Militarization of Public Security in Latin America: Where are the Police?¹

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Crime and violence have increased in Latin America in the last decades. The scenario is multiple and complex with high levels of violence specifically localized in some areas of the region. Despite the evident differences even within countries, the criminal phenomenon is at the center of the public agenda (Lagos & Dammert 2012). The diversity of the phenomenon is not only linked to the magnitude of the crime wave: countries with the highest homicide rates in the world while others show rates similar to developed countries (Randal 2012). But also, to its characterization: countries that are facing important levels of violence while others have non-violent property crime as their main concern. Additionally, in recent years the main element of differentiation between crime problems is the link to organized crime. Although drug trafficking is present throughout Latin America, in some areas the problem is linked to specific battles against the state and between drug cartels. In any case, insecurity is a phenomenon that pervades the entire region with social, cultural, economic and political consequences.

Unfortunately, the structural weaknesses of police institutions reported by several authors in recent years have not been resolved (Arellano 2008; Ungar 2012). Quite the contrary, the sophistication of the criminal phenomenon has highlighted the limitations of the criminal justice system as a whole. The challenge for governments is not only to improve the quality of police service, but also to increase the quality of justice, to prioritize the modernization of the

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prison systems, to increase health coverage for addiction problems, among many other specific needs.

Specifically in the case of police institutions, many reforms have been design and implemented in the last decades. Ranging from modernization processes to complete restructuration of the police institution; the initiatives in most cases have little long-term results. The literature on this issue is comprehensive and recognizes the need to continue or rather start a real transformation agenda of police services (Villalobos 2007). Nonetheless it also recognizes its limited achievements and effective progress.

At the same time many governments have decided to use the armed forces for public security purposes. Based on the assumption that police forces are either incapable or ineffective to control crime, armed forces have been called to patrol the streets. The range of functions done by police personnel varies greatly in each country but the undeniable process towards the inclusion of the military in the fight against crime continues.

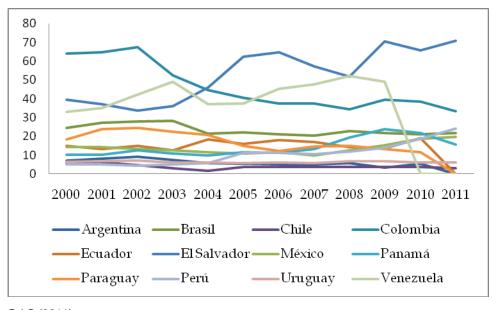
The purpose of this paper is to discuss both processes as complementary faces of the same problem. Lack of results in police reform initiatives and growing military response to crime, in many ways are elements of the same problem. Both linked to the incapacity of governments to effectively prevent and control crime with adequate policies as well as to the electoral debate that highlights the need for direct and quick action.

The simple analysis presents the situation with two elements. On one hand, increase in crime, corrupt or inefficient police institutions, difficulty to prevent crime and control frightened citizens. On the other hand, military institutions consolidated in budgetary terms, in many countries with high levels of citizen's trust accompanied by limited military conflict scenarios (Davis 2011). For many,

all the elements are in place to call the military as the main force to tackle criminal activity, especially crime related to drug trafficking (Martínez 2013).

I. A difficult context

Latin America faces an increasing problem of violence and crime. Homicide rates are an example of the magnitude and the diversity of the problem. As shown in the following graph, homicide rates have different levels but a growing trend in most countries. In any case it s clear those closely link to the drug market have the higher rates. Interestingly, the main cocaine consumer in the hemisphere, the US is the exception to the rule.

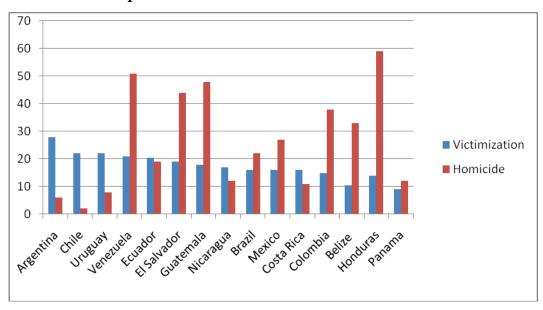


GRAPH 1. Homicide rates, Latin America 2000-2011

Source: OAS (2011)

But homicides are only one part of the criminal picture. In most countries violence has not reached this point, but increasing levels of non-violent crimes mark the public policy agenda. Altogether, crime is one of the most important public concerns throughout the region and greatly impact political discourses ad actions. The next graph shows that countries traditionally considered safe in

terms of homicide have victimization levels similar to those with higher homicide rates. It seems that any victimization has a direct impact in the population since that problem is more decentralized, while homicides are a localized problem. Not only in terms of territorial presence but also in the definition of the victims. While almost every group in society is a victim of street crime, those related to homicides are mostly young males from the most precarious socioeconomic groups of society.

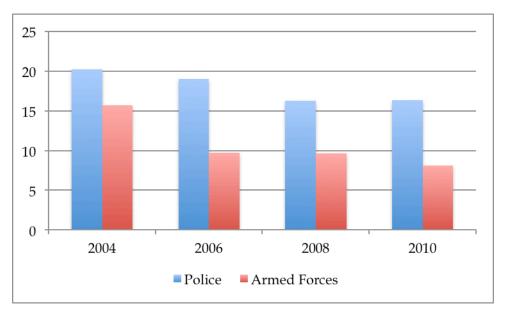


Graph 2. Victimization and homicide rates 2010

Source: Barómetro de las Américas.

As crime starts to emerge as one the main problem for Latin Americans, the confidence and trust on institutions in charge of the problem are at a minimum level. The following graph shows that an important part of the population has expressed cero trust on the police since 2004. It is important to mention that we have witnessed a decreasing trend, but still by 2010 more than 15% declared having no trust on the very institution in charge of control crime. On the other hand, those who declared having no trust on the armed forces ranged from 15% to 8% in the same period.

Graph 3. Zero-Trust on Police and Armed Forces, Latin America 2004-2010



Source: Barómetro de las Américas.

Furthermore, the same source included a question on the possibility to support a military coup in specific circumstances, among them security problems. For many the results are shocking since more than 50% declared to support a military coup in 2004 and 41% in 2010. In fact after military coups and civil wars during the 70s and 80s, the armed forces have regained a role in public security issues.

Missions and functions of the armed forces have been changed in many ways in the region. The reforms have been mostly focused on keeping the armed forces as far as possible from the political arena but still most institutions could play an array of roles. An analysis of the functions of the armed forces in Latin America divided the roles in 3: Policemen, Social Workers and Firefighters. As the next graph shows, most countries have armed forces that could be part of any activity linked to the development and protection of the country. In that sense the presence of many countries in the area were all 3 roles overlap is clear

demonstrations that at least in legal terms the armed forces are still define as institutions with no specific function.

Barbados Jamaica Firefighters Policemen Belize Colombia Brazil Dominican Chile Nicaragua Paraguay Perú Uruguay Argentina Bolivia Social Workers

Graph 4. Functions of the Armed Forces in Latin America

Source: FLACSO 2007.

II. Militarization: Fast answer?

Democratization and the end of civil wars generated a civil intervention on military issues. The general perception that the armed forces were interested in political roles, define a path towards a more limited missions. At the same time conflict between countries is not a threat in Latin America and extensive military budgets started to be discussed in terms of its effectiveness.

But do not confuse urgency with inactions, because the military incursion into internal security issues is longstanding. In Colombia since the beginning of the last decade, with the development of Plan Colombia, the military involvement joined in the drug war. Colombians followed the experience developed in Peru

during the previous decade in the fight against terrorism and its relationship to drug trafficking. Both strategies were supported and developed under the umbrella of the US regional strategy to combat drugs. Later on this perspective was confirmed with the participation of more than 45,000 soldiers under the Mérida Initiative in Mexico.

The results are mixed and although it is clear that combating drug trafficking, especially if it is linked to guerrilla movements, is an area of possible military involvement; public security is a different issue.

In Uruguay, late 2012, the Secretary of Defense of the US Leon Panetta, as part of the Tenth Conference of Defense Ministers of the Americas urged the countries of the region to use the police and not the military in the control and enforcement of the law. He recognized that military involvement is not a good recipe for long-term solution. In order to have a professional response to crime, Panetta compromised his country's help in the development of local police with respect of human rights and the rule of law.

Unfortunately Panetta does not represent the general consensus among Latin America governments. Many, due to lack of another solution, has brought the military to the streets. There are many different types of military involvement in the fight against crime in Latin America, from full operational groups that patrol specific areas of the cities to border patrol.

Governments in Latin America are at a crossroad facing a citizenry desperate for more security and fearful of institutions marked by inefficiency and corruption. The military has become the tool to be used to show signs of governmental power and strength. As mentioned before, this situation is present not only in countries marked by the presence of organized crime in the region but in general. For example, in November 2011 Honduras government voted to change the

Constitution and allow the military to be used for police roles. Similarly, the President of Guatemala during his first speech to the nation, urged the army to "neutralize organized crime". Venezuela on his part, motivated by high homicide rates, created the "People's Guard", a military-type organization that shares the security police roles even investigating crimes (Faramarzzi 2012).

In Ecuador President Correa referred to the battle against organized crime as a military priority, noting "there cannot be a successful battle against organized crime without considering the military in it" (Ramsey 2012). These statements are at least contradictory with the Constitution of Ecuador (2008), which states clearly that "the maintenance of internal order and the rule of law are exclusive powers of the national police role" while the armed forces are devoted to "defend the sovereignty and territorial integrity". However, the political rhetoric included a complementary perspective that President Correa noted: "a poor country cannot afford to have their armed forces only for conventional warfare"².

In Peru, President Humala authorized the military to collaborate with the police in a social conflict in Cajamarca where roads, schools and hospitals were closed. In Bolivia, military units were deployed to assist the police in high-crime areas of Santa Cruz and El Alto. However, Bolivia's constitution allows the military assistance once the police have been overwhelmed.

In El Salvador, President Mauricio Funes defended the 2009 reform that allowed greater role for the military police in the context of the battle against organized crime. In this respect and in front of the rumors that most of those allocations

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² Diario Regional Independiente Los Andes (2012) El papel de las Fuerzas Armadas es apoyar a la Seguridad Ciudadana, October 30 2012. Obtained on March 25 2013, from: http://www.diariolosandes.com.ec/index.php/cotopaxi/2910-el-papel-de-fuerzas-armadas-es-apoyar-a-la-seguridad-ciudadana

Tiempos del Mundo (2013) Militares ecuatorianos ayudarán a combatir a la delincuencia. March 21 2013. Obtained on March 26 2013, from: http://www.tdm.com/Politica/2013/03/21/Militares-ecuatorianos-ayudarn-a-combatir-a-la-delincuencia/UPI-30631363894759/

would increase by a further reform, the President stated that citizen's fears are anchored in past actions of the armed forces, but now with democracy the armed forces must play a role in security matters (Isacson 2011).

Guatemala installed the first three task forces against crime that were part of the proposal of Pérez Molina in his presidential campaign. These task forces are staffed with Police Special Forces, researchers from the Specialized Criminal Investigation Division, Public Safety personnel and Army paratroopers. ³ Nonetheless, United Nations has been pressing to put limits to the military use of force in the law enforcement.

Honduras with "Operación Libertad" ⁴ has been recently initiated a new operative with the aim of lowering high levels of violence plaguing the country's major cities. However, the military legitimacy is often disputed by denounces of personnel involved with torture, injuries and threats against several citizens. Furthermore, there has been increasing signals and denounces of corruption.

In Mexico the strategy developed by President Calderon included broad participation of the military, which was replicated in the state and even with local efforts⁵. With the Institutional Revolutionary Party (PRI in Spanish) return, the drug strategy was modified and one of the signs of this change would be the gradual withdrawal of the military from the streets. However, in his first months in office, Enrique Peña Nieto has not been able to show progress⁶.

³ El Universal (2013) Urge ONU-DH poner fin al uso de militares en Guatemala, 20 de marzo 2013. Obtained on March 26 2013, from: http://www.eluniversal.com.mx/notas/911569.html http://www.eluniversal.com.gt/nacionales/2012/01/17/instalan-tres-fuerzas-tarea http://www.eluniversal.com.ni/internacionales/239193-perez-molina-saca-al-ejercito-a-

patrullar-carreteras-de-guatemala

⁴ Progreso Digital. Zozobra ante reiterada participación de policías y militares en crímenes.
February 12th 2013. Obtained on March 25 2013,

from://proceso.hn/2013/02/12/Reportajes/Zozobra.ante.reiterada/64179.html

⁵For Further detail: http://archivo.periodico.am/nota.aspx?id=539635

⁶ La Jornada (2013) Anuncia Peña Nieto medidas para mejorar el nivel de vida de los militares; Plantea la Sedena acciones para lograr un México en paz y con educación. February 20th 2013.

In South America, Brazil has used to expand the military's role in crime control tasks. Since 2010 army troops have been located in the *favelas* to contain organized crime. What initially was conceived for a brief period of time, it has been extended until today with the "peacekeepers" that are present in many intervened *favelas*⁷. That is why the military involvement in diverse multiplicity of missions that has been given is not a good omen for democracy in Brazil, a country where deep social problems remain and civil institutions are weak and traditionally inefficient (Hunte 1996). Beyond the urban patrolling, in Brazil the priority of military involvement in crime control tasks are the borders where it have developed multiple operatives and have installed high-tech equipment to increase seizures of illegal material.⁸

In Argentina, the federal government has resorted to call middle forces (Gendarmerie) for operating support in the fight against crime in the City of Buenos Aires and Greater Buenos Aires (Gendarmería Nacional Argentina 2013). Additionally, President Cristina Fernandez's government recently named an active military as secretary in the Ministry of National Security, opening all kinds

Obtained on March 26 2013, from: http://www.jornada.unam.mx/2013/02/20/politica/013n1pol

EFE (2013) Senado mexicano fortalecerá legalmente lucha de militares contra el crimen. October 31 2012. Obtained on March 26 2013, from: http://noticias.terra.com.pe/internacional/senadomexicano-fortalecera-legalmente-lucha-de-militares-contra-el-

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http://www.sexenio.com.mx/articulo.php?id=21878

 $\underline{\text{http://www.nuevodiarioweb.com.ar/notas/2012/11/15/violencia-brasil-llego-florianopolis-}} \underline{\text{422257.asp}}$

⁷ Sin Embargo (2013) Fuerzas armadas de Brasil entran a las favelas de Rio de Janeiro; pretenden limpiar las calles de narcotraficantes, 3 de marzo de 2013. Obtenido el 27 de marzo de 2013, desde http://www.ansa.it/ansalatina/notizie/notiziari/brasil/20121101193335485799.html

⁸ La Mañana de Neuquén (2013) Brasil custodiará con drones la zona de la Triple Frontera, 27 de marzo 2013. Obtained on March 27 2013, from:

 $[\]underline{http://www.lmneuquen.com.ar/noticias/2013/3/27/brasil-custodiara-con-drones-la-zona-dela-triple-frontera_182248}$

For further detail see: http://www.noticiasyprotagonistas.com/noticias/34324-fronteras-calientes/

http://elcomercio.pe/actualidad/1487019/noticia-militares-brasil-incautaron5-toneladas-drogalimites-peru-bolivia

of questions and doubts about the strategy that seeks to develop the government over control.

The brief overview presented in the previous paragraphs shows that the phenomenon is across the region and is supported, at least momentarily, by the citizenship. As previously explained is not clear what are the positive consequences of this involvement. No country has evaluated the military involvement in terms of their effectiveness in reducing crime. In fact, information gathered on the initiatives described before is scattered and most of the time does not include details on the consequences of such actions. Nonetheless, many voices have been heard regarding the difficulties and challenges of military intervention. However, there are multiple problems, and these are described below.

III. Corruption, Human Rights and Politicization

Multiple voices directly criticized the use of armed forces in the fight against crime. In many cases focused on a classical doctrinal position that divides the work of the military and police since early nineteenth century. Leaving aside definitions open to confusion such as Huntington's conceptualization, which makes explicit that the military's main role is the application of violence under certain conditions (1957) or when Bayley & Shearing (2001) note that both police and military are security forces but their main difference is their jurisdiction. Clearly for many authors who develop their theories in contexts of high levels of professionalization and modernization of the armed forces, the challenge to study the Latin American dilemma is massive.

In the last two decades we have witnessed a process of invisibility of these roles (Watts 2001). The increased importance of the types of military-style policing strategy and the incremental use of technology and military instruments, not to

mention the military involvement in police work in multiple peacekeeping

operations and military action in internal order are only examples of the porous

border between the two institutions (Lutterbeck 2005).

While the debate is global, Latin American specificity is evident. A continent

marked by multiple forms of political involvement by the military in the recent

past. Armed Forces who participated in clear actions, been denounced and

investigated for human rights violation and corruption. However, as Stepan

enunciated, the main danger of military involvement in crime control tasks is its

possible politicization (Stepan 1973).

In this analytical framework is noteworthy that in many countries the process of

democratization does not necessarily limited the real powers of the armed forces,

but rather high levels of autonomy is still the norm. Maybe this is clearly shown

in the budget analysis that indicates that only the military has been subject to

measures of transparency and accountability of their investments and expenses9.

In this sense, the 2010 WOLA report states that the involvement of the military in

this issue lies in the official position of the forces, which can seriously

compromise their political isolation, and may even try to use this power to

influence policy in government decisions¹⁰.

Human rights violation is one of the problems mentioned repeatedly as a result

of military actions on issues of public safety. Especially the IACHR has

emphasized the problems evidenced especially in Mexico and Central America

where various press reports and complaints of civil society organizations have

9For further detail see: www.resdal.org

¹⁰For further detail see: www.wola.org

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shown the presence of torture, disappearances and even murders in the context of actions not yet recognized by soldiers in crime control efforts.¹¹.

Another of the recognized problems of military involvement in internal security tasks is corruption. Linking unprepared soldiers, narrowly professionalized with minimal specialization in tasks related to prevention and control of crime with organized crime agents opens the space for the development of illegal actions. Thus, there is concern that this recognized corruption in the police will penetrate the armed forces. Multiple media allegations on these practices in various countries of the region suggest that rather than a threat; corruption in the armed forces is a reality we must face in the near term.

Thus, the impending military involvement in the fight against crime seems not to bring major benefits except institutional budget increase and greater political role. This strategy does not appear to address the increase in crime, by the contrary; several authors argue that it is precisely the military response to organized crime one of the triggers of the exponential growth of violence in Mexico.

Finally, as Bailey (2012) indicates, in various debate forums on the best strategies to address organized crime the central question is not whether the military will continue to play a police role in the medium term. By the contrary, the main question is whether this intervention has led to changes in learning; adaptation and innovation processes to address previously identified problems. The answer is not clear and requires more specific analysis to conclude on its impacts.

IV. A way out?

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¹¹For further detail see: www.cidh.org

In this paper a clear gap emerged. The problems of armed forces participation on public security policies are evident but that realization has not had any impact on public policy decisions that increasingly call for more military involvement in the fight against crime.

What to do? For many there is no way that the military should be allow to participated on this issue. For instance the report of the Interamerican Comission on Human Rights stated "The Commission has repeatedly observed that the armed forces are not properly trained to deal with citizen security; hence the need for an efficient civilian police force, respectful of human rights and able to combat citizen insecurity, crime and violence on the domestic front" (IACHR, 2009, pp. 39). Furthermore the same report mention that "States must restrict to the maximum extent the use of armed forces to control domestic disturbances, since they are trained to fight against enemies and not to protect and control civilians, a task that is typical of police forces." (IACHR 2009, pp.40).

Although the reasons and comments developed by those against military intervention, at this point it should be recognized that in most countries with serious problems of violence and crime the reasons that motivate governments to use the military in police functions persist. In that sense, pragmatism meets doctrine and decisions are not easy to take. In any case two processes should be addressed in the short run: An internal process of training and institutional change in the armed forces and a strong police reform agenda.

Both processes would ensure an effective crime control policy and a clear path towards a recentralization of the role of the police while leaving the armed forces for the national security agenda. Among the steps that should be considered as urgent in those countries that military personnel is participating on public security strategies are:

- Training on public security principles that govern the actions of the security forces in the area of security, which clearly define and guide their actions in relation to citizens and specific
- Limiting abuse by explaining that prevention is the main goal and the arrest of the offender should be done under
- Training on community involvement in order to enhanced trust and to limit possible problems in the interaction between military personnel and the community
- Training on the exceptionality use of force. The use of force is allowed
 for exceptional situations in which crime cannot be prevented or
 controlled.
- **Training on due obedience**. Like any police forces, subordinates are bound only to lawful orders given to them by their superiors.
- Training judicial police. For the military to ensure the safety of citizens in the best possible way, is key to be trained with legal procedures and to be accompanied with judicial police in any activity.
- Use of appropriate weapons to the requirements of public safety, particularly in urban centers.

Finally, governments should recognize that this is a limited solution. Not only that the military involvement will not ensure a success in the crime control strategy. But also it won't necessarily help the process of police reform.

V. The agenda for police reform¹²

The improvement of the police service is an issue in Latin America's political and civic agendas. The difficulties are not minor because of the institutional variety, multiplicity of structural challenges, limited sustained political will and

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¹²This section is based on the previous collaboration for RESDAL (2012).

institutional corporate pressure. Despite this recognition, advances are shy and evaluations of the processes developed are very precarious. In fact, it lacks of an evaluative gaze of the progress and challenges in almost two decades of interventions. The necessary structures for the development of a professional police work have not been able (or willing) to be install in most countries.

Latin American police institutions are diverse in terms of origin, type of structure, organization, agency, scope and objectives, to name a few items. This diversity limits a comprehensive analysis as well a design of unique initiatives that impact on major problems. Despite this limitation, it becomes increasingly urgent a review of these institutions at a regional and sub regional level, identifying common trends, challenges and especially possible areas of intervention.

Cops can be characterized in general terms as "(...) the persons authorized by a group to regulate interpersonal relationships within the group through the application of physical force" (Bayley 1990). This definition has three key elements: institutional nationalization, use of force, and professionalism. As police force, the institution responds to the needs of society as a whole, which requires responding to the various pressures of the citizenship. This feature has been eroded over the past decade in mostly all countries of Latin America by two parallel processes: the rise of private financing and the lack of regulation for this flow, and the explosive growth of private security, which puts a halt to policing, occupying their spaces, limiting and, in some cases, weakening their ability to respond. The proliferation of security companies paradoxically increases the sense of vulnerability of many citizens who do not have access to that service, as well as those that invest in these mechanisms of confinement and collective alarm. Multiple studies now show that the number of police in most countries is significantly lower than the private sector provision (Dammert y Salazar 2009).

In the area of use of force, the police should be the institutions that hold the monopoly on the use of legitimate force of the state. Various processes have been questioning this statement, not only by the aforementioned increase of private security but also by the increasing use of weapons by the population in some countries. Furthermore, the exercise of the use of force requires a significant degree of social legitimacy that is in doubt due to cases of "easy trigger" (cases recognized by the press in countries as diverse as Argentina, Dominican Republic, Mexico and Guatemala) or alleged involvement in criminal schemes as organized crime.

The third element of this conceptualization is the *professionalization of the police exercise*. This professional preparation also gives the police some autonomy from the political leadership in relation to intervention decision-making and the implementation of expertise in their work, however, in no way this gives them full independence. The security responsibility should be assumed by the political power, which also belongs to assume the need to evaluate and assess the impact of the strategies used.

The three main elements about the definition of police work are seriously called into question in the daily actions in Latin America. While most institutions have undergone major modernization and reform processes in the last two decades, these have been insufficient. In fact at the present the information gathered by the authors of this book shows with force the pending agenda of roads to advance and accomplish the decrease of the three central problems: corruption, inefficiency and abuse of the use of force.

While the challenges are many and of various kinds, the police modernization requires change processes in at least four areas:

- **Institutional Processes**: The challenges of police work are based on weak selection processes of police personnel, who often lack the educational

background required for the type of work to be done. The precariousness of the initial process and subsequent training prevents the development of early responses to problems and leave the police work on a purely reactive level of action. The social protection area is also a pending matter in many countries where the police profession is not developing promotions, grades and benefits provided, the health and pension coverage are not appropriate, and in some cases wages are clearly insufficient.

- Relationship with the community: High levels of distrust expressed by the community police institutions are a serious problem. It lowers the legitimacy of the policies developed to prevent and combat crime, provides a look away from possible innovation capabilities and further isolates the police officer in spaces often marked by violence. Community policing programs that sought to improve relations with neighbors have been ineffective because of their limited impact and short time sustainability. It is necessary to seriously tackle the initiatives to improve police-community relationship.
- Integration in the Criminal Justice System: Police work by itself will not solve the problem of crime in any of the countries analyzed. It requires a system creation able to integrate from prevention to post-prison rehabilitation. This should be a process in which the police play a specific role to be professionalized, transparent, respecting the rule of law while recognizing the relevance of other interventions. Likewise, the clear differentiation between the tasks that the military and police develops becomes an unavoidable task to prevent the militarization of security answers; many of which are daily seen in Central American countries.
- **Private Security Coordination:** Sustained increase in private security provision as well as the ability to carry weapons has ended with the monopoly of the use of force in most Central American countries. This

situation poses a serious risk over the police capabilities to generate effective action strategies and market control of weapons and their use inside the countries. Similarly, the lack of effective control over the industry (especially informal) increases security problems and enhances the sense of impunity.

All the proposed action areas are complex; they require a financial investment and political support sustained over time. Besides, the intervention requires a clear prioritization to avoid duplication of efforts and building expectations in officials and citizens who will be able to enhance the feeling of insecurity in the future.

In other words, police reform should be a strategy that is here to stay. The threat of organized crime and state weakness leads to a permanent agenda based on institutions modernization and reform focused on the goal of effectiveness with transparency and accountability.

The participation of the armed forces in public security initiatives should not be perceived as a barrier for further development of the police reform agenda. On the contrary, in Latin America strong and professional police forces are needed in order to clearly define the differences between military and police doctrines.

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