age is actually rising. Literacy and high school completion rates are high, and, until recently, its cradle-to-grave welfare system reportedly supplanted the need for more than a token salary for those who worked for the state. Although there are no reliable crime statistics, the Pan American Health Organization reports a very low homicide rate for Cuba. Still, as Cuba's economic outlook has worsened and its aging leadership approaches mortality, the government has initiated modest reforms to reduce public dependency on the state and to bring about limited economic freedom. However, if those reforms fail to develop into a viable future economy, Cuba could face significant troubles.

Direction for law enforcement runs from the president to the Council of State, through the Interior Ministry, which is reportedly divided into "security, technical operations, and internal order and crime prevention" divisions, according to a 1993 U.S. Department of Justice report. A subdivision for policing oversees the National Revolutionary Police, which has twin missions of combating crime and suppressing dissent. Each province has a police chief who reports to the central command in Havana.<sup>58</sup> Police are responsible for criminal investigation, crime prevention, delinquency control, and traffic management. They may also conduct house searches and aid interrogations. No reliable information exists on numbers. Neighborhood watch and other committees support them by reporting crime and monitoring dissenters. Anecdotally, the police are lightly armed and scarce outside main cities. Moreover, the public regards the military, which has not been involved in harassment or repression, more favorably.

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57. This is largely because of low levels of trust between Bolivia and aid donors besides Iran and Venezuela.

58. Ray Michalowski, "Cuba," *World Factbook of Criminal Justice Systems* (Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice, 1993), <http://www.bjs.gov/content/pub/ascii/WFBCJCUB.TXT>.

## Venezuela

Troubling signs appear on Venezuela's horizon. The country has a moderately high rate of population growth and a youth bulge. Its officially reported poverty rate still includes more than a quarter of the population. Government seizures of businesses have hobbled productive capacity, and attempts to nationalize food distribution have led to food shortages. Against this backdrop, homicides have steadily risen from 33 per 100,000 in 2000 to 49 per 100,000 in 2009, the fourth-highest rate in the world.<sup>59</sup> Since 2008, radar tracks show that Venezuela has become the principal point of departure for drug traffickers flying cargoes to Central America, the Caribbean, and West Africa. On November 9, 2011, the abduction of U.S. baseball star Wilson Ramos from his mother's home in Santa Inés highlighted Venezuela's growing kidnapping problem, which grew from 52 in 1998 to 895 in 2010.<sup>60</sup>

On top of these problems, Venezuela's police organizations are in a state of flux. Decentralized entities that included 24 state and 99 municipal forces are being consolidated into a single national force and educated in a new Experimental Security University, in an attempt to remedy poor training, a culture of impunity, and high levels of corruption identified in a study by the National Commission on Police Reform in 2006.<sup>61</sup> As a result, President Hugo Chávez announced the formation of the Bolivarian National Police in 2009, intended to become Venezuela's sole constabulary. That year, Interior Minister Tarek El-Aissami said the police were responsible for 20 percent of the crimes committed in the country, adding that "the majority of police agencies have been penetrated by criminal elements."<sup>62</sup> More recently, after the Ramos kidnapping, President Chávez ordered the formation of a People's Guard, made up of National Guard members, to fight violent crime.<sup>63</sup>

In Colombia's case, centralized administration provided structure for personnel assigned to communities with weak or absent local government; in addition, rotations from location to location helped reduce susceptibility to local corruption schemes. However, its officers are now held accountable to local mayors. In Venezuela, critics believe that consolidation is not intended to reduce crime as much as it is to bring police directly under presidential control, especially where political opponents serve as governors and mayors. So far, there are no objective data to show whether this change is working, despite claims to the contrary. In fact, credible charges that the government facilitated foreign terrorist training on Venezuelan soil along with continuing evidence of corruption suggest that true police reform is unlikely. Surveys show that public approval of security policies remains low.

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59. "La Situación de Seguridad en Venezuela, Primer Trimestre 2010," Incosec – Instituto del Investigaciones de Convivencia y Seguridad Ciudadana, <http://incosec.sumospace.com/wp-content/uploads/2010/04/informe-1-trimestre-2010-final-4.pdf>.

60. The Venezuelan government does not publish easily accessible crime statistics. The Associated Press reported that kidnappings rose from 52 in 1998 to 618 in 2009. See Ian James and Jorge Rueda, "Venezuela Vows All-out Hunt for Nationals' Ramos," Associated Press, [http://www.usatoday.com/sports/baseball/nl/2011-11-09-918811019\\_x.htm](http://www.usatoday.com/sports/baseball/nl/2011-11-09-918811019_x.htm). At the same time, National Public Radio claimed there were 895 officially reported kidnappings in 2010. Juan Forero and Linda Wertheimer, "MLB's Wilson Ramos Rescued in Venezuela," interview, *Weekend Edition Saturday*, National Public Radio, November 12, 2011, <http://www.npr.org/2011/11/12/142270086/mlbs-wilson-ramos-rescued-in-venezuela>.

61. Pablo Feranández Blanco, Mariluz Guillén, and James Suggett, "Human Rights and Police Reform in Venezuela: A Venezuelan Perspective," [venezuelanalysis.com](http://venezuelanalysis.com/analysis/4349), April 3, 2009, <http://venezuelanalysis.com/analysis/4349>.

62. Will Grant, "Venezuelan Police Told to Shape Up," BBC News, October 21, 2009, <http://news.bbc.co.uk/2/hi/8302111.stm>.

63. BBC News, "Chavez Deploys Troops to Fight Venezuela Crime Wave," November 17, 2011, <http://www.bbc.co.uk/news/world-latin-america-15786541>.

# 4

## MULTILATERAL EFFORTS

*Our work will only be effective if we work together, with compatible laws and assuming a position of sharing responsibility among different countries to effectively. . . achieve positive results in combating organized crime.*

—Bo Mathiasen, Regional Representative, Brazil and the South Cone  
Regional Office, UNODC<sup>1</sup>

The United States continues to be the largest funder of aid to law enforcement institutions in Latin America, but multilateral lenders and other countries are catching up. In training and equipping as well as in promoting institutional reforms, the United States still leads the Inter-American Development Bank, the World Bank, the United Nations, Spain, and the European Union. Throughout the life of Plan Colombia (2000–08), it provided about \$1.2 billion to strengthen drug interdiction capabilities within the National Police, expand the police air service, support the police drug eradication program, and help establish Carabineros squadrons in addition to a myriad of other programs to support related justice sector reforms.<sup>2</sup> Meanwhile, the Inter-American Development Bank offered modest loans to promote police accountability in selected Colombian cities, and the World Bank provided financing in line with its focus on traditional development. Other countries contributed only very small amounts of security assistance.

More recent support for crime fighting and security sector reform in Central America presents a starkly different picture. In 2010, multilateral bank loans of \$423 million and donations from individual countries and the United Nations amounting to \$535 million surpassed U.S. pledges of \$377 million. Among donors contributing the most toward institutional reform, the United States led with \$132 million, followed by the European Union at \$84 million and Spain with \$71 million, which, taken together, eclipsed U.S. donations. Other significant reform funders include Germany, the Netherlands, and Sweden.<sup>3</sup> Whether Europe will be able to sustain this level of assistance, given current financial worries at home, is uncertain.

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1. United Nations Office on Drugs and Crime, “Brazilian Federal Police and UNODC Call for Regional Action to a More Effective Fight against Organized Crime,” *Brazil and the Southern Cone*, May 19, 2010, <http://www.unodc.org/southerncone/en/frontpage/2010/05/19-policia-federal-e-unodc-buscam-atuacao-regional-conjunta-para-um-combate-mais-efetivo-ao-crime-organizado.html>.

2. U.S. Government Accountability Office, “Plan Colombia Did Not Fully Meet Its Drug Reduction Goals, but Major Security Advances Have Been Achieved,” GAO-09-71, GAO, October 2008, 39–45.

3. A resource mapping study produced by the Washington Office on Latin America displays funding flows supporting citizen security in Central America in graphic detail. See Karelía Villa Mar and Pablo González, “Mapeo de las intervenciones de Seguridad Ciudadana en Centroamérica financiadas por la cooperación internacional,” Inter-American Development Bank and Washington Office on Latin America, June 2011, [http://www.wola.org/sites/default/files/WOLA\\_IDB\\_Mapping\\_Study\\_June\\_2011.pdf](http://www.wola.org/sites/default/files/WOLA_IDB_Mapping_Study_June_2011.pdf).



## Growing Capabilities of Hemispheric Actors

Besides the United States, multilateral banks, and European countries, actors within the hemisphere have assumed prominent roles in law enforcement assistance and reform. For example, the Canadian International Development Agency has programs in 33 countries, targeting mostly economic development, health, and human rights issues. However, it has an active US\$4.7 million program to strengthen justice systems and has contributed to poverty reduction programs in high-crime areas such as Brazil's *favelas*.

Chile has trained foreign detectives at its School of Police Investigations since 1977. In 1995, it created a program to train foreign officers, overseen by the Carabineros or territorial guard. The Chilean International Cooperation Agency manages anticorruption, civic safety, and public defender training initiatives. Specifically, Chile is one of five nations working with the Haitian National Police, offering 50 scholarships for Haitian officers to spend up to 10 months in Chile.<sup>4</sup> Most recently, Chile's Foreign Minister Alberto Moreno pledged support to Central American countries in developing legal instruments to improve weapons control, professionalize police, improve criminal investigations, strengthen victim protection programs, and share experiences in the prevention of violence against women.<sup>5</sup>

Recently, Colombia has begun to share lessons learned from a decade of efforts to change its police structure and culture as well as to address the country's significant security challenges. In 2009, the Colombian National Police trained 5,123 foreign officers in such subjects as organizing and managing police departments, antiskidnapping techniques, basic police intelligence, criminal investigations, judicial security, accusatorial criminal procedures, and use of small arms. Courses served students from most of Latin America, neighbors in the Caribbean, and three African countries (Cape Verde, Guinea, and Togo).<sup>6</sup>

Aware of the transnational crime potential on its borders with 10 countries, Brazil has stepped up efforts to cooperate with its neighbors and help build their law enforcement capacity. It has bilateral agreements with Argentina, Bolivia, Colombia, the Dominican Republic, Ecuador, Mexico, Paraguay, Peru, the United States, Uruguay, and Venezuela.<sup>7</sup> In May 2010, it sponsored an international seminar on action against organized crime in Brasilia, which 120 police officers, prosecutors, judges, and legislators from neighboring South American countries attended.<sup>8</sup>

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4. Interview with Jaime Francisco Vigil Recinos, senior planning officer, Police Component, United Nations Stabilization Mission, November 7, 2011.

5. "Discurso Ministro Moreno en Conferencia Internacional de Apoyo a la Estrategia de Seguridad de Centroamérica," Ciudad de Guatemala, Ministerio de Relaciones Exteriores de Chile, June 22–23, 2011, [http://www.minrel.gob.cl/prontus\\_minrel/site/artic/20110624/pags/20110624164408.php](http://www.minrel.gob.cl/prontus_minrel/site/artic/20110624/pags/20110624164408.php).

6. "Cooperación Internacional de la Policía Nacional," Policía Nacional de Colombia, Dirección General, Oficina de Planeación, 2010, <http://www.policia.edu.co/policia/documentos/tomos/Tomo%202.5.%20Cooperacion%20Internacional.pdf>.

7. OAS, "Brazil," Information Network for Mutual Assistance in Criminal Matters and Extradition, Organization of American States, March 14, 2011, <http://www.oas.org/juridico/mla/en/bra/index.html>.

8. "Brazilian Federal Police and UNODC Call for Regional Action to a More Effective Fight against Organized Crime."

# Multilateral Organizations

A short list of notable multilateral organizations that participate in police assistance and cooperation matters includes the United Nations and the Organization of American States.

## United Nations

Within the United Nations, the Office on Drugs and Crime was established in 1997 and is the custodian of the United Nations Convention against Transnational Organized Crime. It offers advice and technical assistance to member countries to help improve laws against organized crime and promote sharing of best practices. It works closely with the United Nations Development Program and has field offices in Bolivia, Brazil, Colombia, Ecuador, Mexico, and Peru. Although not constituted specifically to conduct police reform, the United Nations Stabilization Mission in Haiti has been operating since April 2004 and currently employs a force of some 3,500 police alongside 8,800 troops. With other providers, it has helped rebuild the Haitian National Police and supplies examples of law enforcement techniques that will influence a future stand-alone organization. Forty-nine countries—including Argentina, Brazil, Canada, Chile, Colombia, El Salvador, the United States, and Uruguay—have contributed police.<sup>9</sup>

## Organization of American States

The Organization of American States serves as a forum for promoting capacity building among the hemisphere's security institutions. Its Inter-American Drug Abuse Control Commission (CICAD), established in 1986, works with member states to conduct programs that will strengthen law enforcement capacity to combat illicit drug trafficking. The Secretariat for Multidimensional Security, established in 2005 as an outgrowth of the OAS Special Conference on Security held in Mexico City in 2003, facilitates cooperation on broader defense and security issues. It now oversees CICAD efforts and those of the Inter-American Committee against Terrorism (CICTE), which aims to prevent, combat, and eliminate terrorism through cooperation on border controls, cyber security, critical infrastructure protection, and tourism security. In 2008, the secretariat initiated the Meetings of the Ministers of Public Security of the Americas as a discussion forum on crime and violence in the hemisphere.

## Central American Integration System

Central American Integration System (SICA) was founded in 1991 as a forum for economic, cultural, and political discussions among member states. Current members include Belize, Costa Rica, El Salvador, the Dominican Republic, Guatemala, Honduras, Nicaragua, and Panama. Observers are Brazil, Chile, Germany, Japan, Mexico, Spain, and Taiwan. In 2007, SICA adopted a Central American Security Strategy in recognition of such rising security threats as transnational crime, drug trafficking, violent crime, youth gangs, deportees with criminal records, money laundering, and terrorism. The strategy was updated and subsequently presented at a June 22–23, 2011, SICA donors' conference in Guatemala City before the heads of Central American states; the

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9. United Nations Stabilization Mission, "MINUSTAH Facts and Figures," United Nations Stabilization Mission in Haiti, United Nations, November 30, 2011, <http://www.un.org/en/peacekeeping/missions/minustah/facts.shtml>.

presidents of Colombia, the Dominican Republic, and Mexico; and representatives from multilateral institutions and 55 other countries. While the meeting inspired \$1.1 billion in donor pledges, it remains unclear how SICA's strategy would be implemented and what links could be established so that SICA could play a coordinating role. Still being defined are 22 projects to prevent and combat crime, rehabilitate criminals, and strengthen institutions.<sup>10</sup>

## International Commission against Impunity in Guatemala

At the request of the Guatemalan government, the United Nations established the independent International Commission against Impunity in Guatemala in December 2006 to investigate and dismantle illegal clandestine security groups thought to have infiltrated state institutions, undermining democratic gains since the end of the country's armed conflict. According to the United Nations, the commission's mandate allows it to conduct independent investigations, to act as a complementary prosecutor, and to recommend public policies to help fight the criminal groups targeted by its investigations.

So far, the recommendations of the commission have helped reform laws on arms, strengthen criminal prosecutions, and improve international judicial cooperation. Its technical assistance has helped restructure the national witness protection program, obtain wire-tapping equipment, and improve the effectiveness of money-laundering investigations. High-profile accomplishments include the removal of several corrupt judges, prosecutors, and police chiefs. However, critics point to its \$20 million annual cost and continuing lack of support among Guatemalan elites.<sup>11</sup> Its mandate has been renewed twice and will now expire in 2013.

## Justice Studies Center of the Americas

The Justice Studies Center of the Americas (JSCA) is an autonomous agency created by a resolution of the General Assembly of the Organization of American States in 1999 and headquartered in Santiago, Chile. Its board of directors is elected by the General Assembly and it depends on contributions of OAS member nations. JSCA serves as a clearinghouse for research and recurring statistical reports on member countries' justice and law enforcement systems, it promotes exchanges and regional cooperation in justice matters, and it generates ideas on innovative ways to share information on legislation, statistics, and the operations of justice systems throughout the hemisphere. Although most efforts focus on the work of courts, prosecutors, and penal systems, it collects extensive information on crime as well as the organization and management of police institutions—most of it accessible on its CEJAmericas website.<sup>12</sup>

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10. Secretary General Juan D. Alemán, "Central America Security Integration: A Greater Regional Response" (presentation at the Center for Strategic and International Studies, Washington, D.C., September 27, 2011), <http://csis.org/event/central-american-security-integration-greater-regional-response>.

11. Rachel Glickhouse and Carin Zissis, "Guatemala Election Update: The Road Ahead for Pérez Molina," Americas Society/Council of the Americas, November 10, 2011, [http://www.as-coa.org/articles/3782/Guatemala\\_Election\\_Update:\\_The\\_Road\\_ahead\\_for\\_P%C3%A9rez\\_Molina](http://www.as-coa.org/articles/3782/Guatemala_Election_Update:_The_Road_ahead_for_P%C3%A9rez_Molina).

12. For more information on the Justice Studies Center of the Americas, see <http://www.cejamericas.org/portal>.

## Coordination—A Complex Equation

Because donor nations and organizations typically approach aid to foreign law enforcement in different ways, some basic guidelines are needed.

Whether deliberately or not, donors tend to promote certain models of law enforcement. For example, the United States cannot use active duty military to help preserve internal order and, in Central America, has urged a split between defense and law enforcement institutions.<sup>13</sup> Some donor nations have police centrally organized at the national level, while others adhere to a federal order. As a result, even at the street level, some answer to national commands, while others report to local mayors. Those realities color the advice and training offered. Given jurisdictional differences in Latin America, matches between donors and recipients are seldom a close fit.

International aid providers like USAID view police assistance as part of a suite of democracy-building programs. The U.S. Department of Defense offers support to police in special circumstances, generally based on a peacekeeping approach developed for postconflict scenarios. Multilateral banks tend to view police reform as a way to create a more propitious environment for economic development and investment without much consideration for citizen security, an area ignored by economists in the past. Organizations that serve as representative forums may see law enforcement through the lens of conventions and precedents. Human rights advocates that once opposed any assistance to law enforcement now regard it as a means to rein in abusive behavior on the part of authorities.<sup>14</sup>

In addition, an inherent tension affects donor decisionmaking. It resides in whether to help address immediate security needs or to supply technical and material support for long-term institutional development. Often donors make a trade-off. However, favoring one or the other is not the best solution and leads to such things as donating squad cars and crime lab equipment, while encouragement for better management, leadership, and political support lag. The most successful donor strategies will take into account both real threats and long-term capacity building. Ideally, donors should

- Be wary of promoting organizational models that may not be a good fit;
- Coordinate advice, training, and funding with other providers so that assistance programs do not work at cross purposes; and
- Establish assistance strategies that balance immediate needs with long-term institutional development.

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13. *A Comparative Atlas of Defence in Latin America and the Caribbean*, Red de Seguridad de Defensa de América Latina (RESDAL), Buenos Aires, 2010, 63.

14. For an in-depth exposition of these perspectives, see Charles T. Call, “Challenges in Police Reform: Promoting Effectiveness and Accountability,” in *IPA Policy Report*, ed. Zoe Nielson (New York: International Peace Academy, 2003), [http://www.ipacademy.org/media/pdf/publications/challenges\\_in\\_police.pdf](http://www.ipacademy.org/media/pdf/publications/challenges_in_police.pdf).

# 5

## CONCLUSIONS AND RECOMMENDATIONS

Challenges to law enforcement are rising faster in certain parts of Latin America than in others. Demographic trends, the end of recent civil conflicts, the adoption of new political and economic models, and a previous history of weak law enforcement contribute to a picture that varies from country to country. As one would expect, police institutions are weakest where challenges posed by rising crime and transnational threats are greatest.

Technology and globalization have so far helped international criminal organizations more than they have helped cash-strapped justice systems. Unconstrained by laws, accountability, or fiscal limitations, such groups, in the aggregate, are capable of earning revenue that far surpasses some countries' national budgets and even their gross domestic products. Meanwhile, authorities, overwhelmed with drug traffickers and gangs that emerged in the late 1980s, are hard-pressed to deal with new threats such as cyber crime.

U.S. history of police aid is uneven. Although such aid has rightly served U.S. interests, its shifting focus—from supporting stable government, to fighting subversion, to counternarcotics, and back to supporting what is now called “democratic security”—has sent mixed signals. Mistakes along the way have produced a tangle of regulations and exceptions that require constant interpretation, delaying engagement and exacerbating episodic involvement based on reacting to crises. As such, U.S. programs have sometimes failed to capitalize on successes and to minimize setbacks.

For now, Central America, Haiti, and Mexico have the most critical need to strengthen their law enforcement capacity and culture. The potential for future challenges exists in countries under centralized personal rule, such as Bolivia, Cuba, and Venezuela.

Multilateral banks, other countries, and international organizations that once held police reform at arm's length have begun to get involved by supplying loans, donations, and advice and by promoting coordination. Countries that have growing experience in such areas as counterterrorism and counternarcotics are now providing consulting services and training. However, multiple efforts in several directions, with different objectives, can lead to a lack of coordination. And, given current economic conditions, aid levels may not be consistent from one year to the next.

The implications for U.S. policymakers are clear. On the one hand, the United States can continue to react to regional security challenges of the moment, such as drug trafficking or terrorism. However, such an approach will not help countries with dysfunctional forces get ahead of their problems. On the other hand, a strategic approach—in which planning considers trends, the threat environment, available resources, institutional strengths and weaknesses, and leadership and applies common evaluation standards—will permit U.S. assistance to be successful and less wasteful.

The following recommendations stand out. To better organize U.S. assistance to foreign police agencies, the White House and Congress should:

- *Pay attention to trends and anticipate that current threats against citizen security will continue to surpass traditional defense needs and will become the leading security issue in most Latin American countries for years to come.* Youth bulges, underemployment, and lingering poverty offer propitious conditions for criminal activity, as does endemic corruption and the dark side of globalization. Challenges will multiply as new areas of lawlessness, such as cyber crime, test investigative and police capacity in ways for which most of the region's law enforcement institutions are not prepared. Latin American publics generally worry most about this issue and look to the United States for help. Thus, the United States should be the partner of choice in providing support in this area.
- *Clearly define expectations of departments such as State, Defense, Justice, and Homeland Security through presidential directive and legislation.* A transnational threats director in the National Security Council could facilitate better coordination and encourage more strategic budgeting, for instance, to permit the resource-constrained Department of Justice to offer more cooperation on foreign police training through valuable programs such as ICITAP. Better interagency management and budget coordination could reduce the tendency to raid operating budgets of such departments as Defense for special initiatives. Congress should restructure and streamline oversight committees as well, even though advances in this area are painful for members who may lose authority.
- *Centralize policy leadership in one agency, instead of encouraging stove-piped efforts between departments or within them.* The logical choice would be the State Department's Bureau of International Narcotics and Law Enforcement Affairs. Although this change was contemplated in the department's first-ever Quadrennial Diplomacy and Development Review released in 2010, the review never clearly defined lines of authority, turf boundaries, or coordination.<sup>1</sup> For INL to take the lead, such ambiguities need clarification, while the department itself would need further restructuring to add personnel to INL and strengthen the role of functional bureaus in policy planning.
- *Establish overarching policy guidelines based on lessons learned.*
  - U.S. support should be consistent with American values promoting democracy and human rights.
  - Assistance should promote "end state" visions such as the development of legal frameworks for intelligence collection, better management practices, and reduced space and opportunities for criminal organizations to operate.
  - Ensure ownership of the process by the aid recipient, as excessive donor conditionality can make reforms unpalatable.
  - Assistance should be differentiated for reconstruction, transition, and optimization situations; a reconstruction approach that may be appropriate for Haiti may not work in Belize, where optimization seems to be the answer.

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1. See U.S. Department of State, *Quadrennial Diplomacy and Development Review: Leading through Civilian Power* (Washington, D.C.: U.S. Department of State, 2010), x, 43–58, 124, 128, 154–55, 157.



- *Replace Section 660 of the Foreign Assistance Act of 1961 governing assistance to foreign law enforcement.* Instead of prohibitive language followed by a tangle of exceptions that have accumulated over the years, write prescriptive guidelines followed by simple, updates to reduce confusion over what U.S. agencies can or cannot do in assisting foreign police. The result: simplified budgeting and better turf awareness and interagency cooperation, as well as more rapid delivery of support because the need for certifications would be reduced.<sup>2</sup>
- Identify what U.S. assistance can do best, such as helping with equipping and promoting community policing, while partnering with other countries on training.
  - First, more than any other donor, the United States has the resources to help equip security partners with scarce funds. If U.S. security depends on foreign cooperation, the United States should help provide needed equipment to partner states, whose national budgets are often comparable to those of small U.S. cities.
  - Second, U.S. police forces, which are organized at the community level, are continually improving techniques for gaining citizen respect and for providing an interface between citizens and elected officials. They should share their lessons learned.
  - Third, the United States should make good use of its experience in fostering multilateral partnerships that promote the harmonization of standards and practices across jurisdictions. Moreover, there is advice that some Latin American countries will not accept from U.S. trainers but will from their neighbors.

Regarding foreign priorities, U.S. policymakers should

- *Rely less on named initiatives like Mérida, designed to combat a specific problem within a designated time frame, in favor of sustained, adequately funded support for long-term law enforcement reform.* Efforts should be less episodic and more targeted at building professional capacity regardless of the threat of the moment. For now, current indicators show that those countries closest to U.S. borders, where spillover effects are most likely, need the most support.
- *Make Mexico the first investment priority.* The country recognizes its problem and has made progress toward corralling organized crime but has yet to boldly overhaul justice institutions to strengthen law enforcement, prosecutions, trials, and incarceration. More than resources (which it has), Mexico needs political support, intelligence sharing, and bilateral cooperation in turning around a traditionally weak justice system.
- *Designate Central American countries on Mexico's southern flank as the next support target.* Here, violent crime rates are the highest in the world. Among the most deserving recipients are those that have demonstrated a commitment to reform by investing their own resources in better law enforcement, including training, salaries, and improving associated justice institutions. Where political will is weak, such as in Guatemala, U.S. diplomacy should supply pressure to help develop political support for strengthening justice institutions and resources for establishing police presence in local communities.

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2. Interviews with senior State Department and USAID officials conducted on the basis of anonymity during August–September 2011 revealed that some program directors use Section 660 to avoid implementing some police assistance programs, while others find they can engage in many activities as long as they add oversight provisions to their projects.



- *Within Latin America, consider Haiti a third priority.* In Haiti, the hemisphere's poorest country, the elections following the earthquake and the health crisis have brought a fresh opportunity to establish functional public institutions. For now, UN peacekeepers have brought crime rates down. However, they will not be in the country forever, and Haiti is in the direct line of drug trafficking routes from Venezuela to the United States.
- *Ensure that law enforcement assistance goes hand in hand with other programs to help shape the policing environment.* Where lack of education, high poverty, and unemployment create opportunities for criminal activity, other development programs should accompany support for police reform to target root causes. Encouragement for rule-of-law reforms, such as introducing the concept of probable cause for arrests, should accompany larger programs that target the overall performance of justice systems.
- *Promote better data collection.* With information gaps, unclear categorization, politicized organization, lack of independent check of statistics, and high percentages of municipalities not reporting, it is hard for the region's governments to know the challenges they face. Along with this effort, foster broad external support for the work of multilateral organizations like the Justice Studies Center of the Americas and nongovernmental organizations like the Red de Seguridad de Defensa de América Latina that research justice and security issues and compile useful statistical databases.
- *Bolster foreign exchanges under ICITAP and the National Institute of Justice to improve skills in such areas as forensic investigation, crime mapping, and neighborhood design.*
- *Help define standard roles for military forces and collateral enforcement agencies such as customs and border patrols and aeronautical directorates in safeguarding territorial, airspace, and coastal domains.*
- *In a multilateral setting, help draw up best national practices for managing private security companies.* Such guidelines are essential to ensuring that those companies are not part of the problem in aid-recipient countries. All donors should press the development of licensing requirements, training criteria, and regulation of firearms.
- *Encourage international lenders and the growing number of foreign donors to coordinate visions and goals so that assistance does not serve conflicting purposes.* One way is through participation in citizen security forums organized by the OAS and SICA. In fact, SICA could be encouraged to serve more as a dialogue platform than as a coordinating channel for aid as it is trying to do, since it lacks functional links with agencies in member governments.

## Final Observations

Police reform is a growth industry in the Americas for two reasons. First, security threats have largely shifted from external state-sponsored aggression to stateless crime that affects citizens more directly and undermines confidence in government. Once deployed for external defense as well as for guarding internal order, armies are not equipped to deal with public safety in a setting where combating crime requires special knowledge to protect the rights of victims and perpetrators, preserve evidence, and apply the right intelligence and patrolling tools to keep crimes from happening.

Second, not all Latin American law enforcement institutions can protect public safety in this manner, given that in some cases they are tied to political parties or that they exist as a poorer, fourth branch of the army. As Latin American countries have consolidated democratic practices in a post-Cold War setting, the need for effective policing, specialized law enforcement agencies, and legal frameworks to help them coordinate actions will become only more urgent. At the same time, the need for capable defense will continue, perhaps with smaller or more specialized armies. And, because these armies always have personnel in training, they will continue to be called on periodically to support civilian authority, as most police forces, even in the United States, have limited surge capacity.

To the extent that the security and stability of close hemispheric neighbors impinge on the security and well-being of U.S. citizens, the United States will be obliged to help carry out law enforcement reforms. If not, other countries such as China and Iran may be willing to do that, perhaps in ways the United States might not like, potentially putting American interests and lives at risk.

Police reform is a hugely complicated undertaking, in which there are no easily transferable formulas for success. It is most often contemplated at the eleventh hour when governments are powerless to reduce high crime rates. Hiring more police is one easy answer. Applying a “firm hand” or a zero-tolerance approach is another. Less obvious, except perhaps to the average citizen on the street, is the need for a change in conduct or culture. That type of reform is harder. The nation must have the political will, and such reforms require more time as police loyal to power elites must learn subservience to law, understand their role as the citizens’ primary contact with government, respect the link between human rights and citizen security, and practice transparent operations.<sup>3</sup>

None of these changes is possible without stable, committed management, clear incentives, and ample buy-in from the national government and related official and fraternal organizations. Moreover, such changes may take much longer when societies are challenged by high crime rates and when quick fixes seem more attractive. On the part of donors such as the United States, consistency, patience, and sustained involvement will be keys to success.

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3. David H. Bayley, *Democratizing Police Abroad and How to Do It*, Issues in International Crime Series (Washington, D.C.: National Institute of Justice, U.S. Department of Justice, 2001), 13–15.



## ABOUT THE AUTHORS

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Mendelson Forman also brings experience in the world of philanthropy, having served as the director of peace, security, and human rights at the UN Foundation. She has held senior positions in the U.S. government at the U.S. Agency for International Development, the Bureau for Humanitarian Response, and the Office of Transition Initiatives, as well as at the World Bank's Post-Conflict Unit. She has been a senior fellow with the Association of the United States Army and a guest scholar at the U.S. Institute of Peace. Most recently, she served as a senior adviser to the UN's special representative to Haiti in 2005–2006.

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