STATE BUILDING ON THE GROUND: POLICE REFORM AND PARTICIPATORY SECURITY IN LATIN AMERICA

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Abstract

In this dissertation I investigate the persistence of institutional weakness and examine the conditions under which change becomes possible. Such questions are of particular importance in Latin America, where a democratic period marked by high rates of crime and violence in many countries has laid bare the precariousness of state institutions. From organized criminal groups and transnational drug trafficking to spikes in street crime and homicide rates, it is a phenomenon from which few, if any, countries have been immune. But as security conditions deteriorated following transitions to democracy around the region, so did the institutions charged with providing it. Police institutions in the region have largely been characterized by poor training, low levels of specialization, insufficient resources, inefficacy in crime prevention and investigation, weak oversight mechanisms, rampant corruption and extralegal violence, and, consequently, high levels of societal distrust.

What we’ve observed throughout Latin America and elsewhere, however, is that the conditions described above may exhibit a remarkable continuity over time, even when they are widely recognized as a problem. Why does institutional weakness persist for such extended periods of time, particularly on an issue that is so politically salient? Under what conditions do political leaders undertake institutional reform. Moreover, given the role often played by societal fragmentation in impeding reform, under what conditions do politicians choose to build state capacity through the incorporation of societal actors?

I propose a theory that explains the persistence of extensive institutional deficiencies as a result of societal fragmentation, which inhibits the formation of a coherent demand for reform. Even as citizens across different societal sectors agree that the level of protection provided by the state is insufficient, institutional deficiencies may persist because of conflicting preferences and demands over its distribution. The solutions to security challenges and institutional deficiencies are often highly contested. This facilitates what I call patterns of accommodation among political leaders and police institutions, wherein politicians grant police broad autonomy in exchange for the cooperation of the manager of the state’s coercive
authority in advancing their political objectives. Reform becomes possible following the onset of a mobilized scandal, a high-profile act of police deviance that reveals shared preferences across a range of societal sectors that is then utilized by a robust political opposition that can maintain the event on the agenda as a platform for attacking the incumbent. Reform is likely to include “participatory security” in contexts of poor police-society relations or low police capacity and resources.

Drawing on evidence from periods of reform and “non-reform” in Colombia, Buenos Aires Province, and São Paulo State, I demonstrate that the root of institutional continuity and change can be found in societal contestation over the distribution of protection and repression. Colombia and Buenos Aires underwent ambitious reform after many years of widely recognized deficiencies only after mobilized scandals forced the executives to take action. Previous scandals that took place in the absence of a robust political opposition, and the failure of reform proposals in the absence of a robust political opposition, provide further evidence to support the role of mobilized scandal. São Paulo State, meanwhile presents a different path to reform, largely defined by the absence of comprehensive institutional reform. I explain the lack of comprehensive reform — and show the limits of two smaller initiatives by committed reformist governors — as the result of profound societal fragmentation with regard to policing and security, and accommodation between the police and politicians. All three cases result in the adoption of different types of participatory institutions, whose institutional design I explain in terms of the nature of police-society relations and the level of police capacity and resources.

This study is based on nearly 200 interviews with elected and government officials, police officers of all ranks, community leaders, NGO representatives, and other experts; participant observation in forty community security meetings, police stations, and other community spaces; archival research; and the collection of legislative, budget, and media documents, carried out over a total of twenty-two months of field research in Argentina, Brazil, and Colombia.
Acknowledgements

Many of us who study the police have likely come across this phrase written by veteran police scholar David Bayley: “A scholar who studies the police must be willing to do extensive fieldwork in unprepossessing surroundings, to brave bureaucratic intransigence, and to become politically suspect and socially déclassé.”

I am happy to report, however, that over course of researching and writing about the police, I have found openness, friendship, support, and solidarity from the vast majority of community members, police officers, and colleagues I encountered during my research. (Although the bureaucratic intransigence certainly would, every so often, rear its ugly head.)

First and foremost I would like to thank the dozens of community leaders, human rights activists, researchers, police officers, and government officials in Buenos Aires City and Province, São Paulo, and Bogotá that welcomed me into their homes and places of work, took time out of their days to show me around their communities, invited me to their meetings and events, and shared their stories and experiences with me. I hope that in this document I was able to do justice to the lessons you taught me.

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When I was admitted at Princeton, one of my professors from NYU told me, “thank
your parents for bringing you to the United States.” People born in the countryside in the
Dominican Republic and raised in Jamaica, Queens do not often end up in a Ph.D. program.
But my parents had a vision and a hope for a better life, built out of many years of sacrifice
and struggle. Before I learned English, my father translated my third-grade math word
problems after a 16-hour workday so that I could do my homework. It is due to my parents’
commitment to education that I am here. No existen las palabras para agradecerles como
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Chapter 1

Introduction: Security Provision as State Making

*In such condition there is no place for industry, because the fruit thereof is uncertain, and consequently, no culture of the earth, no navigation, nor the use of commodities that may be imported by sea, no commodious building, no instruments of moving and removing such things as require much force, no knowledge of the face of the earth, no account of time, no arts, no letters, no society, and which is worst of all, continual fear and danger of violent death, and the life of man, solitary, poor, nasty, brutish, and short.*

During a workshop in Buenos Aires intended to provide training for participants in recently created neighborhood security forums, one community member proudly proclaimed, “we are the Ministry [of Security] in the neighborhood!” (“somos el Ministerio [de Seguridad] en el barrio!”). Indeed, in its informational brochures publicizing the forums, known as Neighborhood Forums for Community Participation in Security (Mesas Barriales de Participación Comunitaria en Seguridad), the national Ministry of Security called on community members to “participate actively in the design, implementation, and oversight of security policies.”

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The language of community and societal participation in the context of crime prevention has become ubiquitous throughout Latin America, as governments increasingly turn to police-community partnerships as a means of addressing the seemingly intractable problems of rising crime and insecurity. These conditions have posed considerable challenges to Latin American states, many of which are notoriously weak (Centeno 2002). In some countries, the state’s monopoly of the use of force has been revealed to be precarious or nonexistent in some parts of its territory, as criminal groups or other armed actors establish dominance. In many others, state actors have demonstrated themselves to be incapable of stemming, and in some cases complicit with, criminal activity and violence. And in still others, citizens have lost confidence in the ability of state institutions to protect them from harm, opting instead for private, often illegal, solutions.

This dissertation studies a subset of the policy responses pursued by political leaders throughout Latin America to build state capacity in the provision of security: the adoption of police reform that creates formal spaces for community participation. Police reform broadly creates the potential for the loss of political control over an institution that may be quite functional towards achieving political leaders’ objectives. Participatory mechanisms introduce, at least formally, an additional “principal” to which police institutions must respond. If the state is to be “brought back in” on matters of security provision, this particular modality raises important questions about the factors that lead politicians to choose to build state capacity, in an issue area that is considered the primary function of the state, through the incorporation of societal actors. Under what conditions do political leaders enact police reform that adopt community participation as a key component? Moreover, can these participatory mechanisms have an impact on how the state provides security?

The adoption of this particular type of police reform, while relatively commonplace today, differs markedly from the ways in which police institutions have historically operated in much of the region, even in the first decades since transitioning toward democratic rule. Crime prevention was previously thought to be the sole domain of the police, and decisions
about how to go about it were regularly left to police discretion. The shift toward police-community partnerships in addressing rising crime (and fear of crime), and the incentives of politicians underlying this decision, thus emerges as a policy change to be explained.

As governments throughout Latin America struggle, and often fail, to respond to the seemingly intractable problems of growing crime, violence, and insecurity, citizens express decreasing support for democracy, trust in government and state institutions, and trust in their own neighbors, as well as withdrawal from community and public life. Consequently, the region’s high levels of crime and violence, and growing fear of crime among citizens, are widely recognized as a significant challenge to democratic rule and state capacity. The response from political leaders, however, has been quite varied, ranging from comprehensive police reform and the creation of new ministries or secretariats of security to the adoption of hardline, often authoritarian, anti-crime policies on the one hand, and on the other, alternative social policies intended to address the root causes of crime. Therefore, while the security problem has been pressing and well defined, the response from political leaders has been uneven and far from uniform.

Participatory security, understood as a specific type of police reform that establishes institutionalized forums for community input on matters related to security, is not necessarily the expected response to the region’s security problem. Most Latin American police institutions are highly militarized, took part in extensive repression under military dictatorships in several countries, and routinely engage in human rights violations and abuses even under democratic rule. Most police institutions in the region are therefore not well regarded by the citizens they serve. Moreover, police forces can, and regularly do, serve as a powerful political tool for executives and other politicians (See Chapter 2). The creation of spaces for non-state actors may represent, at least on paper, the devolution of some degree of authority

\footnote{This refers to crime prevention in the realm of public policy. There are certainly countless examples throughout Latin America of vigilantism or of community members organizing themselves in “self-defense” groups of various sorts. Nevertheless, with respect to defining the course of security policy, determining the distribution of police resources and activity, and overseeing police performance, conduct, and operations, police institutions alone have been traditionally responsible for these tasks, to the exclusion of civilian government officials and societal actors.}
over policing and security matters to the citizenry. Under what conditions do political leaders choose to adopt a policy that implies giving up at least partial control over an institution that can be highly functional to their political objectives?

I demonstrate theoretically and empirically that police reform in Latin America has not merely occurred as a programmatic response to high crime. Instead, by modeling the interaction between societal preferences and the incentives of political leaders and police institutions, I show that variation in societal attitudes and the strength of the political opposition drives politicians’ calculations about their electoral prospects and the demand for police reform. Under the status quo, the fragmentation of societal opinion inherent in issues of security, driven by differences in race, class, and geography, can impede the formation of a consensus about security policy, even when there is broad dissatisfaction with police. The lack of a cohesive demand from society facilitates patterns of accommodation between political leaders and police institutions, making reform unlikely even in cases of high crime or high levels of police malfeasance. Such accommodation takes place because of political leaders’ incentives to use police institutions, which manage the coercive authority of the state, toward their own political ends; police institutions, in turn, exchange this cooperation for greater autonomy, a standard bureaucratic preference (Wilson, 1989).

Thus, when deciding to undertake reform, politicians must balance two competing objectives: the need to maintain electoral support and the desire to maintain a mutually beneficial relationship with the police. I argue that under the status quo, politicians will observe conflicting demands regarding policing and security coming from society, generating conditions that favor police autonomy and accommodation. My theory, developed in Chapter 2, posits that police reforms are driven by the onset of a scandal, which reveals information about shared preferences among different societal groups on an issue area where there is usually fragmentation. The apparent convergence of societal attitudes brought about by scandal incentivizes a robust political opposition to mobilize societal outrage for political gain. Facing sustained societal outrage in the face of a scandal and a robust political opposition able to
capitalize upon that outrage to challenge the incumbent for political advantage, the threat to their electoral prospects shifts politicians’ incentives in favor of reform.

I further contend that police-society relations and police capacity and resources account for the type of reform adopted, specifically whether or not it creates formal channels for societal participation. Participation, though, can serve multiple purposes, or may in fact be used as a cosmetic tool to improve the image of embattled politicians or police institutions. I therefore develop a typology of participatory security that classifies different forms, based on the breadth of participation encouraged, the degree of authority delegated to societal actors, and the obligations imposed on police institutions. Such an approach takes institutional design seriously and recognizes the variation in the objectives that politicians seek to accomplish through the adoption of this participatory institution.

I test the theory outlined above by drawing on evidence from processes of police reform in Buenos Aires Province, Argentina, São Paulo, Brazil, and Colombia. The case studies examined in this dissertation are based on nearly 200 interviews with elected and government officials, police officers of all ranks, community leaders, NGO representatives, and other experts; participant observation in dozens of community security meetings, police stations, and other community spaces; archival research; and the collection of legislative, budget, and media documents, carried out over a total of twenty-two months of field research in Argentina, Brazil, and Colombia.

Security Provision, Police Institutions, and the State

“We aren’t here to learn to protect ourselves, we elect them to protect us.”

“What do they expect us to do, resort to the law of the jungle?”

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3I also draw on evidence from limited fieldwork in Rio de Janeiro, Brazil conducted in July 2010 and from Montevideo, Uruguay, conducted in November 2011.

4Participant in community security meeting in Buenos Aires, Argentina, October 2011.

5Participant in community security meeting in Montevideo, Uruguay, November 2011.
This study is motivated by the proliferation of security challenges in Latin America in the period following the last wave of democratization. From organized criminal groups and transnational drug trafficking to spikes in street crime and homicide rates, or simply the sharp rise in fear of crime and “the feeling of insecurity”[6] it is a phenomenon from which few, if any, countries have been immune.

Table 1.1 and Figure 1.1 below demonstrate responses to a survey question about the most important problem facing one’s country. Two observations become instantly apparent. First, security issues are unequivocally the primary concerns for citizens in the region overall. Nearly 30% of all Latin American citizens cite security-related issues as the most important problem. Second, there are, as we might expect, considerable differences across countries in the extent to which citizens prioritize security problems. Nevertheless, large proportions of the population in nearly all countries in the region believe that issues of crime, violence, and insecurity represent the primary challenge facing their societies, a pattern that cannot be explained by objective crime rates[7]

As the quotes from the two citizens cited above illustrate, citizens’ preoccupation with security has led to both increasing demands on the state to provide security and to the perception that the state is too often unable to fulfill this mission, thereby leading many citizens to seek solutions outside of the state. I study this relationship through the concept of a negative feedback loop between state capacity on the one hand, and citizens’ attitudes, perceptions, and practices on the other, which emerges in high-crime settings. As states demonstrate themselves increasingly incapable of enforcing the law, citizens face the prolif-

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6 The concept of “insecurity” in Latin American countries is much broader than simply the fear of crime. As [Kessler (2009)] helpfully clarifies, “insecurity does not cover all crimes, not even all violent crimes, and at the same time may refer to actions and subjects considered by certain groups to be threatening yet which nevertheless do not infringe upon any law” (11). Dozens of community meetings and interviews with community leaders and police officials carried out during my fieldwork confirmed this distinction. In Argentina, Uruguay, Brazil, and Colombia, homeless individuals, youth hanging out in the streets, and prostitutes are identified consistently as agents of insecurity without being associated with crime per se.

7 Note, for instance, that the countries with the highest proportions of citizens citing security issues as most important are among those with the highest (Venezuela) and the lowest (Uruguay) homicide rates in the region. Meanwhile, in Honduras, the country with the highest homicide rate in the world, less than one-fifth of respondents cited crime, violence, and insecurity as the most important problem in their country. For more on homicide rates, see the UN Office on Drugs and Crime’s “Global Study on Homicide 2013.”
Table 1.1: Most Important Problems Cited by Latin American Citizens (2012)

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<td>Delinquency / Crime and Violence/Insecurity</td>
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<tr>
<td>Unemployment</td>
<td>13.5</td>
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<td>Economy</td>
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<td>Corruption</td>
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<td>Poverty</td>
<td>6.4</td>
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<tr>
<td>Education/Health (Poor Quality)</td>
<td>5.4</td>
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<tr>
<td>Inflation/High prices</td>
<td>3.1</td>
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Spontaneous responses to a survey question in the 2012 wave of the AmericasBarometer survey about the most important problem facing one’s country. Source: The AmericasBarometer by the Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org.

Figure 1.1: This figure shows the percentage of individuals in each country reporting Crime, Insecurity, and Violence as the most important problem facing their country. Source: AmericasBarometer Survey 2012.

The operation of “brown areas” (as conceptualized by O’Donnell (1993)), territories in which they cannot count on the security necessary to engage in everyday political, economic, and social activities that are constitutive of citizenship. Citizens throughout the region report an increasing preference for non-state solutions to security problems as a result of the perceived
deficiencies of the state apparatus. A negative feedback loop thus emerges in which the con-
strained citizenship (discussed below) generated by this weak state capacity ends up further
undermining the state’s ability to provide security, since citizens may increasingly choose
to “exit” the state for the provision of this service, whether by resorting to hiring private
security firms or more worrisome responses such as vigilantism and social cleansing. These
practices, in turn, further weaken state capacity. This relationship is summarized in Figure
1.2.

I argue that this sort of negative feedback loop represents a threat to state capacity, as
understood by Migdal (1987). Migdal conceptualizes the state as

a sprawling organization within society that coexists with many other formal
and informal social organizations, from families to tribes to large industrial en-
terprises. What distinguishes the state, at least in the modern era, is that state
officials seek predominance over those myriad other organizations (396).
For Migdal, achieving this predominance is one of the major struggles of the state. We might recast this “struggle” for present day Latin America in the context of security. The challenge is not only establishing a monopoly over the legitimate use of force by successfully neutralizing other armed actors. More specifically, achieving the Weberian concept of the state requires societal actors view state institutions as effective and legitimate executors of said force. When this is not the case, citizens will seek solutions outside of the state and the state cannot be said to have predominance over other (force-wielding) organizations.

To understand how limited state capacity and citizens’ perceptions of those limits lead them to pursue solutions outside the state, let us consider an interaction among residents and security officials during the inaugural meeting of a local *Mesa de Seguridad y Conviven-cia* (security and coexistence committee) in a middle class neighborhood in Montevideo, Uruguay. As is often common in such meetings, the residents complained of insecurity and high crime, with more than one resident claiming that she was afraid to leave her home as a result. For many residents, however, the perception that the state is not doing enough to protect them was widespread and a contributing factor to their fear. One woman present said that “many people don’t even want to go to the police station because they know that it is overwhelmed with crime reports.” Another woman claimed that homeless people had “lynched” a woman and, when residents called 911, the police never came. A third woman who lived in a relatively high crime area said she went to the police, but they didn’t help her. She asked rhetorically what the police are waiting for, “for them to kill us?” In discussing what she perceived as an inadequate police response to a report of a homicide by a number of residents, another woman took the next logical step, cited above: “what do they expect us to do, resort to the law of the jungle?”

As in many of the meetings I attended in Buenos Aires and São Paulo, the perception of a lack of state protection very often led residents to claim they had no choice but to take

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8I attended the meeting as part of limited fieldwork in Montevideo in November 2011. I draw on this out-of-sample case for illustrative purposes.
the law into their own hands, or “resort to the law of the jungle,” even in the context of Uruguay, one of the safest countries in the region.

The threat of resorting to vigilantism is far from simple discourse. Over the previous year we have observed numerous high-profile and widespread instances of vigilantism throughout Latin America. In Mexico, there were frequent reports of “citizen militias” in towns across the state of Michoacán, in which citizens formed armed groups to battle the Knights Templar drug cartel due to the perception of a “security vacuum” created by the state’s absence. In Rio de Janeiro, news outlets reported several attacks by so-called justiceiros (roughly translated as “justice-makers”), including an attack against a teenage boy who was beaten, stripped of his clothing, and tied to a street post by a bicycle lock placed around his neck, by as many as thirty men who accused him of stealing. One news agency reported that such groups of justiceiros included as many as six hundred people.

Meanwhile, in Argentina, a country that does not have a tradition of vigilante violence, an increase in crime prompted a wave of lynchings of robbery suspects in early 2014 in Buenos Aires Province, with as many as twelve lynchings in a ten-day period. The rise in crime, and the societal reaction, prompted the governor of the province to declare a state of “emergency in public security” for one year, in order to facilitate measures to increase resources immediately, including the mandatory “re-incorporation” of thousands of retired police officers, in order to respond to the spike in crime. In these and other instances of citizens taking the law into their own hands, the discourse is almost always based on the

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10 “ Adolescente atacado por grupo de ‘justiceiros’ é preso a um poste por uma trava de bicicleta, no Flamengo.” Globo 3 de fevereiro de 2014 and “Ataques de ‘justiceiros’ vira rotina no Rio.” O Dia 6 de fevereiro de 2014.
11 “Grupo de ‘justiceiros’ já teria 600 integrantes.” O Dia 13 de fevereiro de 2014.
12 While Argentina has a long history of extralegal police killings (Chevigny [1995], HRW and CELS [1990], it does not have a tradition of private citizens taking the law into their own hands through the killing of crime suspects, as with Brazil’s justiceiros (Huggins [1991]), or lynchings in Guatemala (Snodgrass Godoy [2002]).
13 Only one resulted in the death of the suspected perpetrator.
absence of the state or its failure to provide security effectively. One news report, for instance, described the Buenos Aires situation as follows: “In light of the failure of the bonaerense police to stop the rise in crime, due to inefficiency, or many times also, complicity with wrongdoers, looking the other way in exchange for bribes, some people sometimes react with indignation and apply a savage variant of ‘an eye for an eye’.” The narrative that emerges is that of citizens choosing to go outside of the state to resolve security problems because the state is viewed as incapable of doing so. The state not only does not have a monopoly on the legitimate use of force, in many countries, it also lacks predominance over other societal groups in the provision of security. Insofar as citizens in high-crime (and even relatively low-crime) settings in Latin America withdraw from the state in what is, at least according to the Weberian definition, its primary function, it represents a challenge to this conception of state capacity.

It also poses a threat to what Mann (1984) calls “infrastructural power, [defined as] the capacity of the state to actually penetrate civil society, and to implement logistically political decisions throughout the realm” (189). If citizens do not view state institutions as effective, and seek out alternatives to the state in an area that is the state’s primary function, the state’s ability to penetrate civil society and enforce its policies surely becomes compromised.

The repercussions of such deficiencies in the state’s position vis-a-vis society extend further. As Soifer (2008) notes, the effect of the state on society is an important component of Mann’s conceptualization of infrastructural power. But with respect to the deficiencies in state capacity in the provision of security that citizens throughout Latin America are perceiving, it is important to not only consider the effect of the state on society but also how society may affect the state; that is, how society’s reactive practices may in turn reproduce those deficiencies in state capacity, constituting a negative feedback loop as described above.

The “state building” in the title of this dissertation reflects the objective of proposing a novel conception of state capacity that focuses on the micro-level provision of security. This understanding of state capacity is in line with recent works that seek to explain variation in
how states perform their most basic functions. Kurtz (2013), for instance, seeks to explain variation in the capacity of Latin American states, but makes the concept less abstract by thinking about state capacity in terms of the strength of public administration and its penetration of society (56). It may therefore be useful to define state capacity as conceptualized throughout this dissertation. I view state capacity as the degree to which state institutions (rather than other actors within society) can provide citizens throughout its territory with protection from crime and violence. Working from this definition, I operationalize state capacity using the following indicators: 1) quality of bureaucratic (security) apparatus; 2) institutions, policies, operations, and resources deployed in local provision of security; and 3) the ability of the state to establish itself as the arena of power, taking primacy over other social organizations outside of the state.

The practice of security provision consists of three dimensions which shape, and are in turn shaped by, state capacity: legal, institutional, and operational. The legal dimension can be thought of as the body of laws, regulations, and other policies that establish criminalization, — that is, the designation of certain activities as illegal — define the content and limits of police action, and recognize the rights of citizens. These legal instruments establish the parameters of security provision, defining the populations, territories, and conduct that will be targeted for protection and repression, as well as the bounds of appropriate methods, tools, and strategies.

The institutional dimension consists of the organizational infrastructure: the state entities engaged in the implementation of the legal framework of security provision, including law enforcement, policy-setting, and oversight institutions. Finally, the operational dimension...
sion encompasses the discretion inherent in policing, — that is, the selective enforcement of the law — the use of force, and the distribution of resources. Decisions over which laws to enforce and against whom (what Zaffaroni, Alagia, and Slokar (2002) call “secondary criminalization”), how to exercise the state’s monopoly of legitimate violence, and the presence and manifestation of the state across its territory are the translation of the legal framework and the institutional structure into practice, and determines actual security provision on the ground. It is this dimension of security provision that the vast majority of citizens experience and observe directly.

Although these three dimensions are interdependent, state actors looking to improve the provision of security may address their efforts along any of these components, which in turn involve different processes and require different levels of political will to achieve. Latin American leaders confronted with increasing citizen demands and preoccupation with insecurity have enacted policy changes along all three dimensions, ranging from investing in new equipment, as with the purchase of 250 community policing mobile units in São Paulo State in March 2012; to a reform of the criminal code, as in El Salvador’s 2004 Mano Dura (Iron Fist) law outlawing gang membership; to a comprehensive overhaul of the police apparatus as in Venezuela’s carefully studied reform process begun in 2006.

Of all of these potential responses that states can take to strengthen their capacity to provide security for their citizens, one subset of policies is of particular importance for this study due to the unique role of the police and its centrality to the state through its primary task of order maintenance. As the notable police scholar David Bayley has observed, “The maintenance of order is the quintessential function of government. Not only is the legitimacy of government in large part determined by whether it maintains order, but order is a criterion for determining whether government can be said to exist at all” (Bayley 1990). Police institutions are not only the primary entity to which the state delegates its

Prosecutors, courts, and prisons also play an important role. However, the focus here on the police is due to their role as the entry point to those other institutions, as well as their role of enforcing social order among the citizenry as a whole, not merely those who enter into the criminal justice apparatus.
monopoly of legitimate violence, they are also the main representatives of the state with which most citizens come into contact one-on-one, on a day-to-day basis. As the manager of the state’s coercive authority, police institutions are not only charged with establishing order and ensuring compliance with the law. They are also charged with the provision of security, a fundamental service of the state with implications for the everyday exercise of citizenship and rights, as well as basic political and economic activities.

Considering Mann (1984)’s concern with the state’s penetration of society as a defining feature of its strength, it is evident that the police are the quintessential instrument of infrastructural power. I borrow Bayley (1990)’s definition of police as an entity “authorized by a group to regulate interpersonal relations within the group through the application of physical force” (7). The police’s penetration of society occurs not only through its coercive authority in structuring social life and relations, but also more broadly as the primary “radiating institution” of the state (Soifer 2008). It may be worth discussing the significance of these two functions, social control and what I call “foundational state presence,” in greater detail.

The police’s social control function involves the state in everyday interactions among citizens, underscored by the potential for coercion. Whether it is through routine arrests or highly intricate anti-drug trafficking operations, police organizations are unique among state bureaucracies in that they are the only one authorized to use force, even deadly force, to ensure compliance (albeit under “well-defined roles and procedures for the exercise of authority” (Alpert and Dunham 2004, 175)). Police officers are called to intervene not only by state officials but by citizens themselves, as they are seen as what Bittner (1990) has called “the tangible ‘or else’ of society”:

> By ‘or else’ I mean of course the potential recourse to coercive means — including physical force — to achieve whatever end is needed... Acting as society’s ‘or

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18This internal orientation of police institutions is a key distinction from the military, which is intended to defend the state’s sovereignty relative to external threats. When military institutions are utilized for internal security purposes, as has occurred with considerable frequency in recent years in several Latin American countries, they are in fact performing distinct policing functions.
else’ is what citizens expect when they ‘call the cops.’ The noisy neighbor, the uncooperative tenant, the abusive spouse, the assaultive customer, the unruly youth, the unmanageable patient, and so forth, are all the sort of challenges citizens hand over to the police with the expectation that the officer may, can, and will force the recalcitrant into compliance ‘then and there’ (11-12).

As Bittner’s characterization of the police makes clear, the protection that the police institutions are expected to provide is not against some abstract danger; indeed, they are to protect us from our fellow citizens. Police officers are tasked with enforcing the law on behalf of some citizens against others. This sets forth the potential for inequality and contestation in how this key state service is distributed, the consequences of which will be discussed in the following chapters.

In addition to serving as the “or else” of society, police also serve as the foundational presence of the state, the “state on the streets” (Hinton 2006). If it is generally true that the police force “is the most easily accessible organ of government and the most conspicuous presence of the state’s power for both good and bad” (Bittner 1990, 19), it is especially the case for Latin America. Mann (1984) observed that today, “the state penetrates everyday life more than did any historical state. Its infrastructural power has increased enormously” (189). Many of Latin America’s states, however, continue to be defined by weak infrastructural power and uneven penetration of society, as best described by O’Donnell’s (1993) concept of “brown areas.” But even in the context of uneven state presence, in many Latin American peripheries, police institutions are the only representative of the state to which citizens have access on a regular basis, and may compensate for other state (or social) institutions where they are absent. It is perhaps for this reason that during my attendance in various regional meetings of the Conselhos Comunitários de Segurança (CONSEG) in the interior of São Paulo State, participants from several small municipalities (less than 5,000 inhabitants) told me that the most important people in the town were the “three Ps”: the prefeito (mayor), the padre (priest), and the policial (police officer).
This “stopgap” role of police was readily observed in the low-income neighborhoods of São Paulo where I conducted my fieldwork. In one low-income community in the northern zone of São Paulo, the Military Police’s “community security base”\(^{19}\) (BCS) served as the site for a community library, a community vegetable garden, and countless other purposes. On the first day of the month, the police officers assigned to the BCS also distributed food baskets to thirty needy families that had signed up previously.\(^{20}\) During the distribution of the food baskets in March 2012, one woman who was receiving a food basket said she depended on the police a great deal, even calling the police when she went into labor with her son.

If community residents have to end up relying on the police to provide services when other institutions are absent, the police also serve as a foundational state presence by facilitating the entry of other state services. At the same BCS discussed above — located in a large, sparsely populated territory in which small neighborhoods may be separated by large distances or roadways — the presence of the barebones police station provided other state entities a centralized location from which to provide services. For instance, the city’s Ministry of Labor and Employment’s Labor Support Center (Centro de Apoio ao Trabalho, CAT) brought its mobile unit to the BCS for one week to register workers for their services and provide advice and orientation to those seeking employment.

While in this São Paulo district the foundational state presence of the police was a function necessitated in part by logistical and territorial complexity, in other instances, the foundational role of the police is needed to provide sufficient security for other state agencies to operate. This was the case in many of Rio de Janeiro’s favelas, already long ignored by

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\(^{19}\)The base comunitária de segurança is a small police station that is part of the Military Police’s community policing effort. The bases are simple constructions intended to increase the police’s presence in a given territory and establish closer ties to communities, often by providing special services and activities such as a football team for neighborhood children.

\(^{20}\)Because the BCS only received a donation of thirty baskets each month, the commander of the BCS implored the families that if at some point they found their condition improved, they should give their place on the donation list to another family that may be in a more precarious situation.
the state, where the control of criminal groups further complicated service delivery. One of the stated objectives of the Unidade de Policia Pacificadora (UPP), a community policing initiative combined with military-like operations to expel drug trafficking and other armed groups from certain favelas, was to “permit the entry or expansion of public services and private initiative, traditionally limited by the action of the parallel power of criminal groups” (Cano 2012, 17).

Through its social control functions and as a foundational state presence, often serving as a substitute and a precondition for other state services, police institutions are the quintessential example of what Soifer (2008) calls “radiating institutions,” that is, “local manifestations of the state” (239). It is on this basis that I seek to study the police as a state-building institution. The distributive implications of these two functions also make security provision an important arena for political contestation, and the police an essential political tool, as will be discussed at length in Chapter 2. But despite the centrality of the police in social life and as an instrument of the state’s penetration of society, few scholars have taken this approach. Taylor (2011) analyzes the Russian police under Putin and investigates how this institution was used as a state-building tool; but such studies have been rare.

The emphasis on studying the state-building role of police institutions, rather than simply the decisions of the political leaders to whom such institutions must ultimately respond, is based on a key element of police work: discretion (Goldstein 1977; Muir 1979; Whitaker 1979). As Argentine police scholar-cum-police chief Marcelo Saín has observed

The police enjoy, on a daily basis, considerable power derived from the wide margin of action and decision it possesses during the daily performance of its functions, particularly when it must confront concrete circumstances that are not strictly and specifically regulated by administrative and legal norms, and which require action on the basis of personal judgment (Saín 2002, 28).

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21It is worth clarifying that I am referring here specifically to state services. As the work of Arias (2006, 2004) demonstrates expertly, criminal groups are also involved in providing services to the communities in which they operate, often with the complicity of state actors and social organizations.
A reality of police work is that individual officers, regardless of how many “standard operating procedures” are in place, must make decisions about when to enforce the law, against whom, and in what form. As Bittner (1990) has observed, “it is not difficult to justify referring to the same set of facts as either felonious auto theft or misdemeanor joyriding... The officer complies with the rule that was supposed to reduce the scope of discretionary freedom without actually losing any of it” (275). Indeed, two comisarios (commissioners) in Buenos Aires Province told me of a similar practice. Police commanders regularly receive orders and pressure to lower crime rates, which leads to two strategies used by many commanders to create the appearance of compliance. First, they register a certain crime as another type; for instance, a theft with violence would be reclassified as a theft without violence. Second, they would instruct their subordinates to “put in a drawer” (cajonear) certain crime reports or simply to not record them. While these are far from the ideal we would expect those charged with enforcing the law to uphold, they are common strategies used by police agencies throughout the world, facilitated by the varying degrees of discretion that are a defining characteristic of police work.

As will be seen in each of the case studies in this dissertation, this discretion of individual officers scales up to the institution as a whole. In each of the countries studied here, it was (and, for the most part, still is) standard practice for elected civilian authorities to involve themselves little in setting security policy and overseeing police actions. The discretion with which such institutions operate endows them with sufficient autonomy for us to study them as agentic political actors in their own right, separate from the political leaders that formally serve as their principals. Police institutions exercise incredible authority on behalf of the state and when they do so, they are not merely responding to the orders of political leaders. We must therefore study carefully the political processes that shape how this power is exercised and how the institution is employed. When investigating the factors that lead

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22 The New York City Police Department found itself the target of criticism when it was reported that some police precincts were found to have engaged in similar practices. See “Misdemeanor or Felony? New Scrutiny of How Police Reports Classify Crime in York City.” The New York Times 17 September 2012.
political leaders to build state capacity by enacting police reform and participatory security, it is imperative to incorporate police institutions into our analysis.

The two quotes from community members with which I began this section signal a broader perception among a growing number of citizens in Latin America that, in practice, security provision in its legal, institutional, and operational dimensions, and the role of police as the quintessential radiating institution of the state, have been considerably deficient. O’Donnell (1993) warned many years ago that “A state that is unable to enforce its legality supports a democracy of low-intensity citizenship” (1361). I extend O’Donnell’s logic in this analysis by positing that the deficiencies in the provision of security, or in O’Donnell’s terms the enforcement of the state’s legality, in which police institutions play the central role, contribute to what I describe below as “constrained citizenship,” and that how police institutions specifically choose to enforce the state’s legality generate de facto differentiated citizenship regimes. Both sets of relationships will be explored in the next section.

The Consequences of Policing: Constrained and Differentiated Citizenships

The police, by the very nature of their function, are an anomaly in a free society. They are invested with a great deal of authority under a system of government in which authority is reluctantly granted and, when granted, sharply curtailed. The specific form of their authority — to arrest, to search, to detain, and to use force — is awesome in the degree to which it can be disruptive of freedom, invasive of privacy, and sudden and direct in its impact upon the individual. And this awesome authority, of necessity, is delegated to individuals at the lowest level of the bureaucracy, to be exercised, in most instances without prior review and control. Yet a democracy is heavily dependent upon its police, despite their anomalous position, to maintain the degree of order that makes a free society possible. It looks to its police to prevent people from preying on one another; to provide a sense of security; to facilitate movement; to resolve conflicts; and to protect the very processes and rights — such as free elections, freedom of speech, and freedom of assembly — on which continuation of a free society depends. The strength of a democracy and the quality of life enjoyed by its citizens are determined in large measure by the ability of the police to discharge their duties. (Goldstein 1977 1)
Police institutions shape the development and practice of democracy in fundamental ways, as the quote by veteran police scholar Herman Goldstein indicates. As Ungar (2002) has observed about the police, “Few other agencies carry out policy with such constant and direct interaction with the population...” (65). Police institutions, therefore, are especially important for determining citizens' experience with democracy, and how different societal groups experience citizenship.

Following Brysk (2012), I define citizenship as “the formal and default mechanism for membership, protection, and participation in the modern state” (459). The police’s role as a regulator of social relations gives it a central role in social life, and, as arguably the principal local manifestation of the state, police institutions are an important determinant of how individuals experience these components of citizenship. On the one hand, the effectiveness of the police (and the broader institutional apparatus) in providing security, which we can think of as the level of protection, will determine the extent to which citizens feel sufficiently protected to participate in the political, economic, and social practices that are constitutive of citizenship. On the other, the how of security provision, the everyday manifestations of law enforcement on behalf of some societal sectors against others, which I call the distribution of protection, generates differentiated experiences of citizenship. I am not referring here to formal membership in a polity, but simply to indicate that the substance of that membership will differ greatly depending on which side of the protection/repression continuum one finds oneself.

The level of protection, that is, the effectiveness of security provision, shapes the bounds of citizenship. Through its role in preventing and investigating crime, police institutions “determine the practical content of political rights” (Tanner, 2000, 102) by shaping the context in which citizenship is exercised. Hinton (2006) reminds us of the Hobbesian view that “people’s need for protection from the predatory activities of others is what leads them to consent to the state” (6). Indeed, as the passage from Leviathan cited at the beginning of this chapter indicates, the provision of security is necessary for societies to flourish. While
we are not quite yet at the point in which “the life of man [has become] solitary, poor, nasty, brutish, and short,” we know from the Latin American experience that the deterioration of security has engendered a concomitant weakening of citizenship. Analyses of perceptions of insecurity in Latin America make frequent reference to the deterioration of community ties and withdrawal from public life and public spaces [Fruhling 2009 Varat and Garland 2006 Tabbush 2010] as well as greater distrust in democratic institutions [Cruz 2003 2008].

The expression of such sentiments were common in the community security meetings in which I participated in São Paulo, Buenos Aires, and Montevideo. Community members regularly expressed fear of their neighborhoods, and of a sensation of being “imprisoned inside one’s home.” In a meeting in Montevideo, one woman who lives near a high school where she says young people come “from other neighborhoods” to sell and consume drugs, said her grandson cannot even come visit her. In an interesting inversion of the dangerous spaces, another man in the same meeting said he was afraid of going out and leaving his children alone in his house. As one woman put it, due to many robberies, “the neighborhood has had to fence itself in.” One person in São Paulo said she was even advised by a police officer to not leave her home because it was getting so dangerous. In many cases the solution becomes leaving the neighborhood altogether. One woman in Uruguay said she had to leave her own house because she had been threatened. As another woman in São Paulo put it, “crime doesn’t keep a schedule” in her neighborhood, leading many residents to simply sell their homes. Also in São Paulo, one woman said organization among neighbors was difficult: “we tried passing around a petition, we tried to organize ourselves. We don’t know how we can organize ourselves though, because we don’t know if one of our neighbors is a mafia boss!” She added that when people tried to organize “everyone was threatened.”

This discourse among citizens was usually followed by expressions of frustration with the state and the inability of its institutions, particularly the police, to protect them from harm. Community members in all three cities told similar accounts of retreat into private spaces, and in many cases expressed preferences for private solutions, as suggested above.
In perhaps the most comprehensive account of the process of withdrawal from the public generated by fear of crime and insecurity in Latin America, Caldeira (2000) describes the growth of the “city of walls” in São Paulo:

Only with “total security” is the new concept of housing complete. Security means fences and walls, twenty-four-hour guards, and an array of facilities and technologies—guardhouses with bathrooms and telephones, double sets of doors in the garage, and video monitoring. Security and control are the conditions for keeping the others out, for assuring not only seclusion but also “happiness,” “harmony,” and even “freedom” (166).

In such settings, crime, violence, and insecurity lead citizens to limit their public lives and reduce their reliance on the state, and perhaps one another. Under these conditions, the components of citizenship identified above — membership, protection, and participation — become highly constrained.\[23\]

In his seminal work on citizenship rights, TH Marshall defined the social component of citizenship as “the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society” (Marshall, 1950, 11). Holston and Caldeira (1998) extend Marshall’s conception, arguing that the civil component of citizenship also entails “the rights to associate, assemble, and communicate among private individuals who thus become associated individuals and who thereby create the public sphere of society” (264). In settings where the state cannot adequately protect citizens from crime, and in which communities are marked by generalized high levels of fear of crime, it is clear that citizens cannot share fully in social and public life. Under such conditions, the right to life and to physical integrity (without which the exercise of citizenship becomes quite difficult) as well as all of the political, social, and economic rights that follow, become highly constrained in practice, even if they are officially recognized by law.

\[23\]This is not true for all citizens nor is it a uniform or unidimensional process, as will be discussed in the section on Latin America’s security crisis.
A society’s security conditions on the ground play an important role in determining whether formal democratic institutions translate into local-level (and individual-level) democratic practices. Yashar (2012) notes that “the state provides the foundation for citizens to lead a life free from harm and to claim... rights and responsibilities” but also observes that illicit markets and organizations intervene by “sidestepping, curtailing, and/or undermining the citizenship rights inscribed in contemporary polities” (432-433). Leeds (1996), provided one illustration of this relationship in her study of how the spread of cocaine trafficking shaped the experience of democracy and citizenship at the local level in Rio de Janeiro’s favelas. The author presents a compelling contrast between the great strides made in democratization at the national level in Brazil on the one hand, and, on the other, favelas characterized by state neglect and police repression, as well as the rise of local drug-trafficking organizations, which combined to restrict social organization and democracy at the community level. Security conditions, that is, the extent to which police and other state institutions can provide citizens with the protection necessary to participate in social, political, and economic life, provide the structure in which democracy and citizenship are exercised. It is in this respect that the deficiencies in the level of protection provided by many police institutions in Latin America contributes to what I call constrained citizenship.

The second way in which security provision, and police institutions specifically, shape how citizenship is experienced in practice is through the distribution of protection, that is, how it chooses to enforce the law and against whom. Police are tasked primarily with enforcing compliance with the law. In a democratic setting, this implies equal application of the laws for all groups of citizens. Yet, police forces do not simply regulate social relations, how they do so reflects existing distributions of power. Kinnane (1979) highlights the ambiguity inherent in policing: “We have never been able to decide whether our police are an instrument of general social order or a means of controlling lower-class, poor, immigrant, black, or otherwise ‘bothersome’ groups” (7). Thus, policing often implies the unequal application of the laws, a condition found in consolidated and developing democracies alike. Even in the case of
the former, “where the police have moved away from serving as exclusive protectors of the interests of the state to encompass the role of public servant, we find that the police still constitute a socially divisive force, adding to latent structural tensions present in society” (Hinton, 2006, 3).

If deficient levels of protection (the quality and effectiveness of security) generate conditions of constrained citizenship, this unequal distribution of protection/repression, based on significant social divisions, has as a consequence the fragmentation of citizenship. Citizens belonging to certain privileged groups will benefit from police protection, while others from more disadvantaged groups will be targeted for police enforcement and repression. As a result, an individual’s membership in one group rather than another can lead to radically different relationships to the state, and even to one’s community. I draw on Centner (2012)’s concept of “micro-citizenships,” or “group-specific quasi-legal relationships with the local state,” to describe this phenomenon.

By the very nature of their work, police officers engage in secondary criminalization; on a daily basis they make decisions about who will be subject to law enforcement and how. Such decisions by individual police officers are a citizen’s entry point into the criminal justice system, which can itself be highly consequential for citizenship (Weaver and Lerman, 2010a; Pager, 2003). Such decisions involve the use of discretion, an essential component of police work. However, as suggested above, the distribution of protection and repression is not only a function of discretion, that is, isolated decisions by individual police officers. They are governed by the legal dimension of security provision that establishes criminalization, places limits on police action, and recognizes citizens’ rights. But in general, police decisions about protection and repression, and the legal instruments upon which they are based, are a systematic practice responding to societal norms and structures of class, race, and other cleavages.

That some societal groups are targeted for police repression for the benefit (protection) of others is a pattern that is readily observed in most societies and over time. In describing
Alpert and Dunham (2004) note that police brutality was an accepted aspect of life and was directed at controlling the lower and working classes, many of whom were recent immigrants with no means to change police misbehavior... These targeted populations did not have the power to change the role of the police or to regulate police behavior. Furthermore, the more politically powerful classes, who could exert some control over the police, were not targeted by the police, and often had a vested interest in controlling the ‘threatening’ populations (6).

Even as modern day democracies have put in place important limits on police action and protections for the rights of citizens in interactions with police, it is evident that some citizens are subject to radically different treatment by police institutions for reasons that have little to do with involvement or even reasonable suspicion of involvement in crime. Instead, such differences in treatment are based on existing social cleavages and inequalities.

Relations between police and residents of housing projects or other impoverished communities in cities across the United States, for example, attest to the uneven application of the laws across societal groups and the reproduction of inequalities (Wacquant 2001; Goffman 2009; Kinnane 1979, see). In Latin America, police enforcement actions, especially the use of force, are borne disproportionately by poor and minority communities. Thus, Rio de Janeiro State’s black residents constituting 8.4% of its population, yet 29.8% of those killed by police and 26.8% of those wounded (Telles 2004, 167).

A study by Baitos (2008), an educator, political scientist, and lieutenant colonel with the Military Police of the State of Pernambuco, Brazil, found in a survey of active officers and police cadets in that state, that 65% of active officers, as well as 76.9% of students in the school for officers and 74% of students in the school for non-commissioned officers found that pretos and pardos (black and mixed race individuals under Brazilian racial categories) are “prioritized” during street stops. A study by researchers at the Study Group on Vio-

24 This includes only those classified as preto, black; it does not include those classified as pardo, or mixed-race.
lence and Administration of Conflicts (Grupo de Estudos sobre Violência de Administração de Conflitos, GEVAC) at the University of São Carlos similarly found that black citizens were disproportionately targeted for police killings, *in flagrante* arrests, and street stops (Sinhoretto, Silvestre, and Schlitter, 2014).

Similarly in Chicago, policing scholar Wesley Skogan finds that individuals’ personal characteristics “are important because they are directly related to the extent to which people are stopped by police or call them for assistance, and often they are linked to how deferentially or harshly they are dealt with when they do come into contact with the police.” Skogan found, for instance, that “in 2003, more than 70 per cent of young African-American males reported being stopped by police in the past 12 months, compared to the city average of about 20 per cent” (Skogan 2006, 101). This is a pattern found in large cities — from New York City, where the police department’s street stops of young black men in 2011 (168,126) exceeded the population of young black men who lived in the city (158,406) — and in small ones — to Miami Gardens, Florida, which, despite having a (mostly black) population of 109,000 people, conducted 99,980 stops in just five years based on an order from the commanding officer to stop all black males between the ages of 15 and 30 years old alike.

In addition to personal attributes, geography is also an important determinant of the distribution of police protection and repression. For instance, residents of poor neighborhoods in Santiago, Chile complain of frequent police stops, rough treatment and low police responsiveness (Fruhling, 2009, 71). In Argentina, a prosecutor defended, prior to conducting any sort of investigation, the actions of a police officer who killed a young man during a police search, based only on the fact that the victim lived in a poor neighborhood: “[the shooting] 25

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25 Despite making up less than 5% of New York City’s population, young black and Latino men made up more than 40% of all street stops. See Jason Oberholtzer. “Stop and Frisk by the Numbers.” *Forbes* 17 July 2012. Available at http://www.forbes.com/sites/jasonoberholtzer/2012/07/17/stop-and-frisk-by-the-numbers/

occurred in Villa Mitre, not in Puerto Madero [a wealthy Buenos Aires neighborhood] or
the Seychelles.”27 Because police enforcement activity is likely to be an individual’s entry
point into the broader criminal justice apparatus, it is not surprising that geography is also
related to incarceration. Weaver and Lerman (2010a) find that

incarceration and police surveillance are largely concentrated in certain cities,
particular communities within those cities, and even specific neighborhoods. Re-
searchers have identified the presence of ‘million-dollar blocks,’ where so many
residents are behind bars that the government is spending more than $1 mil-
[27]

lion a year to incarcerate them... [These] areas are deep reservoirs of criminal
justice involvement, where law enforcement and discipline are now part of the
architecture of community life (1).

While it is beyond the scope of this study to determine the causes of unequal treat-
ment of different societal groups by the police and other security institutions, such practices
raise questions about their persistence in democratic societies. Although I argue that these
patterns of unequal distribution of protection and repression are shaped by long-standing so-
cietal cleavages and inequalities, it is unlikely that they operate through simple prejudices of
individual officers. Indeed, such prejudices alone would not make these practices systematic.

One way to think about how societal stratification might affect interactions between
citizens and the police is through what Sykes and Clark (1975) call the “asymmetrical status
norm.” The authors use this concept to describe the relationship of deference that ought
to take place in interactions between police and suspects, with the assumption that the
police will have “a higher status than many citizens with whom they interact.” However,
another source of differentiation in the types of experiences different types of citizens have
with police officers is that in some cases the “asymmetrical status norm” will favor the
[citation]

27 “Insólito argumento de un fiscal a favor de un policía en un caso de ‘gatillo fácil’.” La Razón 23 August
majority of officers on the streets come from the same types of communities that are most subject to police enforcement and repression. Police officers may therefore treat those of higher socioeconomic status with greater deference and expect deference from citizens from lower strata.

Even in the context of democracies that grant citizens ample rights and protections and place limits on police actions, the differentiated treatment of citizens has an institutional basis. The legal dimension of security provision, which consists of the process and instruments by which certain conduct and activities are defined as criminal or illegal, lays the foundation for the unequal distribution of protection. Characterizing one activity as a crime and not another, or emphasizing some crimes over others necessarily implies focusing enforcement on some populations for the protection of others. Bittner (1990), for example, sees a class bias in the types of crimes targeted for enforcement:

Police operations are characteristically directed against the ‘common crimes’ and exclude ‘white-collar crimes,’ connected with the conduct of business, the practice of the professions, or deportment in a public office, although there exists no formal basis for such exclusion... By their concern for crimes poor people specialize in and their neglect of crimes committed exclusively by well-to-do individuals, the police give the appearance of acting in a class-biased manner that, owing to the distribution of wealth in the United States, is also apt to include elements of racial bias (23).

Interactions between individual police officers and citizens, and police decisions about which citizens to target for enforcement, are thus shaped by the legal framework that identifies some activities, and not others, as illegal. An example of how such decisions may target activities in which those from marginalized sectors “specialize” is the authority granted to Argentina’s Federal Police to “ensure proper conduct guaranteeing the tranquility of the population” (Decree-Law 333/1958, Art. 4). This law, which dates back to a period of military dictatorship and is still in effect today, gave the police wide latitude to enforce this mission, which was complemented by edictos policiales (police edicts) that defined specific activities and penalties (which were determined by the police itself, without judicial inter-
vention). Until they were overturned in the 1990s, police edicts in the City of Buenos Aires, the Argentine federal capital, were used to issue fines or arrest individuals, in some cases for up to 30 days, for “idleness,” begging, prostitution, public drunkenness, among others.\textsuperscript{28} Though this particular category of Argentine legislation is perhaps uniquely explicit in its bias towards some societal sectors, they illustrate how a legal framework that purports to ensure protection for society as a whole ends up setting the stage for differential treatment of citizens by police, and unequal distribution of protection.\textsuperscript{29}

Because enforcement action is also a function of decision making by individual officers, police discretion also plays a role in the differential treatment received by members of certain social groups. Once again, however, these practices may occur systematically rather than as a result of prejudice or bias on the part of individual officers. Police agents may instead target certain groups for (a particular type of) enforcement for operational reasons, believing such a course of action to be more efficient or more safe. In the United States, Skogan (2006) has argued that “police often act differently in high-crime, disorderly neighborhoods. They are likely to be more aggressive in stopping people there, and more suspicious and wary of the people they stop. They may perceive — often rightly — that they have fewer friends around” (Skogan 2006, 103). For concerns over their own safety, officers’ knowledge about and perceptions of certain neighborhoods may therefore shape their treatment of citizens.

\textsuperscript{28} Police forces in the provinces were given similar or greater authority to enforce a legal framework that disproportionately targeted vulnerable populations, and that usually dated back to periods of military rule. In the Province of Jujuy, for instance, the police, among its broad mandate to enforce a conservative public morality, has the authority to arrest two men for dancing together (Provincial Law 219/1951). This law is also still in effect.

\textsuperscript{29} As evidence of the intended purpose of the police edicts, and their orientation toward particular social classes, see Tiscornia (2004)’s detailed reconstruction of the case of the “ladies of Florida Street.” In 1948, following the announcement of a plan by then president Juan Perón to convene a constitutional assembly, persons belonging to the “enlightened oligarchy” protested along a well-to-do area on Florida Street. Police arrested a group of six women “with distinguished last names” and subsequently sentenced them (without judicial intervention) to thirty days in prison for violating police edicts against public disorder. The case was without precedent and such an uproar that the Congress took up the issue and the case went up to the Supreme Court. “What is certain,” writes Tiscornia (2004) “is that a singular battle developed; because it is singular for six women from the porteña (Buenos Aires) upper class to be arrested, treated like common women and punished for violating the police edicts” (14).

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The development of “micro-citizenships,” through the differentiated treatment of citizens by police, may thus be motivated by legal or operational reasons.

An additional source of the differentiated treatment of certain social groups by police, however, are the demands coming from citizens themselves. In many of the communities in which I conducted research, particular societal groups were identified as the agents of insecurity upon which police action should be focused. In Montevideo, a nearly three-hour meeting focused almost entirely on the indigent residents squatting in an abandoned hotel, who were seen as the source of insecurity in the neighborhood. Young people were targeted for enforcement in a low-income community in São Paulo, where residents expressed demands for police to shut down, using all necessary force, loud street parties they frequented; young people were also the source of insecurity among residents of a middle-class neighborhood in Buenos Aires, who complained about teens hanging out late at night drinking and smoking on street corners. In the downtown commercial regions of São Paulo, residents and small business owners regularly complained at the local community security meeting about the presence of large numbers of homeless people and drug addicts in the streets, at times encouraging police to forcibly eject them from a given area and take them to a city shelter against their will. Finally, in one working class neighborhood in Buenos Aires, residents demanded that police “do something” about immigrants occupying a building, while in another, residents complained about the large numbers of transgender women working in prostitution on neighborhood streets.

The most extreme manifestation of a societal demand for police authority to target certain populations for enforcement that I encountered was in a meeting in a large middle/upper-middle class neighborhood in Buenos Aires, where about seventy-five residents (a very good turnout for this sort of meeting) had gathered for two hours to discuss recent security problems. Among them was an elderly woman that had been recently attacked by a homeless man with a mental illness. The woman dominated the discussion with her story, passing around photos of her bloodied head and stoking outrage among the participants. During a
particularly rowdy exchange in which everyone seemed to be shouting at once about what ought to be done, the woman’s loud disembodied voice, with a heavy porteño accent, could be heard above the others: “bring back the police edicts!”

Such citizen demands for police to focus enforcement on certain populations differ in important ways from crime reports. Citizens are not reporting specific crimes and rarely are they denouncing specific individuals; they are expressing concern about conduct that is sometimes illegal but quite often not, and they focus on a well-identified, usually quite vulnerable, segment of the population that is different from their own. Such practices are not only quite common, they are almost intrinsic to the concept of policing. These sorts of citizen complaints can be found in a wide range of countries. Kohm (2009) finds that even in a high-crime area of Winnipeg, in Canada, residents were more likely to attribute their fear of crime to “non-criminal types of social disorder,” such as “intoxication, panhandling, and people sleeping on the street” (15). Indeed, the concern over these types of practices, and the imperative for police to focus enforcement on them, is the basis of the famous “broken windows” approach (Kelling and Wilson, 1982), which argues that such social disorder invites crime and the deterioration of the neighborhood. However, because such practices are more visible among poor and otherwise vulnerable populations, such an approach requires police to target repression on some segments of the population for the protection of others.

The first central point of this discussion is that the differential treatment of citizens by police is not simply a practice of deviant individual police officers or corrupt police institutions (although this of course also occurs), but is instead based on structural and institutional factors, as well as the very requirement that police by definition provide protection on behalf some citizens against others. Through the very act of enforcing the law, police agencies may thus reproduce social inequalities in such a way that promotes the formation of “micro-citizenships.” Crucially, this differentiation in the treatment of citizens from different social

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30 Which isn’t to say that the demands coming from society are uniformly of this nature, or of any single nature. Indeed, the fact that they are not is a key component of the argument presented in the next chapter.  
31 As one colleague put it, this practice does not necessarily constitute police malfeasance but may instead be simply “feasance.”
groups is systematic, and may persist even under democratic societies that otherwise seek to protect citizens’ rights.

The second central point is that what we have discussed thus far about the role of the police in state building makes clear that the consequences of differential treatment by police extend beyond interactions with individual officers or the institution as a whole. Whether a citizen belongs to a social group that is targeted for protection or enforcement and repression can shape in important ways her relationship to police and other state institutions, the everyday exercise of basic rights, and her participation in social life. The differential treatment of citizens by police may therefore contribute to the fragmentation of how formal citizenship is experienced by different citizens.

As Ungar (2002) puts it, “Citizens come into contact with state administrators far more than with judges or elected officials, and whether those administrators deal with citizens in a law-abiding way is central to popular perceptions and support for democracy...” (17). Research by Gallagher et al. (2001), as well as Skogan (2006), demonstrates that citizens’ experiences with police officers affect their assessment of police institutions as a whole and other state institutions, and that such attitudes towards and confidence in the police vary consistently along racial lines, neighborhoods, and other characteristics (Cao, 2011; Sprott and Doob, 2014; Lai and Zhao, 2010; Nation, 2011). As will be demonstrated in Chapter 2, such differentiated treatment by one of the state’s primary radiating institutions may have a considerable impact on the formation and development of citizens’ attitudes and preferences, which in turn has important ramifications for policy change. The fragmentation of citizenship brought about by the unequal distribution of protection/repression engenders the fragmentation of societal opinion on policing and security policy, which can make it

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32 Many other institutional, political, and social processes contribute to how citizens experience citizenship and may also result in differentiated citizenship as described here. Unequal access to education, income inequality, poverty, geography, and many other factors lead to considerable variation in how different citizens experience citizenship. The focus here on the police is due to its role as the primary radiating institution of the state, and its function of providing a service that is fundamental to the exercise of citizenship. But this in no way suggests that police institutions are the only institution, or security provision the only process, that structures how citizenship is experienced.
difficult to build consensus for reform, even when it is necessitated by “objective” security conditions.

In this regard, the factors that make police institutions so central to the state and to the practice of citizenship may in fact act as a significant barrier to efforts to improve state capacity through police reform. Police institutions are a primary radiating institution of the state at the local level, structuring social life and citizenship in important ways. But the form in which police institutions penetrate society too often reproduces inequalities and hierarchies prevalent in that society through the unequal distribution of protection. This practice creates differentiated forms of citizenship which in turn shape the formation of divergent attitudes and preferences among different social sectors. Reformers looking to address deficiencies in the provision of security — such as the rise in crime and violence that has led to constrained citizenship and the growth of private, and often illegal, solutions to security problems in Latin America — will find that the fragmentation of citizenship, and fragmentation of societal opinion it produces, poses a considerable challenge to improving state capacity.

Even though the provision of security is a central function of the state, differentiated relationships to the state depending on where one lies on the protection-repression nexus, means that there will be multiple and conflicting visions of what state capacity in the provision of security ought to look like. Under such conditions it is difficult to overcome the negative feedback loop discussed at the beginning of this chapter, through which deficient state capacity in the provision of security weakens the practice of citizenship, which in turn further weakens the state. These questions, and the conditions that allow reformers to overcome barriers to reform, will be taken up in Chapter 2. The next section will discuss the empirical subject matter of this dissertation, laying out the challenges to state capacity and citizenship posed by the rise in crime, violence, and insecurity in Latin America, and the significance of police reform and participatory security as a potential solution to those challenges.
The Negative Feedback Loop in Latin America: Security, State Capacity, and Citizenship since Democratization

Throughout Latin America, police institutions have been an important determinant of state capacity, democratic quality, and the practice of citizenship, in a region where all three have been transformed and significantly eroded by high levels of crime, violence, and insecurity. Soaring rates of crime and violence, and in many cases the prominence of criminal organizations, have posed three fundamental challenges to the state and democracy in many parts of the region. First, rising crime and insecurity have revealed a tenuous state capacity in many countries, as governments throughout the region have failed to provide security, presenting considerable challenges to governance. Second, increased rates of crime and violence have had negative repercussions for how citizenship is practiced and experienced in Latin America. Finally, citizens’ perceptions of government failure to curb crime and insecurity has in some cases led citizens to support undemocratic responses to the crime problem such as “mano dura” anti-crime policies, as well as non-state (and in some cases illegal) solutions, such as vigilantism and extrajudicial killings.

It would be difficult to overstate the significance of crime and fear of crime for Latin America’s citizens and governments. The 2012 AmericasBarometer survey data cited in Table 1.1 and Figure 1.1 show that crime is most likely to be cited by citizens as the most important problem facing their country, more so than the economy, unemployment, and poverty. The high degree of salience of the issue is undeniable: insecurity appears to be an overarching concern in most Latin American countries (with Nicaragua as a notable exception), even in countries such as Chile, Costa Rica, and Uruguay, where crime rates remain comparatively low.

The furor over insecurity is based on the empirical fact of rising crime rates in the region since democratization, (although, as Fruhling (2009) notes, media coverage of crime has helped shaped perceptions (29)), including an increase in the homicide rate (homicides per 100,000 inhabitants) for Andean countries from approximately 22 to more than 50 between
1984 and 1994 (Fruhling, Tulchin, and Golding, 2003, 95). Indeed, Latin America is widely recognized as the most violent region in the world. For instance, its homicide rate in 2000 was 27.5 per 100,000, a figure more than five times the global average (Fay, 2005, 127). Such averages mask considerable variation across and within countries, ranging from a rate of 2.6 homicides per 100,000 inhabitants in Chile between 1990 and 2000, to a rate of 64.1 in Colombia during that same period (Dammert and Malone, 2003, 86). As Davis (2007) has noted, “Crime, insecurity, and police impunity in the major cities of Latin America — most notably Rio de Janeiro, São Paulo, Buenos Aires, and Mexico City — remain at unprecedented levels, standing as among the most serious problems facing the continent’s urban citizenry” (58).

Since the start of the 21st century, patterns of violence have varied considerably across countries. For instance, homicide rates decreased by half in Colombia (from 66.5 in 2000 to 30.8 in 2012) and doubled in Mexico (from 10.3 to 21.5 over the same period). But despite variation and important declines in violence in countries such as Colombia and Paraguay, Latin America today remains the most violent region in the world. The right hand panel of Figure 1.3 shows homicide rates for Latin American countries for the year 2012. Homicide rates in the region vary greatly, ranging from about 3 in Chile to 91 in Honduras. But the regional homicide rate, 23.4 homicides per 100,000 inhabitants, is nearly four times the current global average. Moreover, of the ten countries with the highest homicide rates in the world, five are in Latin America.

Latin America’s Police Forces: Between Incompetence and Complicity

At the core of the challenge posed by deteriorating security conditions for state capacity is the state’s primary radiating institution, the police. As noted by Tanner (2000), “few things provide a better clue to the basic character of a political regime than the nature of its police forces” (101). In this respect, the dire conditions of many Latin American states following democratization were reflected in their police institutions. The right-hand panel of

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33 Homicide data cited here are from UNODC (2013).
Figure 1.3: The panel on the left shows the percentage of individuals in each country who express little or no trust in the police, corresponding to scores of 1-3 on a 7-point scale in which 1 means no trust at all and 7 indicates a lot of trust. Data from the 2012 wave of the AmericasBarometer Survey. Respondents were asked “To what extent do you trust the National Police?” The panel on the right shows the homicide rates, the number of homicides per 100,000 inhabitants, for each country for the year 2012. The homicide rate for Argentina is for the year 2010. Data from UNODC (2013).

Figure 1.3 shows the responses to a survey question about trust or confidence in the police in Latin American countries. Although here, too, there is great variation across countries (as well as within countries, as will be discussed in Chapter 2), it is evident that in many countries, large proportions of citizens express little to no trust in the police. In countries such as Mexico, Venezuela, Guatemala, and Peru, a majority of the citizenry have little confidence in their police institutions. In many countries where citizens are increasingly concerned about crime and violence, they have perceived deficiencies in the ability of the state, and specifically the police, to provide protection.

Indeed, the state’s failure to provide basic security to its citizens in many countries is evident not only in the spike in crime and violence, but also in the highly deficient responses
of the state’s security apparatus. Latin America’s police forces have generally become notorious for employing high levels of violence, regular involvement in corruption and overall ineffectiveness in curbing rising crime. Without reproducing the vast literature on Latin American police misdeeds, which will be discussed in greater detail in the case studies, a couple of points bear mention. Chevigny (1995, 1999) has studied extensively the routine use of deadly force and torture by police organizations in Latin America. Perhaps the most violent of these by far has been São Paulo’s Military Police, which was regularly responsible for a significant proportion of intentional homicides in the state. In 1992 alone, the Military Police killed 1,470 “suspects,” including over one hundred inmates in Carandiru prison following a rebellion (Chevigny, 1999, 54). In Argentina, human rights organizations have documented frequent resort to “gatillo fácil” (easy trigger, or “trigger happy”) by police, with organizations such as CELS and CORREPI documenting well over one hundred cases each year since democratization in 1983. In its 2009 report, CORREPI documented approximately 1,600 cases of individuals murdered by police and other security forces since 2003, half of which were due to “gatillo fácil” (CORREPI 2009). In describing the case of Bolivia, Ungar (2002) provides an account of the quadrupling of reported crimes between 1993 and 1999, while top officials with the judicial police “were accused of torturing detainees, senior officers were implicated in robberies, a police chief allegedly misused a pension fund, and an officer heading an internal corruption inquiry was beaten unconscious in a police cell” (78).

The excessive use of force by police, facilitated by societal tolerance and institutional prerogatives (see Chevigny (1995) and Brinks (2008)), has gone hand in hand with rampant police involvement in corruption, and the inability of police organizations to effectively prevent and solve crimes, a relationship explored by Waldmann (2006). Rising crime, though,  

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34 Human rights groups have also documented frequent resort to illegal tactics such as placing weapons in the hands of individuals killed accidentally by police in order to claim that the killing happened in the context of a supposed confrontation (HRW and CELS 1990).  
35 For studies of the ties between corruption and police violence, and its role in exacerbating the highly negative image held by society of police organizations see Schmid (1996); Dutil and Ragendorfer (1997).
is a complicated matter; the intent here is not to make the claim that the institutional deficiencies of police have been solely responsible for its increase. Crime is driven by a range of social, institutional, and international factors. Dammert and Bailey (2005), for instance, highlight the transnational character of phenomena such as drug trafficking and organized crime, which may overwhelm the capabilities of domestic police forces. The authors also cite the effects of the “twin transitions” experienced by many Latin American states in the 1990s — democratization and neoliberal reforms — which led to structural changes that affected governments’ ability to address rising crime effectively, including a shrinking state apparatus and increased social strife such as poverty and unemployment. Ungar (2002) summarizes the impact of these changes on police organizations: “With uncertain funding, poor coordination, and growing demands from both government and citizens, police forces in the region are having trouble enforcing the law” (63). Thus, in addition to the continued use of authoritarian strategies by police forces in the region, the inability of police institutions to control crime has been shaped by poor training, lack of resources, and broader structural factors.

In much of Latin America, what police institutions actually do on the ground is far from enforcing the rule of law or establishing order and quite distant from a democratic ideal. The veteran police scholar Bayley (2006) sets forth a number of criteria for defining a democratic police force, including accountability before the law rather than before the government, protection of human rights, external constraints on police use of force, and the protection of citizens rather than the state. Mota Prado, Trebilcock, and Hartford (2012) identify three deviations from a democratic police force common in much of Latin America: 1) an autocratic police that is ”controlled by and protective of the interests of a repressive regime;” 2) a criminal police that serves criminal organizations including drug gangs; and 3) autarkic police forces, which are “unaccountable and uncontrollable institutions that set their own policies and execute them independently of the state” (13). Though there is considerable variation across and within countries, many Latin American police institutions
are “agents to a principal that is not the law” (Mota Prado, Trebilcock, and Hartford 2012, 16).

This clarification is an important one because it allows us to complicate the notion of institutional capacity. Consider the distinction made by Taylor (2011) regarding “routine” and “exceptional” tasks. Police institutions can be quite capable of enforcing “exceptional decisions,” — i.e., when bureaucrats obey an order from an authorized state superior, such as a president or governor, that comes in response to specific circumstances that may be discretionary, or even potentially unlawful, under existing rules” (16) — but lack the capacity, or the will, to enforce formal rules and laws. This is particularly important in the case of the police of Buenos Aires Province, analyzed in Chapter 4, a classic autarkic police force with extensive territorial presence that was highly efficient in many tasks that did not involve enforcing the law.

Due to their role as a key radiating institution of the state, Latin America’s police institutions have been at the center of the rapid deterioration of security conditions in much of the region. Many citizens have responded to growing victimization and violence by retreating from public and community spaces, and seeking out solutions to security problems outside of the state. While, as noted above, security provision involves different dimensions, for many countries, including those studied here, it would be impossible to address the grave security problems they face without bolstering the organizational infrastructure of the police.

The Erosion of Citizenship and the Weakening of the State

Under these circumstances, for many citizens who saw their countries emerge from long civil wars or military dictatorships, it would be difficult to assert that democracy represented a meaningful improvement. In El Salvador, the number of homicides in 1995 far exceeded the average annual number of deaths during the country’s 12-year civil war, and by 1996 its homicide rate climbed to 140 per 100,000, the second highest in the world (Call 1997, 5). Similarly in São Paulo, Brazil, “more people are killed by police every two years than

\[\text{36As an Argentine colleague once told me when discussing this police force, “there are no brown areas in the Province of Buenos Aires.”}\]
the military dictatorship killed during its entire twenty-year reign” (Arias and Goldstein, 2010: 2). Such conditions have led scholars to make dire assessments about the nature and prospects for democracy in the region (Arias and Goldstein, 2010; Davis, 2006).

Moreover, the tremendous growth of private security agents, which now outnumber police officers in most countries (Ungar, 2007), and the rise of lynchings in countries such as Bolivia, Guatemala, and Peru (Eaton, 2008: 7), attest to the state’s inability to perform one of its most basic functions. Davis (2010) puts it bluntly,

Forget big ideas about democracy and about how the electoral rules of the game will lead to improvement in people’s everyday lives... Instead, growing numbers of citizens in Latin America are turning their attention away from formal politics and party-led solutions and looking for their own answers to the problems of insecurity in every day life (35).

High levels of crime and fear of crime have not only led citizens to distrust state institutions and the ability of the state to protect them, they have also led citizens to support empowering the state security apparatus through hardline, even undemocratic approaches to fighting crime. Holston and Caldeira (1998) note that Brazilians’ growing fear of crime, the rise of which coincided with formal democratization, has led them to support illegal and undemocratic responses by the state, including the massacre of 111 prisoners in São Paulo’s Casa de Detenção (Carandiru prison) in 1992 and the use of the military in anti-crime operations on the streets of Rio de Janeiro in 1994. As the authors argue “the invention of some episodic order puts aside concerns for the institutional order of democratic legal norms and procedures” (Holston and Caldeira, 1998: 267). Bonner (2008) has similarly observed that

Fear of crime, perceived or real, has led citizens to call on their leaders and police to use whatever levels of violence necessary to combat it. Upholding human rights is often scorned as impeding police from doing their job. Those people or organizations advocating that police respect human rights are frequently dismissed as prioritizing the rights of criminals over honest citizens (1).

Indeed, the 2010 AmericasBarometer survey found that between 25 and 50% of citizens in Latin American countries supported acting “against the law” to catch criminals. In my
own fieldwork in São Paulo’s CONSEGs (Community Security Councils), I heard on more than one occasion, from police officers and community members alike, that human rights are for the *bandidos* (criminals) and only serve to keep police officials from doing their job. In separate meetings in two different communities, accounts by police officers of shootouts with a crime suspect in which the suspect was killed were met by applause from residents, confirming the well-known phrase common among certain sectors of Brazilian society, “*bandido bom é bandido morto*” (a good criminal is a dead criminal). Throughout Latin America, fear of crime and violence is perhaps weakening the commitment of citizens’ to human rights and democratic principles. Hanson (Forthcoming) finds that in Venezuela, for instance, a police reform that led to the creation of a new police force, the National Bolivarian Police, whose training and strategies were to be founded upon close adherence to human rights principles, led to perceptions among the citizenry that the new police force was weak and impotent at protecting citizens from crime.

The region’s high levels of crime and violence have therefore led to the seemingly contradictory trends of citizens resorting to private, non-state, solutions to security problems while also supporting increased crime-fighting authority for state institutions, even when such authority falls outside of the bounds of the law. Both sets of practices, however, constitute manifestations of the problem of constrained citizenship, as citizens grow to distrust the ability of state institutions, bound by democratic legality, to protect them.

As discussed above, fear of crime and violence has restricted the practice of citizenship considerably, with many citizens choosing to withdraw from public spaces and community life. For instance, a victimization survey conducted in several Argentine cities in 2000 found that majorities of respondents in Argentina’s five major metropolitan areas (CABA, GBA, Rosario, Mendoza, Córdoba) noted that they felt insecure in their own neighborhoods when it gets dark, and that they stay away from certain streets or areas in their own neighborhood after dark (Dammert and Malone, 2002). Bergman and Kessler (2008) also cite a Gallup poll from 1999 conducted in Argentina, which found that 29% of respondents had stopped going
out at night (210). Similarly, findings from a 1999 study financed by the Pan-American Health Organization demonstrated that 68.7% of those surveyed were afraid of being in downtown Santiago; 64% were afraid of being in the public transportation system (Dammert and Malone 2003 85). Cárdia (2002)’s analysis of a survey on violence conducted in São Paulo found that even young people changed behavior in response to violence, including “avoid[ing] going out at night (41%),” “avoiding certain areas/streets of the city (33%),” and “changing one’s route (23%)” (164).

These patterns seem to have persisted to this day, as evidenced by Figure 1.4 once again based on the 2012 AmericasBarometer survey. The chart on the left panel shows the percentage of respondents who reported having made changes to their routines (where they shop and where they go for recreation) due to fear of crime over the previous 12 months. In the region as a whole, 38% of respondents said they had indeed made such changes. As expected there was considerable variation across countries, ranging from about one-quarter of respondents in Panama and Chile, to nearly two-thirds of respondents in the Dominican Republic and half of respondents in El Salvador. Throughout Latin America, then, fear of crime places significant constraints on the daily lives of citizens.

But to what extent does this represent constrained citizenship? The center panel in Figure 1.4 also shows that about 18% of respondents also reported that due to fear of crime they organized with the people in their community. This is consistent with the work of Bateson (2012), who finds a positive relationship between being the victim of a crime and participation in various community and political activities. Indeed, many of the citizens cited in this chapter expressing fear of crime or previous victimization, and exhibiting signs of constrained citizenship, are quoted in the context of their participation in community security councils. Citizens may thus remain or become more involved in their communities due to fear of crime or victimization, but the bounds of that participation may become more

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37It is important to note that I do not view fear of crime and victimization as interchangeable. They reflect different processes and experiences, which I examine in a separate working paper. Moreover, there is evidence that fear of crime may have more pernicious effects than actual victimization (Moller 2005).
Figure 1.4: Citizen responses to fear of crime in Latin America. In the left panel, respondents were asked whether they had made changes to the places where they go to shop or for recreation in the previous 12 months out of fear of being a crime victim; the blue portion of the panel represents those who said yes to either. The center panel shows whether respondents organized with their neighbors due to fear of being a crime victim. Finally, the panel on the right shows the proportion of respondents, among those who said they had organized with their neighbors due to fear of crime, also made changes to where they shop or go for recreation in the previous 12 months. Data from the 2012 wave of the AmericasBarometer survey.

limited, spatially and otherwise. The importance of spatial constraints on daily life due to fear should not be underestimated. When citizens avoid certain spaces they are also avoiding the people (fellow citizens) that may be encountered, the interactions that may be had, and the knowledge that may be accessed, in those spaces.

This suggests that the nature of constrained citizenship is more complex and multifaceted than the treatment given to it here. For the purposes of this dissertation, however, we may simply conclude that as citizens perceive that the state is unable to provide adequate protection, the practical content of citizenship becomes constrained in important ways. The outcome of this constrained citizenship and distrust of the state’s ability to protect them is the increased likelihood that citizens will “resort to the law of the jungle,” as discussed at the start of this chapter.

I argued above that such constrained citizenship is the result of deficient state capacity in the provision of security, primarily by police institutions. Indeed, the high levels of violence and the proliferation of armed violent actors in the region have revealed and exacerbated the deficiencies of the state in performing its most basic function, the provision of security.
From Mexico’s drug cartels and Colombia’s own drug-trafficking groups, guerrilla forces, paramilitaries, and the latter’s more recent manifestation, the BACRIM (bandas criminales) to the maras of El Salvador, Guatemala, and Honduras, and São Paulo’s PCC (Primeiro Comando da Capital), the infamous criminal organization that began as a prison gang, the state’s monopoly on violence is routinely challenged in Latin America. Clunan and Trinkunas (2010) introduce the concept of “softened sovereignty” to describe such spaces “where territorial state control has been voluntarily or involuntarily ceded in whole or part to actors other than the relevant legally recognized sovereign authorities” (17).

But many Latin American states are not only ceding control to such non-state criminal actors. In many cases such armed groups have penetrated the state, with varying degrees of state complicity. The case of the Police of Buenos Aires Province, discussed in Chapter 4, introduces a novel, if perverse, form of crime control in which the police collect fees from criminal actors in their jurisdictions in exchange for tolerating and often directly participating in criminal acts that were then used to fund the police — individually and institutionally — and even local political campaigns. Snyder and Durán-Martínez (2009) identify a similar phenomenon in Mexico, where “state-sponsored protection rackets” allowed drug-trafficking organizations to operate in a given territory free from state intervention for many years.

Meanwhile, the work of Desmond Arias demonstrates that armed actors need not replace the state but in many ways become agents of it or embedded in it. According to Arias (2010), “the conflict in Latin America stems not from state failure or the failure of policy, but rather from historically based political practices, institutional design, and economic processes that enable armed actors to work effectively with the government and share in local governance” (115). He cites evidence from Medellín, Colombia, where paramilitary groups exercise local dominance and even utilize the municipal participatory budgeting program to gain control of state resources. In Rio de Janeiro, Brazil, Arias observes even deeper levels of embeddedness, such that “drug dealers and vigilante groups regularly act as clientelist interlocutors in poor neighborhoods and share the space of governance with public authorities” (Arias, 2010 116).
Irrespective of the form such “violent pluralism” (Arias and Goldstein, 2010) takes, it reveals and reproduces deficiencies in the state’s ability to provide security, and potentially state capacity more broadly. The chapter on Colombia demonstrates how the state’s inability to control violence in its territory and provide security for its citizens can pose a significant challenge to state capacity and stability. In the Colombian case, the state’s battle against guerrilla groups and drug cartels fundamentally eroded the legitimacy of the Colombian state in the eyes of the citizenry, and laid bare the precariousness of its institutions. While the Colombian example represents an extreme case, it illustrates quite well the consequences of deficient state capacity in the provision of security for the state’s legitimacy and its relationship to the citizenry.

These two joint phenomena, the presence of other armed actors and a citizenry that views the state as unable to provide protection, which can be found in many Latin American countries, represent a serious challenge to the state. Recall that for Tilly (1985), the distinction between violence produced by the state and violence produced by others is that the latter does so “on a larger scale, more effectively, more efficiently, with wider assent from their subject populations.” Prior to the formation of modern European states that Tilly studies, violence was initially exercised by state authorities and private actors alike. In some cases the state actors would rely on private providers of violence, such as bandits and lords with their own armies, for war making. But the real challenge for state makers in Europe then was the disarming of these actors in order to achieve an actual monopoly of public violence and curb private violence. Many Latin American leaders today face a similar challenge of state making. Given the high levels of crime and violence in the region, including the proliferation of non-state armed actors, the poor state of the primary institutional apparatus, and the growing distrust of the citizenry, many Latin American states do not appear to be exercising violence more effectively or efficiently, nor with wider assent of the citizenry. It is worth investigating further the conditions under which Latin American leaders have undertaken this challenge.
Police Reform and Participatory Security as State Making

Police institutions play a central role in what is now a canonical definition of the state, “a human community that (successfully) claims the monopoly of legitimate use of force within a given territory” (Weber 1946). This monopoly, as noted above, is delegated to police organizations, which are defined by the exclusive authorization by society to use force against some of its members. Through its role as the manager of the state’s coercive authority, police institutions affect the daily lives of citizens in fundamental ways, shaping the context in which citizenship is exercised and serving as the local manifestation of the state. But as the previous section demonstrated, many Latin American states are far from the Weberian ideal, permitting a deterioration of security conditions that constrain the bounds of citizenship and lead citizens toward private solutions, further weakening the state.

This dissertation examines the political process that shapes how government leaders respond to the challenges presented by the region’s high rates of crime and violence, specifically when politicians choose to reform the central institution charged with providing security: the police. Yet, even as citizens express discontent and make strong demands on their elected leaders to provide improved protection, making security a priority on the electoral agenda, police reform too often proves elusive, with many of the problems described above persisting for years, if not decades. The police’s role as the manager of the coercive authority of the state creates political incentives and drives societal preference formation in such a way that serves as obstacles to reform, even in the face of the dire conditions that Latin American governments and societies have had to confront since the most recent wave of democratization. This argument will be developed extensively in the next chapter.

This same characteristic of police institutions, however, also makes police reform an essential measure for addressing the challenges posed by the region’s security problems. Addressing institutional deficiencies and improving performance can help reestablish the state’s monopoly of violence and control of its territory. Moreover, a police institution with improved recruitment and educational standards, as well as greater professionalization and
specialization, will be better suited to provide protection for citizens, allowing them to engage fully in the practice of citizenship and perhaps restoring their confidence in and reliance upon state institutions for the provision of security.

Yet, if a defining measure of state strength is its ability to penetrate society to implement its policies, and police agencies are the primary radiating institution of the state, then it is important to examine more closely a particular type of reform that has been adopted in a number of Latin American countries in recent years, participatory security. Participatory security institutions create formal spaces for citizen input on matters relating to local security, a modality of security provision that has been adopted in several Latin American countries, including Argentina, Brazil, Colombia, Venezuela, and Uruguay. If many of the problems caused by high levels of crime and violence in Latin America lie in the realm of the state’s effect on society and society’s effect on the state, participatory security may prove to be a highly consequential response due to its potential to bolster the capacity of the state to perform one of its fundamental tasks through the incorporation of society.

Participatory security institutions represent a fascinating approach to state making given the particular challenges that rising crime, violence, and insecurity have posed for Latin American states. On the one hand, many citizens are coming to doubt the state’s ability to protect them and are increasingly seeking solutions outside of the state with regard to security provision. Whether it is by deciding that it is not worth calling the police when a crime occurs and relying on private security or by resorting to vigilante violence or seeking protection from non-state armed actors, these responses by citizens represent a serious threat to the state.

Insofar as citizens are “exiting” the state on the issue of security provision, participatory security institutions may be an important intervention. Participatory security is a quintessential instrument of local state formation because of the way it is structured and operates. Such institutions are enacted at the central level, by the political unit that con-

\[38\] Other forms of participatory security have also been adopted in the city of Chicago (Fung, 2004; Skogan and Steiner, 2004) and in England (Crawford, 1997).
trols the police, but its implementation is inherently local, by local police stations and the residents of the corresponding neighborhoods. While the police stations of course predate the creation of participatory security institutions, these localized forums open a new channel by which citizens can access the state, and vice versa. By potentially extending the police’s reach into society through regularized encounters with community members, participatory security institutions can help to reinforce the role of the police as a radiating institution of the state.

Greater proximity between state and society may, in turn, improve how security institutions perform. Evans (1995) argues that, with respect to what many believe to be another key function of the state, fostering economic development, “embedded autonomy” can help strengthen state capacity. While the state’s institutions remain autonomous — that is, free to operate without becoming politicized or captured by special interest groups or elites — the state’s “embeddedness” in society, the extent to which the state maintains linkages to social networks and informal practices, can be instrumental in helping the state’s agencies perform this function. Participatory security may help to introduce greater “embeddedness,” which may provide police with greater access to residents’ local knowledge, networks, and information, which may in turn serve to shape the distribution of (limited) resources and operations.

Such embeddedness may be consequential in other ways. For instance, the regularized interactions between police officers and residents that participatory security requires can give citizens a means by which to hold police accountable. While participatory security does not always include formal oversight mechanisms, the introduction of another set of actors to which police must respond (which is not the same as be responsive to) may help rein in some of the malfeasance common throughout Latin America. Even if not endowed with formal powers, citizens may serve as an additional set of eyes to keep police in line. As a resident of a working class neighborhood in Buenos Aires said in the early stages of forming a neighborhood security forum, “we have to work at making sure the police are working.”
In practice, of course, participatory security institutions do not always operate in this way. In fact they are sometimes designed specifically to avoid societal oversight or limit the scope of participation, for example (see Chapters 2 and 6). But at a conceptual level, participatory security invites further scrutiny. In the context of societies where weak state capacity restricts the exercise of citizenship and may lead citizens to substitute state power by taking responsibility for their own security, this approach to security provision seeks to use society to bolster state power, and help to shape how it is exercised. These potential mechanisms through which participatory security may contribute to the process of state making will be analyzed systematically in Chapter 6, drawing on evidence from participatory institutions in Buenos Aires, São Paulo, and Colombia.

Participatory security is in many ways an unlikely policy response to the growing rates of crime and violence in Latin America, and represents a stark contrast to other policy responses that have also been common throughout the region. It constitutes a democratic response to a problem that threatens many new democracies throughout the world—the rise of crime and violence. Unlike other approaches common in Latin America, including *mano dura* or “penal populism” reforms and the trend toward militarization of security, participatory security expands rather than restricts rights. In the context of constrained citizenship, participatory security creates new spaces for the practice of citizenship as a means of reducing violence, crime, and fear. Furthermore, as these conditions lead many citizens to withdraw from community life and from the state, this institutional reform seeks to bring security back into the public realm. A discussion about the extent to which participatory security achieves these objectives will also be taken up in Chapter 6. Though this analysis will be more preliminary, a focus on these relationships encompasses not only the ability of the state to exercise coercion and establish order, but also enables us to contemplate what it means for the state, through the police, to penetrate a given territory and be present in the daily lives of its citizens through the provision of security, a fundamental service of the
state with implications for the everyday exercise of citizenship and rights, as well as basic political and economic activities.

**Dissertation Overview**

This dissertation examines the causes and consequences of police reform and participatory security. Chapter 2 presents the central arguments of the dissertation regarding the persistence of institutional weakness of police forces and the conditions that make reform possible. I argue that the police’s role as the manager of the state’s coercive authority shapes the preference formation of different groups in society resulting from development of micro-citizenships. This fragmentation of societal opinion in turn facilitates accommodation between police institutions and politicians, who have an incentive to use police forces to achieve their political objectives. Reform comes about, I argue, as the result of a *mobilized scandal*, that is, the strategic use of scandal by a robust political opposition, which serves to shift societal opinion and the incentives of the incumbent. This chapter also proposes a theory to account for the adoption of participatory security as a component of broader police reform, arguing that it will serve as an attractive policy for politicians when police-society relations are bad or when police capacity and resources are low.

In Chapters 3, 4, and 5, I test the argument in the cases of the National Police of Colombia, the Police of Buenos Aires Province, and the Military and Civil Police of São Paulo State, respectively. This includes one national, and two subnational police forces. The unit of analysis is therefore the political-administrative unit constitutionally charged with overseeing security policy and police forces. In addition to exhibiting variation in federal/unitary structure (and therefore jurisdiction over police and security policy)\(^\text{39}\) crime rates, duration of democracy, socioeconomic and demographic characteristics, each national or subnational

\(^{39}\)Variation on this dimension is important in order to demonstrate that the dynamics described here — that societal fragmentation and police-politician accommodation favor the persistence of institutional weakness and that scandals and a robust political opposition are jointly sufficient for reform — are common across federal and unitary countries alike. Eaton (2008) argues that Argentina’s federal structure served as an impediment to reform because it gives multiple levels of government some authority over the police, thereby encouraging disputes across different levels of government.
police underwent vastly different reforms, including the adoption of participatory security. Systematic comparative analysis of these processes will shed light on the factors that lead to police reform, as well as the conditions under which such reform includes participatory mechanisms.

Questions of state capacity and citizenship were central to all of the instances of reform studied in this dissertation. Colombia is the most extreme example among these cases of the corrosive impacts of crime and violence on the state apparatus, and how the state’s inability to respond adequately discredits the state. In the years prior to police reform, the Colombian state found itself on the verge of collapse and completely delegitimized before the citizenry, due in large part to its security problem and the state’s inability to address it. São Paulo adopted participatory security in the midst of a broader political crisis faced by its first democratically-elected governor after decades of military rule. Faced with few resources, rising crime, and growing citizen demands, the governor confronted the question of how to build state capacity in order to perform the state’s most basic tasks. The case of Buenos Aires Province demonstrates how, even in a setting with relatively low crime rates by regional standards, rising crime can reveal and exacerbate the state’s inability to address it, manifest both in terms of inability to fight crime effectively and the rampant abuse and corruption of an autarkic police force (Mota Prado, Trebilcock, and Hartford, 2012). While I do not argue that these factors were the causes of police reform or participatory security, I view these conditions are essential to understanding the extent to which police reform and participatory security constitute an exercise in state building.

Chapter 6 provides an empirical test of this question with a comparative analysis of the participatory security institutions adopted in Colombia, Buenos Aires Province, and São Paulo State. It asks whether such institutions can be effective instruments of state building by creating formal spaces for societal actors to shape how the state provides one of its fundamental tasks, the provision of security.
Chapter 7 concludes with a preliminary exploration of what many analysts in Buenos Aires and Colombia call processes of “counter-reform.” In both settings, periods of reform were followed by concerted efforts to roll back key aspects of comprehensive reform legislation. I ask whether the same factors that I argue explain variation in the persistence of institutional weakness and reform can account for the success of counter-reform.
Chapter 2

A Society-Driven Theory of Police Reform: Explaining Institutional Continuity and Change

*The group of words, police, policy, polity, politics, political, politician is a good example of delicate distinctions.* (Maitland 1885, 105)

The function served by police institutions is crucial to the state. Police institutions are the only state agency authorized to use force, even deadly force, to implement the state’s policies and provide order. They also serve as the foundational presence of the state. In low-capacity settings, the police may be the only state entity to which citizens have access, often serving as a substitute in the absence of other state or social institutions. For instance, it is perhaps because it serves as a testament to their own social (and political) value — in that they perform functions that ought to be carried out by other entities — that conversations with officials from the Military Police of São Paulo quite often turn to the number of babies delivered by police officers, an average of five per month. Police agencies may also act as a necessary infrastructure or precondition for other state institutions to operate in a given

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territory under conditions of high crime or violence, as with Rio de Janeiro’s Pacification Police Units (UPP, Unidades de Policia Pacificadora).

Police institutions are also crucial to citizens. Police provide a service that is essential to the daily lives of citizens — from the mundane to the highly consequential. One need not subscribe to Weber (1978)’s tongue-in-cheek characterization of police as “representatives of God on earth” (972), to understand that making one’s membership in a polity real requires security. For many citizens, even if their formal membership is unquestioned, their experience of citizenship will be structured by how police institutions operate; that is, by the level and distribution of protection they provide. Over the course of my fieldwork, I heard from many citizens about the changes to their individual and community lives brought about by either the deterioration or improvements in local security conditions (quite often linked in their minds to police presence). None perhaps was more simple or more poignant than a resident’s description of the change in security conditions in a very low-income neighborhood in the southern zone of Buenos Aires that had recently seen the replacement of the Federal Police by the another federal security force, the National Gendarmerie (Gendarmería Nacional). The man described that residents felt safer, free to walk around the neighborhood; “women,” he said, “can wear purses again.”

The best illustration of the centrality of police and security provision to the state and to citizens has been the situation facing post-democratization Latin America. The expansion of citizenship brought about by democracy has been accompanied by the contraction of citizenship brought about by insecurity and violence (Brysk, 2012; Yashar, 2012). As detailed in the previous section, Latin America has the highest homicide rates in the world, and

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2 That so many citizens associate police presence with feeling safer underscores the importance of perceptions and subjective interpretations of local conditions. This is a well-known feature of policing and local security provision, detailed quite well in the classic “broken windows” article (Kelling and Wilson, 1982).

3 The National Gendarmerie’s standard role is in border security. The use of other federal security forces such as the Gendarmerie and the Naval Prefecture (charged with providing security in waterways and bridges) in urban patrolling in Buenos Aires has become common in recent years as a strategy by the national government to respond to growing demands for security. In the specific neighborhood referred to here, it was also the result of growing citizen distrust of the Federal Police, amid suspicions of police involvement with local criminal actors.
citizens in most countries cite security concerns as the most serious problem facing their country.

But as security conditions worsened following transitions to democracy around the region, so did the institutions charged with providing it. Observing the challenges posed by growing crime, violence, and insecurity in the region, as well as the inability of governments in the region to address them, Macaulay (2012) has characterized Latin American police forces as generally ineffective in preventing, resolving, or detecting such crime and forms of ‘new violence’ due to corruption, frequent complicity in criminal networks, poor training and low pay, and the routine use of excessive force without due sanction. Why, then have governments been slow to prioritize police reform and why have reform efforts borne largely ‘limited or nonexistent’ long-term results (165)?

Elected leaders, however, are not always slow to prioritize police reform. Insecurity is important to large proportions of Latin American citizens; political leaders ignore this issue at their own peril. As Saín (2002) has observed, “issues pertaining to public security became politically relevant when the growing sensation of insecurity in the population began to achieve weight in public opinion and to affect the electoral performance and future electoral fortunes of various provincial and national leaders” (9). Responding to those electoral pressures, Latin American leaders have undertaken reform with some frequency, as evidenced by the high volume of literature on the subject, (See Ungar (2002); Hinton (2006); Dammert and Bailey (2005); Fruhling (2009); Placencia, Álvarez, and Arce (2009); Arias and Zúñiga (2008); Saín (2002); Uildriks (2009); Goldsmith and Lewis (2000)). Such reforms have ranged from the creation of new police forces (as in Guatemala and El Salvador in the aftermath of civil war, and in Venezuela in 2008) and the dissolution of others (as with Argentina’s extraordinarily corrupt National Aeronautic Police), to the overhaul of police education systems, the creation of external or internal oversight bodies, the decentralization of police operations, and the adoption of community policing. Furthermore, policies promoting community participation in matters of security have been implemented throughout the
region beginning in the 1980s, including countries such as Argentina, Brazil, Colombia, and El Salvador. More recently, Venezuela passed a police reform law in 2009 (Ley del Estatuto de la Función Policial) that created Citizen Committees for Police Oversight, intended to oversee police activities in each community corresponding to police districts.

Yet, reform — particularly involving rule of law institutions such as the police — does not always occur when it is objectively needed and when it does, it may be only after years of deteriorating conditions, misconduct, and failed attempts. Moreover, once reform occurs, it is often rolled back. As Ungar (2002) observes, “Conveniently, each reform stage — formulation, revision, implementation — is filled with opportunities to destroy or dilute it. The final product is thus often poorly conceived reform lacking enforcement mechanisms, ignoring root causes, or generating more problems than it solves...” (4). As the case studies presented in the following chapters demonstrate, police reform has often proven elusive in Latin America, even when there is a consensus that the deficiencies of police institutions contribute to the high rates of crime, violence, and insecurity prevalent throughout Latin America in recent decades.

I understand reform as a written policy intended to change the structure, training, or operations (including the functions) of the agency as a whole. The high levels of crime and violence facing Latin American countries in recent decades cannot be attributed solely to police incompetence or malfeasance. However, it is evident in each of the cases studied here, as well as many others, that police institutions in the region have largely been characterized by poor training, low levels of specialization, insufficient resources, inefficacy in crime prevention and investigation, weak oversight mechanisms, rampant corruption and extralegal violence, and, consequently, high levels of societal distrust. In this regard, police reform can be an important response to build state capacity in light of the threats posed by high levels of crime and violence.

What we’ve observed throughout Latin America and elsewhere, however, is that the conditions described above may exhibit a remarkable continuity over time, even when they
are widely recognized as a problem. This dissertation seeks to understand the continuity of institutional weakness, as well as the conditions for change. Why does institutional weakness persist for such extended periods of time, particularly on an issue that is so politically salient? Under what conditions do political leaders undertake institutional reform? Furthermore, given the range of options available during reform periods, why do some leaders choose to build state capacity through the incorporation of societal actors in the form of participatory security?

The answer to the first question, I argue, lies once again in the police’s role as the manager of the state’s coercive authority. Reform has proven to be such a challenge because the same factors that make the police so central to the basic functioning of the state and to the practical content of citizens’ rights also make it a valuable asset for politicians looking to remain in power. This is a key factor shaping politicians’, particularly executives’, incentives and calculations about the electoral gains and risks of the status quo and reform. The other key factor is the fragmentation of societal opinion on policing and security issues, which, as I argued in Chapter 1, derives from the development of “micro-citizenships” arising from the differential treatment different societal groups receive from the police. When faced with the challenges described above, politicians must weigh two alternately reinforcing or competing interests: maintaining electoral support and maintaining a mutually beneficial relationship with the police. The fragmentation of societal preferences means that politicians will often hear conflicting demands from society; it also means that the political benefit to be had from police reform under such divided opinion is uncertain at best. The benefit of pursuing a mutually beneficial relationship with the police, however, is self-evident, leading to the emergence of patterns of accommodation between politicians and police.

As I will argue below, the continuity of poor police conditions, performance, and behavior is likely, until two conditions cause politicians to shift their calculation: (1) a scandal that reveals a convergence of usually fragmented societal preferences, and (2) a robust political opposition. The latter *mobilizes* the scandal in order to attack the incumbent, thereby posing
an electoral threat. In the sections that follow I outline a theory that seeks to explain why institutional weakness persists over time, and why police reform ultimately occurs. I also propose a theory that seeks to understand the conditions under which such reform will include participatory security, forums for community input on matters related to local security and policing. I argue that two factors, police-society relations and police capacity and resources, can explain not only the adoption of participatory security but also its institutional design.

This dissertation follows a long line of scholarship that investigates institutional change. Like North (1990), this study is concerned with explaining the persistence of inefficient institutions, even in the face of extended malfeasance and poor performance, as has been the case for many Latin American police forces since democratization. While, like many theories of institutional reform, the argument proposed here also relies on an exogenous shock as an explanatory variable, the analysis is also informed by the work and intuition of scholars that have put forth theories of endogenous, gradual, and incremental institutional change (Mahoney and Thelen 2010; Pierson 2004; North 1990). Rather than looking at a single snapshot of the moment of reform, I look to the years prior to the enactment of reform to identify the structural factors that contribute to the persistence of institutional weakness. With this approach, I am able to explain variation over time in the dependent variable and test a causal mechanism, demonstrating how the electoral calculations of political leaders — based on societal preferences and the strength of the political opposition — shape decisions about whether to pursue or forego police reform. Underlying such decisions is the role of police institutions as the manager of the state’s coercive power, which generates incentives and interests among political leaders and societal groups that are often self-reproducing and mutually reinforcing.

Despite the distinctiveness of police and security provision among state agencies and services, this last point may offer important guidance for scholars and policymakers focused on

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4 Just about all goods and services are limited due to finite resources, and imply some degree of contestation. Policing and security provision are distinctive, however, because they imply not only that citizen A gets a good and citizen B does not. Instead, the very provision of the good to A often implies a direct harm to B in the form of repression. Consider a program to provide a finite supply of vaccines to a limited number
particularly challenging institutional reforms. Societal cleavages may become reified in state institutions — through laws, policies, and practices — leading to differentiated treatment of citizens belonging to different societal groups. These differentiated relationships to the state in turn lead to the fragmentation of preferences, which can serve as a barrier to reform, even when there is broad agreement that some corrective is needed. I explain below how such fragmentation of preferences can lead to the persistence of institutional weakness, and suggest one mechanism through which such fragmentation may be (temporarily) overcome, thereby making reform possible.

Coercive Power as Political Power: Explaining the Persistence of Institutional Weakness

In each of the cases studied in this dissertation, public concern for security, and public recognition that the primary security institution was highly deficient had been a constant for years prior to the adoption of reform. The challenges posed by rising crime, violence, and insecurity (to varying degrees) revealed fundamental weaknesses in the ability of the state to perform one of its most fundamental tasks. As the case studies in this dissertation demonstrate, the problems discussed above were in place for many years and did not lead to reform on their own. In these cases, as in many others, it was only after high profile instances of police deviance caused strong societal outrage that political leaders felt sufficient pressure for reform. Police reform, then, rarely seems to be a programmatic decision intended to bolster state capacity, improve security conditions, and strengthen the practice of citizenship.

of citizens. It is not simply that A gets a vaccine and B does not (which of course also implies a risk to B); it is that, in order for A to feel the vaccine’s effectiveness, A may demand that the state infect B with the disease. The continued use of so-called “broken windows” policing, which focuses on tough enforcement against minor offenses or “disorder” under the rationale that it will prevent more serious crimes, despite a lack of evidence that it achieves this goal [Harcourt and Ludwig 2006], resembles this hypothetical case of vaccine provision. Such strategies continue because some segment of the population will feel safer as law enforcement targets “disorder,” whether or not official crime rates decline, even though some other segment of the population will be subject to greater repression as a result.
As argued above, this is due to the incentives of politicians to use police institutions to pursue their political objectives. Politicians, particularly but not only executives, exercise statutory control over police institutions and security policy. They have the formal authority to determine the nature of security policy, how police are organized, what they do, and how they do it. On the other hand, they also have a stake in what police do and how they do it, because of the very nature of the police’s function. As Call (1997) has noted, “Policing is inherently political, in that police forces’ missions and activities always provide security for certain social groups over others” (5). In this sense, policing can serve as a good that politicians can distribute selectively and utilize to meet political goals; this point will be discussed further below. Finally, police institutions shape security conditions (though they obviously do not exercise full control), an issue of high political sensitivity for elected leaders.

Following Geddes (1994), I view the state as “a collection of self-interested individuals” whose actions on behalf of the state are in fact intended to further their own political objectives (7). Thus, political leaders (executives, for the purposes of this discussion) use political office to accomplish their goals; this also implies that they will seek to remain in power in order to continue to pursue those goals. With respect to the police, leaders face two options: they can professionalize police agencies, or they can politicize them. I use the definition offered by Rudalevige and Lewis (2005): “Polarization... describes presidents’ efforts to structure and staff the bureaucracy in a way that makes bureaus responsive to presidential dictate” (2). Given the role of the police as an organization charged with social regulation, possibly through the use of physical force, the police can serve as a useful tool for political leaders looking to pursue their objectives.

Examples of politicians using the police to advance political interests abound, across space and over time, regardless of regime type. Tilly (1985) reminds us that the origins of policing were forces that were subordinate to individual patrons, until centralized government police forces were created (175). However, the creation of police forces responsive to governments did not mean that they were not used to serve the political interests of those in power.
Indeed, in his study of the development of Western European police institutions, Bayley (1975) identifies two types of tasks for police: law and order/crime, and political (379). Beattie (2001)’s work on the development of the police in London finds that “The government established by the Hanoverian monarchs after 1714 made conscious efforts to improve the administration of the criminal law, largely in the interest of defending the new regime from its enemies, internal and external, real and imagined” (376).

Similar patterns existed in the development of Latin American police forces. According to Ungar (2002) “A basic part of state formation in Latin America, policing has been used since precordial times to maintain control, expand the state’s reach, and keep governments in power” (69). Indeed, Barreneche and Galeano (2008) note that in the 1930s, Argentina’s Federal Police “had a political vigilance function, with the expectation that it would provide information about public meetings and activities of the leaders of the opposition” (87). In Colombia, too, the subordination of local and departmental police forces to the national government under the control of the military in the 1950s was prompted by the politicization of the police by local political parties vying for power (Camacho 1993).

Such practices have not been relegated to the past. Although the forms have changed, leaders of present-day democracies also rely on police forces to pursue their political objectives. Saín (2006) provides an account of the political variables that drove the use of police by Argentine (Interim) President Eduardo Duhalde to use considerable violence in the repression of a 2002 protest by piquetero groups that planned to cut off access to the main bridge leading to Buenos Aires City from Buenos Aires Province. As Saín points out, the decision was the result of the recognized hostility of the Peronist party machine in the province of Buenos Aires (of which Duhalde was the uncontested leader) toward piquetero movements, which presented a challenge to the machine’s ability to mobilize the working class and the poor; as well as the desire by Buenos Aires Peronist leaders to embarrass then-governor Felipe Solá, who did not belong to their faction of Peronism.
Electoral calculations can be seen in the enforcement of other laws as well. Holland (Forthcoming) looks at the decision of mayors in Bogotá, Lima, and Santiago to enforce laws against unlicensed street vendors, the vast majority of whom are poor, and finds evidence that electoral concerns drive enforcement decisions: when they depend on the poor for votes, mayors refrain from enforcing local laws prohibiting unlicensed street vendors. Davis (2006) made the same argument years earlier in the case of Mexico City, demonstrating that the city’s leftist mayor opted against much needed police reform because it would entail increased enforcement activity against poor citizens, one of his party’s core constituencies, working as informal street vendors.

Similarly, Wilkinson (2004) reveals a sharp political calculation that determined when and how state governments deployed police forces in response to anti-Muslim riots throughout India. Wilkinson found that “whether violence is bloody or ends quickly depends... primarily on the will and capacity of the government that controls the forces of law and order” (2004, 5). Politicians decided whether and how the intervention would take place based on simple arithmetic: if they were likely to need electoral support from minorities that were victims of ethnic violence, either due to their party’s or coalition’s support base or the competitiveness of the electoral system, governments deployed the police to curb violence. The author convincingly demonstrates that in states where governors were willing to use police (including tools such as curfews and empowering police to use force if necessary), riots were contained or prevented, even in cases of “riot-prone” towns and towns where precipitating events had occurred (61).

While the above examples demonstrate the widespread practice of using law enforcement agencies toward political ends, such strategies are clearly more readily available in settings where horizontal and vertical accountability are presumed to be weak, as is the case for much of Latin America (O’Donnell 1998). Indeed, police in Latin America are regularly associated with politicization. But the practice of using police forces toward political ends is not restricted to developing democracies. During his terms in office, U.S. President George
W. Bush regularly deployed the Secret Service, in conjunction with local police agencies, to limit access by protestors to areas near the sites of his public appearances; rallies by supporters, on the other hand, were permitted to be held in close proximity to the president.\footnote{ACLU. *Freedom Under Fire: Dissent in Post-9/11 America.* May 2003. Available at http://www.aclu.org/files/FilesPDFs/dissent_report.pdf}

Thus, in addition to the institutional, social, and operational factors that may lead to differential treatment of citizens from different social groups by police, electoral incentives — which are of course quite often linked to existing social cleavages — may also lead to differential enforcement of the law in ways that serve, not security or order, but the political objectives of politicians. Such practices clearly have important implications for citizenship, as the practical meaning of its components — protection, membership, and participation — and citizens’ relationship to the state, may be shaped by their political leanings.

**Accommodation and Fragmentation: Incentives for the Continuity of Institutional Weakness**

The incentive of politicians to use police institutions to pursue their own political goals are thus well established. But in order to understand how such practices are sustained, we must look to why police institutions comply and why they are not met with much societal resistance. Politicians obtain the cooperation of police institutions through patterns of accommodation, which are in turn facilitated by the fragmentation of societal preferences over security and policing. Each of these will be explored below.

Police institutions can be a formidable asset for politicians, but they may also represent a risk. Because they control, to varying degrees, a policy area that is highly consequential for a leader’s electoral support, police institutions wield their own political power vis-à-vis elected leaders. By commission or omission, police forces can create politically uncomfortable situations for elected officials. A Captain with the Military Police of São Paulo noted in an interview that the governor made regular phone calls to a precinct located in the center
of the city where protests occur frequently, in order to advise them about how the police should manage a protest by a particular group. As the Captain noted, it would be quite embarrassing for the governor if Military Police officers started beating up people during the city’s gay pride parade.

This ability to generate potentially embarrassing or damaging situations serves as a kind of political currency with which police institutions can, with varying degrees of success, negotiate with elected leaders and exert their own interests and preferences. For instance, many citizens and news reports claimed that the Military Police was deliberately lax during the 2013 edition of the Virada Cultural in São Paulo, (a massive 24-hour cultural festival in the downtown area of the city) leading to two deaths, five shootings, two stabbings, and numerous robberies. The increased violence at the Virada Cultural was seen as an embarrassment to the city’s mayor, Fernando Haddad, who is responsible for the event. At least one news outlet reported interviews with officers where they admitted to lax policing of the event as retaliation against the city’s mayor for failing to pay wages of Military Police officers who work for the city of São Paulo on their days off

Thus, in order to obtain the cooperation of police, politicians must engage in patterns of accommodation, granting police greater autonomy in exchange for their support. Police agencies are no different from other bureaucracies in that they prioritize autonomy, which, following Carpenter (2001), “prevails when politically differentiated agencies take sustained patterns of action consistent with their own wishes, patterns that will not be checked or reversed by elected authorities, organized interests, or courts” (14).

One source of this pursuit of autonomy by police institutions is the distinct organizational culture that develops among this particular bureaucracy. Following Wilson (1989) I view organizational culture as “...the predispositions of members, the technology of the organization, and the situational imperatives with which the agency must cope [that] tend

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to give the organization a distinctive way of seeing and responding to the world” (93). When bureaucratic culture is particularly strong, as I argue is the case for the police, it can lead to “resistance or hesitation to adopt new tasks” (Wilson 1989, 107). It can also lead the organization, as Alpert and Dunham (2004) note, to “consistently [reject] the idea that the police should be more directly accountable to those outside of that agency” (9).

Police agencies’ desire for autonomy thus leads them to take actions to protect their prerogatives, often by actively opposing reform efforts. Bureaucratic resistance to reform is fairly common. In a timely analysis, Carpenter (2010), for instance, discusses the ways in which “status quo regulators” of U.S. finance resisted financial regulation reform, which they viewed as a threat to their “turf.” In the specific case of the police, Ungar (2002) and Hinton (2006) both provide accounts of the efforts of police agencies in Latin America to challenge reform perceived as threats to police turf during the 1990s (including the Argentine Federal Police’s resistance to proposals to turn over police jurisdiction of the federal capital, Buenos Aires, to the municipal government). Given what we know about the involvement of many Latin American police forces in illicit activities, it should be noted here that the police’s preference for autonomy and protection of turf are not understood exclusively as freedom to engage in illegal activities, but are instead interpreted as standard bureaucratic prerogatives.

Despite having considerable political power vis-à-vis elected leaders, police institutions also face important limitations. As Wilson (1989) observes, “The freedom of action of bureaucrats is highly constrained, and sometimes wholly determined, by the decisions of their political superiors” (13). Indeed, the institution’s budget, structure, competencies,

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7 The development of a distinct police culture has long been recognized with considerable regularity by police scholars. Writing in the 1970s about police in the United States, Goldstein (1977) observed similar patterns, defining a “police subculture” as “that intricate web of relationships among peers that shapes and perpetuates the pattern of behavior, values, isolation, and secrecy that distinguish the police... The police subculture, therefore, emerges as a formidable force – created in part by the impossible character of the police function and in part by the environment in which the police work – that determines the way in which much police business is handled. It is inclined to oppose strongly any proposed changes in policing that are seen as threatening the protective bond between officers. This accounts for much of the resistance expressed by rank-and-file police officers to the proposals made during the past decade for police reform, and it explains, too, why many new programs have been stripped of some of their more important components” (10-11).
and many other aspects, are determined in large part by executives. Police, I argue, may therefore tacitly or explicitly bargain with executives, exchanging politicization of some decisions for autonomy in others. The pursuit of autonomy, and the constraints imposed by political leaders, lead police agencies to exchange autonomy in one dimension—serving the political goals of elected leaders—for autonomy in another dimension—greater freedom to run their own affairs with respect to security. This claim is consistent with other scholarship on bureaucracies. Arnold (1979), for instance, argues that in the United States, congressmen and bureaucrats engage in an “exchange relationship.” Bureaucracies accept the influence of members of Congress in the geographic allocation of goods and services in exchange for influence over the political decisions (e.g., votes, committee behavior) of legislators.

Patterns of accommodation, which emerge from the recognition by police and politicians alike of the benefits and risks posed by the other, can take many forms. In describing the case of various Argentine police forces, Sain (2002) argues that political leaders engage in an exchange with police institutions, by which the former allow the latter a wide margin for autogobierno, or self-governance, on matters of security (including the police’s vast network of involvement in criminal activity) in exchange for “tranquilidad,” i.e., crime is kept sufficiently under control so as to not generate societal discontent. In exchange, politicians gained the police’s cooperation in serving the political goals of the elected leader.

In the case of Buenos Aires Province, the politicization of the police force and the extensive autonomy granted to it reached extreme levels, in which politicians allowed police to engage in a range of illicit activities that were then partially used to fund political parties and local electoral campaigns, as will be discussed in Chapter 4. But accommodation need not entail malfeasance. Instead, it may take the form of deference to police institutions on matters relating to security and policing, involving themselves little in setting security policy. Interviewees in all of my cases pointed to a traditional tendency, though this has changed to some degree today, of civilian leaders having little role in determining the course of security policy, with police exercising what experts in both Argentina and Colombia described as
“autogobierno” (self-governance). This is by no means limited to Latin America. In his study of local police forces in the United States in the 1970s, [Goldstein (1977) writes,

“even though most police chiefs are now directly responsible to the chief executive officer of a municipality, the chief executive tends to refrain from exercising the authority granted to him. In contrast with their relationship with other departments of city government, mayors and city managers have sought to avoid involvement in police business – especially as it relates to the way in which the law is enforced – deferring to the autonomy of the department ... [such] that the police now actually have greater autonomy than other agencies of government that exercise much less authority” (134).

How Societal Fragmentation Facilitates Accommodation

While politicians derive a clear benefit from controlling the police in the political dimension and allowing them some degree of autonomy in exchange, they must also bear a cost. Police autonomy in the Latin American cases has traditionally meant few or no checks on abuse, corruption, and violence. Such behavior by police can and sometimes does serve as a political liability for executives, who may be blamed for the misconduct or incompetence of an agency that is formally under their control. Episodes of misconduct provide opportunities for political opponents to criticize and mobilize against the incumbent, which becomes particularly risky around election time. Executives must therefore balance the benefits of exercising political control over the police with the cost of being blamed for police malfeasance.

Societal actors play a pivotal role in this story. They hold widely varying and conflicting views about the police and security policy, such that a coherent policy preference is unlikely to emerge. In the absence of clear demands from society, politicians see little electoral benefit in reform. Political leaders such as presidents, governors, and mayors will thus seek to avoid reforms that restrict their control over police forces, which can serve as an important political tool. Regardless of regime type, executives use the police for their own political benefit, whether it is to clamp down on protest by political opponents in democracies or engage in more serious repression in autocracies. Police institutions will, in turn, seek to
preserve their autonomy over matters relating to security and the administration of their own affairs, and may hold considerable political power to promote their own preferences.

Under these conditions, the political benefits to elected leaders and police institutions of such accommodation will be significant, and, due to the fragmentation of societal preferences, the political costs of police malfeasance for politicians will be quite limited in many cases. But given the impact of police institutions on the daily lives of citizens, often shaping the bounds of citizenship and the context in which it is exercised, why are societal actors generally unable to counteract the incentives of police-politician accommodation, even in cases of extensive malfeasance?

As I argued in Chapter 1, citizens, depending on characteristics such as race, socioeconomic status, geography, and (as we saw above) political allegiances, may systematically receive differential treatment by police. These differences in treatment by police create different relationships to the state and shape how different individuals experience citizenship. The development of these “micro-citizenships” (Centner 2012) leads to the fragmentation of societal opinion on matters relating to security and policing. This fragmentation, I argue, prevents the development of coherent societal demands, providing elected officials with little guidance about what ought to be done and what would be electorally advantageous. In this way, fragmentation facilitates the patterns of accommodation described above, which in turn favor the persistence of institutional weakness and malfeasance. Let us consider how the fragmentation of societal opinion may act as a barrier to reform.

Attitudes toward the police vary greatly across countries, undoubtedly (though not exclusively) due to the quality of the police institutions themselves. Less explored and understood, however, is the variation that exists within a given society with regard to the police. Figure 2.1 shows responses to three questions from the AmericasBarometer 2012 survey that provide important evidence of this heterogeneity. The plot in the top panel simply shows the distribution by country of responses to a question about trust in the national police. Respondents were asked to rate their level of trust on a scale from 1 (not at all) to 7 (a lot...
of trust). While there are some countries where there is considerable agreement among citizens that the police are (or are not) trustworthy—such as Chile and Nicaragua, where less than 25% of respondents expressed distrust (1-3 on the scale) or Venezuela and Paraguay, where about 25% of respondents express trust (5-7 on the scale)—in most countries, there is greater heterogeneity of opinion. In Costa Rica and Brazil, for example, the proportions of citizens who believe the police are trustworthy and not trustworthy are roughly similar, around 40%. Regardless of whether there is greater or less disagreement, in all countries, significant proportions of the population express trust, distrust, or feel neutral about the same institution.

The fragmentation of societal opinion about policing, as alluded to above, consists not only of variation in opinions about the police. There is also the coexistence, in the aggregate, of contradictory beliefs and preferences about what police do, what they ought to do, and how they ought to do it. The bottom panel of Figure 2.1 shows respondents’ agreement with statements about police involvement in crime (left) and allowing authorities to “cross the line” occasionally, rather than abide by the law, in order to catch criminals (right). The high levels of agreement with the latter statement in most countries is alarming in itself. Considered alongside the chart in the left panel, we observe that large proportions of citizens believe police should be able to break the law “occasionally” in order to catch criminals even in countries where 30 to 60% of citizens believe the police are themselves involved in crime. The correlation coefficient between the two variables is 0.08, indicating that these views are not necessarily held simultaneously by the same individuals, but are instead conflicting preferences that exist in the aggregate within each society, a point to which I will return below.

This finding is consistent with the works of other scholars who have similarly found contradictions in societal attitudes toward the police in many Latin American societies, such as the view of an incompetent police force juxtaposed with a desire to give the police greater discretion and authority. Chevigny (1995), for instance, explains the high levels of
police violence in terms of societal concerns over crime and a sense of powerlessness that lead individuals to tolerate extra-legal use of force as a response. In examining judicial prosecutions of cases of police killings in Argentina, Brazil and Uruguay, societal tolerance also emerges as an important determinant of the investigation and outcome of cases of police killing for Brinks (2008). At the same time, Latin American citizens’ evaluations of police forces are, on average, far from stellar. For instance, in the 2008 wave of the AmericasBarometer survey, when asked how much they would trust police to capture the perpetrator of a robbery or mugging against them, majorities in most countries responded “a little” or “not at all.” Consistent with the findings shown in Figure 2.1, police institutions are viewed as ineffective at their job, yet there appears to be an implicit demand for police violence and increased authority. Caldeira (2002) identifies such coexistence of “popular support for a violent police” and “a negative evaluation of the police” as a “paradox” (236). I argue that the coexistence of such seemingly contradictory opinions is better conceptualized as fragmentation.

Where, then, does this fragmentation come from? I argue that at least part of the fragmentation of societal opinion and preferences with regard to security is due to the vastly different experiences that citizens of different backgrounds may have in their interactions with the police, as I demonstrated in Chapter 1. We have fairly strong evidence from scholarship on the United States that citizens’ interactions with state institutions, particularly criminal justice agencies, shape attitudes and preference formation regarding those institutions. Skogan (2006), for instance, studies the impact of individuals’ personal experiences with police on their evaluations of police service in Chicago. He finds that citizens who perceived that they were treated unfairly or in a discriminatory or disrespectful manner by police during police- or citizen-initiated contacts have more negative evaluations of the police. While this is an intuitive finding, its implications are alarming when considered jointly with the fact that citizens may receive very different treatment from state officials, leading

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8He replicated the study and found similar results in three other U.S. cities as well as in England and Wales.
them to form quite different attitudes and relationships with those institutions, based on personal characteristics such as race, class, and where they happen to reside.

Even more worrisome is the likelihood that some citizens’ attitudes toward the police, which they perceive as having treated them unjustly, may generalize toward the state as a whole. As Hagan and Shedd (2005) argue “there is reason to believe that this response [outrage and strong reactions to police contacts] to the criminal justice system is a precursor of a wider skepticism among visible minorities about a range of governmental institutions responsible for employment, housing, health care, voting, and other aspects of adolescent and adult life” (286). In a remarkable study on the effects of what they call the “carceral state,” Weaver and Lerman (2010a) find that the effect of such experiences with the criminal justice system not only extends to attitudes toward the state as a whole, it also shapes citizens’ behavior:

> those with contact at every level of criminal supervision withdraw from political life — they are less likely to participate in civic groups, they are less likely to express their political voice in elections, and they are less trusting of government. Thus, the carceral state carries deep implications for who is included and how they are included in the polity (15).

In the case of the United States, then, the police and the broader criminal justice apparatus have been an important contributor to the development of “micro-citizenships,” shaping citizens’ attitudes toward and relationship to the state based on racial, ethnic, and class differences.

While we do not have comparable studies about the impact of citizen experiences with the police and other criminal justice institutions in Latin America, we can at least test the hypothesis that, in light of the differential treatment that citizens of different social groups receive from the police, they are likely to hold divergent views about the institution.

Table 2.1 presents the results of regression analysis to determine the degree to which various demographic and socioeconomic characteristics drive variation in societal attitudes toward the police, once again drawing on the 2012 wave of the AmericasBarometer survey.
Direct experience with crime victimization is also included since it is likely to shape attitudes toward the police and could act as an important confounder. As shown in Model 1, the level of trust in police is influenced by a number of demographic and socioeconomic variables. An individual’s level of education negatively affects trust in the police, while higher income leads to higher levels of trust. Being unemployed[^9] is negatively related with trust in the police, as is residence in an urban area. Trust in the police appears to increase with age, and is also higher among women. Finally, individuals who identify as black are less likely to trust the police, while those who identify as indigenous are more likely to do so. These results are consistent with the analysis of trust in police using the AmericasBarometer 2010 data by Ahmad, Hubickey, and McNamara (2011).

When it comes to the perception that police are involved in crime, demographic and socioeconomic characteristics still matter, but less so than was the case with trust in police. Individuals who live in urban settings and those who are unemployed are more likely to believe that police are involved in crime. Identifying as black is not significant at conventional levels, but skin color is. Those with darker skin are more likely to believe that police are involved in crime[^10] Interestingly, education, income and gender are not significant predictors of holding the belief that police engage in criminal activities. Support for overstepping legal boundaries to catch criminals, on the other hand, does not seem to be as influenced by socioeconomic and demographic factors. Urban residence is positively and significantly related to support for breaking the law, while women, younger people, and those that identify

[^9]: The occupation categories used in the AmericasBarometer survey are far from ideal, making it difficult to have a sense of standard categories of occupational prestige. Unemployment status is used to identify those with some degree of precariousness in the labor market, relative to those who are employed.

[^10]: Recently, the AmericasBarometer survey has included a question answered by the survey enumerator about the respondent’s skin color, based on a color palette of 11 color categories. While the use of such a system is not unproblematic, it is intended to give us a more complete picture of the effects of race and ethnicity in Latin America, since it is well known that many people do not identify as black or indigenous, or may vary their self-classification based on question wording (Bailey 2008), even if they are of African or indigenous ancestry (De la Cadena 2000).
Table 2.1: Sources of Fragmentation in Societal Attitudes Toward Police

<table>
<thead>
<tr>
<th></th>
<th>(1) Trust</th>
<th>(2) Inv. Crime</th>
<th>(3) Break Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Victim</td>
<td>-0.404***</td>
<td>0.387***</td>
<td>0.250***</td>
</tr>
<tr>
<td></td>
<td>(0.029)</td>
<td>(0.036)</td>
<td>(0.034)</td>
</tr>
<tr>
<td>Education</td>
<td>-0.026***</td>
<td>-0.009</td>
<td>0.017*</td>
</tr>
<tr>
<td></td>
<td>(0.008)</td>
<td>(0.009)</td>
<td>(0.009)</td>
</tr>
<tr>
<td>Income</td>
<td>0.006**</td>
<td>0.002</td>
<td>0.003</td>
</tr>
<tr>
<td></td>
<td>(0.008)</td>
<td>(0.003)</td>
<td>(0.003)</td>
</tr>
<tr>
<td>Unemployed</td>
<td>-0.139***</td>
<td>0.187***</td>
<td>0.012</td>
</tr>
<tr>
<td></td>
<td>(0.051)</td>
<td>(0.064)</td>
<td>(0.062)</td>
</tr>
<tr>
<td>Urban</td>
<td>-0.228***</td>
<td>0.397***</td>
<td>0.073**</td>
</tr>
<tr>
<td></td>
<td>(0.027)</td>
<td>(0.034)</td>
<td>(0.033)</td>
</tr>
<tr>
<td>Age</td>
<td>0.006***</td>
<td>-0.005***</td>
<td>-0.008***</td>
</tr>
<tr>
<td></td>
<td>(0.001)</td>
<td>(0.001)</td>
<td>(0.001)</td>
</tr>
<tr>
<td>Female</td>
<td>0.059***</td>
<td>0.047</td>
<td>-0.183***</td>
</tr>
<tr>
<td></td>
<td>(0.023)</td>
<td>(0.029)</td>
<td>(0.028)</td>
</tr>
<tr>
<td>Black</td>
<td>-0.128**</td>
<td>0.129*</td>
<td>-0.051</td>
</tr>
<tr>
<td></td>
<td>(0.060)</td>
<td>(0.077)</td>
<td>(0.075)</td>
</tr>
<tr>
<td>Indigenous</td>
<td>0.093*</td>
<td>-0.205***</td>
<td>-0.164***</td>
</tr>
<tr>
<td></td>
<td>(0.049)</td>
<td>(0.062)</td>
<td>(0.061)</td>
</tr>
<tr>
<td>Skin Color</td>
<td>0.007</td>
<td>0.033***</td>
<td>0.010</td>
</tr>
<tr>
<td></td>
<td>(0.008)</td>
<td>(0.009)</td>
<td>(0.009)</td>
</tr>
<tr>
<td>N</td>
<td>24,242</td>
<td>22,326</td>
<td>23,855</td>
</tr>
<tr>
<td>Model</td>
<td>OLS</td>
<td>Logit</td>
<td>Logit</td>
</tr>
</tbody>
</table>

Standard errors in parentheses. All models include country fixed effects.

*** p<0.01, ** p<0.05, * p<0.1

as indigenous are less likely to support extralegal actions. Education, income, and race, meanwhile, are not significant at conventional levels.\(^{11}\)

Although characteristics such as education, income, employment status, urban residence, gender, age, and race/ethnicity are not the only factors shaping attitudes toward police, it is clear that they, too, play a role. These findings are consistent with studies on attitudes toward police outside of Latin America. Jiao (2001) finds important differences in citizens’ preferences for policing strategies depending on whether one resides in urban, suburban, or

\(^{11}\)Victimization is a strong predictor of all three attitudes, and many other security preferences. It is analyzed in a separate working paper where I study the effects of crime victimization and fear of crime on citizens’ relationship to one another and to the state.
rural settings. Nation (2011) also examines this question in the case of the United States, finding evidence of racial differences in citizens’ preferences and attitudes toward police. In Canada, meanwhile, researchers have also found that “visible minorities” were more likely to have lower levels of confidence in the police, even when controlling for other characteristics, such as crime victimization and neighborhood context (Cao 2011; Sprott and Doob 2014).

The reality of policing and security provision is that police institutions generally provide protection on behalf of some social groups against others, such that the demand for unequal treatment across social groups often comes from citizens themselves. Echoing the discussion in the previous chapter about the identification of certain social groups as the agents of insecurity and targets for police action, the Colombian sociologist and security expert Alvaro Camacho has argued,

State negligence in the protection of certain categories of citizens has resulted in the construction of generalized social representations of “dangerousness.” The so-called “disposable ones” are created as stereotypes of criminals... In this way, the State reinforces social inequalities and contributes to sharpen differences among social classes... In this the police has a great responsibility... The mere risk of looking like a suspect can be enough for an individual to become the object of police repression. The terror thus created may, on the one hand, satisfy certain needs of the population that considers itself unprotected, but may also generate reactions among those who see in those actions the police’s impotence to capture the true criminals as well as the arbitrariness of an armed entity of the State. To the indigents we can add youth from poor neighborhoods. According to youth interviewed in Medellín, the mere fact of being young, living in a poor neighborhood, and using certain clothing is enough for the Police to harass, detain, mistreat or, in more than a few cases, eliminate them clandestinely (Camacho 1993, 12).

These differences in societal attitudes may explain why when it comes to security, society (or even a bare majority) rarely expresses a dominant coherent demand. Ungar (2002), for instance, calls public opinion with regard to policing and security “schizophrenic” (63). Indeed, the fact that roughly the same percentage of Argentines believe that police are involved in crime and that police should be able to break the law to catch criminals may well seem highly contradictory. What the author calls schizophrenic, however, is better conceptualized
as contestation. Like other goods and services provided by the state, protection by police, or in many cases protection from police abuse or corruption, are not evenly distributed across populations. Differences in perceptions and preferences that emerge at the aggregate level reflect differences in attitudes toward police across societal sectors that in turn likely relate to differences in the experiences of these sectors with police, which are in turn shaped by existing social orders.

In other words, different sectors of society may perceive the same police actions differently depending on their social class. As demonstrated in Chapter 1, different social classes and populations are not subject to the same type of policing. Sharp (2012) observed in her study of the effects of community policing programs that, “[A]ll residents of an area with community policing in some sense experience the same program. However... they may not have the same experience with that program. Indeed, the ‘same’ community policing program can send different messages to different kinds of residents” (77).

Police management and societal reaction to police repression during the wave of protests in Brazil that began in June 2013 provide ample evidence of this point. During one such protest, reports surfaced that the Military Police of Rio de Janeiro used an assault rifle (shot into the air, not into crowds) to disperse protestors. A security analyst (and former police officer) for the television network Globo noted that “Assault rifles should be used in war, in police operations in favelas [low-income communities]. It is not a weapon to be used in an urban area.”[12] Indeed, many observers noted the extensive reporting of police repression of mostly middle-class protestors during the wave of demonstrations in June and July 2013, juxtaposed with the general invisibility of the excessive force regularly used by police in favelas throughout the country. They argue that the middle class is largely indifferent to

the violence that police inflict upon residents of *favelas* because it is not regularly subjected to such violence.\(^\text{13}\)

Characteristics such as race and class may not only shape experiences with and confidence in the police, it may have important effects on how different citizens perceive police strategies. In their research regarding perceptions and attitudes toward racial profiling by the police in the United States, Wei\(\text{t}\)er and Tuch (2005) find that race and experiences with discrimination by police (itself shaped by race) are important determinants of whether citizens even believe such practices exist, let alone condone it:

> a majority of blacks (75%) and Hispanics (54%) believe that police in their city treat blacks worse than whites, and virtually the same proportions also believe that Hispanics are treated worse than whites (74% and 53%, respectively). Few whites agree: The overwhelming majority of whites (75% – 77%) believe that police in their city treat whites and the two minority groups “equally” (1017).

Such stark differences in not only how citizens are treated by police but how they perceive police treatment of citizens from different social groups may have a significant impact on outcomes. In what may provide an interesting “natural experiment,” the process of gentrification in New York City has quickly transformed the racial composition of some neighborhoods, leading to an interesting shift in criminal trials.\(^\text{14}\) Veteran defense lawyers described a remarkable shift in decision making by juries as the proportion of white residents increased in a given neighborhood. One lawyer noted that just two decades ago, juries in his district were “80 per cent people of color” and held an “anti-police sentiment.” As another attorney put it, “People who can afford to live in Brooklyn now don’t have the experience of police officers throwing them against cars and searching them. A person who just moves here from Wisconsin or Wyoming, they can’t relate to [that]. It doesn’t sound credible to them.”

Race, class, and geography interact, in these New York City neighborhoods and beyond, to

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create vastly different outcomes, leading to an increase in convictions of (largely minority) defendants.

As the above example highlights, different sectors of society do not receive the same treatment by police, and those that are not subject to police abuses are often unaware of or indifferent to the experiences of other groups with the police. That is, until they are themselves exposed to that type of treatment. This point was underscored by anti-violence groups working in favelas in Rio de Janeiro, who frequently marched during the June and July 2013 protests with large banners declaring that “the police that represses on the avenue [where protests were taking place] is the same one that kills in the favela.”

Once the young middle-class population that largely frequented the mainstream protests in June and July 2013 was exposed to police violence, likely for the first time, a noticeable, if temporary, change occurred. The broad societal mobilization that occurred around the disappearance (and as was subsequently discovered, killing) of a construction worker from Rio de Janeiro’s largest favela, is attributed by many to the fact that his disappearance took place in the midst of police repression of mostly student and middle-class protestors. The case of the construction worker, Amarildo de Souza, who disappeared on July 14, 2013, not only led to widespread mobilization by low-income and middle-class sectors; it also resulted in the investigation of his disappearance by police, numerous public statements about the case by the Governor of Rio de Janeiro State, and the arrest of the police officers that were allegedly responsible. This response by the state to a police killing in Brazil is far from the norm, and can often be attributed to societal mobilization (Brinks, 2008). In analyzing the case of Amarildo de Souza, a Brazilian lawyer wrote

It is difficult to determine which factors may have made the difference in the case of Amarildo. But it seems equally difficult to understand the development of these events [in the case] without considering the June protests... The protestors were largely young middle-class university students. They were violently repressed by the police, which caused a commotion among broad social sectors and even the growth of protests. In this way, the experience of State violence by the white middle class can explain the broad network of solidarity in the case of the
poor black man from [the favela] Rocinha, otherwise nonexistent or laughable in the daily cases of police violence against the popular classes. Without that network, would the media and the justice system have reacted differently from their habitual response? Not likely.15

An important question that invites further analysis in the coming years is therefore whether the experiences of large numbers of largely middle-class, young Brazilians with police abuse will shape their attitudes toward police and their preferences regarding security policy and policing.

Thus, when citizens, such as the respondents of AmericasBarometer surveys, are asked their attitudes about the police, they may be asked about the same institution, but may in fact be drawing on vastly different experiences with that institution shaped by where they live, their socioeconomic status, their race, and other factors. These differences, reflected in the results of the qualitative and quantitative analysis presented above, may therefore be an artifact of the heterogeneity of social groups that are contesting who receives protection from crime (and from police violence), which explicitly entails the protection of some groups of citizens from other groups of citizens.

This fragmentation and seeming contradiction in societal preferences toward security, at least partially the result of societal divisions along class, race, and geography, can have important implications for policy if the outcome is the absence of coherent societal demands regarding policing and security. In studying a pilot project in participatory security in a small Guatemalan city, Chinchilla (2009) found that “proposals originating with society, although numerous in other areas, tend to be very scarce when it comes to citizen security” (88). Thus, political leaders do not always hear clear demands from society about what should be done with security. Even when there is a consensus that the police institution is highly deficient or that security conditions are a problem, politicians are still likely to receive conflicting messages from society about the desired solution.

There is undoubtedly a great deal of fragmentation in societal attitudes and preferences regarding security and policing, perhaps more so than other policy areas. This fragmentation may take multiple forms: small, vocal groups with opposing views with a majority indifferent to the issue, or contradictory views held by the majority of people, such as the belief that police are incompetent coexisting with the belief that they should have more authority (including extralegal authority) to fight crime. In either scenario, the result is ambiguity and the absence of a clear mandate from society about what should be done.

It is important to note that this fragmentation and the lack of consensus among even a bare majority in many societies differs in important ways from a collective action problem, which is an important impediment to reform in the study by Geddes (1994). Unlike with the classic collective action problem in which individuals would benefit from working towards the same goal but do not do so because they have an incentive to “free ride” (Olson 1965), individuals embedded in different social categories in my proposed framework do not see themselves as benefiting from the same policy.

Racial cleavages are salient, for example, in preferences toward the “stop, question, and frisk” policy used by the New York City Police Department, which many observers note is disproportionately and unconstitutionally employed against minorities. A survey showed that 57% of white New Yorkers support the policy, while only 25% of black New Yorkers support it.

I observed similar dynamics play out at the micro-level during my participation in CONSEG meetings in São Paulo when abordagem policial, the practice of stops and searches of individuals or vehicles, was discussed. In one mixed income neighborhood in the south zone of the city, a neighborhood resident with light skin told a police officer that if he were stopped on the street and subjected to a search, he would thank the officer for doing his job. In a different meeting in a low-income neighborhood also in the south zone, meanwhile, a

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police officer with darker skin admitted that there is discrimination in the practice, sharing that on multiple occasions when he was out of uniform and riding his motorcycle, he had been stopped and treated with disrespect by fellow police officers. Whether in New York City or São Paulo, elected leaders charged with setting security policy may therefore receive conflicting messages from different societal sectors about what should be done.

Why Institutional Weakness Persists

The persistence of institutional weakness, at least in the case of police agencies, thus has its roots in the very role of the police as the manager of the state’s coercive authority and a radiating institution of the state. The police’s primary function within the state, the provision of security, inherently has distributive implications, as it entails the enforcement of the law on behalf of some societal groups against others. This serves as a powerful tool for politicians looking to remain in office, as it provides them with control of the distribution of coercion and protection, an essential precondition for the exercise of citizenship. This provides a strong incentive for politicians to use police institutions to pursue their political objectives. As the case studies in this dissertation demonstrate, the politicization and autonomy that result from the patterns of accommodation between police and political leaders can have a highly detrimental impact on institutional capacity and performance.

The police’s role in providing security for citizens, though, also contributes to the fragmentation of societal preferences. Depending on the distribution of protection, citizens in the same society may receive vastly different treatment from, and form vastly different relationships to, state security institutions. As a result, citizens may come to develop different perceptions about what police do, and different attitudes and preferences about what police ought to do. The fragmentation of societal preferences, rooted in existing societal structures that lead to differentiated relationships with police institutions, inhibits the formation of a consensus that can act as a counterweight to the strong incentives of politicians and police institutions to engage in patterns of accommodation.
Even where there is broad recognition that police institutions are highly deficient, there may not be broad agreement about the appropriate solution. Politicians, even when they perceive widespread dissatisfaction, are still likely to receive conflicting demands from different societal groups about what should be done. It is not the case, however, that politicians are completely unresponsive when they perceive broad citizen discontent with police. As we will see in the case studies, politicians often seek to address the problem through other measures, such as raising police salaries or budgets, thereby avoiding police reform. Such cosmetic measures, which former Colombian Defense Minister called “a reform to avoid reform” (see Chapter 3) and a former Ombudsman for the national police of Ireland described as “a case of painting the pillar boxes green,” are a common strategy for thwarting more profound, and usually necessary, reform. But in the absence of a clear societal demand, political leaders have little incentive to pursue a policy response, police reform, that may limit their power over a valued political tool and that would be of uncertain electoral benefit.

The provision of security thus creates certain incentives and interests among state actors and different societal groups that contribute to institutional weakness and may actually impede efforts to build state capacity through institutional reform. Under what conditions, then, does police reform occur? What factors lead political leaders to give up some degree of control over a powerful political tool? And why, in some cases, do they create institutions that incorporate societal actors in shaping security provision?

Understanding the Onset of Police Reform and Participatory Security: Existing Explanations

I understand reform as a written policy intended to change the structure, training, or operations (including the functions) of the agency as a whole. Although the concept is broad, it does exclude “pilots” that are only intended to function in one division of the agency for a limited period of time. Though not included in the definition of reform, such policies are generally enacted to improve an agency’s performance and policy outcomes.

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Given the incentives for elected leaders to use police institutions to pursue their political objectives, and the range of policy options available when problems arise, why do political leaders choose a type of reform that could potentially weaken their control over police forces, a valued political tool? Moreover, if it is true that societal fragmentation and accommodation between politicians and police favor the persistence of institutional weakness, how can we explain why reform happens when it does? In seeking to understand the conditions under which politicians seek to build state capacity through institutional reform, even when it seemingly limits their own power, we can look to the literatures on police reform and bureaucratic reform, as well as the literatures on related processes such as decentralization and participatory budgeting.

Within the police reform literature, there are two major variants of an explanation that relies on the police’s own wrongdoing. The deplorable conditions of police institutions and deteriorating security conditions in many countries suggest that reform was unavoidable in Latin America. Indeed, that is essentially the theory that is presented by the relatively few scholarly and policy works on police reform in Latin America that seek to explain rather than simply describe the phenomenon. Ungar (2002) provides a useful version of the standard “crisis” explanation, that conditions were simply so bad that reform was inevitable: “elected officials enact measures when they realize that an institution no longer functions and that they may be blamed for it, fairly or unfairly” (3). In this view, the dire situation of police and crime/insecurity represented a threat to the interests of political leaders. Fearing the loss of political support and possibly the next election, leaders had no choice but to enact reform. This theory has been applied beyond the Latin American cases. Savage (2007) proposes a similar theory to account for police reform in the British case, claiming that “things going wrong’ are forces for change and reform in policing” (12). According to Savage, the wide discretion inherent in policing can sometimes lead to what he calls “system failure” or “things going wrong.” When system failure occurs, the police comes under increasing scrutiny and criticism, which challenges the authority and legitimacy of policymakers. This sets the stage
for an institutional crisis, which serves as a “window for reform” (13). Such arguments, however, do not do a good job of explaining the timing of reform. As the cases of Colombia and Buenos Aires, in particular, demonstrate, “Things going wrong” can describe the status quo for years before reform is enacted, if at all.

A second variant of this explanation points to specific events that become particularly resonant with public opinion, helping to trigger reform. Studies of Colombia’s 1993 police reform all point to the rape and murder of a young girl in a police station as the immediate catalyst of the reform (Camacho 1993; Llorente 2005; 1997; Casas Dupuy and Gonzalez Cepero 2005). Similarly, the murder of photojournalist José Luis Cabezas at the hands of police in 1997 is widely seen as precipitating a significant restructuring of the police of Buenos Aires Province (Eaton 2008 15). Crises resulting from such high-profile events have also been said to trigger reforms in cases outside of Latin America. Taylor (Forthcoming), for instance, extends the literature on hybrid regimes beyond classification, providing a fascinating look into the policy-making process in Russia through a case study of police reform in 2009-2011. Although his focus is the policy process itself and not how police reform was placed on the political agenda, reform is widely believed to have been triggered by a prominent violent event in April 1999, during which the “head of a police district in southern Moscow, went on a drunken shooting spree in a supermarket, killing two people and wounding seven” (13). Sherman (1978) also looks to scandal, defined as “negative public reaction to deviance” (60), as the determinant of important reforms to combat police corruption in four U.S. cities during the 1970s. Even outside of the police context, the literature on bureaucratic reform has also focused on “crisis.” Whether tragedy, scandal or exposé, crisis has been cited as an explanation of many reforms in the United States, including the development of environmental and FDA regulations (Carpenter and Sin 2007) as well as the creation of the Department of Homeland Security (Cohen, Cuéllar, and Weingast 2006). Scholars of Latin American politics will also recognize (economic) crisis as an explanation for the adoption of neoliberal reforms throughout the region (Weyland 2003).
But standard crisis-based theories such as these suffer from a number of shortcomings. They do not tell us why a crisis was necessary to trigger reform in the first place, nor do they specify the causal chain through which reform becomes possible once a crisis erupts. Carpenter and Sin (2007) provide an important critique of this standard explanation:

So widely held is the claim that regulation follows from crisis that it remains virtually unexamined in empirical and historical analyses. The connection between “critical” events and the legislation that supposedly follows from them is vague, the implied causal mechanisms either poorly described or altogether evanescent (149).

Moreover, these explanations only allow us to determine ex post why reform occurred; for the most part, they do not allow us to make predictions about when a given event will develop into a crisis that then leads to reform. Yet police involvement in terrible events is far from exceptional. This reality was perhaps best illustrated by the Russian version of Esquire, which “ran a calendar from May 2009 to April 2010 entitled ‘We Work Every Day,’ with each day marking a different police misdeed” (Taylor Forthcoming, 14). In the next section I propose a theoretical framework that unpacks the standard crisis-based explanation of reform. I propose a theory that helps us understand the causal mechanism through which scandal makes police reform possible and theorize about the conditions that allow us to predict ex ante when a high-profile event is likely to generate a scandal.

But crisis, whether prolonged institutional decay or a specific catalyzing event, has not been the only explanation for police reform put forth in the literature. In El Salvador, police reform was brought about by the 1992 peace accords ending the country’s civil war. According to Call (1997), “Police reforms were central to the peace process itself, permitting the conservative Salvadoran government and the leftist Farabundo Mart National Liberation Front (FMLN) to overcome an impasse regarding the status of the government armed forces” (3). Outside of the region, police reforms also resulted from peace agreements in Sierra Leone (Kabia 2012) and Liberia, where the Comprehensive Peace Agreement of 2003 mandated reform of security institutions in order to ”reestablish the social contract with the
communities they were meant to protect” (Bekoe 2012, 38). As we will see in the cases of Brazil and Argentina, transitions from highly repressive military dictatorships did not lead to similar processes of police reform, despite widespread police involvement in the repressive apparatus and strategies of the authoritarian regimes.

The literature on police reform in post-conflict societies points us toward another possible explanation: policy diffusion and the influence of international actors. The fact that participatory security has found its way from the Southern Cone to Central America may lend support to this proposition. According to the policy diffusion literature, the process of diffusion can occur in numerous ways. Political leaders may adopt a policy that has been adopted by its country’s neighbors through a process of social learning. Meseguer (2005), for instance, studies the spread of market reforms in the 1980s and 1990s, and attributes the phenomenon to “learning from failed and successful experiments” (69). Weyland (2005) adopts a related theory of “cognitive heuristics,” by which successful policy experiences in one country become “available” to leaders in neighboring countries, which then adapt the new policy to their own local conditions. Leaders may therefore turn to a range of available police reform alternatives, including participatory security, after observing positive outcomes in neighboring countries or states. The adoption of Chile’s community policing strategy, “Plan Cuadrantes,” in other countries such as Colombia reflects a similar process.

An additional factor that may lead to policy diffusion is the role played by international organizations. With respect to participatory budgeting, Goldfrank (2006) writes that it “has become a ‘best practice’ in the mainstream international development community’s toolkit for reducing poverty and practicing good governance” (1). International organizations may therefore encourage the adoption of participatory budgeting and thus can account for some of its spread around the world (Ganuza and Baiocchi 2012; Goldfrank 2012). Given the role of international organizations in financing or otherwise promoting participatory security projects in Uruguay (Inter-American Development Bank, British Embassy, United Nations

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19It should be noted that Weyland (2005) finds that external pressure by international organizations cannot account for the spread of pension reform in Latin America during the 1980s and 1990s.
Development Program, and Agencia Española de Cooperación para el Desarrollo), Costa Rica (UNDP), and El Salvador (USAID), it may well be the case that diffusion, and nudging from international organizations, may play a role in recent or future adoption of participatory security. In order to minimize this potential confounder, I focused case selection on what may be seen as “early adopters,” countries and subnational units that adopted participatory security in the 1980s and 1990s. Though this temporal distinction is important, throughout the dissertation I will make references to recent adopters of participatory security in order to test the argument in these settings. However, even learning of successful experiences elsewhere or promotion by international funding agencies are unlikely to lead to the adoption of participatory security in the absence of domestic political and social factors favorable to its implementation.

Other scholars explain reform by looking to the incentives created by institutional structures. Geddes (1994) cites political institutions as a key factor that shapes the strategies that politicians use to stay in office, which in turn allows them to pursue their own objectives. Institutions that shape the distribution of patronage among political parties and those shaping party discipline (in addition to other factors such as a leader’s time horizons) shape politicians’ incentives and subsequent policy decisions.

In the case of the United States, Epp (2009) analyzes how institutional changes in the legal domain that made new legal tools available for citizens to sue government agencies for rights violations, created incentives for policymakers and bureaucrats to pursue broader reforms in areas such as police use of force, sexual harassment in the workplace, and playground safety. The “fear of liability” among officials, that is, the fear of being sued by citizens, served “as a lever for bureaucratic reform” (15). Alpert and Dunham (2004) also find that in the United States, police officers at all levels as well as commanders are greatly concerned about civil litigation, which “is becoming one of the most significant sources of regulation

20This also precedes the rapid spread of participatory budgeting institutions throughout Latin America and beyond. According to Goldfrank (2012), in the early 1990s only about a dozen cities in the entire region practiced what might be recognized today as participatory budgeting. The author estimates that the World Bank became involved in actively spreading this institution around the world in 2003.
of police use of force outside of the police organization” (10). Such a mechanism is unlikely to account for reform in Latin America, despite the broad availability of *recursos de amparo* as a legal tool for citizens to have their rights enforced after they are violated by an agent of the state. Brinks (2008)’s study on judicial action in response to police killings finds that criminal trials hardly constitute an impediment to police violence: such trials rarely move forward, and when they do, usually due to societal mobilization and media coverage, they do not result in broader reform.

The literature on related processes, decentralization and participatory democracy — in that they entail reforms intended to improve government performance through the formal devolution of power by incumbents — offer additional explanations. Unlike the previous theories of institutional reform examined above, this literature tends to focus on the nature of party dynamics and electoral politics. In examining the origins of participatory budgeting in the city of Porto Alegre in 1989 and the state of Rio Grande do Sul ten years later, Goldfrank and Schneider (2006) argue that the institution emerged as a result of party competition in those localities. The now dominant Workers’ Party (PT), with a minority in the legislature and weak support among organized civil society, adopted a participatory institution that would in some ways circumvent the legislature and provide a channel for its supporters among unorganized sectors of society. As the authors argue, “The design of [participatory budgeting] weakened the institutional strongholds of opponents, mobilized old and new supporters, and advanced progressive spending priorities” (Goldfrank and Schneider, 2006, 7). The promotion of community participation was thus a strategy used by incumbents to create spaces for future electoral support.

A similar argument can be found in the decentralization literature. O’Neill (2003) begins by asking why political leaders would seek to give up control over valued political and economic resources through decentralization. She presents an argument based on the elec-

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21 Political competition is also the key explanatory variable used by Grzymala-Busse (2007) to account for the variation in the creation of institutions that facilitate/restrict predation of the state by ruling parties in post-Communist states. Thus, for a range of scholars, party competition appears to be an important explanation for decisions by politicians to limit their own power.
toral concerns of incumbent political parties: if their electoral support at the subnational level is strong and their future prospects for electoral success at the national level seem low, governing parties will seek to implement decentralization. This is an interesting argument to consider in the context of participatory security. Politicians may promote community participation in security in order to build future political support.

Just as the Workers’ Party in Brazil was instrumental in the initial spread of participatory budgeting, party ideology could also play a role in the adoption of police reform and participatory security. One could argue that, if police protection and abuse are not evenly distributed, and that, as I argue here, distribution is based on socioeconomic and demographic divisions, then the adoption of reform could simply be explained by efforts of political parties aligned along these cleavages. For instance, if poor and working-class citizens are frequent targets of police violence, and receive fewer resources for their protection than do middle-class citizens, then a left party will enact reform in order to deliver better security to their constituents. While I do not test this alternative explanation directly, the analysis below holds party ideology constant by examining change in the dependent variable across a single administration. Within the context of rule by the same political party, police reform legislation may go from “dead on arrival” to a policy priority in a matter of months. Moreover, reform is alternately avoided and undertaken by parties across the ideological spectrum, from Venezuela (Gabaldón and Antillano, 2007) to Russia (Taylor, Forthcoming). Regardless of party affiliation, executives have incentives to eschew reform and pursue mutually beneficial patterns of accommodation with police institutions.

Finally, two classic theories of policy change offer additional explanations. Kingdom (1984) offers a well-known model, which posits that a “policy window” opens when three “streams” converge to allow policy emergence or change to occur: the “problem stream,” by which an issue is widely recognized as a problem, the “political stream,” which refers to the willingness of politicians to enact a policy, and the “policy stream,” which refers to the availability of policy alternatives to the problem. Lindblom (1959), meanwhile, argues that
policy change generally takes an incremental approach, with administrators choosing from a sequence of policies that differ only slightly from one another and from the status quo. A “wise” politician or bureaucrat, Lindblom (1959) tells us,

expects that his policies will achieve only part of what he hopes and at the same time will produce unanticipated consequences he would have preferred to avoid. If he proceeds through a succession of incremental changes, he avoids serious lasting mistakes in several ways (86).

Yet, even these classic theories come up short. Kingdon’s “streams” approach, however, cannot account for the timing of reform, because the conditions defined in the problem, policy, and political streams can exist for years without reform. Incrementalism, meanwhile, does describe to some degree the approach of politicians to adopt small changes in response to discontent, but it cannot explain the adoption of comprehensive structural reforms described in each of the case studies.

Although each of these groups of explanations — crisis, policy diffusion, transitions, international pressure, institutional incentives, party competition, policy windows, and incrementalism — advance our understanding of how institutions and policies change, none of them can account for the adoption and timing of police reform. Below I propose a theory that draws on elements from many of these frameworks, but which takes as a starting point the two conditions I argued in the previous section can explain the persistence of institutional weakness and poor performance — societal fragmentation and patterns of accommodation between police and politicians. In the next two sections I offer additional hypotheses that seek to explain the adoption and timing of reform, as well as the choice of participatory security as a component of the reform.

The Argument: Mobilized Scandal as a Catalyst for Reform

The adoption of participatory security consists of two moments of strategic decision making by political leaders: the decision to reform the police and the choice of institutional design
of the reform. I argue that in order to understand the former, we must look back to the ways in which the police’s role as the coercive arm of the state, and the enforcer of its legality, structures the interests and incentives of politicians and shape societal preference formation. Through the distribution of protection and coercion, police institutions can serve as a valuable tool for politicians, providing an incentive to use the police in a way that serves their political objectives rather than security or the rule of law. The distribution of protection, meanwhile, generates what I call “micro-citizenships,” differentiated relationships to the state for different societal groups, depending on where they lie on the continuum of protection and repression. These two conditions, I argued above, favor the persistence of institutional weakness. The fragmentation of societal opinion brought about by the unequal distribution of protection in turn generates conflicting societal demands. Politicians, in the absence of a clear, electorally advantageous mandate, are free to pursue patterns of accommodation with the police in order to maintain the institution’s cooperation with their political agenda.

These patterns are interrupted, and reform becomes possible, following what I call a mobilized scandal. I argue that politicians enact police reform in response to a high-profile event involving police deviance that generates sustained criticism of the institution and the administration. These two conditions, a high-profile deviance event and a negative societal reaction that is sustained over time, constitute what I call a “mobilized scandal,” which compels politicians to take action. I opt for the term “mobilized scandal” rather than the standard “crisis” for two reasons. First, it allows us to distinguish between terrible events that generate significant negative attention in the media and in society, but which do not result in sustained criticism and calls for reform, and those that do. Second, it highlights that this is not simply a matter of cases that shock society, which we cannot predict, but rather of the ability and incentives of certain actors to keep the public discourse focused on the issue for an extended period of time. In the words of Sherman (1978), who studied the role of police corruption scandals in bringing about reform in the United States, “Scandals
do not just happen; they are socially-constructed phenomena involving the cooperation and conflict of many people” (59).

Scandals, defined as high-profile acts of police deviance that generate a negative societal reaction, can help disrupt the patterns described above by revealing shared preferences in an issue area generally defined by fragmentation. Such deviant acts, and the reaction they engender among a broad swath of society, reveal information about shared preferences across different societal sectors, both laterally to other citizens and vertically to elected officials. In contrast to the status quo, politicians now receive a relatively unified message about societal demands and expectations about the police. Politicians, perceiving criticism and repudiation from a diverse set of societal actors must reconsider the calculation of their electoral risk that previously favored accommodation of police institutions.

Under this framework, however, reform will occur when politicians not only hear this message, but when they face an electoral threat from a robust political opposition, which will generate a mobilized scandal, or keeping the act of police deviance on the public agenda for an extended period of time as a means of attacking the incumbent. In the absence of a robust political opposition, the scandal is likely to result in the type of immediate, symbolic response that often follows such scandals, such as the resignation of a high-ranking official.

Once the decision to reform is made, I argue that we can explain the adoption of participatory security, and its institutional design, based on police-society relations (degree of trust and perceptions of competence) and the level of police capacity and resources. Figure 2.2 summarizes the theory which will be laid out in the rest of this chapter.

Unpacking (Mobilized) Scandal

Because scandal plays such an essential role in the theory proposed here, it is worth unpacking the concept. A scandal consists of both outrage from a broad swath of society and a deviant act by police that generated it. We can understand deviance as the failure

\[\text{22Even under the status quo there are bound to be, in most societies, groups that denounce police violence and misconduct. The difference is that when an act of police deviance becomes a scandal, political leaders now hear such criticisms from other social groups as well.}\]
by police officers to do what they are officially supposed to do or active engagement in an activity that they are officially not supposed to do. As one might expect, members of police institutions regularly engage in acts of deviance; not all such acts, however, become high-profile and generate a negative reaction from society. In other words, not at all acts of police deviance become scandals.

I argue that the process by which a deviant act becomes a scandal, that is, the process by which an event 1) occurs, 2) is known, 3) receives media coverage, and 4) generates a strong negative reaction from a broad swath of society, is essentially random. While individual steps in the process may be endogenous — more corrupt and low-capacity police forces may have a higher incidence of deviant acts, increasing the likelihood that they may become public (or not), societies with more sophisticated or independent media outlets may be more likely to unearth and report on such acts, etc. — it is difficult, if not nearly impossible, to predict ex ante which of these acts that become known and are reported on by the media will resonate with public opinion in such a way that they lead to protests, petitions, wide diffusion on social media, critical reports, condemnation from prominent leaders, and countless other expressions of societal outrage. Even where some characteristics of the event, or the victim, or the availability of video, photos or other visual evidence, can help explain the societal outrage that follows, such features are far from deterministic. The shooting death of unarmed African-American teen Trayvon Martin in Florida in 2012 became a national scandal that generated widespread social mobilization while the shooting death of unarmed African-American teen Jordan Davis in Florida in 2012 did not. As mentioned above, the disappearance of Amarildo de Souza from a favela in Rio de Janeiro after being in police custody became a cause for ongoing protests and outrage within and outside of Rio, while other cases of disappearance of individuals while in police custody before and after the case of de Souza remain ignored by the media and the public alike
despite evidence that such

23“À procura de outros Amarildos.” O Dia 4 August 2014 Available at http://odia.ig.com.br/noticia/rio-de-janeiro/2013-08-04/a-procura-de-outros-amarildos.html
disappearances have increased in most favelas after the installation of Pacification Police Units (UPP)\textsuperscript{24}

Virtually all police forces include some members that engage in deviant acts, and while the characteristics of the deviance may vary, scandals may occur in nearly all societies, regardless of the level of development, state capacity, institutional quality of its police force, political competition, or other characteristics.

- In 2005, London’s Metropolitan Police caused an uproar and even made international headlines after police officers killed Jean Charles Menezes, a Brazilian citizen they had allegedly mistaken for a terrorism suspect, shooting him in a London Underground station in front of other passengers\textsuperscript{25}

- Ireland’s national police, An Garda Síochána, was at the center of a major political scandal in 2014 following revelations that it had long engaged in a range of misconduct, including recording conversations between criminal suspects and their attorneys, spying on the agency charged with overseeing the police, and giving special treatment to well-connected individuals, including canceling traffic fines\textsuperscript{26}

- The New York Police Department similarly caused an uproar following a video of one of its officers putting Eric Garner, who suffered from asthma, in a chokehold (a tactic banned by the police’s own internal guidelines), resulting in his death. The event led to protests, declarations from prominent leaders, including the police commissioner and mayor, and called into question the continued use of “broken windows” policing strategies focusing on minor offenses, which were seen as leading to Garner’s death\textsuperscript{27}

- In Colombia, meanwhile, at a time when the National Police enjoyed a 60% favorability rating (according to a Gallup poll) and the institution was viewed as a model for other Latin American countries\textsuperscript{28}, a scandal erupted in August 2011 after police officers shot and killed teenager Diego Felipe Becerra, after catching him tagging a wall with graffiti. The scandal grew as it was discovered that police officers, including high-ranking commanders, had not only extrajudicially executed the teenager, but also fabricated a story — including planting false evidence and coercing false testimony from a bus driver — to implicate the young man in a robbery attempt that never happened\textsuperscript{29}


\textsuperscript{25}“Britain Says Man Killed by Police Had No Tie to Bombings.” New York Times 24 July 2005


\textsuperscript{28}“Oscar Naranjo, drug war hero in Colombia, tapped for post in Mexico.” Miami Herald 15 June 2012.

\textsuperscript{29}“Lo que se sabe de la muerte de Diego Felipe.” El Tiempo 4 September 2013.
These examples illustrate the relative nature of scandal. It is unlikely that what shocked in London would shock in New York, or what caused a scandal in Ireland would have the same result in Colombia. Or, for that matter, that what shocked in Colombia in 2011 would have caused a similar scandal in Colombia in 1993 (see Chapter 3). But within the specific contexts in which they occur, the process by which a deviant act occurs, becomes visible, appears in the media, and shocks public opinion, is essentially random. Deviant acts can occur in just about any institutional setting. Whether that act of deviance results in a scandal can be the result of the characteristics of the victim (as in the case of Sandra Catalina, a young girl raped and killed in a police station in Bogotá, see Chapter 3), the availability of video, particularly with violent acts (such as the televised rampage by Military Police officers against residents in Favela Naval in São Paulo, see Chapter 5), the institutional reaction (such as the case of Diego Felipe Becerra above), contemporaneous social and political developments (as in the case of Amarildo de Souza described above), or more ineffable reasons such as the way an event reflects or interacts with societal values. As Sherman (1978) notes in his study on police corruption scandals and reform in the United States,

Societies seem to invest more trust in those roles and institutions closer to the center of the society. Such central institutions as a society’s law, government, and religion symbolize the identity of the society itself. Deviance in these central positions suggests something negative about the entire society, something that society may be unwilling to accept. It suggests that the society itself is deviant from its own standards of conduct. The unacceptability of this suggestion may be the source of the social outrage that is scandal (61).

That is, a deviant act by police may also develop into a scandal because of how it reflects and becomes reflected in societal norms. The process by which this occurs does not depend on the institutional strength or quality of the police. An event can become a scandal in a police force that is seen as being in a long period of decline as well as in a police force that is seen as functioning well and highly capable. A scandal cannot be reduced to the culmination of a series of bad actions, or as the crossing of a threshold of deviance. A scandal may follow
a stream of similarly egregious deviant acts that were publicly reported but did not result in societal outrage; it may also come after years of relative quiet or minor acts of deviance.

A scandal also cannot be reduced to the strategic behavior of politicians, particularly those in the opposition. Scandals are no more likely to occur in settings that are dominated by a single political party with a weak opposition than they are in settings with significant political competition. But once a scandal breaks, that is, when a deviant act generates a strong negative reaction from society, the political opposition have an important role in creating another category of scandal. Just as not all deviant acts by police develop into scandals, not all scandals endure past initial news reports. I therefore introduce the concept of *mobilized scandal* to describe the subset of scandals that are strategically employed by the political opposition as a means of attacking the incumbent. Perceiving the outrage generated by the deviant act, a robust opposition party (see below) will see the opportunity to gain an advantage over the incumbent and mobilize said outrage to ensure the issue remains part of the public discourse for a sustained period of time. The key distinctions between a scandal and a mobilized scandal are likely to be duration, scope, and the direction of influence. These distinctions, and how they interact with the fragmentation of societal opinion and police-politician accommodation, are fleshed out in the next subsection.

*How Mobilized Scandal Makes Reform Possible*

A mobilized scandal consists of both a high-profile act of police deviance that causes a negative societal reaction and its sustained, politically-constructed permanence in the public discourse. Following a high-profile deviant event, such as the kidnapping and killing of engineering student Axel Blumberg in Buenos Aires, Argentina, in which police were implicated, or the rape and murder of nine-year-old Sandra Catalina Vásquez in a police station in Bogotá, Colombia, the attitudes of societal actors on policing and security, usually fragmented, appear to converge. Such acts of deviance violate an *unknown* threshold that is shared by many of these sectors. These events become difficult to reconcile with societal
norms, even in the context of the fragmentation of societal preferences with respect to security and policing.

As a result of such acts of deviance, sectors of society that previously supported, tolerated, or were simply indifferent towards certain police behaviors, come to share the view that such acts are unacceptable and call for a government response. Rather than coming from the usual sectors that are critical of police and security policies, these previously silent or previously supportive sectors join the chorus of criticism, increasing the pressure for reform. The preceding fragmentation of preferences is replaced, at least temporarily, with a broad expression of rejection of the event and criticism of the police and possibly even the government in general. I argue that scandals reveal a threshold common across societal sectors that may not be known in the everyday discourse of fragmentation and contestation on policing and security policy.

Under the status quo — that is, in the absence of a scandal— societal and political actors are aware of the fragmentation of societal preferences regarding security, of the sort described above. They know, for example, that some sectors of society may favor a policy that gives police greater authority while others prefer to see such authority restricted, while still others are indifferent. They are unaware, however, that there are points on which those different sectors agree. The existence of a threshold shared by a range of social groups may be furthered obscured in settings such as Latin America, where police in many countries regularly engage in acts of malfeasance that fail to cause indignation or even capture media attention.

Under this framework, it is not that communicating information about where the threshold lies is costly, as in Lohmann’s work, or that individuals have incentives to falsify their preferences, as is the case in the theory laid out by Kuran. Instead, I argue that the fragmentation inherent in societal preferences over security policy obscures commonalities in the contestation to define what policing and security ought to look like. As argued above, the prevalence of this fragmentation of preferences inhibits the emergence of a clear
mandate on policing and security. For instance, a survey conducted during the June 2013 protests in São Paulo in which police were widely criticized for their use of force, showed that 40% of respondents thought police were more violent than they should have been, and 47% of respondents thought police were just violent enough.\footnote{Survey conducted by the Brazilian survey research firm Datafolha on June 14, 2013. Summary available at http://datafolha.folha.uol.com.br/opiniaoautomatica/2013/06/1295431-paulistanos-aprovam-protestos-mas-rejeitam-vandalismo-e-tarifa-zero.shtml} The conflicting opinions of different societal groups provide little guidance about what should be done (and what would be advantageous for maintaining electoral support), permitting elected leaders to engage in accommodation with police institutions to further their political interests.

When police engage in a deviant act that generates societal and media criticism — observable through negative news reports, critical statements by societal organizations and prominent leaders, protests, petitions, and other activities — it provides information about a shared preference, a threshold of what is acceptable that is common across different social groups. Such scandals convey new information about preferences laterally, to other members of society, and vertically, to political leaders. They focus media, societal, and political attention on points of consensus about what is acceptable and allow for the transmission of a coherent message about societal preferences about the provision of security to elected leaders. While we cannot predict the types of deviant acts that will generate societal condemnation, the apparent convergence of public opinion sends a message to elected leaders who are not accustomed to hearing a clear, relatively unified mandate from society on policing and security.

In order to understand the distinction between the fragmentation of preferences and opinions characteristic of the status quo, and the shared preferences revealed by scandals, it may be helpful to contrast two such moments in the case of Venezuela. Consider, for instance, a 2013 poll that asked Venezuelans to evaluate recent security reforms, including police reform and a disarmament program.\footnote{Survey data cited in Rebecca Hanson and David Smilde. “Police Reform on a Political Tightrope: Citizen Security and Public Perceptions, part 3.” Venezuelan Politics and Human Rights Blog, 21 November 2013, http://venezuelablog.tumblr.com/post/67701053085/police-reform-on-a-political-tightrope-citizen} The proportion of respondents who viewed the
reform positively (45%) was nearly identical to that viewing the reform negatively (43%). Moreover, with respect to actual preferences over policing, the survey also asked respondents whether they agreed with the statement that “Limiting the actions or force that the police can use restricts their capacity to combat crime.” Once again, the fragmentation is evident: 42% agreed with the statement, while 35% disagreed. Faced with this information, elected leaders, even reform-minded ones, would have little indication about societal preferences over security. Even among societal groups, there would be little information about common preferences across what appear to be two fragmented groups. Moreover, the lack of a clear mandate from citizens allows politicians to avoid enacting policies that disturb their control over their police, interfere with police autonomy, or may otherwise generate criticism (which is likely to occur with any policy when there is a great deal of fragmentation).

In contrast, consider the convergence of societal opinion around a 2006 scandal in which Caracas police officers were implicated in the kidnapping and murder of three teenage brothers from the wealthy Faddoul family and their driver, Miguel Rivas. This scandal is widely recognized as the catalyst of the police reform that citizens were asked to evaluate in the 2013 poll cited above and serves as a useful illustration of how scandals can reveal a threshold shared among different societal groups that is generally obscured by preference fragmentation. The kidnapping and murder of the Faddoul brothers shocked Venezuelans, as noted by the Spanish newspaper El País, “despite the fact that in Venezuela there are on average two homicides per hour.” Following the discovery of the victims’ bodies, mass protests erupted throughout the country, where many held posters declaring “Venezuela is in mourning. No more kidnappings.” The situation was exacerbated when photojournalist Jorge Aguirre was killed during one such protest, allegedly by a police officer.

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34 “Los venezolanos toman la calle en protesta por el asesinato de tres hermanos” El Mundo 6 April 2006
The killings were used by the opposition as a means of attacking the Chávez government, calling for general protests not only against the kidnapping and murder of the Faddoul brothers and Rivas but also against broader security conditions in the country. After days of protest, the Venezuelan Vice President Jose Vicente Rangel issued a statement lambasting the opposition for the political use of the killings and for calling for protests in front of the Ministry of the Interior and Justice, saying, “It was enough for the horrible deaths of the Faddoul brothers to have occurred for the fascist spring of the Venezuelan opposition to jump.” Yet the killings clearly resonated with large segments of Venezuelan society, for whom the protests were also an opportunity to express broader concerns about security. One woman at a protest in front of the Ministry of the Interior and Justice, for instance, held a sign that said “I want to live without fear and I do not sleep until my son comes home.”

These two factors, a scandal that revealed common preferences in an issue area (in a country) fraught with fragmentation and a political opposition seeking to use societal outrage to its advantage, composed the mobilized scandal that would force the Chávez government to undertake extensive police reform.

As a result of the mobilized scandal that grew out of the Faddoul case, the Chávez government received a clear message from society critical of police and existing security policy, and faced a threat to its continued electoral success. This example illustrates how the apparent convergence of societal opinion resulting from an act of police deviance, and the strategic mobilization of the scandal by the political opposition, serve as a catalyst for reform by shifting the incentives of political leaders and police institutions. Such mobilized scandals force a partial rupture of the patterns of accommodation that characterized their relationship under the status quo and helped to ensure the persistence of institutional weakness.

36 “Los venezolanos toman la calle en protesta por el asesinato de tres hermanos” El Mundo 6 April 2006
37 I do not have survey data comparable to the 2013 study cited above. As a proxy, and as evidence that there was fragmentation prior to reform, I cite a 2005 survey of Venezuelans by Latinobarómetro, in which respondents were asked how much they trust the police. The survey showed considerable fragmentation of opinion: 37% said “a lot” or “some,” 33% said “a little,” and 28% said “no confidence.”
The Venezuela example illustrates the two key variables that can help induce a rupture in the two factors that facilitate the persistence of institutional weakness — fragmentation of societal preferences and police-politician accommodation — to help bring about reform: the onset of a scandal and the existence of a robust political opposition. I draw on the intuition developed by Grzymala-Busse (2007) regarding robust political competition as parties that “comprise a daunting threat of replacement to the government.” The author operationalizes this concept as: clarity of competition (opposition party is clearly identifiable), plausibility of the party as a governing alternative, and monitoring and critical activity by the opposition party. The measures I use differ from Grzymala-Busse (2007), in part due to the shift from the post-Communist, parliamentary context to the Latin American presidential system.

I use five measures to capture the extent to which there exist an opposition party or parties that pose a threat of replacement to the incumbent: 1) seat shares in the legislature, 2) control of executive office at other levels of government (municipal, state, or national) 3) degree of opposition to executive’s legislative agenda, 4) approval ratings of the incumbent, and 5) time to the next election.

The threat of replacement facing the executive will vary greatly, depending on these measures. The more robust opposition party or group of opposition parties will be better able to “mobilize” a scandal such as those described above. Opposition leaders looking to embarrass an incumbent may mobilize societal outrage over a deviant act by making public declarations in the media, holding hearings, making calls for protests, as well as introducing legislation. This is an important distinction in the direction of influence between a scandal and a mobilized scandal. In the former, societal groups act first by communicating outrage in light of a deviant event; politicians, both incumbents and opposition, react to this signal

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38 For instance, Grzymala-Busse (2007) uses reinvention of communist successor parties for clarity of competition, and parties’ participation in coalitions for plausibility as a governing alternative.

39 It is common throughout Latin American legislatures that legislative proposals tend to originate with the executive, reducing the legislature to a reactive role of amending, approving, or rejecting executive bills (Cox and Morgenstern 2001).
from society. The latter, meanwhile, represents an effort by politicians from the opposition to influence public opinion about the nature of the problem, as well as the solution.

Politicians from the opposition will also be well positioned to broaden the scope of the scandal. When a scandal is only mobilized by societal actors (community groups, NGOs, etc.), we are not likely to see reform but instead an institutional response to the specific case. For instance, as in the case of Amarildo de Souza, mobilization may lead a police killing to be investigated and prosecuted rather than what routinely happens in these cases throughout much of Latin America: nothing (Brinks, 2008). When a scandal is mobilized by leaders of a robust political opposition, however, they will use it as a platform to attack the incumbent by making it into a broader institutional issue rather than an isolated case.

Two “threats” thus lead incumbents to reassess the balance between maintaining electoral support and maintaining a relationship of accommodation with police. The first is the message of outrage and criticism they receive from a broad swath of society, replacing the conflicting messages they are accustomed to observing. The second is the threat posed by a robust political opposition. In the absence of a robust opposition, politicians are unlikely to see their cost-benefit calculation much affected. If they do not face a threat of replacement in the next election, executives will see no need to engage in reforms that will diminish their ability to exercise political control over the police if they can simply respond to the initial outcry with short-term measures such as the resignation of an official.

Police institutions, meanwhile, are more likely to accept reform because such a prolonged scandal places pressure on political leaders to intervene in police structures and activity, constituting a threat to their autonomy. In order to minimize the loss of institutional autonomy, police organizations cooperate (to varying degrees) with reform in order to ensure that the reform reflects their preferences. Such reasoning is not uncommon. As Carpenter and Sin (2007) noted in their analysis of an FDA reform in 1937, ”Resigned to the inevitability of a new regulatory statute after November 1937, organized pharmaceutical manufacturers tried their best to blunt a law while supporting the general reform initiative” (155). Though
police institutions, as other bureaucracies, can act as barriers to reform, the police leadership’s reading of societal discontent and the executive’s response will lead it to get behind the reform effort so as to advocate for the policies that are most favorable to the institution.

Under this framework, scandal and a robust political opposition are viewed as jointly sufficient for reform; neither is sufficient to bring about reform on its own. As I will demonstrate in the case studies, scandals do not cause sufficient pressure for reform in the absence of a robust opposition. Opposition leaders, meanwhile, are not likely to make police reform a priority in the absence of a societal outcry. Like the incumbent, the opposition observes the conflicting messages coming from society about what should be done, making it unlikely that police reform will win them much electoral support.

In Chapter 1 I argued that the deterioration of security conditions in many Latin American countries since democratization both revealed and exacerbated deficiencies in state capacity, and has led to the development of a negative feedback loop by which citizens’ choices for private solutions may further weaken state capacity. According to the framework I’ve proposed here, however, police reform does not emerge as a deliberate state-building effort. Instead, politicians decide to undertake, or forego, police reform depending on their electoral interests. The strong incentives politicians face to use the police toward their political ends leads to patterns of accommodation, which are in turn facilitated by the fragmentation of societal opinion. These conditions make it unlikely that politicians will enact reform that will diminish their control over the police, even in the context of widespread citizen discontent and high levels of insecurity, ensuring the persistence of institutional weakness.

In order to demonstrate the causal role of scandal and a robust political opposition in bringing about reform, I have to show, as Carpenter and Sin (2007) urge, that “in the absence of the event-frame match, the new regulation in question would not have materialized, would not have materialized when it materialized, or would not have materialized in the form that it materialized” (154). Drawing on a diverse set of evidence — including interviews, government documents, archival material, news reports, crime statistics, public opinion surveys, and
participant observation in participatory security meetings and police stations — I use process tracing to show that politician-police accommodation and societal fragmentation contribute to the persistence of institutional weakness, and that mobilized scandals help bring about reform by shifting societal preferences and the electoral calculations of elected officials. I rely on comparisons within and across cases to test whether these hypothesis can help explain continuity and change.

**Participatory Security as a Safety Valve: Explaining Variation in Reform**

As discussed in Chapter 1, weak state capacity in the provision of security can have profound impacts on citizens’ daily lives, and may lead citizens to “exit,” and possibly weaken, the state, preferring private solutions to their security problems. Citizens also contribute to the persistence of institutional weakness as a result of the divergent attitudes toward and relationships to the state that result from differentiated treatment by police. The objective of this dissertation is therefore not only to explain the onset of reform but also the choice to create participatory security institutions, which seek to build state capacity through the incorporation of citizens. When undertaking police reform, elected officials have a range of policy options available in order to build state capacity. They can improve education, recruitment, and training; create internal or external oversight bodies; create specialized units for specific security challenges; restructure the rank system; introduce greater participation by civilian authorities in security policy making; improve the living conditions and welfare of police officers; improve standards for promotion; introduce community policing strategies; and a range of other policies. Why, then, do politicians sometimes choose to build state capacity in the provision of security through the incorporation of citizens?

Participatory security creates formal spaces and structures for community input, identification of problems, and generation of solutions regarding local security conditions and
police performance. Like the decision to reform the police, the choice of participatory security is not necessarily a conscious attempt at state building. Instead, politicians choose participatory security strategically. As Geddes (1994) has put it, “the kind of response state actors select will, whatever else it does, reflect their own ... political interests” (9).

I argue that politicians are likely to adopt participatory security during a reform process based on two structural factors: police-society relations and police capacity and resources. I define police-society relations as the degree of societal trust in police as well as societal perceptions of police competence. Trust is understood not only in terms of the “trust in police” measure usually included in public opinion surveys, but also the level of discretion and benefit of the doubt granted to police. Police capacity and resources, meanwhile, are defined as material, human, and financial resources, specialization, territorial coverage, and organizational complexity. This definition does not include outputs, such as the number of arrests, or outcomes, such as crime rates.

Due to the the patterns of accommodation between politicians and police institutions, executives are closely associated with the police forces that are ostensibly under their control. Facing the threat of replacement at the next election by a robust opposition, this close association becomes a liability in the context of a scandal. For instance, the executives that enacted two of the reform processes studied in this dissertation had the misfortune, or poor judgment, to praise in hyperbolic terms their respective police forces long after they were widely seen as inefficient and corrupt institutions, and just a year or two before they would ultimately have no choice but to implement reform. Colombia’s President César Gaviria called the country’s National Police “a source of pride for the country” in 1991, while

40 I draw a conceptual distinction between participatory security and community policing, another strategy that has become increasingly common inside Latin America and around the world. Community policing is a strategy of policing that is based on a proactive philosophy and practice of crime prevention, rather than simply responding reactively after the crime has occurred, focused on serving and building closer ties with the community. Community policing gives agency to the police; participatory security gives agency (even if only on paper) to the community.

41 In Chapter 6 I examine the extent to which various types of participatory security institutions actually shape how the state provides security at the local level.
Buenos Aires Governor Eduardo Duhalde claimed that the provincial police was “the best in the world” in 1996.

Executives worried about their prospects in the next election following a mobilized scandal may thus look to participatory security as a safety valve. When politicians face strong pressure to reform the police, participatory security may serve as a safety valve under two conditions: when police-society relations are bad (defined by high levels of distrust and perceptions of incompetence) and when police capacity and resources are low. Now the focus of public attention, police institutions facing these conditions, and the politicians that ostensibly control them, are likely to face extra scrutiny and challenges during a reform process, as it may be more difficult to convince citizens, civil society organizations, and opposition leaders, that the measures proposed by the incumbent will fix the problem. Any type of institutional reform presents a host of challenges, including the fact that any reform is likely to yield benefits only in the medium or long term, if at all. Such challenges are exacerbated when societal trust in the police is very low and the police are seen as incompetent, or when police capacity and resources are low, since the solutions to these problems are unlikely to be observed until well after the next election.

How might participatory security offer a short-term benefit to politicians concerned that they might be replaced in the next election due to the successful mobilization of scandal by the opposition? Where police-society relations are characterized by distrust and perceptions of incompetence, community participation may be used to improve the police’s image and rebuild societal confidence in the police, which may not be trusted to carry out needed reforms on its own. Participation, or the opportunity for participation, creates a sense of openness, of adherence to democratic principles, which many leaders and police agencies are often accused of subverting. Participatory security may therefore help improve the image of the police and government leaders in the eyes of society. This reasoning rests on a classic principle: procedural justice. According to this concept, “Procedures are viewed as fairer when they vest process control or voice in those affected by a decision” (Lind and Tyler 1988).
208). A similar motive underlies the adoption of citizen oversight committees in the United States and elsewhere. As the United States’ Department of Justice’s Office of Community-Oriented Policing Services noted in a report titled “Building Trust Between the Police and the Citizens They Serve,”

If an allegation of police misconduct occurs, the community may begin to lack faith in the Internal Affairs process. The public, then, often becomes uncomfortable with law enforcement policing itself and may want more involvement in the process (3). By formally engaging community leaders in appropriate internal decision-making (e.g., where to implement Neighborhood Watch programs or whether it is necessary to start a Senior Citizen Alert program), residents will feel that they have a stake in programs that the police may implement, that the police are transparent in their motivations, and that they are assisting the police in improving public safety (16).42

Where police-society relations are particularly bad, creating mechanisms to involve citizens in the local provision of security may emerge as a desired short-term solution to improve trust. The Vera Institute of Justice, a U.S.-based NGO focused on criminal justice issues, came to a similar conclusion about the use of citizen participation when societal trust in the police is low: “civilian oversight appears to arise in response to a specific crisis of confidence in the police.”43 Such citizen oversight committees are not strictly a form of participatory security as defined here. Instead, they are generally focused on the investigation of cases of police misconduct by a designated group of citizens, rather than serving as a public forum for discussion of local security problems and strategies. Nevertheless, both forms of citizen participation are motivated by the idea that the very act of opening up and engaging citizens in processes that are usually left to the police may help increase societal trust in the police.

Participatory security may also be an attractive option for politicians if police institutions have low levels of capacity and resources. Under these conditions, politicians may view participatory security as a means of recruiting societal actors to help police identify and


address the most pressing local problems. In this view, communities become a resource to help overcome deficiencies in the institution, serving as “fire alarms,” in the framework proposed by McCubbins and Schwartz (1984). By identifying local problems, citizens can help police better direct where to deploy scarce resources. As the former Director of Community Relations at the Ministry of Security of Buenos Aires Province argued in an interview regarding the need for community participation,

What is clear in key issues such as security... so long as the state does not articulate [with communities] it becomes much more difficult, because there are not enough resources [here] as there are in the central or developed countries, where they resolve things with resources and experts, exclusive reliance on experts. Developing countries like ours don’t have sufficient resources and so that requires us to have an entire structure of association with communities that allow us, without neglecting our principal responsibilities, to implement our policies.

An additional advantage for elected officials facing widespread societal (and political) pressure for reform is that participatory security entails the creation of decentralized forums for citizens to express demands and grievances directly to their local police stations. This disaggregates the demand for reform being expressed at the central level into a large number of diffuse, perhaps more manageable, local demands.

Under this framework, then, we would not expect to see participatory security in societies where police-society relations are good and where the police have high-capacity and resources. I argue this is the case because in these settings police already have a fairly good image in society, and they also have sufficient capacity and resources to meet societal demands. Yet, wouldn’t the benefits of participation — increased societal trust in police and the use of citizens’ local knowledge to better distribute scarce resources — be desirable under any setting?

McCubbins and Schwartz (1984) introduce two models of congressional oversight: police patrols and fire alarms. Police patrols refer to a centralized form of oversight, by which legislators actively and directly intervene to examine bureaucratic performance, while fire alarms refer to a type of decentralized oversight that involves less active intervention by legislators and instead relies on citizens and interest groups to identify problems and provides mechanisms for remedying them.

Personal interview, La Plata, Buenos Aires Province, 7 September 2011.
The reason participatory security is not a universal practice, however, is because participatory security comes at a cost to executives. First, it may diminish the control of politicians over the police, since the creation of spaces for citizens to meet directly with their local police officials on a regular basis potentially introduces an additional principal to which police must respond.

Second, introducing a mechanism that brings society into local decision making about the provision of security may alienate resistant police agencies, which are still useful for the politician’s goals. As with any other bureaucracy, police are very protective of their “turf” and develop distinct organizational cultures that can lead to resistance to intervention by “outsiders.”

The resistance to outside intervention applies not only to civilian officials, it also applies to societal actors. For instance, in her observation of an official course on community participation that police officers in Buenos Aires Province were required to take for promotion, Sirimarco (2003) recounts the resistance of the officers to community participation through the Foros Vecinales de Seguridad (Neighborhood Security Forums). According to the discourse expressed by police officers in this classroom, through the performance of their duties as police officers, they acquire specialized knowledge lacked by community members. As Sirimarco puts it, “Police practices work a certain way, leading to unique knowledge that only police officers—by virtue of being police officers and knowing what they come to know as a result—possess” (Sirimarco, 2003, 2). One student quoted by Sirimarco expressed a common view:

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46 Through extensive ethnographic research in the police academies of the Argentine Federal Police and the Police of Buenos Aires Province, Mariana Sirimarco has provided invaluable insights about how police view themselves vis-à-vis outside actors. The police officers that Sirimarco studies are told during their training that “being a police officer is not a job, it’s a state” (Sirimarco, 2004, 246). Moreover, Sirimarco describes a process by which clear distinctions are drawn between society and police officers: police training is perceived as a transitional phase between a civilian identity and a police identity. In crude terms, officers described how commanding officers told them that the training process would turn them from montoncitos de mierda (piles of, ahem, excrement), understood as civil society, into Señores Agentes de Policía (police officials). Indeed, the officers interviewed by Sirimarco subsequently confirmed that upon entering the force, they perceived friends and family differently, and were in turn treated differently by them. Thus, even at the micro-level, police organizational culture is highly distinctive and deliberately designed to differentiate the force and its members from society as a whole.
There are Foros... that think they have authority over the police, trying to make and unmake security plans that they think are correct, despite not having any knowledge or training. They all think they can be security specialists. They impose themselves [on the police], they debate and decide when and where police need to conduct operations. The Foro decides and imposes. It should not be that way. It’s as though I were to go into your house and tell you what you have to do (Sirimarco, 2003).

This point was echoed almost verbatim by many police officers and government officials I interviewed in all of my field sites. In an interview with the Director-President of Rio de Janeiro State’s Institute for Public Security, Col. Paulo Augusto Souza Teixeira, he recalled that, in the initial stages of the creation of Rio de Janeiro’s community security councils, “many [police officers] thought that the only one who knows about security and police is the police itself, so there was resistance.”

Politicians who are linked in the public’s mind to distrusted or low-capacity police forces will be willing to bear these costs. Executives overseeing police forces that enjoy relatively high levels of trust, as well as relatively high levels of capacity and resources, may be less likely to do so in the face of police resistance.

But police-society relations and police capacity and resources don’t just make participatory security an attractive option for politicians. They also shape the institutional design of participatory security in important ways. I propose a typology of participatory security based on three institutional features: 1) the inclusiveness of participation, 2) the authority and responsibilities granted to societal actors, and 3) the obligations and requirements imposed on police and/or state actors.

These characteristics are in turn shaped by the nature of police-society relations and police capacity and resources (Figure 2.3). I argue that the nature of police-society relations is going to shape the extent to which police actors will pressure reformers to place restrictions

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47 The ISP is a division of the State Secretariat for Public Security charged with developing and analyzing crime statistics in the State of Rio de Janeiro, providing professional training for police officers, and overseeing the State’s community security councils (Conselhos Comunitários de Segurança, CCS).
49 I am grateful to Daniel Brinks for getting me started in thinking about how to disaggregate the category of participatory security.
on who can participate and whether societal actors are given authority. Meanwhile, reformers will also be mindful of police capacity and resources when determining how much to require of the police, and how much authority to give societal actors to make and enforce their demands on the police.

In cases of bad police-society relations, distrust not only characterizes society’s view of police; it also defines how police view society. Where police officers know they are not trusted by society, they, too, will be suspicious of efforts to bring citizens into processes that were previously restricted to the police itself. Police officials will therefore seek to limit participation and to ensure that societal actors are not granted any meaningful authority to control police behavior. Where police capacity and resources are low, meanwhile, reformers will expect that the police will have limited ability to respond to societal demands. They will therefore seek to impose few requirements and obligations on police and limit the tools available to societal actors to enforce their demands.

Based on the nature of police-society relations and the level of police capacity and resources, we will therefore observe one of three types of participatory security or no participatory security at all (See Figure 2.4). As stated above, I argue that participatory security is unlikely in settings where police-society relations are good and where police capacity and resources are high. Where the opposite is true, where society distrusts the police and the police has low levels of resources and capacity, we are likely to see a Thin type of participatory security with limited societal participation, few restrictions or obligations imposed upon police, and little authority granted to societal actors. These features describe the Frentes de Seguridad Local (Local Security Fronts) the type of participatory security, and the conditions that preceded it, that was adopted following Colombia’s 1993 reform process.

Alternatively, where the police force is trusted by society but has relatively low capacity and resources, we should observe the adoption of Auxiliary participatory security. Much like Thin participatory security, the Auxiliary form features few obligations on the police and little authority granted to societal actors. However, it is also broadly participatory. This
type of institution describes the Conselhos Comunitários de Segurança (CONSEG) adopted in the Brazilian state of São Paulo in 1985. Under this system, community members are not expected to exercise oversight, but are instead asked to cooperate with police by providing local information about security conditions.

Finally, Adversarial participatory security is most likely in settings with high police capacity and resources but where police-society relations are characterized by distrust. This type of participatory institution features limited participation but unlike the other forms of participatory security, it imposes obligations on the police and grants some authority to societal actors. I characterize this form as adversarial because it places society in a position to conduct oversight of police activity at the community level through formal accountability mechanisms. The Foros Vecinales de Seguridad adopted in Buenos Aires Province during the police reform enacted in 1998 resemble this institutional type.

While most of this dissertation seeks to explain the adoption of police reform and participatory security, Chapter 6 will feature a comparative analysis of these three forms of participatory security. Rather than focus on formal institutional design, this chapter will examine how these three modes of incorporating citizens in the provision of security at the local level differ, as well as evaluate the extent to which these institutions may have an impact on state capacity.

**Theoretical Contributions**

The analysis presented in this dissertation aims to make a number of contributions to existing scholarship on theories of institutional reform and participatory democracy. I propose a society-driven theory of reform, in which the structure of societal preferences account for institutional continuity and change. This is, of course, not the only path to reform, but the theory presented here does highlight a seldom recognized driver of institutional weakness and mechanism for change. This society-centric analysis opens the black box of scandal- or crisis-based explanations, outlining the causal mechanism through which such events are believed
to precipitate reform. I also disaggregate the concept of a scandal to understand why some scandals result in reform while others do not. Through the introduction of the concept of mobilized scandal, I highlight the nature of “successful” scandals as politically-constructed phenomena that respond strategically to shifts in the structure of societal opinion.

The theoretical framework and empirical analysis presented here also point to the limitations of theories that view political competition as the driver of institutional reform. As the cases of Colombia and Buenos Aires Province in particular demonstrate, the existence of a robust political opposition may be insufficient to bring about reform in the absence of a signal from society in the form of a scandal, even when objective conditions necessitate reform and alternate reform models are widely available. I argue that scandal and robust political competition are jointly sufficient for reform, and that the presence or absence of one or the other (or both) can help us account for variation over time.

I also seek to engage the growing literature on participatory democracy. In order to understand why politicians choose participatory institutions instead of, or in addition to, other policies, I argue that we must begin by situating what some scholars refer to as “participatory governance” (Fung and Wright 2003) within a broader menu of possible reforms available to state officials. Much of the literature on participatory mechanisms simply asserts that their adoption is due to shortcomings and failures of traditional representative institutions. Selee and Peruzzotti (2009), for instance, argue that the rise of participatory institutions resulted from “the emergence of a growing gap between citizens and the political system” (2). Cameron, Hershberg, and Sharpe (2012), cite “deficits in representation caused... by severe weaknesses in mechanisms of accountability and the ‘defective functioning’ of electoral and party systems as well as the courts” (3). In analyzing the context of police reform, this dissertation demonstrates that the adoption of participatory institutions cannot be decoupled from broader processes of institutional reform. Political leaders have a range of options available when facing institutional deficiencies, including structural reforms within the institution that do not involve the incorporation of external actors. We must therefore
expand the object of inquiry to acknowledge that the universe of deficient institutions is much broader than the settings where participatory mechanisms have been adopted. Under what conditions do political leaders enact reform? Furthermore, when reform does occur, why do some leaders choose participatory institutions rather than other types of reform? These broader questions are rarely addressed in the participatory democracy literature, yet they are central to the analysis undertaken in this dissertation and to our broader understanding of the development of participatory institutions.

While I seek to broaden the scope of analysis to account for a wider range of institutional reform possibilities than is usually found in the participatory democracy literature, I also disaggregate participatory security in order to understand the causes and consequences of variation in institutional design. The literature on participatory democracy is of course far from oblivious to the heterogeneity of outcomes and the role played by political (especially partisan) dynamics in shaping them. Indeed, this is often a key element of many analyses. Zaremberg’s (2012) study of municipal development councils in Brazil, Mexico, Nicaragua, and Venezuela, for instance, argues that the nature of party politics and partisanship in each setting led to genuine participation and empowerment in some cases, and rendered the councils “new names for old forms of political control” in others (21). Most studies of participatory governance, however, rarely try to explain differences in institutional design, nor do they consider their implications for participation and policy outcomes. Goldfrank and Schneider (2006)’s study (and the later study by Goldfrank (2011)) of the development of different models of participatory budgeting as a result of party politics is a notable but rare exception. I therefore propose a theory to explain variation in the institutional design of participatory security and provide an empirical test to determine whether this approach to security provision can actually contribute to state building.

Finally, with this dissertation I also hope to add to the expansive literature on states and state capacity. In the previous chapter I argued that police institutions are the quintessential radiating institution of the state and that through their primary function, security provision,
they play a central role in structuring social life and the practical meaning of citizenship. Yet we have also seen that citizens may contribute to the reproduction of state weakness in response to the level and distribution of protection (and repression) of police. As has been occurring in Latin America in recent years, citizens may weaken the state by choosing private, often extralegal, solutions when they feel the state is unable to protect them from crime and violence. Citizens may also perpetuate institutional weakness due to the fragmentation of preferences that may impede the formation of a coherent demand for reform. The focus on participatory security as a response to the region’s seemingly intractable security problems is therefore intended to emphasize the significance of incorporating society in the process of state making, as well as the incorporation of society as state making.
Figure 2.1: These figures demonstrate the fragmentation of citizens’ preferences with regard to policing. The top figure displays the distribution of levels of trust of police, based on a 7-point scale in which 1 means “Not at All” and 7 means “A lot of trust.” The two figures in the bottom show responses regarding beliefs that police are involved in crime and that authorities should be allowed to “cross the line” (that is, not abide by the law) in order to catch criminals. Here we observe not only heterogeneity of opinions within and across countries, but also contradictory views: even in countries where large proportions of the population believe the police are involved in crime, considerable segments of the population are willing to give police the discretion and benefit of the doubt when “catching criminals,” to the point of breaking the law. Source: AmericasBarometer Survey 2012.
Figure 2.2: A Theory of Police Reform and Participatory Security

Figure 2.3: Explaining the Institutional Design of Participatory Security
Figure 2.4: A Typology of Participatory Security

- **Auxiliary (São Paulo)**
  - Inclusive Participation
  - No/Few Police Obligations
  - No/Little Societal Authority

- **No PS (Colombia 2004)**

- **Thin (Colombia 1993)**
  - Limited Participation
  - No/Few Police Obligations
  - No/Little Societal Authority

- **Adversarial (Buenos Aires)**
  - Limited Participation
  + Some Police Obligations
  + Some Societal Authority
Chapter 3

Policing in Hard Times: Halted Reform, Institutional Renewal, and Thin Participatory Security in Colombia

For the immense mass of humanity, the only authority they will encounter on a daily basis, and which for them represents all power, is the police. And there will be good or bad government depending on whether there is a good or bad police; an arbitrary or just government, depending on how the police operates.
- Alberto Lleras Camargo, President of Colombia, 1958-1962.

Citing the words of his predecessor, Colombian President César Gaviria charged a Consultative Commission representing a wide swath of Colombian political and social life, with evaluating and generating proposals to reform the National Police, insisting that their purpose was “none other than good government.” President Gaviria ordered the reform of the country’s police force after years of growing public discontent and distrust toward the police — fed by allegations of widespread police involvement with and infiltration by drug cartels, and organizational disarray caused by the demands of combatting guerrilla groups and narco-
trafficking organizations — threatened his efforts to remake the Colombian state through what he called the *revolcón institucional* (institutional shakeup) in order to reestablish its legitimacy.

Why did the National Police undergo a process of comprehensive scrutiny and reform in the early 1990s, when the same factors that led to reform — routine cases of incompetence, abuse, misconduct, and corruption — had persisted for years without resulting in reform? Moreover, why did reform include the creation of formal mechanisms for citizen participation in security? This chapter analyzes the persistence of institutional weakness of the Colombian National Police during the years preceding reform, and seeks to explain how a scandal and a robust political opposition made reform possible in 1993 by reshaping the preferences and incentives of key actors.

Political and social conditions in Colombia in the years leading up to the reform were undoubtedly singular in the region. By the early 1990s, Colombia had been engaged in a decades-long war against guerrilla organizations and a more recent but devastating battle with drug cartels. These conflicts fundamentally eroded the legitimacy of the Colombian state and laid bare the precariousness of its institutions. Urban security conditions around the country had also deteriorated, reaching historically high rates of homicide and other violent crime by the early 1990s. Meanwhile, the National Police demonstrated itself to be unprepared to respond to not only the challenges posed by armed criminal and guerrilla organizations, but also to perform basic security functions such as preventing and investigating crimes. Under siege from both drug cartels and guerrilla groups, the National Police was also routinely implicated in corruption scandals and accusations of torture and extrajudicial killings, widely discrediting the institution and distancing it from society.

This dissertation investigates the persistence of malfeasance, inefficiency, and low capacity of an agency that serves as the primary radiating institution of the state and shapes the practical meaning of citizenship in fundamental ways. It also proposes a theory to explain the conditions under which executives choose to build state capacity through police reform.
and why they would choose to do so by incorporating societal actors. The creation of formal mechanisms for societal input on matters related to security, which I call participatory security, merits further scrutiny because, on the one hand, it creates (at least formally) the opportunity for citizens to shape how the state provides security, but on the other, it also implies politicians giving up some degree of control over a valued political tool.

The preceding account may lead one to think that reform in the case of the Colombian National Police can easily be explained by the dire security conditions facing the country and the deterioration of the institution itself. Indeed, Colombian security and defense expert Maria Victoria Llorente has argued that “the police crisis of the early 1990s made major reforms unavoidable” (Llorente 2005, 193). Yet, as I will argue in this chapter, the conditions described above had been a constant for about a decade. Such an explanation cannot account for the timing of reform, nor the type of reform that was ultimately adopted. Opportunities for reform, particularly the 1991 constitutional assembly and a bill introduced in the Congress in 1992, did not result in reform. Reform was made possible in 1993, I argue, by the onset of a scandal — a deviant act by the police that generates a strong negative reaction from society — that was used strategically by a (relatively) robust political opposition as a means of attacking the president.

I argue that the highly conspicuous institutional deterioration of the Colombian National Police, due in large part to the strains of its battle with drug cartels and its role in the fight against armed guerrilla groups, persisted through the 1980s and early 1990s, as a result of the fragmentation of societal opinion, which inhibits the emergence of coherent demands or preferences about what should be done. Even though there was consensus about the problem, there were conflicting demands regarding the solution. This fragmentation of societal opinion and demands favored patterns of accommodation between politicians and the police. While the patterns of accommodation that emerged in Colombia were by no means as extensive or legally suspect as those that existed in Buenos Aires Province (Chapter 4), the National Police served as an important political tool for the president, who granted the police a high
degree of autonomy in exchange for its cooperation. In the absence of a clear mandate from society regarding security, institutional weakness persisted in large part because of the strong incentives politicians face to engage in accommodation with the police.

Scandals, such as the rape and murder of a little girl in a police station in downtown Bogotá, serve as a focusing point for societal opinion, an exogenous shock that allows different societal sectors to reveal a shared threshold for (un)acceptable police conduct. This high-profile deviant act by the police, and the societal reaction to it, then interacts with three structural factors that account for the timing of reform as well as its content: (1) a robust political opposition, (2) police-society relations, and (3) police capacity and resources.

Scandals serve as messages. They reveal information about shared preferences across different societal sectors, both laterally to other citizens and vertically to elected officials. In contrast to the status quo, politicians now receive a relatively unified message, across a range of societal sectors, about societal demands and expectations of police. Reform will occur when politicians not only hear this message, but when they face an electoral threat from a robust political opposition, which will generate a *mobilized scandal* by keeping the act of police deviance on the public agenda for an extended period of time as a means of attacking the incumbent. In the absence of a robust political opposition, the scandal is likely to result in a symbolic response by the politician, such as institutional purges or the resignation of a high-ranking official. I therefore argue that the components of a *mobilized scandal*, a scandal and a robust political opposition, are jointly sufficient to bring about reform.

In order to explain the adoption of mechanisms that incorporate societal actors as part of the reform, which I call participatory security, I argue that we must look to two structural factors: police-society relations and police capacity and resources. I hypothesize that reform will include participatory mechanisms in settings where police-society relations are characterized by distrust and perceptions of incompetence or police capacity and resources are low. Where societal attitudes toward the police were negative prior to the mobilized scandal, the police may not be trusted to address its problems on its own. The incorporation
of community actors may thus be presented as a form of societal oversight of a distrusted institution. Participatory security may also serve as an attractive option in low-capacity settings, in which decentralized community forums may serve as fire alarms (McCubbins and Schwartz, 1984) for police and government officials to identify and address the most pressing problems. Since both conditions were present in Colombia in the early 1990s, I draw upon the typology of participatory security presented in Chapter 2 to argue that they led to the adoption of Thin Participatory Security, characterized by restricted participation, little authority granted to society, and few obligations imposed on the police.

Colombia’s police reform process in 1993 is an excellent test of the argument outlined above. Returning to the proposition suggested above, that the dire state of the Colombian National Police led to the adoption of reform, it is easy to see why it is insufficient to explain reform. The deteriorating conditions plaguing the National Police — lack of resources, corruption, violence, human rights violations, inability to control spiraling crime — had been a constant for years, rendering it an unsatisfactory explanation of the timing of reform. If bad, even terrible, conditions were sufficient, historically high rates of crime and violence and a police force almost universally recognized as highly deficient, should have made police reform a priority for elected leaders long before 1993. Yet reform did not occur, even in the context of a political climate highly favorable to institutional reforms.

The relatively short time period that is subject to close analysis in this chapter — 1990 to 1993, the administration of César Gaviria — is intended to demonstrate how shifts in the incentives of political leaders can radically change the prospects of reform. Even in a short period of time, variation in the existence of a scandal and in the strength of the political opposition shifted proposals for reform from “dead on arrival” to the fast track.\footnote{While a proposed police reform bill introduced in September 1992 languished in the Congress with little pressure from the executive, six months later, following the rape and murder of a little girl in a police station and the strategic use of the event by the congressional opposition, the president hastily formed two commissions (one composed of civilians, another composed of police officers) to draft a proposal for reform.} Such an approach also allows us to discard alternative explanations for reform. Other factors that scholars have argued may account for reforms, laid out in Chapter 2, such as the ideology of

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the executive’s party, international pressure, and the dire conditions of the National Police, remain constant throughout Gaviria’s term.

Indeed, this context makes Colombia a particularly fascinating case. President Gaviria’s “institutional shake-up” during his first six months in office, and the drafting and adoption of a new Constitution the following year, and the police’s many institutional deficiencies, already in place for many years, should have made Colombia a “most likely case” for reform from the start of Gaviria’s term. Yet, the dire conditions facing the National Police persisted with little momentum for reform. Even as the President and the Constitutional Assembly deepened decentralization, enacted transformative economic policies, created brand new institutions such as the Constitutional Court and the Prosecutor’s Office (Fiscalía), the National Police proved more difficult to reform.

Colombia’s landmark police reform begun in 1993 is also worth extensive analysis because despite, or perhaps as a result of, the revolutionary changes introduced by Law 62/1993, many key aspects of the reform were reversed in the years following the passage of the law. This retrenchment of sorts allows us to examine whether the factors that make police reform unlikely to occur also make it difficult to sustain over time. This question will be taken up in Chapter 7.

Drawing on interviews with key reform participants, government documents, speeches, news reports, public opinion surveys, budgets, crime statistics, and other resources, I use process tracing to demonstrate that the reform of the Colombian National Police in the 1990s was the result of a mobilized scandal following the rape and murder of a young girl in a police station. I will examine extensively why such a scandal was necessary to overcome the fragmentation of societal opinion that in turn facilitates patterns of accommodation between politicians and police under the status quo. Moreover, I will substantiate the argument outlined above, that many paths are possible once an act of police deviance becomes a scandal, and that three structural conditions — a robust political party opposition, police-
society relations, and police capacity and resources — are necessary to explain why reform occurred and why it included thin participatory security institutions.

“Our Bodies Were Not Impenetrable” The National Police Between the Drug War and Institutional Disarray

In describing the strain of the fight against drug trafficking waged primarily by the National Police throughout the 1980s and 1990s, retired Brigadier General Guillermo León Diettes (former Commander of the police in Cali and Bogotá and Sub-Director of the National Police), referred to the physical threat facing police officers, who were frequent targets of bombings and other forms of violence. “Unfortunately,” noted Diettes in an interview, “our bodies were not impenetrable.” But his statement could easily be applied to the institution as a whole, which faced extensive infiltration and corruption by drug cartels. Both threats were at the heart of the institutional decay experienced by the Colombian police in the years preceding reform. Former national security and defense advisor Camilo Granada described the dual impact of the drug war on the police: “the National Police became the eye, the center, of the great battle against drug trafficking in Colombia. For better and for worse. There were major heroes and major corrupt [officers]. There were many police that were murdered, and many police that were murderers.”

When Rafael Pardo began his tenure as the first civilian Minister of Defense in nearly four decades, he found a police force plagued by “distrust, a perception of corruption, a lack of professionalism, low internal morale... a de facto subordination to the armed forces,... and very low credibility.” Though Colombian experts agree that the low level of institutional development of the National Police predated the crisis that began in the 1980s (Llorente 1997, 2005, Camacho 1993, Pardo Rueda 1996), much of the institutional decay that Pardo...
found when he took on the role of Defense Minister can be traced back to the drug war. The 1980s and the start of the 1990s were a period of unraveling for the institution, due in large part to the difficulty of meeting the demands of the armed conflict and combatting drug cartels.

Experts and policymakers, many of whom would later participate in a consultative commission to reform the National Police, pointed to three sets of related conditions that both contributed to and exposed the deterioration of the institution. First, the adverse consequences of the pressures of fighting guerrilla and drug-trafficking groups placed an irreparable strain on material, financial, and human resources, which took its toll in the form of diminished operational capacity and corruption. Second, the institution’s militarization shaped police education, structure and strategies in such a way that led to a growing distance between police and society, and may have contributed to the use of excessive violence by police. Finally, in addition to the strains caused by the armed conflict, urban crime and violence increased to historic levels throughout the 1980s, while the police repeatedly demonstrated itself incapable of adequately providing security in the country’s cities.

The main form in which the armed conflict and the fight against the drug cartels contributed to the deterioration of the National Police was through an ever-growing demand for more police officers on the ground. As Llorente (1997) notes, the size of the Colombian National Police had increased from about 19,000 uniformed agents, subaltern officers, and officers in 1958 to about 80,000 in 1993 (44). Between 1982 and 1992, the number of agents rose from about 46,000 to approximately 76,000 (Pardo Rueda 1996, 341). As one might expect, however, most of this increase was in the lowest ranks. In 1992, there were only about four thousand sub-officers and 2,700 officers to command the remaining seventy-thousand non-commissioned officers. As military and police scholar Francisco Leal Buitrago put it, that is “a very small head for a very big body” (Leal Buitrago 1994, 199).

This kind of growth in just a decade came at a cost, however. As former security and defense advisor Camilo Granada noted, “the police grew in order to try to respond to security
needs, but it had grown without a plan to reinforce the institution.” As an example, in order to recruit so many new officials in such a short period of time, the training period was cut from twelve to eight and finally to six months (Consultative Commission Report, 132). This is particularly alarming considering that the training and the “quality” of police recruits was already tenuous at best. Police scholar Juan Carlos Ruiz Vásquez has observed that “police officers used to be more like security guards, actual security guards in buildings and residential complexes, that often don’t even have primary school; the police prior to 1993 were like that.” A Major of the Colombian National Police joked in an interview about the low educational standards, even for officers (non-commissioned officers had even lower requirements): “previously, it was enough to have a high school degree. ‘Great, you’re in.’ Actually, if you had a professional degree they would say to you, ‘No, your profile is too high to be a police officer. Rejected. You’re overqualified.’ I’m talking about twenty years ago. Before, in order to be a patrullero, a street agent, you didn’t even need a high school diploma. ‘What have you got? First year of secondary school? Perfect, you’re the one we need.’

6 Interview with anonymous Major of the Colombian National Police I, Bogotá, 26 November 2012.
8 Although the question of resources will be discussed at length in a later section, it goes without saying that another consequence of this massive recruitment of poorly trained agents was the exacerbation of already low salaries and precarious conditions of most police officers (Restrepo Riaza 1994b, 66).

Officers interviewed in the newspaper El Tiempo in 1993 outlined the challenge before them. “The government orders us to increase the size of the force by five thousand men, so we have to open the doors to recruit them,” said one officer. Meanwhile, another noted that “if the control over the selection process were strictly complied with, the institution would not be able to meet its [recruitment] needs. Of those five thousand men required, one thousand would enter at most.”

The growth among the lowest ranks was not accompanied by a corresponding increase in the number of commanding officers (including both subaltern officers and officers), leaving
these poorly trained agents without adequate supervision. For former Defense Minister Pardo, and many other observers, this was a key source of corruption and the deterioration of institutional integrity (Pardo Rueda 1996: 339).

Indeed, police involvement with drug cartels and drug trafficking was rampant throughout the 1980s and early 1990s. Reports of mass expulsions of police officials from the institution for corruption and drug trafficking were frequent, including cases in which 29 agents and officers were expelled for the disappearance of three corpses and large quantities of cocaine after a plane crash; 55 agents working in Quindío were expelled for accepting bribes from drug traffickers; fourteen agents in Cali were dismissed for allowing the sale of crack in a neighborhood in exchange for a “tax” on the dealers, which was found to be a common practice in the final report of the Consultative Commission to Reform the National Police; and the former director of the Judicial Police Unit was investigated by the Prosecutor’s Office for collaborating with the Cali Cartel. There were also countless reported and unreported cases of less high-profile corruption, such as the traffic agent who collected as many as twenty bribes per hour from drivers. Police involvement with crime was so widespread that between August 1992 and March 1993, the Consejo de Estado [Colombia’s highest administrative court], held the state legally, and financially, responsible for crimes committed by the police in eighty-six separate verdicts, out of a total of 211 (Leal Buitrago 1994: 204).

Inadequate supervision and corruption were, predictably, far from the only manifestations of the strains of fighting guerrilla and drug trafficking organizations. Pablo Escobar, leader of the once infamous Medellín Cartel, offered a reward of a million pesos for every police officer killed. Former Director General of the National Police, General Miguel Antonio Goméz Padilla recalled during an interview the toll of the drug war on his officers: “it cost us the

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9 Llorente (1997), for instance, compares the ratio of commanding officers to rank and file agents in Japan, Canada, Australia, Great Britain, and the United States, where it ranges from 1:1.3 to 1:5, to the Colombian National Police, which in 1993 had a ratio of 1:7.8 (17).


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lives of many officers. Drug cartels offered money for the heads of police officers according to their ranks. For yours truly, [the bounty] was five million US dollars... the police were the first line in confronting this type of crime... In Medellín, they killed one of our police officers every day.”\textsuperscript{15} Drug cartels also targeted local police stations known as CAIs (Immediate Attention Centers) for attacks, often leading to the deaths of several officers at a time\textsuperscript{16}

A Major with the National Police, who had survived two terrorist attacks and a kidnaping at the hands of the Medellín Cartel and the guerrilla, noted in an interview that one did not even have to work in the area of Anti-Narcotics to be a victim of attacks from the guerrilla groups or drug cartels. “In the era of Pablo Escobar, the simple fact that you were a police officer made you a target for them. And during that time we didn’t know who could kill us, it could be Pablo Escobar’s men or it could be our own colleagues in the police [because of infiltration.] Even the Army was infiltrated back then.”\textsuperscript{17}

The violence against police officers was extensive in Colombia during this period. Goldsmith and Lewis\textsuperscript{(2000)} compare violence against police in Colombia with that of Northern Ireland during its decades of sectarian violence. While 246 officers of the Royal Ulster Constabulary were killed between 1968 and 1987, “approximately this number of police agents died in a three-month period in Medellin in 1990” (172). Indeed, nearly 3,000 police officers were killed in the line of duty between 1982 and 1992 in Colombia.

Although the fight against the guerrilla was primarily the responsibility of the Army, the National Police was a frequent target. In fact, former Defense Minister Pardo noted in an interview that the number of police casualties from attacks by guerrilla groups far exceeded the number of army casualties\textsuperscript{18} The FARC and ELN regularly targeted isolated police stations in rural areas, leading the police to respond by diminishing the number of

\textsuperscript{15}Interview with General (ret.) Miguel Antonio Gómez Padilla, 12 October 2013.
\textsuperscript{16}See, for example, “Plan para evitar atentados a los Centros de Atención Inmediata.” \textit{El Tiempo} 5 January 1991.
\textsuperscript{17}Interview with anonymous Major of the Colombian National Police II, Bogotá, 12 August 2012.
\textsuperscript{18}According to Pardo, this led to tension between the two institutions. The police would accuse the army of not providing them protection and support, while the army would accuse the police of giving in to the guerrilla groups and inadequately defending themselves.
police stations in rural areas and increasing the number of agents in each station as a self-defense measure. Security expert María Victoria Llorente noted in an interview the irony of the rural units of the police, which became very good at defending themselves from attacks but were largely viewed as inept in protecting the citizenry, which is presumably the main role of the police. The result, however, was “a larger police force, without a sufficient command structure, more costly budget wise, less well equipped per person, with less territorial coverage, and offering in general, less security” (Pardo Rueda 1996, 339). The toll on operational capacity was not only felt in rural settings. In urban areas throughout the country, commanders found themselves with insufficient agents and officials necessary to prevent and fight crime. The result was a lack of resources on top of a lack of specialized skills for crime prevention and urban security (Camacho 1993, 6). The scarcity of resources and low institutional capacity will be discussed further below.

These problems were exacerbated by the institution’s far-reaching militarization. Despite the Constitution’s designation of the National Police as a civil body, it is also subordinated to the Ministry of Defense, which until 1991 had an Army General as its top official. Moreover, the National Police is considered the fourth entity of the Fuerza Pública (Public Force), along with the three branches of the military. Since the 1950s, the National Police’s internal structure, system of discipline, education, and other characteristics, mirrored those of the Army. The Colombian National Police actually became a national force — it had previously been a collection of municipal and departmental organizations — through Law 193/1959. By the time it was constituted as a national institution, it had already been under military control for several years, thereby shaping in fundamental ways its development as a national entity. The various police forces throughout the country were brought under the Ministry of War (the predecessor of the Ministry of Defense) and subordinated to the General Command of the Armed Forces in 1953 (Decree 1814/1953). One year later, the police’s internal command structure was changed to mirror that of each of the branches of the armed forces

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19 According to Llorente (2005), “from the 1980s into the early 1990s, the force withdrew from almost 30 rural stations” (190).
The institution was therefore heavily militarized, even more so in the context of the armed conflict.

Scholars have argued that “the primary determinant of the dysfunctional nature of the police institution in this country, is linked to the discrepancy between the civil character of the institution and its military-style management and regulation” (Restrepo Riaza, 1994). The external police reform commission (convened in 1993) composed of academics, policymakers, and societal representatives was also especially concerned with the potential contradiction inherent between its proximity to the armed forces and its constitutionally-defined civil status (p. 121). For sociologist Álvaro Camacho, the ongoing armed conflict in the country distorted the police’s mission, such that its principal task became protecting the political order itself, rather than the citizen (Camacho, 1993). The framework of National Security Doctrine, which had fallen into disuse throughout South America as countries emerged from military dictatorships, remained solidly in place in Colombia as a result of its internal conflict (Leal Buitrago, 1994). The focus on defending the state from internal enemies is prioritized, to the detriment of the central mission of a police force, preventing and investigating crimes. Although the nature of police-society relations will be discussed at length below, it is worth nothing the effects of the militarized policing adopted in response to the guerrilla and drug cartels on the relationship between police and community. As one officer put it, “The agent creates mechanisms of defense to avoid being killed on the street” (recall the extent to which police officers were themselves targeted for violence). In the case of Medellín in the late 1980s and early 1990s, local scholars described a situation of

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21 See also Camacho (1993).

22 Tanner (2000) contrasts policing tasks under authoritarian and democratic settings, and argues that the skills used by police to repress political crimes, for example, are of little use in fighting regular crime following a transition to democracy (111). There is likely a similar incompatibility between the skills and strategies that may be useful in combating guerrilla groups and drug cartels, and and those necessary for preventing crime in urban settings.

constant clash and confrontation between police and citizens as a result of the war on drug trafficking in the city:

In Medellín the police appears as an actor in the conflict which, due to the permanent sensation of danger in its work, not only isolates itself from the part of the population it perceives as dangerous, but also from citizens in general. In this sense, for the police in the city of Medellín any citizen, beyond his condition as such, is a potential agent of violence, a law breaker, and more seriously, a potential enemy of the police (Restrepo Riaza, 1994).  

The National Police faced additional problems that did not stem from the highly unique challenges posed by the guerrilla and drug-trafficking organizations, but were instead common across many police forces throughout the region. These, too, should have provided ample motive for reform, but ultimately did not. During the 1980s, violent crime in Colombia rose dramatically. Homicide rates skyrocketed from about 32 per 100,000 inhabitants in 1980 to 86 in 1992; to provide a sense of the alarming rate of increase, homicide rates rose to 106 in 1993 and 127 in 1994. (Agudelo, 1997, 95) Meanwhile, crimes such as kidnappings and bank robberies went from virtually nonexistent prior to 1980 to more than 1500 cases by 1990 in the case of the former, and quadrupled between 1988 and 1992 (from about 200 to approximately 800) in the case of the latter (Pardo Rueda, 1996, 327). According to Granada, the president’s national security and defense advisor, in addition to the high murder rates, citizens’ demands also grew as a result of the increase in crimes such as street robberies, which are “a more quotidian aggression, much less dramatic; but it is one that causes more alarm.” Citizens grew increasingly dissatisfied with the police’s performance in addressing such crimes.  

The national police, however, proved itself to be largely incapable of keeping rising crime and violence under control. Moreover, police officials were not only often complicit with drug cartels and drug trafficking; in some cases, officers were directly engaged in criminal activities such as robberies and carjackings (Consultative Commission Report, 141). There were also cases of police officers participating in extrajudicial killings of marginalized citi-
zens. According to Llorente (2005) “police gangs formed in several cities to carry out armed robberies and “social cleansing,” that is, the selective killing of criminals, prostitutes, beggars, and the mentally ill” (191). A 1994 report by Amnesty International cited alarming figures from the Catholic Church’s Intercongregational Commission for Justice and Peace, which recorded instances of such killings: 1,900 “social cleansing murders” occurred between 1988 and 1992 in Colombia’s primary cities, including 500 in 1992 alone. Alarmingly, “Most killings of ‘undesirables’ in the cities appear to be carried out by police agents, often from the F-2 intelligence branch, many of whom are contracted by local traders seeking to protect their economic interests.”

Substantively, then, the National Police faced a serious structural challenge brought about by the corrosive impact of the fight against drug cartels, the increasing rates and increased complexity of violent crime, as well as the incompatibility of its militarized structure with new challenges in urban security, which require building closer ties between police and communities. Despite the development of these alarming conditions over the course of a decade, particularly the sharp rise in homicide rates that gave Colombia the highest murder rates in the world, there were few attempts to enact structural changes to address the police’s many institutional deficiencies. This becomes particularly surprising in a context marked by dramatic institutional changes in just about every other area of the state, as I will argue in the following section.

The State’s Crisis of Legitimacy and “Institutional Shakeup”: A (Missed) Window of Opportunity for Police Reform

During the early 1990s, the institutional environment in Colombia was highly favorable to police reform. On the one hand, there was a commitment across a broad range of political and societal actors to enacting far-reaching institutional change. In the context of profound

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24Amnesty International. *Political Violence in Colombia: Myth and Reality.* 1994, p. 23. Leal Buitrago (1994) also argues that some members of the National Police have effectively privatized the institution’s function, placing it at the service of large landowners, business owners, industrialists, and even organized crime groups dominant in different regions, often committing human rights violations to protect the interests of their patrons (204).
institutional disarray within the National Police, the moment of the “institutional shakeup” pushed by President César Gaviria presented an opportunity to place police reform on an agenda that included important transformations in a variety of policy areas, from the economy to education, and led to considerable restructuring of the state. On the other hand, many of these institutional changes also introduced a need to reform the police in order to conform to a new institutional framework. Yet reform was not forthcoming during the early years of the Gaviria administration.

Despite ample conditions for reform — a political environment highly favorable to institutional and policy reform, a police force widely recognized as problematic, as well as available policy alternatives — the National Police’s institutional weakness persisted, and responses by state and police officials were limited to short-term measures, such as purges, and changes at the margins of the structural problems facing the institution.

I argue that the conditions described in the preceding section persisted for years, and continued through most of Gaviria’s term, because the incentives of political leaders to pursue patterns of accommodation with the police meant that the president was unlikely to push through measures that would reduce the police’s autonomy. The fragmentation of societal opinion, in turn, meant he faced little electoral risk from accommodation, and little electoral benefit from reform. These factors can account for the absence of reform in the context of objective security and and internal institutional conditions that necessitated it and an external institutional and political climate that was highly conducive to reform overall that should have made it possible.

A bundle of institutional reforms enacted in the early 1990s were part of an effort by the country’s newly elected president to restore the legitimacy of and bolster the Colombian state, which saw its infrastructure, in various dimensions, seriously eroded by the armed conflicts being waged throughout its territory. As one analyst put it:

25These conditions line up well with Kingdon (1984)’s three “streams” that lead to policy change: the problem stream, the political stream, and the policy stream. This model, however, fails to account for the onset of police reform in Colombia.
The indiscriminate terrorist attacks of Pablo Escobar, as well as his surrender and posterior escape, the power of infiltration developed by the Cali Cartel, the marches and strikes by peasants taking place in various parts of the country, the emergence of new groups at the margins of the law such as the so-called paramilitaries, and the outbreak of confrontations between these and traditional guerrillas, presented state forces with challenges never seen before (Casas Dupuy and Gonzalez Cepero, 2005, 10).

The crisis facing the state, which Paschel (2010) has characterized as “domestic political disequilibrium,” was perhaps best represented by the precariousness of the security apparatus and the consequent vulnerability of political leaders to violence. By January 1990, about one thousand people in Bogotá alone had official escorts from one of the state’s security forces (Pardo Rueda, 1996, 212). Nevertheless, violence against high-level leaders, and in general, was rampant: four presidential candidates were killed leading up to the 1990 elections, including Liberal Party candidate Luis Carlos Galán, considered the frontrunner. Former Liberal Party Senator José Blackburn, who still keeps in his office a large framed photo of himself standing next to Galán, recalled that period as “the worst possible political climate. I challenge anyone complaining [about the current climate] to put up with what we lived in that era.” He described a climate of fear in which presidential candidates were being assassinated, and recalled planning for a meeting with Galán in which participants were afraid to talk about plans and meeting places by phone and instead had to pass along this information on “little pieces of paper... and we would hold meetings in the most unheard of places” due to security concerns. César Gaviria, who would go on to win that election as Galán’s successor within the Liberal Party, also described it as a “very complex period. The truth was that in that election there was a climate of fear and apathy; of disenchantment and crisis.”

This insecurity—and the impunity in which these and nearly all crimes resulted—extended from such high-level assassinations down to all sectors of society, underscoring

Paschel (2010) also cites this period of political and institutional volatility as one of the factors leading to a notable policy change in the recognition of a broad set of rights for Afro-Colombians.

Interview with José Blackburn, Bogotá, 15 July 2013.

Interview with Céwar Gaviria, Bogotá, 11 July 2013.
the role played by the police in the broader crisis of legitimacy. This point is illustrative of the impotence of the state in combating the armed actors challenging its monopoly of legitimate violence. As noted above, not only was the National Police subject to considerable infiltration and corruption by drug cartels, it was itself the deliberate target of much of the violence by cartels and guerrilla groups. In 1990, 420 members of the National Police were killed in Medellín alone (Pardo Rueda 1996, 344), underscoring its incapacity to defend itself. In urban settings, which had seen dramatic increases in crime and violence in previous years, the police proved itself to be equally inept at protecting citizens, leading many to distrust the state and instead take the law into their own hands.

In studying the Medellín case, Restrepo Riaza (1994) describes a weakly institutionalized state that is not recognized by citizens as the channel through which conflicts ought to be resolved. “The rupture that was established between society and the State allows for the inexistence in Medellín, on the part of the citizens, of a real recognition of state institutions and vice versa; the relationship between the state and civil society presents strong fractures and disarticulations in the city” (Restrepo Riaza 1994a, 13). The “fracture” in Medellín was so apparent that security expert María Victoria Llorente recalled in an interview the “strong questioning [of the police] to the point where the governor of Antioquia [Department] and the mayor of Medellín would ask the national government to remove the police because they were clearly considered part of the problem.”

An additional security condition challenging the legitimacy of the state was the emergence of paramilitary organizations that explicitly sought to supplant the role of the state in the conflict with guerrilla organizations.

Further highlighting the inoperability of the state’s institutions, a state of siege was in place in Colombia throughout the 1980s and remained in place until the new Constitution took effect in 1991. Over the course of this period, the state of exception became the

29 Interview with María Victoria Llorente, Bogotá, 19 September 2012.
30 The state of siege was a semi-permanent condition throughout the 1970s and 1980s, despite the fact that conceptually and legally, they are supposed to be temporary and exceptional. The 1991 Constitution reined in the President’s ability to declare a state of siege (Art. 213) by limiting its duration to 90 days and the number of times it could be extended to two periods.
norm, the executive effectively ruled by decree and many fundamental rights were suspended. Former President Gaviria said in an interview that one of his aims in an effort to get the state back to a normal state of operation, was “taking the country out of the idea that problems are resolved through decree, which is what happened for decades. All the problems were resolved by decreeing a state of siege or a state of economic emergency... [Under my administration] that disappeared. Now the state is obligated to emit legislation as it should, through the Congress.”

A corollary of the state of siege was the policy known as justicia sin rostro (faceless justice) enacted in late 1990 and implemented in 1991 (Decree 2790/1990). Under the system of justicia sin rostro, the identity of judges, investigators, and witnesses was to be concealed in criminal proceedings. They would quite literally be faceless, in that their faces were covered when facing the accused, and judges’ names and signatures would not be included in official records.\(^{31}\) This extraordinary measure was due to the grave threat facing judges presiding over cases relating to drug trafficking.\(^{32}\) Without minimizing the high levels of violence that were seen as necessitating such a policy, the system of “faceless justice” was a clear indicator of the Colombian state’s inability to enforce its own laws.

The violence of the 20th century in Colombia introduced an additional distortion to the normal functioning of democracy. Starting in 1946, the Liberal and Conservative parties entered into a power-sharing pact known as the Frente Nacional (National Front). The National Front, established what Leal Buitrago (1995) called a “bipartisan monopoly” in which the two parties not only alternated in the presidency but also shared power through the inclusion of both parties in government posts. As one might expect, however, such a pact in which “politics were absorbed by bipartisanship, [and] which co-opted most spaces in an incipient civil society,” also created incentives for those in power to close off entry to other political expressions (Leal Buitrago 1995, 23). As a result, by 1978, the National Front had

\(^{31}\) Identities were anonymized using fingerprints, unique numeric identifiers, and even pseudonyms.

\(^{32}\) Some thirty-two judges overseeing drug-trafficking cases were killed between 1984 and 1990. In contrast, two were killed between 1991 and 1996. See “Arrancan jueces sin rostro.” El Tiempo 13 January 1991, and “A prueba de balas.” Revista Semana 1 January 1996.
become “immobilized,” the political class had lost its credibility and the political system as a whole was seen as lacking in legitimacy (Pardo Rueda, 1996: 246).

Former Defense Minister Rafael Pardo Rueda described the situation candidly in his memoirs:

In 1989 and early 1990, the stability of the political system was in real and imminent danger of collapsing. The atrocious narcoterrorist war with no end in sight, the frustration over the failure of the reforms, the assassination of Luis Carlos Galán, and the accelerated delegitimization of the establishment which demonstrated itself to be incapable of resolving the problems of the governed, presented a devastating panorama” (Pardo Rueda, 1996: 211).

After winning the 1990 presidential elections, incoming president César Gaviria sought to implement a series of reforms, which he called the “revolcón institucional” or “institutional shakeup,” intended to strengthen the Colombian state and reestablish its credibility. In the first six months of his administration, Gaviria pushed a Law of Public Services, privatized the concessions of ports, created a pensions fund, a new health systems law, deepened the decentralization of education as well as fiscal decentralization, made the Central Bank autonomous, and pushed reforms to the criminal justice system, including the highly controversial policies of “faceless justice” (justicia sin rostro, described below) and “submitting to justice” (sometimiento a la justicia, Decree 303/1991), an important shift in the state’s approach to prosecuting high-level drug-traffickers under the Colombian justice system rather than extraditing them to the United States. According to Gaviria, “we used a methodology that is a bit different from what is done in the United States and in Latin America, which was to promote all of these reforms at the same time, rather than one by one... We took them all to the Congress and promoted them simultaneously... I think that facilitated the economic reforms, which in turn facilitated the political ones.”

33 The 1991 Constitution would subsequently prohibit the extradition of Colombians (Art. 35). Prior to that, a number of drug traffickers, most notably Pablo Escobar, had formed a group called Los Extraditables, “The Extraditables,” dedicated to committing assassinations and other violent acts in opposition to the Colombian government’s extradition policy. They declared their preference for a “grave in Colombia to a jail in the United States.” See “Extraditables: Fin del terror.” El Tiempo 4 July 1991.
34 Interview with César Gaviria.
The Gaviria administration also deepened and extended the decentralization that had been initiated in the 1980s (including the direct election of mayors) through the 1991 Constitution, which included provisions for the direct election of departmental governors and fiscal transfers to municipal and departmental governments (O’Neill, 2003, 1072). This decentralization was also an important institutional change relating to security policy, since the new Constitution also established mayors and governors as the “first authority” on policing matters in their respective jurisdictions (Art. 315).

Even more remarkable than the changes Gaviria was able to implement, however, was the fact that he was able to do so with broad political support. Having come into office in the wake of complete delegitimization of the political system, the collapse of the National Front pact, and a highly weakened state apparatus, Gaviria could have easily faced the continuation of the “devastating panorama” described by his Defense Minister above. Instead, Gaviria described a political climate that favored reforms:

The fact is there was a juncture of political agreements that lasted practically throughout my term. The constitutional convention, the way it functioned, was done with...enormous political will. The votes were not questioned, the rules were respected, there was a tripartite presidency... One needed a great deal of political will to move that forward, and we had it,... [due to] the deep crisis we faced as a result of the violence that had been generated throughout the electoral process, which dated back to the massacres by paramilitaries in the middle of the Barco administration. Almost since the start of the Barco administration there had been a process of delegitimization, fruit of the violence that had, in turn, been ongoing since the government of President Betancur [in the early 1980s]... All that violence delegitimized the political system... and that is why there was so much desire and will to transform it.

Indeed, during his first two years in office, Gaviria maintained an approval rating above 70%. Moreover, Gaviria’s Liberal Party composed 59.8% of the Chamber of Representatives and 57.9% of the Senate in 1990; in 1991, the Liberal majority following the 1991 elections was slightly lower, at 54% and 57%, respectively. As Escobar-Lemmon (2003)

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36 There were congressional elections both in 1990 and 1991 as a requirement of the new Constitution, which went into effect in 1991. Colombia’s other traditional major political party, the Conservative Party,
notes, “members of congress in Colombia have strong incentives to build a personal reputation and weak incentives to follow the leadership of their party [as a result of electoral laws]” (684).

Nevertheless, the exceptional conditions in Colombia in the early 1990s and the societal mobilization that occurred around the referendum to reform the Constitution in 1990 generated what former President Gaviria called a “reformist climate” with broad support from the citizenry and political parties. Legislators from both the Liberal Party and opposition parties therefore had little incentive (or ability) to oppose Gaviria’s agenda. As a result, the Liberal Party and opposition parties in the Congress rallied around his reformist agenda. In an interview, former President Gaviria described a consensus among all political parties that favored these institutional changes:

There was more criticism than opposition, but the government always managed to maintain a very broad coalition in support of its initiatives in the Congress because there was a reformist spirit, of which the government was not the owner. Everyone felt part of that reformist spirit. It’s not that it was exclusively the government; the whole country found itself in a reformist climate and that meant we didn’t have a monopoly on that.”

The political climate during the first two years of Gaviria’s government therefore provided a significant opening for reforms, including institutional change within the National Police. Yet, such reform did not readily occur, even as other reforms deemed politically costly by the president, did. One such reform was the make the Central Bank an autonomous entity. President Gaviria described the change in structure as “costly because many sectors that were accustomed to receiving cheap loans, subsidized loans, no longer received them. That was very costly politically, but we were able to achieve such reforms in those years.” The president and his administration therefore did not shy away from reforms that were politically costly even in the context of a “reformist climate.”

made up 32.7% of representatives and 34.2% of senators in 1990, and 23% and 24%, respectively, in 1991. Data are from the Political Database of the Americas.
This raises the question of why reform of the National Police was not accomplished during this period. One reason could well be that with no shortage of pressing matters to address, the policy agenda was simply too crowded to enact police reform. This is unlikely to be the case for a number of reasons. First, a crowded policy agenda had defined the Gaviria administration from the beginning. In fact, even before his inauguration, Gaviria had begun preparing an ambitious agenda of profound policy changes that he would push for simultaneously during his first six months in office, as described above. Second, the progressively deteriorating security conditions and the state of the National Police provided ample justification for reform, as did the creation of the Prosecutor’s Office and the mandates of the new Constitution, which included a number of provisions that would require changes to the police’s organic law. Finally, President Gaviria did in fact prioritize security matters in his agenda, which included a number of important security policy changes. These changes, however, remained at the margins of the institution and the problems it faced; they stopped far short of police reform, defined in Chapter 2 as “a written policy intended to change the structure, training, or operations (including the functions) of the agency as a whole.”

The Legal/Institutional Case for Police Reform During the “Institutional Shakeup”

I argue that Gaviria’s “institutional shakeup” included a number of reforms and policy changes that either necessitated a change to the police’s legal structure (even in the absence of a substantive need based on the aforementioned deficiencies) or indicated a recognition by his administration of the dire security conditions facing the country and the deficiencies of the police’s institutional structure. These legal and policy changes can be categorized as (1) Transformative changes in the structure of the state that would require changes to the police’s organic law, (2) Changes in security policy which affected police functions and operations, and (3) Changes that were marginal to the police while also intended to address much deeper problems within the institution.\textsuperscript{37} These sets of laws and policies, I argue,\textsuperscript{37}

\textsuperscript{37}See Table 3.1 for a summary of these laws and policy changes.
either trigger police reform in and of themselves, or, in the case of the third set, constitute an acknowledgment of the deeply-rooted deficiencies of the National Police. Despite these laws and institutional change, however, police reform was not part of the agenda of the “institutional shakeup.”

The impetus to reform the National Police came not only from its own internal crisis and the country’s grave security conditions; the 1991 Constitution itself served as an imperative to reform the police. The new Constitution established new parameters to which the police would have to conform, many of which would require changes to its organic law. For instance, it established that governors and mayors would be the “first authority” on police matters in their respective jurisdictions, and compelled the National Police to comply and cooperate with their orders (Art. 315). It also gave the police the role of judicial police, placing it under the jurisdiction of the judicial system and Prosecutor’s Office (Fiscalía), newly created by the 1991 Constitution (Arts. 249, 250). This institutional linkage would have to be formalized and explicated by a new law.

The creation of the Prosecutor’s Office (Fiscalía) was a major shift in the criminal justice system, of which the police is also a part. It represented not only an important change from the inquisitorial to the accusatory system of criminal justice, it also strengthened considerably the power of the state to prosecute crimes, particularly drug trafficking (Leal Buitrago 1994 207). Former President Gaviria described the contrast:

> During the government of President Barco [Gaviria’s predecessor], it was practically impossible for a judge to emit an order of detention against a leader of the guerrilla or a top drug trafficker without being killed, either the judge himself or someone from his family. And that was such a grave phenomenon that we ended up with a secret justice system emanating from a state of siege. These are things people forget. We came to such an extreme institutional situation, of secret transitional justice, as a result of that challenge. That disappeared with the Fiscalía. No one can say that the Fiscalía doesn’t have the capacity to face the criminal organizations.

38 A bill to reform the police was introduced in late 1992; as I will explain below, the president did not prioritize this bill and it languished in the Congress.

39 He is referring to the policy of “faceless justice,” described above.
The creation of the Fiscalía not only represented then a substantive change in legal structure and procedures. It also represented an effort by the state to reassert its capacity to enforce its own laws. Through its role as judicial police, the National Police would have an important role to play in this process, necessitating a corresponding change in its own legal framework.

As this example illustrates, the "institutional shakeup" had important implications for the police, formally introducing new functions and new chains of command. These changes alone provided substantial justification for a legal reform of the police, not due to any crisis or emergency, but because of the structural changes required through legislation in order for these measures to be implemented in practice. As former Defense Minister Pardo noted in an interview, the “double dependence” of the police on the judicial branch (only with respect to its role as judicial police) and to mayors and governors, in addition to the Ministry of Defense and the national government, introduced new layers of complexity and “generated resistance within the police and so we would have to establish it by law later on in the reform.”

Moreover, the role of the police during the constitutional assembly is worth highlighting. A Colombian political scientist who was an observer during the constituent assembly, noted in an interview that police (as well as military) officials, in uniform, were highly conspicuous during the process. The officials

realized that they had to lobby in order to get something out of the constitution, so that it would not affect them [negatively]. They did not go through the executive with their requests; instead they went directly and lobbied the seventy constitutional assembly members that drafted the 1991 constitution... they held lunches, they met with constituyentes, negotiated, [and that’s] reflected in the constitution...

The commanders of the National Police thus mobilized to protect their institutional role. It is perhaps for this reason that the new Constitution gave the police constitutional status for the first time. The Constitution established the police as a “permanent armed body that

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40 Interview with Rafael Pardo Rueda.
41 Interview with Juan Carlos Ruiz Vásquez, Bogotá, 18 October 2012.
is civil in nature” (Art. 218), which, as part of the “fuerza pública” along with the armed forces, would subject the institution to the military legal code. This distinction between a civil entity subject to the military legal code and subordinated to the Ministry of Defense required further statutory clarification. Moreover, the 1991 constitution also required that members of the police and military receive “education in the foundations of democracy and human rights” (Art. 222), which at the very least implied changes to the educational curriculum of the police academy.

One might say that, given the short time elapsed between the new constitution (1991) and the reform (1993), the constitution was actually the catalyst for reform, simply with a slight delay. But the legislative sessions that followed the drafting of the new constitution were heavily focused on laws intended to put into effect new institutions and policies introduced by the constitution [Bleier 1995]. A new tax law, a new law for citizen participation, and important changes to the structure and operations of the Congress itself, were among the laws passed within that first year. A bill intended to reform the police in accordance with the new constitution (discussed below), had been introduced but, unlike these other measures, went nowhere.

One might also reason that, with so many other important changes to be enacted in other policy areas, security issues may not have been a priority for the Gaviria administration. But we know that this was not the case. Facing historically high levels of crime and violence and a police institution that had shown itself to be ineffective in addressing the problem, President Gaviria and the police leadership attempted a number of interventions.

The main action undertaken by the National Police itself was to purge the institution of thousands of agents and officers suspected of engaging in malfeasance. Through Decree 2010/1992, for instance, the President authorized the Director General to dismiss police officials without standard administrative procedures. About 400 police officials were dismissed between December 1992 and January 1993, nearly 1,500 within the first two and a half months of the year, [Leal Buitrago 1994 195], and an estimated 5,000 would be dismissed...
by the end of 1993. Former Defense Minister Pardo said in an interview that as much as 10% of the force was expelled through these purges.

But the government response to the crisis facing the police was not limited to purges. The “institutional shakeup” involved efforts by the national government to reinstate civilian control over defense and security policy. The first step was the appointment of the first civilian Minister of Defense in four decades, and the first since the start of the armed conflict. But Gaviria’s actions to expand civilian intervention in security policy went much further.

Llorente, a young advisor in the Ministry of Defense at the time, recalls that Gaviria’s was the first administration to focus on designing public policies in the area of security. In the words of the former president, his aim was to more broadly “denarcotize” the country’s political agenda,” which meant shifting security policy away from the mindset of the drug war. As a first step, Gaviria created the office of Presidential Advisor for Security and National Defense in 1990, drawing for the first time a distinction between the two, and reinserting civilians in policymaking in these issue areas. The office developed a National Strategy Against Violence as its first policy to reduce rising crime and violence, representing a reclaiming of a civilian public policy on security. Both parts [of that] are very important, both the civilian and the public parts... [Civilian because] during nearly fifty years, military and police issues had been completely delegated to the armed forces. In 1990, a process began to reclaim for civilian officials of the government [dominance] over these issues... [Public] because it was open, it was publicized. Printed copies [of the policy] were distributed in newspapers all over the country; there was a great deal of publicity around the policy. There were forums with the so-called “violentologists,” experts in security and violence in Colombia; the policy was debated publicly a lot. And it became a state policy that was converted into a series of budget policies, judicial reforms, [and] legal reforms. But it was also what we call a presidential directive, which involved and gave the presidential advisor [for security and defense] the authority to coordinate, promote, and nearly control the compliance with this policy by other executive and state agencies.

Security policy was thus not a marginal item on the agenda. The Gaviria administration took important steps to carve out a space for itself in an issue area that had previously been the exclusive arena of the National Police.

The government also took numerous steps to bring the police closer to society. In 1991, Law 4 allowed young men to perform their mandatory military service in the police (as an alternative to branches of the armed forces), a measure that not only increased the size of the police force but was also intended to increase contact with citizens. Former Defense Minister Pardo explained the rationale for the law in an interview:

> the police was an isolated entity, people did not know any police officers socially, nor did police officers know the people. They lived in different places; unlike the military which has mandatory military service, which puts them in contact with society and they are more understood by society as a result. Military service in the police was a mechanism for that, to create police assistants, especially from the upper class, in upper class high schools, was what we proposed initially... to stir up the institution from the inside a bit.

The Ministry also opened a hotline to allow citizens to report corruption and misconduct, through which thousands of police officers were expelled throughout the country. According to Minister Pardo, “This greater public scrutiny brought to light irregular situations which, while they were very serious, were not new to the Police, since bad service had been a constant during many years” ([Pardo Rueda, 1996](#) 343).

There was also a concerted effort to improve the living and working conditions of police officers. Through Decree 335/1992, the government increased salaries for police officers at all levels.\footnote{It should be noted, however, that there had been a general salary increase for all public employees through Decree 334/1992.} According to Pardo, governments had previously raised the salaries of officers but not agents, because it was less expensive since the former comprised a far smaller number of people. The government also committed to investing in police salaries and infrastructure through the Five Year Plan for Investment in the Public Force (1991-1996), which increased etc.
the salaries of agents by 82% between 1992 and 1993, and also increased investment in infrastructure.\footnote{44}

Although there had been many measures to try to address the problems described above, there was not a concerted effort to enact reform intended to change the structure, training, or operations of the police, for which there was more than enough justification. It was not, however, due to a lack of alternatives; proposals of police reform had been floating around for years.\footnote{45}

In September 1992, the government introduced a bill in the Congress to reform the National Police’s Organic Law, which attempted to codify some of the legal changes required by the new Constitution.\footnote{46} The bill, however, was dead on arrival.\footnote{47} There was no debate over the measure, at least none that appears in the Congressional record. The former Senator Jose Blackburn, who would later sponsor a successful police reform bill the following year, said in an interview he did not have any recollection of this first bill. Minister Pardo, who introduced the bill, blamed the police and Congress for inaction: “the police would say that it was taking corrective measures, and the Congress would not confront the opinions of the institutions of the Public Force, so there was not an environment that would justify the bill. So the reform [bill] that was making its way [through Congress] very slowly was a reform to avoid having to reform” (Una reforma para no reformar). It is also true, however, that the President and Defense Minister did not put their political weight behind the bill, nor did they attempt to mobilize support for the bill in the way the would less than a year later.

During the first two and a half years of the Gaviria administration, then, a number of transformative measures were taken in a process he called an “institutional shakeup.” The
president’s audacious agenda was intended to reestablish the state’s legitimacy. A new constitution was drafted, new institutions such as the Constitutional Court and the Prosecutor’s Office were created, decentralization was expanded, and economic, health, education, and labor policy underwent thorough reforms. An integral part of the “institutional shakeup,” moreover, was bolstering the state’s ability to enforce its own laws and building the capacity of the state to provide security across its territory by asserting the role of civilians.

Table 3.1 summarizes the laws described above which I use as evidence of the substantive need for reform of the National Police, in addition to its own institutional deficiencies. I have categorized the legal and policy changes described thus far as: (1) Transformative changes in the structure of the state that would require changes to the police’s organic law, (2) Changes in security policy which affected police functions and operations, and (3) Changes that were marginal to the police while also intended to address much deeper problems within the institution.

Table 3.1: Security-Related Changes and Reforms

<table>
<thead>
<tr>
<th>Year</th>
<th>Reform/Policy Type</th>
<th>Policy Changes</th>
</tr>
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<tbody>
<tr>
<td>1990</td>
<td>Security &amp; Justice</td>
<td>Civilian Minister of Defense&lt;br&gt;Pres. Advisor on Security and Defense&lt;br&gt;First presidential policy on security/violence&lt;br&gt;<em>Sometimiento a la justicia</em>&lt;br&gt;<em>Justicia sin rostro</em></td>
</tr>
<tr>
<td>1991</td>
<td>Transformative</td>
<td>New Constitution</td>
</tr>
<tr>
<td></td>
<td>Institutional</td>
<td>Creation of Fiscalía&lt;br&gt;Mayors and governors “first authority”&lt;br&gt;in law enforcement</td>
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<tr>
<td></td>
<td>Police-Marginal</td>
<td>Military service in National Police</td>
</tr>
<tr>
<td>1992</td>
<td>Police-Marginal</td>
<td>Increase police pay and investment&lt;br&gt;Systematic institutional purges</td>
</tr>
</tbody>
</table>

This table summarizes the reforms and policy changes that either necessitated a change to the police’s legal structure, even in the absence of a substantive need based on the aforementioned deficiencies, or indicate a recognition by the Gaviria administration of the dire security conditions facing the country and the deficiencies of the police’s institutional structure.
The first set of reforms came through the 1991 Constitution, which created new institutions and structures that established new functional roles for the police and would therefore require changes to the police’s organic law. Among these changes are the creation of the Prosecutor’s Office and the constitutional subordination of police to mayors and governors. The second set of policies involve significant, often controversial, changes to security and criminal justice policy that attempted to re-establish the control of the civilian Colombian state over the provision of security and legality. As a central institution of the security and criminal justice apparatus, these changes — the development of the first presidential policy on security and violence, as well as the changes to the legal prosecution of drug-trafficking — affected the police’s functions and operations. A final set of policies were intended to improve societal opinion of the police, rid the institution of corrupt members, and improve the welfare of police officers.

The first two sets of policies recognize a need to strengthen state capacity in the provision of security and the enforcement of its legal order, specifically through civilian institutions and actors. These laws, at least in the case of the Transformative group, should have set off automatic reforms to the police’s organic law. The third set of policies recognizes that the police had demonstrably profound weaknesses that reflected many of the problems outlined in the first section, including widespread corruption and poor relations with society, but did not go as far as to address the deep structural causes of these problems.

A cursory look at Table 3.1 might lead an observer to argue that these changes were necessary in order to make reform possible rather than, as I argue here, evidence that the need for reform was widely recognized and that reform should have taken place much sooner than it did. In other words, that in seeking to reform the police in Colombia, the president and his administration simply took an incremental approach, pursuing an incremental process whose endpoint would have been reform anyway. However, had this been the case, the reform bill introduced in September 1992 (described above) would not have failed. The failure of a bill introduced by a president that enjoyed considerable consensus and low levels
of opposition throughout his term and, furthermore, exerted considerable pressure in the congress to ensure the passage of his initiatives (Bleier 1995, 109), is notable.

The fact that this proposed reform was not successful should signal the specific challenges of reforming the police. By the time César Gaviria took office, the National Police had already undergone significant institutional deterioration due to the strains of the drug war, and Colombia already had one of the highest homicide rates in the world. Yet police reform was not part of the vast range of transformative policy changes he pushed through during the first six months of his term, despite creating a new office in the executive branch and the first presidential policy to try to reduce rates of violence in the country. Police reform also did not flow from the new Constitution that took effect in 1991, despite the fact that it created important changes in police functions and institutional dependence that would have to be assimilated and explicated in the police’s organic law. Finally, reform did not occur in 1992 despite the introduction of a police reform bill in the Congress. Instead, officials opted for short-term measures that did not address the roots of the problem, and a proposal to reform the police failed.

In the following sections I argue that the police’s institutional deficiencies were not addressed because the fragmentation of societal opinion impeded the formation of a coherent demand for reform, allowing the president to continue pursuing patterns of accommodation with the police. Because the police, as the manager of the state’s coercive authority, wields considerable institutional power and can help politicians achieve their political objectives, reform creates the risk of losing control over a valuable political tool. Due to conflicting societal demands, meanwhile, reform presents uncertain electoral benefit. Reform ultimately took place as a result of a scandal following the rape and murder of a nine-year-old girl in a downtown Bogotá police station, that was then mobilized by the opposition in Congress as a means of attacking the president. The emergence of a common message shared across a diverse set of societal actors, and the mobilization of societal outrage by a robust political opposition, led president Gaviria, and members of Congress, to reassess the calculation
Barriers to Police Reform: Fragmentation and Accommodation

Why did it take a scandal of considerable magnitude to bring about reform of the Colombian National Police? The first two chapters of this dissertation argued that police reform is hard to come by, due to the interaction between the fragmentation of societal preferences over policing and security, and the incentives of politicians to pursue patterns of accommodation with police institutions. To briefly summarize the argument that will be substantiated below, politicians face pressures to maintain electoral support, as well as incentives to pursue accommodation with police institutions in a manner that is mutually beneficial. Police institutions, like all bureaucracies, seek to protect their turf and autonomy. By virtue of overseeing such a politically sensitive issue as security, however, police institutions have more power than other bureaucracies to promote their interests and exert their preferences, and will do so in order to avoid external interference in their affairs. Societal opinion, meanwhile, is characterized by fragmentation, which often prevents the expression of a clear mandate with respect to policing and security. In the absence of a relatively unified demand from the electorate to enact police reform, and facing consistent pressure from police forces who can wield considerable political power to protect their autonomy and their interests, politicians have little incentive to reform the police and instead engage in patterns of accommodation. The next section will outline the conditions under which the calculation made by politicians shifts, namely when a scandal reveals common thresholds in societal attitudes, such that a range of societal sectors begin to push for police reform.

As the previous section demonstrated, police reform did not occur in Colombia in the early 1990s, despite the fact that there was plenty of legal and programmatic motive, as well as political space, for reform prior to 1993. In this section, I will argue that in the Colombian case, the National Police held a lot of political power, serving as the principal barrier to reform. Politicization of the police was limited in Colombia, as will be explained below,
but political leaders still accommodated the institution and sought to maintain a mutually beneficial relationship with police, in large part due to its role in fighting drug trafficking, which it was able to leverage to maintain its autonomy. Political leaders maintained a highly deferential relationship with the National Police\textsuperscript{48} even in the face of generalized recognition of the very serious problems detailed above. Colombian society, meanwhile, was divided in its security preferences, despite extraordinarily low levels of approval of the police — surveys conducted prior to the 1993 reforms registered levels of confidence in the National Police of about 20 to 30%. As one of the most unequal countries in the region (and the world) and one that has for decades been immersed in wars with guerrilla groups and drug cartels, however, Colombians hold conflicting views on how police ought to behave, creating a climate that at times can be permissive of abuse. Politicians, then, faced little outside pressure for reform and considerable resistance to reform from within the police, resulting in the measures outlined in the previous section.

Chapter 2 argued that politicians have incentives to politicize police forces in order to use them for political gain; they offer police institutions autonomy in exchange for this benefit. The extent to which the president or other political leaders could politicize the police, however, was limited considerably in Colombia. The National Police had been subordinate to the Ministry of Defense since the 1950s,\textsuperscript{49} following extensive police participation in the partisan violence of the late 1940s and early 1950s. Since that moment, the educational system, rank structure, and disciplinary system of the National Police have followed a military model. Prior to this, the Colombian police consisted of a national police, as well as departmental and municipal police forces, which were routinely used for political purposes by members of one of the two major parties\textsuperscript{50} In addition to militarization, politicization of the police was also prevented by the National Front pact, a power sharing agreement between the two

\textsuperscript{48} The same is true of the Army, but that will not be discussed here.

\textsuperscript{49} During the first part of this period, however, it was known as the Ministry of War.

\textsuperscript{50} Interview with security and defense expert Armando Borrero, Bogotá, 6 September 2012.
parties, that endured for decades following the military regime of Rojas Pinilla (Camacho, 1994).  

These limitations certainly created a precedent and norm against outright politicization of the police in Colombia. However, politicians still pursued patterns of accommodation, characterized by deference of political leaders in security matters and institutional autonomy, with the police. Defense Minister Pardo noted in an interview that he “did not find a good climate inside the police for any kind of reform; they felt themselves to be very self-sufficient.” The quote from the former Defense Minister referenced above regarding the unwillingness of legislators in Congress to support the bill introduced in 1992 is quite telling. Not only did the executive branch take extra care to avoid measures that would cause significant discomfort within the police, it appears the legislative branch did as well.

An interview series with prospective candidates for the 1994 presidential elections by the newspaper *El Tiempo* that began just one month before the rape and murder of a little girl set off the reform process, provides further evidence of the extent to which police reform was absent from the political agenda prior to the scandal discussed below. The first candidate interviewed in late January 1993 was highly critical of Gaviria’s security policy, declaring he would “return security to the country,” but did not criticize or discuss the need to change the police, despite the fact that by that point, it was clearly low-hanging fruit.

The manifestations of this accommodation, or deference to the National Police, occurred not only through the acceptance of police resistance to reform (and the lack of political will to follow through with police reform) but also through a political discourse that minimized the extent of the problem. As one scholar noted, “the national government, however, appeared to have deaf ears and seemed satisfied with the no longer credible explanation that the evils affected only a few police officials, and that the rotten apples did not damage the rest of the distinguished institution” (Camacho 1993, 27). Indeed, just two years before confidence

51 As the case of the police of Buenos Aires Province demonstrates, however, militarization alone is hardly a bulwark against politicization.  

in the police crashed and reform became inevitable, but well after the National Police was widely seen as an inefficient and corrupt institution, President Gaviria called the police “a source of pride for the country.”

A final manifestation of the deference to police was the autonomy granted to the institution in the governance of crime, both in terms of national-level policy and local administration. This point was noted and lamented in the final report of the Consultative Commission for the Reform of the National Police (de la República, 1994). Despite the efforts mentioned above to reinsert civilians in policymaking on security issues, these measures were mostly external to the police. That is, they did not involve directing, regulating, or oversee responses to crime or its internal affairs. Within the Ministry of Defense, there was no civilian charged with designing security policy such that “the responsibility for creating security policies falls on the police itself.” Moreover, despite the salience of crime at the local level, until the mid-1990s, municipal governments also did not assert their constitutional faculty as the “first authority” over the police in their jurisdiction (Acero, 2005, 141).

The police’s ability to preserve its autonomy and resist reform was not absolute, but it was quite effective. The bill introduced by the government in the Congress in 1992 was purposely limited in scope so as to not ruffle feathers within the National Police. A “counterproposal” introduced by a Conservative Party senator was considered too far-reaching and therefore “inconvenient for the stability of the institution” (Pardo Rueda, 1996, 342). In fact, many elements of this reform would eventually be debated by the reform commission just six months later, and incorporated into the final reform bill, suggesting that the concern over stability was more political than substantive. That initial bill, however, failed to make progress in the Congress.

53“La policía es un orgullo del país, dice Gaviria.” El Tiempo 6 November 1991. Executives seem to have a talent for such statements. The Governor of Buenos Aires Province, Eduardo Duhalde, claimed that the province’s police was “the best in the world” just a couple of years before he, too, would be forced to implement reform (see Chapter 4).

54Interview with Armando Borrero.
Even when comprehensive reform did take place in 1993, there was a tacit instruction not to rock the boat too much. Álvaro Camacho, a highly respected scholar who participated in the Consultative Commission to Reform the National Police, observed that

at the heart [of the Commission] there seemed to be an agreement that the reform should be achieved without making any sort of explicit diagnosis. This seemed to respond to a consensus that such a diagnosis could awaken strong resistances within the institution that would make the task even more arduous and difficult (Camacho 1993).

The fact that the police was subsequently able to pressure politicians to reverse many of the most meaningful elements of the 1993 reform law underscores the power of the National Police to defend its autonomy and impose its preferences (see Chapter 7).

Although it would be difficult to pinpoint the exact sources of the police’s power to resist reform efforts and preserve its autonomy, we can identify two factors that gave the National Police significant leverage when politicians considered reform. First, its institutional “isolation” within the Ministry of Defense and the executive branch, gives the National Police a certain degree of prominence. The security and defense expert Armando Borrero argued that “in Colombia, the Directors of the National Police personalize a great deal; everyone knows who is the Director of the National Police and remembers the last few directors. Almost no one remembers who was the general commander of the military forces, because their administration is more institutional.”

Even in the case of a highly unpopular police force, this prominence gives the police, and its leader, a platform from which to express its preferences and defend its institutional prerogatives (recall the lobbying activity by police officials during the Constituent Assembly). As Ruiz Vasquez, Illera Correal, and Manrique (2006) have observed “even though [the National Police] is officially part of the Ministry of Defense, it acts as a cog that hasn’t been totally articulated with the administration of the Ministry or the armed forces... This has produced an organizational phenomenon of

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55Throughout my fieldwork in Colombia, people unrelated to the field of security would often ask me whether I had interviewed this or that previous Director of the National Police, whom they would specifically name.
refinement and self-sufficiency according to which it acts as an independent element and its members attempt to maintain to the extreme its autonomy of decision” (193). The National Police, then, was uniquely situated within the Ministry of Defense, which allowed it to assert its own institutional prerogatives.

Second, and much more importantly, the National Police was also the main state actor responsible for fighting Colombia’s “war” on drug cartels. Former Defense Minister Pardo noted that police’s Anti-Narcotics Division functioned as “an island of excellence. The anti-narcotics division had high standards, a great deal of confidence from the government and the citizenry; not so for the rest of the police.” Along with the police’s dominance on matters relating to drug trafficking and the fact that it was seen as very competent in this task, we must also consider the role of the United States. During the first half of the 1990s, the Colombian National Police received hundreds of millions of dollars “for equipment, such as helicopters and fixed-wing aircraft, weapons and ammunition, logistical support, and training,” a figure that would increase to $2.6 billion by the end of the decade with the introduction of Plan Colombia.\(^56\) The United States government also kept close tabs on the National Police. For instance, a State Department cable from December 1993 observed in great detail the appointment of a new Director of the National Police, General Octavio Vargas Silva, rumored in the cable to have ties to the Cali Cartel, and the fact that outgoing Director, General Miguel Antonio Gómez Padilla’s “resignation was not anticipated and his remarks at the change of command suggested some bitterness.”\(^57\) Borrero (cited above), who served as a security and defense advisor to Gaviria’s successor Ernesto Samper, recalled that during this period “the police began to be subsidized by the United States. The United States began to distance itself from the Colombian military, to the point that when I was advisor in the 1990s, the problem of the internal armed conflict did not exist for the embassy, one could not talk about that there, it was only drug trafficking.” The National Police’s ties


to the United States, and the resources it brought in for a cash-strapped agency (see below), was almost undoubtedly another factor that increased the political power of the institution.\footnote{58The influence of the United States government would increase exponentially during the administration of Gaviria’s successor, against whom the U.S. used a corruption scandal as leverage to exert outsized pressure on matters relating to the drug war. As many observers have noted, the U.S. imposed its own preferred candidate for Director of the National Police, over President Pastrana’s own preference (see Chapter 7).}

But even as the National Police clearly enjoyed and defended a great deal of autonomy, why wouldn’t the conditions described above, in which police malfeasance and incompetence became the subject of nearly daily news reports, prompt elected officials to enact police reform? Thinking back to the calculation made by politicians regarding maintaining the support of voters and developing patterns of accommodation with the police, we see that one element of the equation suggested that enacting police reform could come at a significant cost with respect to Gaviria’s relationship with the National Police. With respect to the other element, electoral support, it would seem that there was little to be gained by police reform, and relatively little cost by avoiding it. As noted above, during this time the President was hardly sitting on his hands with respect to security issues and policing. However, his initiatives stopped far short of addressing the roots at the problem within the institution, which according to most observers at the time lay in the police’s structure, training, and conditions.

The argument advanced here is simply that, in the absence of a coherent demand from society, there was little electoral gain for the President in enacting police reform as I define it in this dissertation. Tables 3.2 and 3.3 suggest in part why this might be the case. While much is made of the National Police’s abysmally low approval ratings among the citizenry — and indeed, I shall make much of it below — the police’s relationship to society must be situated within the broader institutional context. In a setting defined by prolonged crisis of legitimacy, many institutions suffered from low levels of trust among society.\footnote{59Survey results are from a survey conducted in October 1993 by the Colombian firm Centro Nacional de Consultoría in the context of the Iberoamerican Barometer, see Lemoine (1997). Ideally one would want to use data prior to the reform, but I was unable to find public opinion data before 1993 that compared across different institutions. Below I compare trust in the police over time, including data from the years prior and subsequent to the reform.}
20% of survey respondents expressed trust in the National Police, neither the justice system (26%) nor the electoral system (27%) fared much better. Congress and political parties were in even worse shape than the police by this metric, with levels of trust at 17% and 14%, respectively. The police as an institution is of course quite different from those others listed (with the educational system as a possible exception) both in its role within the state and its relationship to society. But in a context defined by generalized distrust of institutions, this was unlikely to serve as the basis for pressure on elected officials to focus on the National Police, rather than others, for comprehensive reform.

Table 3.2: Trust in Institutions (1993)

<table>
<thead>
<tr>
<th>Institution</th>
<th>Trust</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Police</td>
<td>20%</td>
</tr>
<tr>
<td>Electoral System</td>
<td>27%</td>
</tr>
<tr>
<td>Justice System</td>
<td>26%</td>
</tr>
<tr>
<td>Congress</td>
<td>17%</td>
</tr>
<tr>
<td>Political Parties</td>
<td>14%</td>
</tr>
<tr>
<td>Educational System</td>
<td>60%</td>
</tr>
</tbody>
</table>

Source: Lemoine (1997).

Table 3.3: Most Important Problem

<table>
<thead>
<tr>
<th>Issue</th>
<th>1984</th>
<th>1989</th>
<th>1993</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unemployment</td>
<td>51.1%</td>
<td>33%</td>
<td>62%</td>
</tr>
<tr>
<td>Crime/Insecurity</td>
<td>11.5%</td>
<td>9%</td>
<td>12%</td>
</tr>
<tr>
<td>Drug Trafficking</td>
<td>10%</td>
<td>13%</td>
<td></td>
</tr>
<tr>
<td>Guerrilla</td>
<td>2.3%</td>
<td></td>
<td>13%</td>
</tr>
</tbody>
</table>


Similarly, in sharp contrast to public opinion polls in recent years, which consistently place security issues (including crime, insecurity, and violence) as those of greatest concern to Latin American citizens in nearly all countries, Table 3.3 demonstrates that this was not

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60 It should be noted, however, that the Congress underwent an important reform process before the National Police did. The 1991 Constitution included a number of measures to strengthen the Congress in relation to the executive branch, including through the authority to censure and investigate ministers, reduce corruption and misconduct, and create spaces for citizen participation. The Congress’s new internal law incorporating these constitutional mandates were passed in 1992 (Bleier 1995).

61 See Chapter 1, Table 1.1 and Figure 1.1.
always the case. Despite dramatic increases in violent crime in Colombia throughout this period, relatively few citizens cited crime and violence — and two of its main sources at the time, drug trafficking and the armed conflict — as the most important problem facing the country. President Gaviria and his administration clearly saw reducing crime and violence as a priority, as discussed above. However, broad societal discontent with the police did not translated into clear demands for reform, further suggesting there was little political (and electoral) advantage for the President and his party to pursue police reform.

Why might this be the case? I argued in Chapter 2 that demands for police reform, and clear preferences over security policy more generally, are not forthcoming from society due to the fragmentation of societal preferences, reflected in and determined by citizens’ varied experiences with and views about policing and security policy. As initial evidence of this fragmentation of opinion and preferences — even in the face of near consensus that the police was not doing its job well — I draw on data from a 1993 survey of urban centers conducted in Colombia by the the local firm Centro Nacional de Consultoría, and sponsored by the United States Information Agency. This survey data should be taken with a grain of salt the size of Pablo Escobar who was captured and killed by the National Police two days before the survey was conducted. This event was undoubtedly responsible for the high levels of approval of the police recorded by the survey, which was more than double the institution’s approval rating captured by a survey conducted just two months prior. I include the data here for illustrative purposes, to suggest that fragmentation in societal preferences is driven by socioeconomic characteristics that may shape individuals’ experiences with crime and the police.

\[\text{62}\text{Pablo Escobar was the infamous leader of the Medellín cartel, and an important character in this narrative, see below.}\]

\[\text{63}\text{The inclusion of this data rests on the assumption that the increase in approval of the police was more or less even across class groups. Not all will be convinced that this is a reasonable assumption. As a small check of the assumption that even if the police suffered a bump in approval rates following the capture and killing of Pablo Escobar, this increase should be more or less even across income groups, I compared it with the data of support for the Gaviria administration. One would assume that the capture of the most prominent organized crime figure in the country would result in a similar bump for the sitting president. Looking to the same survey data, we find that this was indeed the case. Approval rates for the administration in early December 1993 was 58%. A 1992 survey conducted in the cities of Bogotá, Medellín, Cali, and}\]

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Figure 3.1: This figure shows responses to a question about how favorable the respondent’s opinion of the police is, ranging from very favorable to very unfavorable, by income group, with 1 being the lowest income and 4 being the highest. The bars represent those who responded they have a “very favorable” or “favorable” opinion. For the sake of comparison, the center and right-hand panels show favorability ratings for the military and judiciary. The survey was conducted by the firm Centro Nacional de Consultoría using a national sample of 1,404 people.

As can be discerned from the left-hand panel, citizens’ opinion of the police varies by income, with the proportion of those with favorable opinions (those responding their opinion was “very favorable” or “favorable”) of the police decreasing with income. Figure 3.1 also provides the same breakdown of opinion for two similar institutions, the military (center) and the judiciary (right). While there is some slight variation by income in approval ratings for the military and the judiciary across income groups, it is much less than that observed for the police. This finding supports the argument made in Chapter 2, that police, more so than other institutions, are subject to fragmentation of opinion and preferences based on Barranquilla put support for the government at 29% (Lemoine 1993). However, we do not observe the same pattern in which as income increases, approval decreases. The coefficients plotted in Figure 3.2 below further demonstrate that income is a predictor of support for the police but not support for the government. This helps us to be more confident in the assumption that income groups were evenly affected by the capture and killing of Pablo Escobar.

The survey asks respondents to place themselves within a range of incomes. The four-income category I use collapses the top income levels (4-8) into a single category so that each income group represents roughly a quarter of respondents.
socioeconomic and demographic characteristics. The results of statistical analysis presented in Chapter 2 demonstrated that characteristics such as race (identifying as black), skin color, employment status, income, education, urban residence, sex, and age were important predictors of attitudes toward police on a range of measures. As Figure 3.2 shows, there is a statistically significant relationship between one’s opinion of the police and one’s income and education, as well as sex. For other institutions, such as the armed forces and the judiciary, these relationships are not statistically significant at the 95% level (with the exception of education and approval of the military). There is also no statistically significant relationship between these characteristics and support for the Gaviria administration, which also increased considerably following the killing of Pablo Escobar. The National Police therefore seems to differ from similar institutions in the extent to which relationships with society are shaped by factors such as income and education.

There is thus not only significant fragmentation of opinion about the police among society but this fragmentation is at least partially driven by key societal cleavages such as socioeconomic class. I argue that this fragmentation of opinion, rooted in fairly stable cleavages, impedes the formation of coherent societal demands about the police and security under the status quo. I also argue that underlying this fragmentation of opinion is variation in the experiences different types of citizens have with the police. To illustrate this point, I look to a survey conducted in late 1992 in the city of Medellín, which demonstrated considerable variation in how people of different socioeconomic status perceive police involvement in illegal activity ([Restrepo Riaza 1994b](#)).

The survey asked about a range of attitudes and experiences relating to police and security, some of which will be analyzed further in a later section. When asked about activities they associate with the police 17.3% of respondents listed killing and robbery, but this varied greatly by stratum. Between 15 and 30% of those in lower- to middle-income categories

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65 Colombia uses a methodology to categorize socioeconomic status by which people are classified into one of six groups, called *estratos* depending in part on the physical characteristics of their homes and surroundings. Note then that the classification belongs to the home and not to the individual or family. The categories used in the survey were: Low-Low, Low, Medium-Low, Medium-Medium, Medium-High, and High.
believed that police engaged in these activities, while less than 10% of those in the higher-income categories believed this was the case. Citizens also have different experiences with police with regard to bribery and blackmail, with those in higher-income categories more likely to state that police engage in these activities.

When asked about the frequency with which the police acts within the bounds of the law, the differences across socioeconomic groups was stark. Looking only at the percentage that responded “Never” or “Almost Never,” we can observe a clear trend in Figure 3.3. Of those at the very lowest socioeconomic stratum, 73% responded that police never or almost never act within the bounds of the law. Among those in the low to medium-high strata, there appears to be little variation; between 50% and 55% of these respondents believe that police
do not act within the bounds of the law. However, among those at the highest stratum, 27% believe that the police never or almost never act lawfully.

Figure 3.3: This figure shows responses to a question about the frequency with which the Colombian National Police acts within the bounds of the law, by respondents’ social stratum. Only responses of “Never” or “Almost Never” are shown. The survey was conducted in late 1992 in the city of Medellín, Colombia, by researchers of the Universidad de Antioquia.

The variation in attitudes of these different societal groups is likely influenced by differences in experiences with police and the state security apparatus. As the authors of the study noted,

In the lowest strata, the direct relation between the average man and the authority of the state occurs through the police in an arena marked by confrontation. The highest strata, on the other hand, have a relation of service with the agent; that is, their image of the police is different since it is not conditioned by confrontation (Restrepo Riaza, 1994b).
Their study provided evidence that citizens are aware of these discrepancies. The survey also asked respondents whether they perceived that police officers conduct themselves in the same way in all neighborhoods. Large majorities in all strata held the perception that police conduct differs according to the neighborhood (80% for the lowest stratum, 64% for the highest stratum). When asked why they believed the police behave differently in different neighborhoods, majorities of most socioeconomic groups said they believed this was due to discrimination (66.7% of those in the lowest, 57% of those in the highest stratum).

Citizens, at least in the city of Medellín, may thus form differentiated relationships with the police depending on their socioeconomic status, which I argue leads to different perceptions and attitudes on policing and security. The survey cited above also asked respondents about perceptions of insecurity, which also vary by socioeconomic stratum. Of the lowest stratum, 80% of respondents considered their neighborhood to be unsafe, while only 18.2% of the highest stratum thought so. While this is perhaps not surprising, it is beyond established in the literature that perceptions of insecurity do not always correspond with objective crime statistics (Kessler 2009), so these numbers do provide additional information about how people experience security and therefore the demands they make upon the state to provide it.

With this in mind, it becomes reasonable that lower-income residents depend much more on the police than their higher-income counterparts, often because other state entities tend to be absent where they live and/or because they cannot pay private security. Indeed, this is what the study finds. “It is the Low-Low stratum that in greatest proportion requests the presence of the police as a mechanism of citizen security,” with 73% of respondents from the Low-Low stratum stating that they go to the police when they need help (versus 25% of respondents from the Medium-High and 54% for the High strata) (Restrepo Riaza 1994b 52).

An additional factor that should be taken into account in the Colombian case in particular is the extent to which Colombian society had become accustomed to high levels of violence
and therefore may have had a higher threshold for police excesses in the context of fighting an armed conflict and a war against drug cartels. Scholars have cited “citizen apathy in the face of violence” as a barrier to police reform in Colombia (Moncada, 2009, 437), and the “routinization” and ubiquity of violence in daily life in many parts of Colombia and its acceptance as a mechanism for resolving interpersonal conflict (Restrepo Riaza, 1994a; Moser and McIlwaine, 2006). In his analysis of violence and public health in Colombia, Agudeleo (1997) writes about the “banality” of violence in that country: “The levels of tolerance [of violence] increase, while the mechanisms of individual and collective response are reduced; the capacity for shock is lost and people succumb to fear and indifference. This banalization adds a new layer to the problem and leads to a certain fatalism that has perverse consequences at the moment of attempting to activate mechanisms of reaction” (98). The extraordinary levels of violence in Colombia, which had the highest homicide rates in the world at the time, could thus have also worked to mute societal pressure for police reform, due to a higher tolerance of or a “banalization” of widespread institutional violence. While I do not test this argument here, it is possible that this context of high violence may have shaped the likelihood that different acts of police violence would become scandals (compare to, say, the case of Buenos Aires Province in the next chapter).

The argument advanced throughout this dissertation is that these class-based differences in experiences with state institutions, which I call “micro-citizenships” (Centner, 2012), shape citizens’ attitude and preference formation, and result in fragmentation of preferences in the aggregate, such that there is an absence of a clear policy prescription with regard to security. Society therefore generally fails to act as a countervailing force in favor of police reform, against the anti-reform pressures exerted by police institutions, in the absence of a scandal that helps to reveal a common threshold shared by different societal sectors, about what does and does not constitute acceptable behavior by the police. Scandals therefore help societal actors to learn information about shared preferences, as well as communicate

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these preferences to elected officials. Upon receiving coherent messages from society about policing and security, the incentives of politicians and the police shift, as described below in the case of Colombia following the rape and murder of Sandra Catalina Vásquez.

The Scandal that “Caused the Cup to Overflow”: Why Reform Occurred in 1993

“It’s dramatic that what gave rise to that important debate [on reform] was the rape and murder of a little girl in a police station in Bogotá, and not the visible problems of the police about which the citizenry had been complaining for quite some time. For the former Minister of Defense, Rafael Pardo, it was precisely that regrettable incident that led him to open the public debate about the type of police that society wanted” (Llorente 1997, 2).

“The occurrence of that shameful event of a little girl being raped and murdered inside a police station was necessary for a scandal to force the national government to take serious action on the issue” (Camacho 1993, 27).

“The government was aware of all of this [corruption and infiltration by cartels], but it had not found the pretext to initiate an intervention of the institution until the occurrence of the rape and murder of a little girl in a police station in Bogotá caused the cup to overflow” (Casas Dupuy and Gonzalez Cepero 2005, 10).

“In the year 1993 there was that famous scandal of the rape of a little girl in the [police] station next to [the University of] Los Andes that led the Minister of Defense Rafael Pardo to form some commissions to study the reform” (Ruiz Vásquez interview).

“Public dismay at news that police officers had raped and murdered a nine-year-old girl inside a Bogotá police station in 1993 spurred a national push for institutional change” (Moncada 2009, 435).

As the quotes above make clear, it has been well established among scholars and analysts of security and policing issues in Colombia that the landmark reform of the National Police in 1993 occurred as a result of the rape and murder of nine-year-old Sandra Catalina Vásquez Guzmán in a police station. The purpose of my dissertation is therefore not merely to advance
the argument that crises and scandals lead to police reform but rather to understand the conditions under which certain events become crises and scandals, as well as to explain how such events reveal a shared preference among different social sectors and shift the incentives of politicians and police institutions in order to make reform possible. This section lays out the central mechanisms through which a mobilized scandal resulted in police reform in Colombia in 1993, unpacking and explaining what is otherwise accepted as conventional wisdom. Why did the rape and murder of Sandra Catalina lead to reform when other egregious acts involving the police, quite abundant during this period, did not?

In order to understand why this was the case, we must unpack how scandal and party politics interacted with two structural conditions: the fragmentation of societal preferences over policing and security policy, and the incentives of politicians and police institutions to pursue patterns of accommodation. Societal differences result in the fragmentation of preferences over policing and security, which prevents the development of a coherent mandate from society and, more precisely, ensures that any policy will be supported and opposed by substantial societal sectors. The lack of a coherent demand from society means that there is electoral political benefit for politicians wishing to undertake reform. On the other hand, electoral interests and bureaucratic prerogatives give political leaders and police institutions, respectively, strong incentives to pursue patterns of accommodation, as laid out in Chapter 2.

Scandal makes reform possible in its interaction with these structural conditions through a two-stage mechanism. The first stage is the process by which an instance of police deviance or malfeasance generates a strong negative response in society, which can manifest as media coverage critical of the event and the institution, condemnation by elite actors, and street protests, among others. This stage is treated as exogenous in the framework presented here, as laid out in Chapter 2. While instances of police deviance are likely correlated with other problems that may serve as “objective” justifications of reform, the reaction of societal actors to such deviant acts, is not. Societal reaction to the deviant event may depend on such varied
factors as the characteristics of the victim or the crime, media framing and reporting, and other contemporaneous elements of the political and social climate. We cannot, therefore, predict ex ante that the case of Sandra Catalina would generate societal outrage while other cases of egregious police killings, such as the killing of Luis Mora González, an ex prosecutor, and his wife in Barranquilla[^67] would fail to do so (and thus failed to bring about reform).

I argue that the fragmentation inherent in societal preferences over security policy obscures commonalities in the everyday contestation to define what policing and security ought to look like. When such cases of malfeasance do become scandals, as occurred with the case of Sandra Catalina, they reveal common thresholds among different societal groups regarding what is and is not acceptable in policing and security policy. Information about shared preferences is expressed in reaction to this deviant event, conveying, in contrast to the status quo, a relatively unified demand regarding the police. This information is communicated laterally, across social groups, and vertically, to elected officials. Perceiving widespread media coverage and criticism from various social sectors in response to the killing of Sandra Catalina, political leaders, namely the president and Minister of Defense, were compelled to respond.

But understanding why this response took the form of comprehensive police reform, rather than simply firing the Director of the police or other high-ranking officials such as the commander of the police station where the killing took place (which did occur), requires a second stage. This second stage depends on the existence of a robust political opposition, which engages in the construction of a mobilized scandal that keeps the event, and the outrage, in the public agenda for a sustained period of time. I use five measures to capture the extent to which there exist an opposition party or parties that pose a threat of replacement to the incumbent: (1) seat shares in the legislature, (2) control of executive office at other levels of government (municipal, state, or national) (3) degree of opposition to executive’s legislative agenda, (4) approval ratings of the incumbent, and (5) time to the next election.

In Colombia, the strategic use of the scandal by opposition members in the Congress was the key factor that caused the president to reconsider the balance between maintaining electoral support and his relationship with the police, which had previously favored continuing to respect police autonomy by not intervening in its affairs. The National Police, meanwhile, saw its already poor reputation tarnished and its political power evaporate with the pressure coming from society and the political opposition. Its ability to obstruct reform greatly diminished, the Police was left with little choice but to accept the coming changes.

On February 28, 1993, Sandra Janneth Guzmán Aranda and her daughter, Sandra Catalina Vásquez Guzmán, entered the Third Station of the National Police in downtown Bogotá in search of the girl’s father, a police officer who worked at that station. While the mother spoke to other officers asking for her estranged husband’s whereabouts, the young girl wandered around the police station in search of her father. Within ten minutes, Sandra Catalina was found agonizing in the station bathroom, having been brutally raped and strangled with a string. She died as she was being transferred to a local hospital. The Prosecutor’s Office began its investigation that same day, and a special police commission was formed to investigate the case.

There appeared to be a strong impulse within the National Police to blame the crime on the girl’s father, Gustavo Vásquez. The Bogotá police commander Oscar Eduardo Peláez Carmona was quoted in the media as saying “the Police is ashamed and it is very difficult to face the media when perhaps inside a police station a father has killed his daughter. But not all of a mother’s sons are good, neither are all of the sons of an institution.” The day after the murder, the same Commander issued a statement claiming that Vásquez was responsible for the crime, despite the fact that all 350 police officers present in the station at the time were still under investigation, and other officials claimed that the girl had not been raped.

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68 The actual period of time between when Sandra Catalina wandered off and when she was found is unclear. The first reports claim it took ten minutes, but subsequent reports say twenty, thirty, and even forty.


70 “No se sabe quién mató a Sandra Catalina” El Tiempo 2 Mach 1993

An official with the Judicial Police Unit claimed that it was “totally impossible” that the child would have been able to walk to the third floor on her own because of the steepness of the stairs, and the only agent (out of 350 police officers present at the time) familiar with the third floor was her father.\footnote{“Los indicios señalan al padre.” El Tiempo 3 March 1993} Subsequent reports claimed that some police officials testified that they saw Vásquez hurriedly leaving the station shortly after his daughter was murdered, even though it was later established in court proceedings that Vásquez was not in the station at the time. Vásquez was arrested and imprisoned for more than three months, erroneously suspected of raping and murdering his own daughter.

Although it is impossible to know for certain the motives of the police leadership in using the girl’s father as a scapegoat, such a strategy, had it been successful, would have served to frame the event as a problem within an individual family rather than a problem of the institution. Sherman (1978) observed a similar pattern in his study of corruption cases that led to reform in various municipal police forces in the United States in the 1960s and 1970s: “When social control is mobilized against a deviant organization, a battle of definition ensues. The organization generally tries to define the deviance against which control is mobilized as individual deviance by its members and not as a deviance which is characteristic of the entire organization” (24). For the National Police, then, blaming the girl’s father may have been an effort to diminish the extent to which the institution would be held responsible.

But the police’s effort to diminish the prominence of this case were fruitless. Within a month of Sandra Catalina’s murder, President Gaviria had convened two commissions — one made up of political and societal leaders and another composed of police officers of all ranks — to propose measures to reform the National Police. Within six months, both chambers of Congress had passed the legislation they had previously ignored. Before discussing the impact of the case on society and the way it was taken up by political actors, it may be useful to first reflect upon why the single case of Sandra Catalina was able to push the executive and the Congress to enact reform, when (1) an extensive collection of instances of corruption,
human rights violations, infiltration, and terrorist attacks; (2) a consistent pattern of lack of financial, human, and material resources, adequate training, and societal complaints of police incompetence, and (3) constitutional changes that should have prompted changes to the police’s organic law, had all been insufficient to bring about reform.

*How a Mobilized Scandal Shifted Incentives in Colombia*

“If a person is not safe inside a police station, then where?” said Sandra Janneth Guzman, the child’s mother. It is perhaps due to the symbolism of the case that Sandra Catalina’s murder “infuriated Colombian public opinion... [and] prompted a national debate about the role of the police and the creation of a commission about its reform,” in a country where more than 1500 children were murdered in 1992 alone ([International](#) 1994, 14).

Reacting to the rape and murder of Sandra Catalina in a police station, the highly-respected veteran journalist Enrique Santos Calderón (the brother of current president Juan Manuel Santos) wrote in an opinion piece titled “Sandra Catalina Concerns Us All,”

> It will be said that in a country that has beaten all the records on the subject of violence and death, nothing surprises or perturbs. But the case of Sandra Catalina Vásquez is the most demoralizing and indignant thing that could occur in a society that still hopes to conserve basic values.

Santos’ article was credited with galvanizing criticism of the police over the case, with media reports on the case having died down after the first few days. Nevertheless, the case would subsequently receive a great deal of media coverage, with prominent individuals, including the president of the National Federation of Merchants, calling for police reform.

The killing of Sandra Catalina resonated highly with public opinion, and still does to this day. In February 2013, on the 20-year anniversary of her murder, a plaque commemorating
her life was installed in a small park outside the police station where she was killed. In March 2012, the Consejo de Estado, Colombia’s highest court on administrative matters, ruled that the National Police was responsible for Sandra Catalina’s death and owed damages to her family, ordered the police to issue an official public apology to the girl’s family to publicize the verdict in all police stations in the country, and to indemnify her father for falsely accusing him of the crime of raping and murdering his own daughter.

Politicians, both in the executive and the legislative branches, heard the outcry from society and were compelled to take action. As the scholars quoted above observed, the President and the Minister of Defense felt a great deal of pressure to respond to the killing, particularly following a tone-deaf statement by then Director of the National Police, General Miguel Antonio Gómez Padilla, who, “exasperated by pressure from journalists, declared that the citizenry couldn’t expect such a quick discovery of the person responsible for the crime, for if the murder of [Liberal Party Leader Jorge Eliecer] Gaitán hadn’t been solved in forty years, the same should be expected from this case” (Pardo Rueda, 1996, 341).

Gómez Padilla was harshly criticized for this statement, including in a hearing in Bogotá’s municipal legislature, where a legislator retorted that Gaitán was not killed in a police station. Naturally, many demanded that the Director General of the National Police resign. The case was even the subject of debate in the Congress. In March 1993, the Congress held two sessions of debate, during which legislators called upon the Ministers of Defense and Justice to testify about the progress of the investigation to find the perpetrator.

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77 During my fieldwork, many people in my age group, who would thus be of the same age group as Sandra Catalina at the time of her death, told me they remember hearing about the case and watching reports about it on the news when they were children.

78 The National Police issued an official public apology to the girl’s family on April 2012. “Policía pidió perdón por asesinato de niña en una estación.” El Tiempo, 10 de abril de 2012.

79 Consejo de Estado, Sala de lo Contencioso Administrativo, Sección Tercera, Subsección C, Verdict No. 25000-23-26-000-1997-04813-01 (20880), 15 February 2012.

80 Gómez Padilla’s successor as Director General, Rosso José Serrano, was more sensitive to the impact of this crime on public opinion. Shortly after taking on the top job in the National Police, Serrano said that the “atrocious crime of Sandra Catalina would not remain unpunished and that he would not rest until the perpetrator was found.” See “El Culpable.” Revista Semana, 13 November 1995.


82 “Continúa el debate.” El Tiempo, 22 de marzo de 1993.
The killing of Sandra Catalina not only became an important item on the political agenda, it also placed police reform on the agenda as well. About a month after the child’s death, the government had set up two commissions to study the conditions of the police and to produce proposals for reform. The two commissions — one internal composed of police officials of all ranks and representing all regions of the country, and one external composed of representatives of important political and societal sectors — had just 40 days to work and propose recommendations. A bill to reform the police’s Organic Law was re-introduced in the Congress in June and was approved in August. According to Pardo, “there had already been a good climate in the Congress previously [to the bill’s introduction] and in the Congress it was a very fast process. It came out of the Congress in two months, which is a record; and it was passed with near unanimous support.” The government, in sharp contrast to the bill introduced nearly a year before, committed to putting its full weight behind the bill to ensure its passage (Pardo Rueda [1996], 341). Defense Minister Pardo attributes both the government’s push and Congressional support to “a lot of force coming from outside, so it was very difficult that someone would have tried to do something [to thwart reform].”

Camilo Granada, who was the Presidential Advisor on National Security and Defense, described the killing of Sandra Catalina and, more precisely, the societal reaction to it, as follows:

That was the event that generated, that crystallized all societal concerns regarding the role of the police, of the distrust of the institution, and in terms of the [lack of] oversight that existed over the police. This generated an enormous debate... It was a scandal. It opened the doors to allow a broad reform process and posed a political obligation on the government to do another reform. We were able to do a comprehensive, complete, strong reform, that would change the dynamic of the police.

83 Interview with Rafael Pardo Rueda.
Understanding the Timing and Content of Reform

Why did the rape and murder of Sandra Catalina have this effect? The pressure coming from society, while a key part of the story, does not tell the whole story. The scandal surrounding the rape and murder of Sandra Catalina helped diverse sectors of Colombian society express their strong rejection of this deviant act and broader criticisms of the institution as a whole. It does not, however, tell us why the government decided to undertake a comprehensive overhaul of the police, rather than asking for the resignation of the Director General, for instance, and why this reform included mechanisms for societal participation. We can understand the decision to reform the Colombian National Police in 1993 by analyzing how the killing of Sandra Catalina, treated here as an exogenous shock, interacted with three structural conditions. I argue that we can explain the onset of reform and the adoption of participatory security, including its institutional design, by examining three structural conditions: (1) a newly robust political opposition, (2) police-society relations, and (3) police capacity and resources.

In interviews, former President César Gaviria and former Liberal Senator José Blackburn were emphatic that the president faced little opposition in the Congress during his administration. According to the latter “it’s not that everyone was with the government, but there wasn’t really much opposition.” This would seem to challenge a key claim of this chapter, that the existence of a robust political opposition in the Congress was a necessary condition for reform. Indeed, there is a great deal of evidence pointing toward the weakness of the opposition in Colombia. As O’Neill (2005) has noted, the Liberal Party had been dominant in the country since the 1960s, winning most presidential elections and majorities in both chambers of congress by fairly comfortable margins (98). Moreover, the National Front power-sharing pact between the Liberal and Conservative parties, a response to years of partisan violence and military rule in 1958, tempered party competition considerably. Although the National Front pact ended officially in 1978, the two parties continued to “share
the division of most appointed government positions with a significant number from the opposition party” until 1986 (O’Neill 2005: 96).

According to Bleier (1995), however, this practice of sharing government positions with the opposition continued under Gaviria as well, who made political agreements with some members of the Conservative Party and two smaller opposition parties (110). Gaviria, meanwhile was seen as successfully exerting considerable pressure on members of Congress, particularly those of his own party, to get his initiatives passed through the legislature (Bleier 1995: 109). Moreover, the crisis of legitimacy that had erupted in Colombia in the late 1980s had created an environment of broad political consensus about the need for institutional change and renewal—a “reformist climate” as former President Gaviria said in an interview.

All of these factors would seem to argue against the notion of a robust political opposition that was able to turn the murder of Sandra Catalina in 1993 into a mobilized scandal. Recalling the role of the opposition during the first half of his term, Gaviria emphasized their fairly compliant participation in his agenda:

I couldn’t say that I had initiatives that were not approved or that I had political opposition. There were sectors that started to be critical of the government, [for example] the M-19, Dr. Álvaro Gómez’s sector from Salvación Nacional, but this criticism was never obstructionist, we never had problems developing our legislative initiatives... [There was disagreement about] issues of internationalization of the economy, [economic] opening, the privatizations. They had opposition but the government always had majorities to promote its initiatives... It was an opposition that expressed itself but did not impede the legislative process. And it was not very partisan either.

In terms of the objective measures of the robustness of the political opposition, the opposition facing Gaviria was, on many dimensions, not particularly robust. The president’s Liberal Party held 57% of the seats in the Senate and 54% in the Chamber of Representatives. The other historical party in Colombia, the Conservative Party, was in clear decline; it had just 10% of the seats in the Senate for the Conservative Party proper, and 24% of seats if
one includes two offshoot parties. In the Chamber of Representatives, it had about 9% of seats, or 23% including its offshoots. During Gaviria’s term, an additional political party had emerged as an important dissident voice, if not a numerically robust opposition. The M-19 Democratic Alliance, a political party that grew out of a demobilized armed guerrilla group in 1990, had 8% of the seats in the Chamber of Representatives and 9% of seats in the Senate. The party had also previously won 27% of the vote during the 1991 Constitutional Assembly, compared to the Liberal Party’s 28%. Although the M-19 would subsequently fail to emerge as a viable political party, during Gaviria’s term, it emerged as a critical voice in the Congress, as the former president notes above. At the subnational level, the Liberal Party won 39% of the municipal contests in 1992, to the Conservative Party’s 26% (O’Neill 2003, 105).

Numerically, the Conservative Party and the M-19 could certainly have served as a strong opposition (the former on the right and the latter on the left), though far from an imminent electoral threat to the Liberal Party. However, given what has already been established regarding the National Front pact and political agreements to share government posts, as well as the nearly nonexistent obstruction to the president’s legislative agenda, the opposition facing Gaviria was not quite robust on the first three dimensions of the measure. On the final two dimensions, however, there was a marked shift. On the one hand, in early 1993, a year before the next presidential elections, potential candidates were already emerging and were critical of the president’s handling of security, as noted above.

On the other, the president’s approval ratings took a dive over the course of 1992. While consensus defined the first half of Gaviria’s term, key events in 1992 weakened Gaviria and strengthened the opposition. By 1993, a newly empowered political opposition was able to “mobilize” the scandal of Sandra Catalina’s death by keeping it on the public agenda, which in turn pressured the government to call for reform.

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84 Data are from the Political Database of the Americas at Georgetown University and “Las elecciones en Colombia: Siglo XX.” Biblioteca Virtual Luis Ángel Arango. Available at http://www.banrepcultural.org/blaavirtual/revistas/credencial/febrero94/febrero2.htm.
Over the course of the preceding year, the president had seen a sharp decline in his approval rating, particularly when compared to his first year in office. In an interview, President Gaviria described facing “traumas in my administration, such as the rationing of electricity and Pablo Escobar’s escape,” and still remembers well (twenty years later) the fluctuations in his approval rating that resulted from these events. Whereas in 1990 the president had a 70% approval rating, by the middle of his term, 55% of survey respondents said they had a “regular” opinion of the president, while 26% said they had a bad opinion.\footnote{“Calificación: Apenas Regular.” El Tiempo 7 August 1992.}

A June 1992 survey conducted in the four largest cities in Colombia found that only 29% of respondents expressed a favorable opinion of his administration \cite{Lemoine1993}. High inflation and rationing of electricity in mid-1992 further contributed to the president’s decline in popularity.

But the main blow to Gaviria’s credibility was the escape of Pablo Escobar from the Envigado prison in the Antioquia department in July 1992. It is worth exploring this event in some detail because of the way it cemented a shifting balance of power between the government and the opposition. During the first two years of his administration Gaviria faced negligible opposition to his highly transformative agenda. This was the case despite the fact that many in the Congress, including legislators from the Liberal Party, resented the president for his support of the dissolution of the Congress before the new Constitution went into effect in 1991, forcing all legislators to run again in new elections after only one year in office. Congressional reaction to Escobar’s escape from jail — and the missteps by state officials that facilitated it — represented the first strong pushback this president received from the Congress. In light of the National Front pact between the two historic parties, the political agreements to share government posts, the semi-permanent condition of state of siege throughout the 1980s (during which the government effectively ruled by decree), and the pro-institutional reform consensus that emerged at the beginning of Gaviria’s term, there
had long been little institutional space from which to exercise opposition in Colombia. The mobilization of the scandal that Pablo Escobar’s escape caused is therefore highly significant.

The surrender of Pablo Escobar to the Colombian justice system[^6] one year prior to his escape was an important validation of the administration’s policy for fighting the war against drug cartels. His escape, therefore, had the opposite effect. The event generated a great deal of outrage in society and in the Congress, and was a staple of media coverage for many months. The opposition was emboldened by the event, calling frequent hearings in the Congress to investigate the escape and thoroughly chastise administration officials[^7].

Minister Pardo described the “political storm” as follows:

> The climate burned. In the halls of Congress the resignation of the President was openly discussed as a possibility, and that of the ministers was taken as given... The session was very intense... After nearly five hours, tensions had calmed and the climate of confrontation with the government had been reduced. Nevertheless, there was no shortage of positions that disagreed with the Executive and that recalled, among other things, that the government had promoted in the new Constitution the early closure and dissolution of the Congress. In addition to demanding political responsibility [for Escobar’s escape], many saw in this opportunity the possibility of getting back at the government for what they considered a low blow to the political class (Pardo Rueda, 1996, 441).

The Senate created a special commission to investigate Escobar’s escape and the prison from which he fled, holding regular hearings over the course of three months, whose sessions were transmitted live on television. The investigation by the special commission, although politically damaging for the government, was considered by some observers a positive exercise in accountability that helped improve the image of the Congress[^8].

Legislators, even those from the Liberal Party, openly discussed a motion to censure the Ministers responsible and asked for Minister’s Pardo resignation (Pardo Rueda, 1996, 442). In a further embarrassing

[^6]: As noted above, the policy of “surrender to justice” as a means of dealing with the drug cartels within the domestic justice system, rather than extraditing drug traffickers to the United States, was a cornerstone of Gaviria’s administration.

[^7]: It should be noted that the National Police was not the target of the wave of criticism of Escobar’s escape from jail. Prisons were under the control of the Ministry of Justice, and the particular prison where Escobar was held was under the supervision of the Army.

episode, in December 1992, Escobar and dozens of his men armed with machine guns put up roadblocks and even personally inspected vehicles:

The effect [of this event] was tremendous and the criticism was immediate. It was said that the search [for Escobar] was a failure, that Escobar acted with complete freedom in Medellín, that those who searched for him were complicit. The image of invulnerability of the cartel emerged once again and in the inverse sense, the prestige of the Bloque de Búsqueda and the Public Force diminished (Pardo Rueda 1996, 455).

As a Colombian news magazine put it, the public and political spectacle around Pablo Escobar’s escape from Envigado prison “produced internal commotion, shook the government, sent a number of generals to retirement, struck blows to ministers, scandalized the public and mobilized political forces in a way that had not been seen in a long time.” As the president’s security advisor put it

The escape was a tragedy. It was a very politically complicated moment for the government. At that time the government was at a complicated political juncture. We were in the period in which... for the first time in Colombia we had blackouts. There were enormous restrictions on electricity. The economy was not doing well. In other words, we were in a moment in which, following a great reformist impulse and optimism that the government had brought, with the slogan “welcome to the future, there will be a future,” the constitutional reform, the reforms on a number of dimensions, economic growth, Pablo Escobar’s turning himself in, and the idea that narcoterrorism had ended. It was after 1992 that [Gaviria] starts to have problems: the blackouts, then comes the escape of Escobar, and that lasted a while. It was a very difficult moment for the government, and it was used politically by people who said that the policy of submission to justice (sometimiento a la justicia) had been a failure and that it was a problem that directly went up to the President of the Republic. Then came more terrorist attacks, more car bombs, more homicides, in that new and final period of terror that Pablo Escobar tried to impose.

Mere months before the scandal of Sandra Catalina led to a thorough reform of the National Police, the government was thus significantly weakened politically, both within the

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89 The Bloque de Búsqueda, or “search task force”, was an elite team of police officers who were conducting the search for Escobar; the Public Force as defined in the 1991 Constitution consists of the National Police and the three branches of the military.


91 Interview with Camilo Granada.
Congress and in public opinion. With structural conditions regarding crime and policing largely the same as in previous years, the rape and murder of Sandra Catalina brought about reactions from societal public opinion, the Congress, and the President that differed remarkably from the many other cases of police malfeasance.

Lest we think it commonplace for Congressional hearings to be called when members of the Colombian police kill someone, as occurred in the case of Sandra Catalina, it may be useful to examine the role of scandal, and of a newly robust political opposition, in bringing about reform of the National Police. Let us consider two preceding events that may help us understand my argument that scandal and a robust political opposition are jointly sufficient for reform. First, in the absence of a robust political opposition, what might the response to the scandal of Sandra Catalina have looked like? Although there had not been a case that touched public opinion to the same extent in recent memory, the case of Tsuyoshi Mokuda, a Japanese executive who was killed by police a year before the rape and murder of Sandra Catalina, may serve as a useful comparison.

Tsuyoshi Mokuda was the Vice President of Colombia’s branch of the Japanese car company Mazda. One year before Sandra Catalina was raped and murdered in a police station, Mokuda was killed by three agents of the Colombian National Police who, allegedly with the intention of robbing him, intercepted his car and shot him four times, subsequently driving off with his car and leaving his body on the side of the highway. While these instances of robbery or carjacking followed by homicide at the hands of police (and even

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92 It should be noted that Escobar’s escape also caused a crisis regarding the relationship to the United States, and there was a threat that the U.S. would stop the massive flow of military aid to Colombia. See “Un hombre imposible.” Semana 7 September 1992.

93 I came across the case of Mokuda while doing a search in the digital archives of the major Colombian newspaper El Tiempo for the word “policia.” This yielded a total of 599 articles for the years 1990-1993. The Mokuda case was the only police killing, other than that of Sandra Catalina, that received multiple reports in a given week. While this is far from the best method, most cases of police killings announced in the newspaper were reported on once when they occurred and then perhaps again if the police officer was convicted sometime in the future. It was a preliminary way of determining whether there were other resonant cases during this period, though I cannot be certain that I have not missed other scandals.

military) officers were not exactly rare, there are a number of factors that made the case of Mokuda stand out. As a foreigner and high-ranking executive, Mokuda was atypical as a victim of police malfeasance, and much more prominent than most who died at the hands of police around that time.

While the case of Mokuda did not inspire the same level of outrage as the rape and murder of Sandra Catalina, the case received considerable media coverage in the weeks following his shooting and subsequent death, as reporters covered the ongoing investigation and trial (under the military justice system) of the police officers responsible. The killing, because it involved a foreigner at the head of a large foreign company, “provoked a crisis in the police and struck a blow to the image of Colombia in the exterior.” Mokuda’s death, as we might expect, also generated a great deal of outrage in Japan, and the Japanese government took measures to restrict the visits of Japanese investors to Colombia.

In Colombia, the case received considerably more media coverage than other cases of police killings, and became a symbol of police malfeasance. A news article from the time period stated that the killing of Mokuda “was the climax of accusations of corruption in the police. Not only due to the hierarchy of the victim, but because the police officers who committed the homicide, abandoned the post they were guarding in order to perpetrate the crime: the home of a family member of the Minister of National Defense, Rafael Pardo Rueda.” The case was therefore quite prominent, which political opponents could have used to their advantage. To reiterate the words of another scholar of the roles of scandal in bringing about police reform, “Scandals do not just happen; they are socially constructed phenomena involving the cooperation and conflict of many people” (Sherman, 1978, 59). An opportunistic political opposition could have easily taken this case and made it into an example of the deficiencies of the National Police, and by extension, of the president. Even more so in light of the implications of such a case for foreign investment and relations. At

the start of 1992, however, the political opposition was in a much weaker position relative to the president. It was not until after the electricity rationing and the escape of Pablo Escobar in the summer of 1992 that the opposition gained strength.

A second comparison brings us to a scenario in which there is a robust political opposition but no scandal. Was police reform likely to occur under these conditions? We can look to another event in the Colombian case to address this question. In September 1992, as noted above, the government introduced a bill in the Congress to reform the police, which Defense Minister Pardo essentially characterized as a measure to avoid reform.\footnote{This bill was the first police reform bill introduced by the Gaviria administration.} Moreover, as mentioned above, a member of Congress from the Conservative Party had also proposed his own police reform bill. Yet, in the absence of a scandal, neither set of leaders felt much incentive nor much pressure to push for the passage of either bill. Recall that President Gaviria emphasized the ease with which his legislative agenda was passed by the Congress, and that he was able to exert pressure successfully when there was opposition — including in preventing the censure of his ministers following the escape of Pablo Escobar (Bleier, 1995, 110). Had the September reform bill been a priority for his administration, it is likely that it would have passed. Instead, as suggested by Pardo, the National Police was able to exert pressure on politicians to disregard those reform efforts.

These previous events present a sharp contrast to what occurred following the rape and murder of the young girl in a police station. The Congress held hearings to pressure the Gaviria administration to provide answers about the girl’s death and the investigation to find the perpetrator. President Gaviria convened two commissions to provide recommendations for reform. The same bill that had been introduced in September 1992 was then amended, based on the Consultative Commission’s recommendations. This time, however, the administration requested the Congress to give “urgent treatment” to the bill, and the president is quoted as saying that “in light of the crisis facing the National Police and the low levels of credibility in front of society, a deep restructuring of this body is required.”\footnote{Gaceta del Congreso 180, 8 de junio de 1993, p. 8.} These
three cases and their outcomes are compared in Table 3.4 on page 215. The Mokuda killing occurred during a time when the political opposition was still politically weak vis-a-vis the president. The introduction of the bill, meanwhile, occurred in the absence of a scandal. The scandal that grew out of the killing of Sandra Catalina occurred in a context of a newly strengthened opposition, making reform possible.

The report of the bicameral legislative commission responsible for debating and approving the bill, emphasized “the crisis of an institution that, for the motives analyzed by the [Consultative] Commission, lost its identity before the public and has been wayward in fulfilling its constitutional mission. It is up to us, therefore, to propose a law aimed towards making a reality what is set forth in Article 218 of the Constitution.” It should be noted that both the president and the legislative commission report were referring to the same institution, which faced the same set of problems, that the previously shelved bill 43/1992 was intended to reform. As Defense Minister Pardo recalled in an interview, the bill was passed by the Congress in record time. Former Senator Blackburn also noted that both Liberal and opposition legislators got behind the new bill: “we worked together in the commission to move the bill forward... there was not strong opposition.”

The National Police, meanwhile, did not initially accept responsibility for the killing of Sandra Catalina nor did it take very seriously the criticisms being lobbied against the institution, if the above quote by its Director General is any indication. According to Pardo, “the police first tried to hide event, then to minimize it, and that was highly scandalous.” Perhaps realizing that, faced with such external pressure and a newly strengthened opposition, the government could no longer maintain its deferential position, the National Police accepted the reforms. For Minister Pardo, “This public opinion climate put the police in a very favorable attitude in terms of reform... I think the key was to take very rapidly this negative event and say ‘we need a profound reform here’ and no one could oppose that idea.”

100Gaceta del Congreso 178, 7 de junio de 1993, p.2.
Pardo recalled in his memoirs how he made it clear in a meeting with thousands of agents and officers that police reform was unavoidable: “I put before them the crude diagnosis of the Police and outlined the plan to be followed: the citizenry not only did not trust but instead feared the police, the Congress wanted a broad reform, and the government was willing to lead it... The president gave priority in his administration to a new law to reform the Police” (Pardo Rueda [1996], 342). The police heard his message. In a meeting to inaugurate an internal commission convened by the President to propose reforms, the Director General of the National Police said to his fellow officers, “due to the emergence of an alarming level of criticism and dissatisfaction about the police service in some sectors of the country, it is urgently necessary that we adopt corrective actions.”

Unlike with other egregious cases of police killings, the murder of Sandra Catalina Vásquez in a police station generated a great deal of societal outrage and put pressure on the government to respond. Because it was now in a politically weaker position relative to opposition parties in the Congress, it was much more vulnerable to this pressure than it had ever been before.

Why Thin Participatory Security

The [National Police] during the 1950s was a “Cinderella” in terms of budget, doing poorly in terms of technology, budget, training. There was no money, so police officers would use one single uniform the whole year. They were despised by society, they were the poorest strata and segments of society, they faced a lot of contempt. There are police forces in Latin America that are feared; the Chilean police is feared more than it is hated or despised. The Colombian police was always a very despised police force.

Once the decision to reform the police has been made, many of the elements of the reform will be based on a diagnosis of existing institutional problems and deficiencies. I argue, however, that the decision to enact participatory security requires additional study

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102 Interview, Prof. Juan Carlos Ruiz Vásquez, Universidad del Rosario, Bogotá, 18 October 2012.
and explanation. Unlike other elements of police reform, such as changes to the educational system, the creation of mechanisms for internal oversight, changes in territorial structure division, and other changes that are limited to state actors, participatory security involves the creation of formal spaces for societal actors to provide input and help shape the provision of security at the local level.

Even as part of a reform that was as extensive and profound as Colombia’s 1993 reform, the inclusion of participatory security was far from an afterthought. In the context of a new Constitution that promoted participation, and the passage of a new law that opened a channel for citizen-led initiatives in the Congress, Colombia adopted a range of participatory institutions throughout the 1990s (Mayka, 2013). However, even a “participatory climate” cannot account for the institutional design of participatory security in Colombia, which had characteristics that differ from the other cases studied here.

I argue that its adoption and institutional design can be understood in terms of the two other conditions noted above: (1) police-society relations, and (2) police capacity and resources. I define police-society relations as trust in police and perceptions of competence, while police capacity and resources are understood as material, human, and financial resources, specialization and organizational complexity. I argue that the values that these two conditions take at the moment of reform will shape the choice of elected leaders and police officials to enact participatory security, as well as the institutional design chosen. When either of these conditions are on the low end, participatory security will be an attractive choice for reformers. When police capacity and resources are low, community participation can help compensate for these deficiencies by providing direct information to police about local problems and local needs, thus making the allocation of resources more efficient (in theory). In instances of low levels of societal trust of police and in which the police are perceived to be incompetent, on the other hand, participatory security can serve as a measure to improve the image of the police by giving the appearance of openness and transparency.
Furthermore, because the police cannot be trusted to address its problem on its own, societal participation can be introduced as a form of oversight.

Depending on the combination of values of these two factors, the design of participatory security can differ in important ways with regards to the authority given to societal actors, the inclusiveness of participation encouraged, and the formal requirements (if any) placed upon the police. Chapter 2 provides an explanation of the full typology of participatory security examined in this dissertation. In the Colombian case, the existence of two conditions — bad police-society relations and low police capacity and resources — led to the adoption of Thin Participatory Security. When relations between police and society are characterized by distrust, police may be particularly resistant to bringing in community members to participate and may therefore exert pressure during the process of reform to limit participation as well as any formal authority given to society. Similarly, when police institutions have low capacity and resources, reformers may recognize that the police’s ability to address citizens’ demands will be limited, and will therefore place few formal requirements on the police. They may also place limits on the formal authority given to societal actors, again, because the ability of the police to respond to demands will be limited by low levels of institutional capacity.

Thin Participatory Security, therefore, is characterized by institutional features that limit citizen participation, give little authority to societal actors, and place few restrictions or requirements on the police. I classify two types of participatory institutions that emerged from Colombia’s 1993 reform – the National System for Citizen Participation in Security and Local Security Fronts (Frentes de Seguridad Local) as “thin participatory security.”

Police-society relations in Colombia in the 1980s and early 1990s were characterized by isolation and distance between police and their communities, which manifested as distrust, confrontation, and human rights violations; the perception that police are involved in crime; and the perception that the police are inefficient and incompetent in protecting citizens from crime. As Table 3.5 on page 216 demonstrates, confidence levels in the National Police had
been in a steady decline since the 1980s. In a survey conducted in 1992, a year prior to the reform, only about 23% of respondents expressed trust in the police. According to a survey conducted in October 1993, two months after the passage of the law to reform the National Police (Law 62), only about 20% of respondents expressed trust in police. It is instructive to compare the rates of confidence in the police with those of the Army. In the early 1980s, levels of trust in the two institutions did not differ greatly. Over the course of the decade, however, the two began to diverge. The poll numbers in Table 3.5 map the deterioration of the National Police over time as described above, and provide an institutional “counterfactual” of sorts, the Army. Societal trust in the institution declined steadily, while the Army went on to achieve very high levels of trust. Colombian citizens, then, were well aware of the many deficiencies that plagued the National Police throughout the 1980s and early 1990s, and their levels of trust in the institution varied accordingly.

In an even more alarming finding, in the Medellín survey cited above, respondents were asked what they felt when they were in the presence of the police. A plurality of all respondents, 41% said they felt “distrust and fear;” even for those at middle- and high-income levels, a third reported feeling distrust and fear (Restrepo Riaza, 1994b, 53). Citizens interviewed by the (external) Consultative Commission to Reform the Police expressed similar sentiments, telling commission members that “police are as feared as the wrongdoer” (de la República, 1994, 141). Many citizens not only reported police involvement in crime, such as robbery and assault, as well as complicity with mafias and sicariato (the business of hired killings). Some also said that when they reported the crime to superiors their complaints “fell on deaf ears” and others said they feared retaliation.

For the authors of the Medellín study cited above, the National Police’s repressive role in fighting drug trafficking had negative repercussions for its relationship with communities, leading to isolation and confrontation (Restrepo Riaza, 1994c). Conditions were particularly

103Note that some surveys ask about the Army specifically while others ask about the armed forces. In 1983 and 1992, respondents were asked specifically about the Army; surveys from 1989 and 1993 asked about the armed forces. For comparison, note that in 1992 trust in the armed forces was 49% while the Army enjoyed a higher level of trust, at 76%.
tense in Medellín, where “the municipal authorities repeatedly asked the national government to remove the Policía Nacional from Medellín” (Llorente 2005, 188). The Commission’s interviews with citizens also revealed citizen complaints that the police “ignores the rights of the citizens,” “acts with unnecessary violence,” and engages in “abuse and systematic trampling [of rights]” (de la República 1994, 142). Official data supports these claims. The National Police was the state entity most frequently accused of violating human rights. In the official report submitted by the Attorney General’s Office (Procuraduría) to the reform commission, of the more than 2,600 complaints of human rights violations made to the Attorney General’s Office in 1992, 58% of these were allegedly committed by the police. The report also stated that the number of accusations against the police doubled between 1990 and 1991.

But more than reports of rights violations and police involvement in crime, the primary complaint heard by members of the Commission was of police inefficiency in protecting citizens from crime.

The lack of response to requests, the miserable excuse that they lack means of transport, the arguments about the impossibility of abandoning their assigned post [to respond to a crime report]... are responses that citizens receive systematically when they seek out police services, and which reflect not only the precarious performance conditions but also the poor preparation of the members of the force (Camacho 1993, 3).

Complaints of this sort were common in letters written to the newspaper El Tiempo. One reader wrote, “the two times I was robbed it was near a CAI [local police station] and both times I found that inside there was only one officer who, upon being informed [of the crime] can’t do anything beyond calling a phone number that is always busy.”

Citizens’ perceptions of the police’s inefficiency were based on the reality facing the National Police. By the early 1990s, the police found itself with insufficient training, capacity, and resources to meet the demands of deteriorating urban security conditions, an internal

armed conflict, and combatting drug cartels. Deficiencies in training, capacity, and resources were discussed above, but it is worth highlighting a few more figures. For instance, in the mid-1990s, Colombia had 26 police officers per 10,000 inhabitants. In contrast, Peru, a neighboring country similarly engaged in an internal armed conflict during the same period, had 35 police officers per 10,000 inhabitants (Llorente 1997, 24). Goldsmith and Lewis (2000) make a similar comparison, noting that during the period of sectarian conflict in Northern Ireland, there was one police officer for every 125 inhabitants, whereas in Colombia the ratio was just over one police officer for every 500 inhabitants (172). Scholars and security experts emphasized the lack of specialized skills for crime prevention and urban security (Camacho 1993, 6), and the low salaries and precarious conditions of most police officers (Restrepo Riaza 1994b, 66). Even the Minister of Defense noted in his memoirs that “the precariousness of security institutions was considerable; suitable and well-trained personnel was insufficient in all of the agencies, their training scant and their means of transport and communication was very deficient” (Pardo Rueda 1996 212).

Perhaps the most poignant symbol of the National Police’s limited resources and capacity is the very program that was meant to salvage the police’s relationship with society: the Immediate Attention Centers (CAI, Centro de Atención Inmediata). The CAIs are based on the Japanese koban, local neighborhood police stations that are intended to increase police presence in communities and allow for a faster response to crime. Begun in 1987, the CAIs grew at a rapid pace in Bogotá and throughout the country; by 1994 there were 300 around the country, about half of them in Bogotá. The CAIs, however, presented two sets of problems for the National Police: they were frequent targets of attacks by cartels, and they required much greater human resources than the National Police was able to provide. The CAI was another highly visible example of the National Police’s “growth without planning” (Pardo Rueda 1996 340), and thus became another contributor to the police’s decline. In

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105 Pardo Rueda (1996) attributes the rapid growth of the CAIs to the fact that they were “easy, cheap, and quick to set up,” which also made them a favorite currency used in municipal political campaigns (340). 106 “CAIs cambian o se acaban.” El Tiempo 1 October 1994
in 1994, then Director of the National Police, General Octavio Vargas Silva was quoted as saying that “the discredit (desprestigio) they cause is greater than the service they deliver.”

The main problem with the CAIs was that, as noted by the citizen complaint cited above, the local stations operated with far fewer agents than were necessary for the local police station to function well. According to Llorente (1997), “by 1994, the police calculated that on average the CAIs had four, and in the best of cases six, agents to cover three shifts of surveillance” (14). The former commander of Bogotá’s Metropolitan Police Brigadier General Guillermo León Diettes explained in an interview why this occurred:

When the CAIs were created...the idea was that in each CAI there would be a second lieutenant (the commander of the CAI), two or three sergeants, and twenty agents. That’s how it was born, it was a very good idea. But what happened? When drug trafficking began to be a big problem...where did they go first? The Bogotá Metropolitan Police had and still has the largest number of police officers. And [police commanders] would say, “there’s a problem in Medellín, twenty police officers were killed, same thing in Cali.” And they would say, “we have to take out one hundred police officers from Bogotá;” where did they get them from? “We can take 10 police officers from 10 CAIs and there we have the one hundred officers.” So what happened to the CAIs? Previously, the philosophy had been, we would hear of a case in the neighborhood and two police officers would go on a motorcycle... It’s in the name [Immediate Attention Center], immediate reaction... So [a neighborhood resident] would call and say, “there’s a robbery,” and two police officers would race over. But then a moment came where, after losing so many police officers, what remained in the CAI? One or two officers. So now [the resident] would call and say, “there’s a robbery.” The officer takes down the address and says “yes, right away.” He hangs up the phone and what does he do? He calls the central police station, whereas before they would send [an officer on] a motorcycle. The “immediate reaction” part was lost.

Indeed, even the massive increases in personnel cited above — a growth of 30,000 agents in a decade — did not result in greater capacity to respond to urban security needs: “In 1992, almost 80 percent of that increase [in the size of the police force] was destined for the so-called Plan Energético Vial, which was designed to protect the national energy and

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107 “CAIs cambian o se acaban.” El Tiempo 1 October 1994
108 Interview with Brig. General Diettes.
highway infrastructure that had become the object of guerrilla attacks” [Llorente, 2005, 190).

One can get a sense of the low levels of resources at the disposal of the National Police by looking at data from the national budget issued each year by the General Budget Office (Dirección General de Presupuesto, Ministerio de Hacienda y Crédito Público). Table 3.6 on page 216 shows the total amount budgeted for the National Police between 1990 and 1995 (in millions of Colombian Pesos), the percent of the national budget dedicated to the police, the increase in the police’s budget relative to the previous year, and the increase in the total national budget relative to the previous year.

It is difficult to determine objectively whether the police’s budget in the years before and after the 1993 reform was sufficient to meet the institution’s duties and obligations. Two sets of comparisons, however, indicate the relative importance of the police within the national budget, and the low starting point of the police’s budget by the time Gaviria came to office. The period covered overlaps with Gaviria’s Five Year Investment Plan for the National Police. As we can see from the last two columns, however, during the years prior to the reform, the increase in the police’s budget was well below the increase in the national budget, in turn decreasing the share of the national budget dedicated to the police [109]. After the reform, meanwhile, the National Police’s budget increased both in absolute terms and as a share of the national budget. The increases in the police’s budget seen through the mid-1990s are also indicative of a very low baseline. Between 2005 and 2011, during a period when the Colombian National Police came to be considered one of the best equipped and best trained police institutions in Latin America, the average increase in the police’s budget was 10% per year. In contrast, between 1991 and 1995, the average increase per year was more than four times larger than that, indicating that the police’s budget was quite low to begin with.

[109] The dramatic increases in the budget in the early 1990s can likely be attributed to the 1991 constitution, which created new demands and therefore spending requirements on education, health, and other areas.
The shortcomings of the National Police’s budget were reflected in the day-to-day work of the average police officer. A special report in the newspaper *El Tiempo* told of the experiences of those at the lowest ranks of the National Police working in Bogotá: “The majority of them have between two and five children, they live in marginal neighborhoods surrounded by crime, they pay rent, buy food on credit (*fian*) because their salary is almost never sufficient, and they are only able to buy a home after 14 years of service. These are Colombia’s police officers.”110 The low salaries of those at the bottom of the hierarchy and the low levels of financial and material resources with which they were provided had serious repercussions for both work and life conditions. Those interviewed in the article reported working in police cars that had no radio, and almost always with insufficient fuel. Some said they essentially had to “panhandle” to be able to pay for gasoline, while others simply opted to forgo patrolling by car. Another agent reported that his superiors would complain about his “personal appearance and [yet] it’s been three years that they haven’t given me a new uniform. My fellow agents have had to give me their old uniforms.” Other agents said they receive poor medical services, particularly in relation to that received by officers with higher ranks, who are able to receive appointments and access medication long before street-level agents. Still others told of constantly having to borrow money from family members to get by. One agent candidly justified engaging in corruption based on these conditions:

If you find someone that has committed an infraction, you are supposed to take them to the CAI so that he can go to the traffic police. But that’s a waste of time; so, the guy offers you a few pesos and you take them, because it’s good for us both. Besides, with our salaries you have to make do somehow. What oath...? While it’s true I took an oath to serve the citizenry, I have to think about my home and my children.

An additional challenge to the National Police’s capacity was its low level of specialization, as reflected in its organizational structure. One of the earliest areas of specialization for the National Police was the creation of a judicial police in the 1960s, but this function

and division was not permanent until the 1991 Constitution. Even this institutionalized unit was highly deficient, however. A survey of judges in the Antioquia department asked them to evaluate the police’s capacity and performance in its judicial police role. More than three-quarters, or 76.5%, of respondents said the National Police does not perform its functions or does so insufficiently (Restrepo Riaza, 1994b, 59).

In the 1980s, the National Police also created anti-narcotics, kidnapping, and extortion units, increasing its level of specialization. Though the anti-narcotics unit was considered an “island of excellence” as noted above, agents and officers were routinely transferred across units, for instance, from rural policing to anti-narcotics, in order to meet the challenges of fighting the guerrilla and the drug cartels. The reality of public security in Colombia therefore limited the degree to which these were specialized units in practice. Another shortcoming of the police’s organizational and functional structure was the lack of a specialized intelligence unit that was distinct from criminal investigation. Camacho (1993) and other members of the Consultative Commission also expressed particular concern about the lack of specialization in fighting regular crime, and recommended the creation of separate units for urban and rural policing, given the vast differences in security challenges facing each.

Prior to reform, the Colombian National Police was therefore characterized by low institutional capacity and a lack of resources, as well as highly negative societal opinion. As a result of these two structural conditions, I argue, participatory security was included as part of the 1993 reform. Law 62 included an extensive restructuring of the police intended to get to the root of many of the police’s problems regarding its relationship to civilian authorities, militarization, educational system, resources, etc. It is therefore important to understand that the inclusion of participatory security was far from an afterthought or a superfluous addition, despite constituting a “thin” form of participation.

111 An intelligence unit was created in the mid-1990s, and came to be considered the best in Colombia, even better than that of the Army and the government’s intelligence agency, DAS. (Interview with Armando Borrero)
Instead, it was meant to address two problems that were a key object of concern for government officials and the members of the two reform commissions. There was a broad consensus among all sectors represented in the reform process that relations between the police and citizens were abysmal and that this was an important impediment to the police’s ability to do its job. Even in the context of many objective structural problems facing the institution, the police’s relationship to society and citizens’ perceptions were themselves seen as a problem. In contrast to the discourse surrounding participatory security in Buenos Aires Province (Chapter 4) and São Paulo State (Chapter 5), where oversight and capacity building, respectively, were emphasized as important societal roles, improving societal opinion of the police seemed to be an overarching concern and a central goal of the Colombian reform process in and of itself. In all three cases, each of these objectives was reflected in the institutional design chosen in each setting.

In a speech to hundreds of officers shortly before the reform process began, Minister Pardo emphasized the deterioration of societal opinion of the police:

*It is not necessary to go out into the streets to interview citizens to know what they think of the police. You, who on a daily basis interact with the people in the cities and the countryside, know the situation all too well. What’s more, you have yourselves expressed, individually and generally in private, your concern and the need to undertake immediate correctives. It could be no other way, for no one suffers the lack of prestige that characterizes the institution today more than you, officers who have dedicated your lives to serving the Institution and that today find yourselves questioned and under the scrutinizing lens of society (de la República, 1994, 22).*

While inaugurating the Consultative Commission, meanwhile, President Gaviría recognized that the police “faces important challenges such as how to find greater confidence and support among the citizenry in order to better fulfill its mission” (de la República, 1994, 13). Both the president and the Defense Minister cited the need to “erase the symptoms of discredit (desprestigio)” and to ensure the police becomes the “best friend of the community.” Pardo also cited “an alarming level of criticism and dissatisfaction with police
services” and warned officers and agents that if the reform did not take place “the future of the institution will be in question and it is very possible that the support of the citizenry will be irremediably lost” (de la República 1994, 25). The problem was so apparent that even the Internal Commission, composed entirely of police officers and agents, cited the importance of restoring communities’ opinion of police, as well as the “indissolubility” of the “binomial of community and police” (de la República 1994, 58). Although the internal commission’s proposal unsurprisingly did not include participatory security, it did include a series of recommendations to strengthen this “binomial.”

It should be noted that the other half of the “binomial,” society, did not appear to be the source of demands for participatory mechanisms. According to María Victoria Llorente, who, as an advisor to the Minister of Defense at the time, participated in the reform process, “[The National System of Citizen Participation] originates from a notion that police should be responsive to the citizenry, that it has to connect with the needs of the citizenry... [but] the citizenry never demanded it. The mayors weren’t interested in it, nobody was interested in it.” The system of thin participatory security adopted in Colombia in 1993 thus appears to have been a mechanism devised for the benefit of the police rather than to satisfy a demand coming from society.

This is not to say that questions of oversight and capacity building were absent from the debate. In an interview, Minister Pardo called the commissions that made up the National System of Citizen Participation a “mechanism of scrutiny” that would serve as an additional instrument to evaluate the police to prevent a situation in which “the ones under evaluation are the ones that get to produce the statistics [used to evaluate performance].” Similarly, security and defense analyst Casas Dupuy and Gonzalez Cepero (2005) has written that the system of participation was needed in order to allow police to better identify the needs of their primary “beneficiary and client: the citizenry” (15). In the texts available from the period of reform, however, it becomes apparent that citizen participation was explicitly seen

112 Interview with María Victoria Llorente.
as a means to improving societal attitudes toward the police. This is the view that emerges in the report of the bicameral legislative commission charged with debating and passing bill 43/1992 which would go on to become Law 62/1993:

The participation of the citizenry, of local and regional authorities, of civic institutions... will be the determining factors for society to be able to value and know the altruistic extent and dimensions represented by the grand and respectable professional service of the Colombian police officer.

Rather than serving purposes such as oversight or capacity building, the objective of participation was therefore seen as a channel through which police-society relations generally, and societal perceptions of the police specifically, could be improved. This is precisely what the argument presented above would predict in settings where police-society relations are poor and police capacity and resources are low. The institutional design chosen — a participatory structure that limits participation, includes little or no authority for societal actors and few or no obligations for police — reflects this objective. On this note two points are worth clarifying. First, this discussion is not intended to make a judgment about the relative merit of one form of participatory security over others. It is instead intended as a way to differentiate the institutional form chosen in Colombia from those of the other case studies examined here. These distinctions will be taken up in a comparative analysis of institutional design, Chapter 6.

Second, even if oversight and capacity building are not discussed or emphasized, they are still implicit in the question of improving police-society relations, and were the underlying factors in the Colombian reformers’ concern over society’s poor opinion of the police. Scholars of policing and criminology often stress the importance of police-community trust as a precursor to effective policing. This relationship between societal attitudes toward the police and the latter’s ability to do its job took on more urgent meaning in the Colombian case. Policing and criminal justice scholar Andrew Goldsmith, brought on as an external consultant during the reform process in Colombia, has written of the challenge that poor
police-community relations in Medellín and the “parallel state” developed by Pablo Escobar, posed for the Colombian state:

The people he assisted in these ways were long-conditioned to corrupt and sometimes brutal policing at the hands of the state, and to a generally indifferent state in terms of the provision of other social services. For the reformist Gaviria administration, the loss of citizen allegiance and support for the state and its police was closely connected to the increasingly obvious and embarrassing loss of territorial sovereignty and control. An overhaul of police structures and practices became an urgent priority (Goldsmith and Lewis 2000, 178).

Thus, while the scholars quoted at the start of this section, and many other observers not cited, all agree that the rape and murder of nine-year-old Sandra Catalina Vásquez Guzmán in a police station in 1993 was the catalyst that led to a much needed reform of the National Police, I have demonstrated here that what has become conventional wisdom requires a great deal of unpacking. Such an explanation does not tell us why reform sometimes occurs after a scandal, while other times we observe other types of responses such as the resignation of a high-ranking official or the investigation and prosecution of those responsible; nor can it account for its content. Through extensive process tracing, I have demonstrated why the components of a mobilized scandal — a high-profile act of deviance by police that generates a strong societal reaction, and a robust political opposition that strategically keeps the event on the agenda in order to attack the incumbent — were jointly sufficient to overcome the fragmentation of societal opinion that in turn facilitates patterns of accommodation between politicians and police under the status quo. Moreover, I have demonstrated that many paths are possible once an act of police deviance becomes a scandal, and have provided strong evidence to support the argument that three structural conditions — a robust political opposition, police-society relations, and police capacity and resources — can account for the timing of reform, as well as why a particular type of participatory security was included in the reform.
Police Reform and Participatory Security

What followed the death of Sandra Catalina was an ambitious plan to overhaul the National Police, including educational and training requirements, functional specialization, organizational structure, ranks and hierarchies, operational decentralization, subordination to civilian authorities, among others. President Gaviria and Defense Minister Pardo carried out the reform through two commissions. The Consultative Commission to Reform the National Police (created by Decree 591/1993 on March 30) was an external commission composed of external experts and prominent political and social representatives, including senators and deputies, academics, leaders of unions and professional association, governors, and mayors. The Internal Commission for Institutional Modernization was made up police agents and officers of all ranks and from all regions of the country. When President Gaviria inaugurated the Consultative Commission and Minister Pardo the Internal Commission, the two made it clear that all aspects of the police structure should be evaluated and debated (in the case of the Internal Commission, without regard to rank). The reform of the National Police, codified through Law 62/1993, had four primary objectives: to redesign the institutional structure in order to introduce greater professionalization and specialization to meet the country’s specific security needs; to demilitarize its rank structure and training; to install formal mechanisms for civilian oversight, including participatory security institutions; and to improve salary, housing, education, and health conditions for police officers, particularly agents.

The reform process did not consist entirely of structural changes, however. It also continued a practice begun years earlier, granting police leadership extraordinary authority to purge the institution of officers suspected of corruption. Former Defense Minister Pardo estimated during an interview that about 10% of officers, about 15,000 people, were suspended from the National Police following the passage of Law 62, noting that “it’s possible that

113 Note the difference in the names of the two commissions.
there was arbitrariness, but in essence it gave the citizenry the feeling that the police could be purged.”

The technical details of the reform — and an analysis of how the distinct components of reform specifically sought to address the grave structural problems facing the National Police identified throughout this chapter — are included as an appendix to this chapter in order to focus the present discussion on the component that is of particular interest to this dissertation, participatory security. Briefly, however, it is worth reviewing the key elements of reform. Law 62 introduced greater specialization in the police structure by creating distinct operational divisions corresponding to separate domains of police activity, including urban security policing, rural policing and armed conflict, judicial police and investigation, and specialized forces (e.g., anti-narcotics). It also promoted greater professionalization through improved educational standards and training, as well as improved career trajectories for agents. The reform also advanced demilitarization by easing or eliminating pre-existing structures that subordinated the police to the military, and created new benefits and agencies aimed to improve the living conditions of police officers. The most far-reaching reforms, however, related to civilian oversight, including a mandate for greater cooperation with and accountability to elected officials at the subnational level, and the creation of a special civilian National Police Commissioner, intended to exercise both external and internal oversight of police matters.

With so many profound and targeted reforms intended to address deeply rooted deficiencies within the police already included in the Consultative Commission’s recommendations and in the final law, reformers nevertheless saw a need for the inclusion of participatory security as an additional mechanism of civilian control. As explained above, this was the result of exceedingly poor police-society relations and low levels of institutional capacity and resources. The final key mechanism of civilian oversight was thus the creation of the National System of Citizen Participation. I argued above that the discourse around the reform process focused heavily on the negative opinion of police held by most societal sectors, a
concern ultimately reflected in the design of the participatory security institution chosen. The reform conceived of “a national system of citizen participation that is institutionalized and decentralized with the objective of strengthening relations between the citizen and the Institution, establishing effective mechanisms that permit the expression and addressing of different sectoral and regional interests relating to the service of the Police and citizen security” (Law 62/1993, Art. 25).

The National System of Citizen Participation was to consist of a series of commissions at the national, departmental, and local levels. The commissions were to be composed, at each respective jurisdiction, of the executive, police authorities, one representative from each of various social groups, including unions, indigenous communities, universities, business, rural sectors, even retired police officers, among others. The various commissions comprising the System were charged with a broad set of functions including: proposing policies to improve crime prevention, promote citizen participation with the police, develop educational programs for the police, promote ethics and democratic values among the police, receive and channel citizen complaints about the police, promote the well-being of police officers, suggest policies to increase police transparency and “issue opinions regarding the police’s procedural and conduct norms” (Art. 28).

Despite its broad mandate, the system of commissions is characterized as Thin Participatory Security because it did not encourage broad participation, do not provide any formal authority to community members, nor do they include formal obligations for police officers. While the commissions invite societal participation, such participation is highly restricted.

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114 The exact composition of the Commission mandated by the law: Minister of Defense, Director of National Police, Comisionado Nacional para la Policía (National Police Commissioner), Subdirector de Participación Comunitaria (Subdirector of Community Participation - note the difference with the name of the system: citizen vs. community participation), Ombudsman, one Governor, one Mayor, president of the NGO Federation, a representative from the media, a representative of the union sector, one representative per various trade associations (commerce, industry, agriculture, services, transportation), one representative from peasant organizations, a representative of indigenous communities, a representative of black communities, a representative from the universities, a representative from youth movements, a representative from women’s movements, a human rights organization representative, a representative of teachers organizations, a representative of retired police officer association, a representative of senior citizen organizations, and a representative of persons with disabilities (Art. 27).
since it only allows for one representative from each of various societal sectors (of which most are very broadly defined).\footnote{The National Commission was perhaps intended to be quite inclusive in the sense that it sought to represent a diverse set of social groups. However, it is not clear how one would go about selecting a single representative from indigenous communities, black communities, women’s organizations, peasant organizations, or any other, as though these groups were uniform or homogenous entities.}

In this respect, the National System of Citizen Participation is an elite-oriented system, because participation in the Commissions is not open to all but is instead presumably limited to those who exercise leadership positions in a given social sector. Furthermore, despite the fact that, as designed, the majority of the commissions would necessarily be composed of societal actors, Law 62 gives no formal authority to the societal members of the Commissions to exercise oversight of the police, hold them accountable, or make demands. The other members of the Commission, meanwhile, are given formal authority over the police by other sections of Law 62 or the Constitution. Unlike mayors and governors, who can demand periodic reports and are given tools to influence promotions and other processes as a means of holding police accountable, societal actors were provided with no such instruments. Finally, unlike the clear obligations established for police commanders vis-a-vis mayors and governors, the law’s provisions make no formal requirements of police compliance.

The National System of Citizen Participation proved to be the thinnest possible form of participatory security, as thin as the paper Law 62 was written on, as that is the only place it ever existed. While several important aspects of the 1993 reform were rolled back in subsequent years (see Chapter 7), the National System of Citizen Participation did not even come close to being implemented. The National Commission was never convened and neither were the municipal and departmental commissions “since the intent was for the National Commission to establish the parameters for the development of the system as a whole” (Llorente 1997, 37). It is not entirely clear why the commissions system was never put into practice.

On the police’s end, a specialized office, the Department of Community Participation was created, as mandated by Law 62. The office had the same hierarchy as the other divisions
of the police described above (e.g., the Department of Urban Policing or of Education). The entity was to be the internal counterpart to the commissions, a significant structural change as it signals at least the intent, backed by the allocation of organizational resources, to strengthen the role of citizen participation in police matters. Brig. General Diettes, cited above, served as the first Subdirector of Community Participation created under Law 62. The office did not, however, do much to coordinate community participation as described in the law, in large part because the National System of Citizen Participation never materialized, but instead “to promote contact with the community, and [provide a space] for those who wanted to complain or present a claim to go.”\footnote{Interview with Brig. General Diettes.} The community participation office worked, in that respect, with the office of the civilian Commissioner for the National Police in its oversight capacity\footnote{It also organized the “civic police,” a neighborhood watch of sorts through which citizens could support the functions of the police (Decree 2203).} But its functions, according to Diettes, were largely limited to promoting outreach between police and community in police departments around the country.

For Llorente, the National System of Citizen Participation did not take off due to practical reasons, “such as the difficulty of convening the National Commission due to its numerous and diverse composition – at least 23 members” (Llorente\textsuperscript{1997}, 37). For Llorente’s colleague at the Ideas for Peace Foundation (\textit{Fundación Ideas para la Paz}), Patricia Bulla, who also served as an advisor to the Minister of Defense and the Consultative Commission during the period of reform, the resistance to the system of participation may have come from society: “Participation requires surrounding conditions that permit it. People are afraid to go to community meetings when you have criminals, drug traffickers, and guerrilla in the community. People are afraid to talk. So perhaps this requires a different context.” While we may not know what caused the administration and the Congress to disregard and fail to implement the National System, which constituted the entirety of Title V of Law 63, the
Commissions did give way to a different form of participatory security, which I also categorize as thin.\footnote{Security experts have argued that the frentes have their basis in the 1993 reform. \cite{Llorente2007} sees the Frentes as the neighborhood-level substitute of the commissions. \cite{CeballosArévalo2001} sees Law 62 as the legal foundation of the Frentes.}

Shortly after the 1993 reforms, the National Police began implementing a system of *Frentes de Seguridad Local* (Local Security Fronts). The first Frentes were implemented in 1994 in Bogotá, by General Luis Ernesto Gilibert, then-Commander of the Metropolitan Police Department of Bogotá, and quickly spread to the rest of the country. Unlike the Commissions that formed part of the National System of Citizen Participation, the Frentes are a form of community participation like the other two formats studied in this dissertation. They are “community organizations led by the National Police with the objective of creating a culture about citizen security.”\footnote{Brochures of the Colombian National Police. “Frentes de Seguridad Local: Unión Policía-Comunidad,” and “Frentes de Seguridad Local.”} Like the other forms of community participation studied here, the Frentes seek to bring together community members and the police with the objective of improving local security conditions. A comparison of the three types will be undertaken in Chapter 6.

The Frentes are categorized as Thin Participatory Security because, much like the system of commissions, they do not conceive of any formal authorities for societal actors, nor do they impose any formal requirements on the police. The Frentes differ from the commissions in that within the territorial jurisdiction of a Frente, any community member could participate. However, due to the limited nature of the territory — literally the space of a couple of blocks — I consider this a feature that restricts participation considerably.

Unlike what exists in São Paulo and Buenos Aires, the Frentes in Colombia are not coterminous with police jurisdictions, such that one community security forum corresponds with the territory of a given police unit. Instead, the Frentes bring together residents of an area no larger than a couple of blocks and their main purpose was to watch over their respective areas and alert police of any trouble. Residents form a loose structure with a
coordinator that acts as a liaison with the police. Members of the Frentes may hold regular meetings to identify security problems or hold community events, but their main activity is mutual vigilance. The Frentes are intended to provide a system through which residents can alert their neighbors and the police if they see a crime occurring. The specific structures and activities of the Frentes, and the extent to which they may contribute to state capacity to provide security at the local level, will be discussed in Chapter 6.

The reform undertaken in 1993 with a great deal of consensus among a diverse set of Colombian social and political sectors was profound and far-reaching, intending to address many of the key factors thought to be responsible for the deterioration of the National Police over the previous decade. Many of the most important changes, however, were reversed in subsequent years or not implemented at all. The concluding chapter of this dissertation will explore this “retrenchment” in the context of police reform in Colombia and Buenos Aires Province, though it is a highly prevalent practice in general (Hinton 2006; Ungar 2002; Casas Dupuy and Gonzalez Cepero 2005; Sain 2008). While this “counter-reform” (Casas Dupuy and Gonzalez Cepero 2005) should certainly temper our evaluations of the reform process begun in 1993, it is worth highlighting its transformative intent and the precedent it established for future reform.

Conclusion

The case of Colombia during the 1980s and early 1990s represents the strongest case for considering security provision as a central dimension of state making and state capacity. The rise of armed groups that challenged the state’s monopoly of the legitimate use of force, particularly the Medellín and Cali cartels and the FARC, exposed and exacerbated the precariousness of the Colombian state. The progressive erosion of the Colombian state as a

\[120\text{The National Police began its own “Plan for Cultural Transformation” in the mid-1990s. While this internal reform effort sought to dismantle the earlier reform, there was also a high degree of continuity, as will be discussed in the concluding chapter. It is worth noting that at the time of the 1993 reform, then Director of the National Police, General Gómez Padilla created an entirely new position dedicated to the implementation of the reform, which was held by General Rosso José Serrano, who would go on to implement the Plan for Cultural Transformation during his tenure as Director General (Pardo Rueda 1996).} \]
result of these conditions — whether measured in the number of police, judges, or presidential candidates killed, or the semi-permanent state of emergency, the thousands of police officers expelled from the force due to infiltration by drug cartels and other forms of corruption, the number of bombs and assassinations, or any other metric — set forth a negative feedback loop (as proposed in Chapter 1) in which the deterioration of state capacity and constrained citizenship reproduce one another.

Where the state cannot adequately provide security, citizens face the proliferation of “brown areas” (O’Donnell, 1993), in which they cannot count on the security necessary to engage in everyday political, economic, and social activities that are constitutive of citizenship. In Bogotá, by the early 1990s, citizens faced completely random attacks, blind terrorism [intended to] generate panic. A terrorist attack in a shopping mall... Bombs everywhere. It was the sort of thing where anyone, while doing anything, could be a victim. You didn’t have to be involved in politics or be the neighbor of a minister or an officer of the National Police to be at risk. Going out into the street became synonymous with risk. The constrained citizenship generated by this weak state capacity ended up further undermining the state’s ability to provide security, since citizens may increasingly choose to “exit” the state for the provision of this service. In Medellín, which had the highest homicide rates in the world during this time, Restrepo Riaza (1994) describes a situation in which “the state, due to its inaction in light of the violence or its complicit indifference, has made possible the emergence of private violence as an answer to the authority vacuum that exists in the city” (19). In Colombia, the culmination of this process was the severe crisis of legitimacy facing the Colombian state at the start of César Gaviria’s administration.

The Colombian case also demonstrates however, the ways in which the police’s role as the manager of the state’s coercive power can serve as an obstacle to efforts to bolster the state’s capacity in the provision of security. Contestation among citizens over how security ought to be provided — the distribution of security — leads to the emergence of conflicting

121 Interview with Camilo Granada, Presidential Advisor on National Security and Defense.
preferences over the solution, even when, as in Colombia, there is consensus about the problem. The lack of a coherent societal demand in turn facilitates accommodation between police and politicians, who grant police considerable autonomy in exchange for support in achieving political objectives. Although President Gaviria did not engage in the outright politicization and corrupt entanglements as politicians in the case of Buenos Aires Province, his accommodation of the National Police delayed the adoption of much-needed reform, and was likely the cause of the failure of an initial reform effort.

Perhaps due to the contested nature of security provision and the desire of politicians to control the coercive power of the police, many of the transformative measures introduced through Law 62 were rolled back soon after being implemented. Some measures, like the National System for Citizen Participation, were never implemented at all. This “counter-reform” and some of the factors that may facilitate it, will be discussed in the concluding chapter.

The erosion of the Colombian state was undoubtedly multi-dimensional, but the National Police was a key component of that process. For this reason, the provision of security and the police institution itself were a central channel through which reformers sought to build state capacity. In doing so, the incorporation of societal actors was seen as a means of achieving this goal, even by the police commander who would subsequently undo many of the reforms enacted in 1993 (see Chapter 7).

I have argued that societal actors may play a role in the reproduction of weak state capacity by abandoning the state in favor of private and often extralegal solutions, as well as through the formation of conflicting demands that may serve as a barrier to needed reforms. If this is the case, it is worth asking the extent to which participatory security, by providing a space within the state for citizens to address their security concerns, can help build state capacity. In Chapter 6 I take a comparative approach to this question, considering Colombia’s thin participatory security alongside the approaches taken in Buenos Aires Province and São Paulo State.
3.1 Appendix: Colombia’s Reform Law 62/1993

Reorganization and Professionalization

Law 62, passed by Congress in June 1993, began by establishing “decentralization, delegation, and deconcentration of functions” as operational principles of the Colombian National Police (Art. 2). Indeed, though the institution remains highly centralized, these principles served as the basis for an ambitious restructuring of the police to overcome what the Consultative Commission’s final report described as “functional disorganization” (p. 37). With an eye towards decentralization and deconcentration, the reform increased the number of divisions at the second level of the institutional hierarchy (just below the central administration of the Office of the Director General) creating for the first time in the institution’s history high-ranking administrative structures corresponding to the police’s primary functions.\(^{122}\)

Law 62 created distinct operational divisions within the police: urban, rural (for areas with less than 50,000 inhabitants), judicial police and investigation, and specialized forces (anti-narcotics, anti-kidnapping, etc.).\(^{123}\) The significance of this correspondence between the police’s main responsibilities and its official structure lies in its potential to ensure greater specialization. Recall that for several experts cited above, one of the main shortcomings of the police was the lack of specialization and deficiencies in urban policing. According to Casas (2005) the demands of battling cartels and armed guerrilla groups led the police “to neglect the everyday needs of the citizenry, such as street crime, controlling public spaces, or the regulation of coexistence (convivencia)” (24).

No less important was the delineation of an administrative unit for the rural police, the “Carabineros,” whose main focus was the armed conflict (Llorente 2005, 193). According to former Defense Minister Pardo, being stationed with the rural police had been used as

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\(^{122}\) In 1983, Decree 2137 created high-ranking administrative divisions for Anti-narcotics, Intelligence, and Judicial Police. Recall that at least the first of these, the Anti-narcotics unit, was considered to be one of the few well-functioning areas of the National Police, which he called “an island of excellence.”

\(^{123}\) On the administrative end, the reform also created ten departments within the central police bureaucracy to manage each of the operational divisions, as well as human resources, administration and finance, education, and community participation, among others. (Law 62/93, Art. 18)
a punishment and “the worst people were sent there,” and officers were quickly transferred back to urban units (personal interview). According to security and defense expert Armando Borrero, it was standard practice for officers to be transferred across units rather than developing their skill set in one unit, thereby hindering specialization (personal interview). The administrative restructuring through Law 62 represented, at least on paper, the recognition of the need for a specialized and professionalized force.

With respect to the latter, the reform also included key measures to improve educational standards, training, and career trajectories for officers, particularly those at the lower ranks. According to the late sociologist and security expect Álvaro Camacho, member of the Consultative Commission, education was one of the most crucial aspects of the reform: “The subcommittee that examined this issue was without a doubt the one that most bluntly pointed out the aberrations of the institution (1993, 7).” Law 62 increased the minimum educational requirement for entry to a high school diploma, and also established a minimum training period of eighteen months for agents (Art. 35). The reform also mandated an extension of the period of training and education for all ranks, including required courses for officers wishing to be promoted to the next rank, as well as the incorporation of human rights, community relations, and professional ethics, all of which were emphasized by the Consultative Commission for their absence in the pre-reform curriculum.

The reform process also included efforts to rein in a security apparatus seen as out of control. It sought to achieve greater balance within the police by increasing the number of mid-ranking noncommissioned police officers, since one of the roots of the police’s deterioration was the large number of rank and file officers without adequate supervision (Llorente 1997, 17). It also created within the police structure a Superintendent’s Office for Private Security (Art. 34) in order to provide oversight and control over the explosion of private security firms common throughout Latin America.

\[124\] Recall that the pressure of increasing the number of agents on the ground led to the incorporation of agents after only six months of training.
Demilitarization

As noted above, militarization was identified as an additional contributing factor to the institutional crisis facing the police throughout the 1980s and early 1990s. As noted above, many experts cited militarization as a key cause of distance between police and the communities they served. The reform therefore “was especially careful in the formulation in the central objectives of the Police to differentiate them from the military. It was also explicit in highlighting that the Police is an armed body that is civilian in nature” (emphasis added) (Leal Buitrago 1994, 183). The members of the reform commission explicitly sought to establish distinctions between police and military, and to bring the police closer to civil authorities and societal actors. The latter point will be discussed more thoroughly in the next subsection. It is worth noting briefly that while the creation of mechanisms for civilian oversight were indeed intended to provide the National Police with much needed supervision and to promote accountability, it was also a direct result of the desire to diminish the influence and the military and militarization over security policy and all aspects of policing. Asserting civilian authority over security policy and the National Police was a clear goal of the Gaviria administration, beginning with the appointment of the first civilian Minister of Defense in decades. Furthermore, initiatives such as the National System for Citizen Participation were an effort to bring police and society closer in order to counteract what was seen as a detrimental consequence of militarization.

One of the legacies of the subordination of the police to the military, long after the institution was no longer under the command of the armed forces, was the persistence of three separate rank structures that mirrored those of the military: a total of 15 ranks among the commissioned officers and non-commissioned officers, in addition to regular agents (unranked officers). One characteristic of such systems is that is one cannot be promoted

125Not all scholars agree with this characterization of militarization of the Police. Ruiz Vasquez, Illera Correal, and Manrique (2006) argue that Colombia’s police faces many challenges that are military in nature, such as a heavily armed guerrilla that targeted police stations, and that a civilian orientation may not be the most appropriate. Of the 1993 reforms, they write “The grand reform of 1993 was nothing more than a sociological trend of that period that thought that in eliminating the supposed military profile of the police lay the road towards its modernization” (201).
from the ranks of non-commissioned officer to a commissioned officer, creating rigid barriers between the “officers” and the “troops.” In order to loosen military hierarchy, Law 62 gave the president the authority to restructure the rank structure (Art. 35) for unranked and noncommissioned officers with just five ranks, which would come to be known as the Nivel Ejecutivo (Executive Level). As security and defense expert Armando Borrero noted in an interview, “the Executive Level paved the way for at least part of those police officers in this level to go on to a career as an officer, and today there are many officers that came from the Executive Level.”

An additional source of militarization for the National Police was what Defense Minister Pardo called the “de facto subordination” of the police to the armed forces, particularly the Army, in the context of the armed conflict. Although Pardo said there was no longer a legal structure in place to mandate this relationship, it persisted in practice: “in practical terms it followed like this, a Major with the army in a city would give orders to the National Police colonel in that city. Operational control, which was the figure used by the army to control the police, was designed for public order operations, for combat; but they used it for everything. And so, during a football game the army would claim operational control and the police, which is the one responsible for the protection of cities rights, was submitted to military orders.” For Pardo, this subordination was a source of low morale among police officers.

For Casas (2005), however, that operational control wasn’t just de facto. He argued that the very structure of the police, its territorial division into Police Districts, was intended to coincide more with the territorial structure of the military than to the political-administrative units of the country (i.e., departments and municipalities). In this respect, he considered the National Police “an accessory to the military forces” (12). According to Pardo, the reform therefore sought to recharacterize the relationship between military and police to one of “solidarity and collaboration” (Pardo 345) rather than subordination.
Improved Social Welfare for Police Officers

There were also numerous efforts to improve the living conditions of police officers themselves. As then president of the Senate José Blackburn put it, “we wanted the police to be able to live with the prosecutor, rather than with the delinquents,” in reference to the reality that the income of most rank and file police officers only allowed them to live in largely marginalized areas. Recall the descriptions above of the life conditions facing most agents of the National Police, who constituted the majority of its members. The reform created the Institute for the Social Security and Welfare of the Police, within in the Ministry of Defense, which was charged with developing and implementing programs to improve health, education, housing, and other living and work conditions of police officers (Art 33). Law 62 was emphatic about the need to provide housing subsidies to police officers, as well as build new housing for them on public land. A subsequent presidential Decree (352/1994) specified further provisions.

Civilian Oversight

A key institutional change enshrined in Law 62 was the reinforcement of the constitutional principle that mayors and governors were the “first police authority” in their respective jurisdictions. Law 62 “put teeth” on this constitutionally-mandated relationship (Llorente 1997, 36), thereby advancing three central objectives of the reform: the decentralization of security policy, bringing police closer to society, and loosening the institutional linkage to the military described above by tying police structure to political-administrative units rather than military territorial divisions.

Traditionally, the relationship between mayors and police officials was characterized by distance at best and confrontation at worst (Casas 2005, 12). Police authorities rarely coordinated with let alone adhered to the demands of local officials. [CITE HUGO ACERO]

As Defense Minister Pardo noted in an interview, there had been a great deal of resistance within the police to being subject to orders from mayors and governors, even after it was
mandated by the Constitution. The legislative reform adopted in 1993 therefore sought lay
the legal foundation for the subordination of police to municipal and departmental authorities, and incorporated key mechanisms to ensure compliance of police in practice. On the one
hand, the law establishes an obligation for municipal and departmental police commanders
to abide by the orders of the corresponding political authorities (Art. 12). It further laid out
additional obligations vis-a-vis mayors and governors, including the provision of daily reports
of security conditions in the respective jurisdiction, regular accounting of police operations
and results, and the presentation of a security plan to the executive (Art. 17). The law
also included mechanisms to enforce the authority of mayors and governors over the police,
including issuing periodic evaluations of the local police commander’s performance, and the
ability to initiate disciplinary action against police officers with the prosecutor’s office (Art.
16).

The law also sought to decentralize security policy for both political and police author-

ies. For instance, it established that governors and mayors should, together with police, develop comprehensive security plans and strategies. It furthermore delineated specific attrib-
utions of governors and mayors, including proposing security legislation, requesting periodic
reports from the relevant police commander about police activities, convening departmental
or municipal security councils to define security policies, and requesting additional funds for
policing from municipal and departmental legislative bodies (Art. 16). At the same time,
Law 62 also reinforced the expectation that municipalities and departments should con-
tribute financial resources to maintain police infrastructure, equipment, housing, logistics,
and welfare (Art. 31). Likewise, the reform aimed to make security policy less hierarchical
and centralized from within the institution itself. Law 62 established that the heads of mu-
nicipal and departmental police units would be responsible for operations in their respective
jurisdictions (Art. 13). This not only decentralizes the internal command structure, it also
establishes an institutional interlocutor with decision making authority over police opera-
tions for mayors and governors to collaborate with in setting security policy. This aimed
to overcome an important aspect of institutional culture, whereby local commanders were entirely subordinate to national police authorities rather than local political authorities.

In addition to the subordination of police to mayors and governors, the reform enacted in 1993 also created other important mechanisms of political oversight over the police. The most significant of these was the creation of the National Council for Police and Citizen Security, a civilian administrative body replacing the National Security Council, a militarized and defense-focused body, as the maximum authority on policing matters. The National Security Council was another instance in which the National Police was routinely subordinated to the military (Camacho 1993, 9). This new Council was headed by the President and, in addition to the Ministers of Defense and Justice, also included a mayor and a governor, as well as the National Police Commissioner (see below). Law 62 established a broad but clear mandate about the Council’s functions, among them making policy recommendations on citizen security and policing (including service provision, transparency, and resources), coordinating actions across different government agencies on security matters, managing internal oversight mechanisms within the police, overseeing police adherence to human rights norms, and request periodic reports from the Director General (Art. 14). According to its mandate in the law, the Council was supposed to meet at least three times per year (Art. 15).

The new National Council focused on policing and citizen security went hand in hand with the creation of a new institutional avenue for police oversight, the Office of the National Police Commissioner. For many experts involved in the reform, the Commissioner’s Office was “one of the most relevant institutions for the police and it was the one that introduced the most drastic reform” (Camacho 1993, 9). Created by Law 62, the Commissioner was to have two main sets of functions: exercise oversight of the disciplinary system (including compliance with internal police regulations) and police operations, and serve as a channel for citizen complaints (as well as complaints by public officials). The Commissioner was also charged with evaluating and diagnosing problems within the institution, propose public
policies, and submit periodic reforms to Congress. The Commissioner was established as the maximum authority in internal oversight and disciplinary control (Art. 24). In what many would consider a dramatic change in the area of police oversight, the law mandated that the Commissioner must be a civilian and meet the same qualifications as a Supreme Court Justice (Art. 22). The figure of the Commissioner’s Office was highly controversial from the start. According to Casas (2005), the Commissioner served as both internal and external oversight, such that it generated opposition and discomfort from within the police, as well as from the Attorney General’s Office (Procuraduría) and the Accounting Office (Contraloría), two entities that were also charged with carrying out external oversight of the police, raising concern about duplicating functions (39).

While the 1993 reform was quickly reversed, it was not intended to be cosmetic. In order to understand this point, it may prove useful to compare it to a bill that was introduced in the Congress a year earlier by Defense Minister Pardo, which he described as “a reform to avoid reform” (“una reforma para no reformar”). The political context of the bill will be discussed below; for the moment we will limit ourselves to comparing its content to that of Law 62. The reform introduced in Congress in 1993 was actually an amended version of Bill 43, introduced in 1992, which had been changed to reflect the recommendations of the two reform commissions. Bill 43/1992 in its original form was a rather cosmetic piece that did not attempt to address the profound problems facing the institution, as Law 62 would go on to do one year later. Even where references exist to what would become the pillars of the reform, they were superficial. The text of the bill, for instance, states that among the operating principles of the police will be “decentralization, delegation, and deconcentration.

126 It should be noted that there were other instances of internal oversight created as well, including an Internal Audit Office created within the Office of the Director General to oversee financial operations, and a Diagnostic and Self-Evaluation Office to oversee police investigations, promote greater efficiency, and coordinate with Comisionado (Casas 2005, 19). A new Code of Police Ethics was also drafted.

127 In what was surely intended to serve as a layer of independence for the Commissioner, he or she was to be selected by the president from a list of three candidates proposed by the National Council on Police and Citizen Security during one of their regular meetings, at which the Director General of the National Police cannot be present.

128 The text of the bill can be found in the congressional record, Gaceta del Congreso No. 51, 4 de septiembre de 1992, p.8.
of functions” (Art. 3). However, nothing in the bill mandated any structural changes to promote the devolution of authority and resources. There was language in the bill that reiterated the constitutional principle of subordination to mayors and governors (Arts. 28, 40, and 60), but it does not establish any specific duties or obligations for either police or mayors and governors. Indeed, the bill explicitly granting the national government authority to create police units that do not correspond to the country’s political-administrative units (Art. 62). This not only tends toward the other direction of subordination to mayors and governors, it also undermines demilitarization, since it implicitly promotes the use of other criteria in defining the police’s territorial divisions, which had traditionally been military in nature up to this point. On the question of oversight, Bill 43 was also not intended to be far-reaching. It created a special prosecutor’s office dedicated to the police within the Attorney General’s Office (Procuraduría General) as an oversight mechanism, though it established no official duties or responsibilities (Art. 29). Similarly, it created a Superior Council on Police (Title 3) that was, importantly, distinct from the defense-focused National Security Council mentioned above, but it does not include mayors, governors, societal representatives, nor the Commissioner (which did not exist under this bill). With respect to participatory security, the bill sets forth “police-community integration” as an institutional principle, but includes no mechanisms or channels to achieve it (Art. 35). In its first incarnation, Bill 43 also did little to advance specialization (Art. 47), demilitarization (Arts. 54-57), improved education and training, and other elements that would become pillars of reform less than one year later. The problems that plagued the National Police in 1992 were identical to those identified by the President, Defense Minister, Director General, and the Consultative Commission the following year. Yet the differences in content and outcomes between the two reform bills, less than one year apart, attest to the central role of scandal in generating pressure for reform.
Table 3.4: Scandals and Reform

<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
<th>Scandal</th>
<th>Robust Political Opposition</th>
<th>Mobilized Scandal</th>
<th>Reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mokuda killing (Jan 92)</td>
<td>Police officers rob and kill Mazda executive</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Police Reform Bill (Sep 92)</td>
<td>Bill to reform police acc. to 1991 constitution introduced in Congress</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>SCVG Killing (Feb 93)</td>
<td>9-year-old girl raped and killed in police station</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Table 3.5: Changing Levels of Trust in the Colombian National Police

<table>
<thead>
<tr>
<th>Year</th>
<th>% Trust in Police</th>
<th>% Trust in Army</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>18.1(^a) / 37.0(^b)</td>
<td>22(^a) / 40(^b)</td>
</tr>
<tr>
<td>1989</td>
<td>30-39(^c)</td>
<td>40-49(^c)</td>
</tr>
<tr>
<td>1992</td>
<td>23</td>
<td>76</td>
</tr>
<tr>
<td>1993</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

(a) 18-25 years of age; (b) above 25 years of age. (c) Data provided in ranges only.

Sources: For 1983, see Lemoine (1986); for 1989 and 1992, see Lemoine (1993); for October 1993, see Lemoine (1997).

Table 3.6: Budget for the Colombian National Police 1990-1995

<table>
<thead>
<tr>
<th>Year</th>
<th>PNC Budget (in Millions of Pesos)</th>
<th>% of National Budget</th>
<th>Increase PNC Budget**</th>
<th>Increase National Budget**</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>131,843.9</td>
<td>3.45%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1991</td>
<td>182,255.8</td>
<td>2.78%</td>
<td>38%*</td>
<td>72.3%*</td>
</tr>
<tr>
<td>1992</td>
<td>270,546.6</td>
<td>2.54%</td>
<td>48.4%</td>
<td>62.16%</td>
</tr>
<tr>
<td>1993</td>
<td>416,209.3</td>
<td>3.59%</td>
<td>53.9%</td>
<td>8.66%</td>
</tr>
<tr>
<td>1994</td>
<td>542,543.8</td>
<td>3.58%</td>
<td>30.32%</td>
<td>30.78%</td>
</tr>
<tr>
<td>1995</td>
<td>776,238.3</td>
<td>4.43%</td>
<td>43.07%</td>
<td>15.49%</td>
</tr>
</tbody>
</table>

**Percentage increase relative to previous year.

Chapter 4

Reform and Resurgence of the

“Maldita Policía:” Elusive Societal
Oversight of the Police in Buenos Aires Province

Some police officers in charge of combatting drug trafficking trafficked drugs; some police officers covered up their own crimes or those committed by others; some police officers charged with investigating criminal groups dedicated to car theft participated in car thefts themselves; some police officers were extortionists preying on people suspected of crimes, [whether by] pretending to have a judicial order or suppressing or omitting the production of incriminating evidence in exchange for money or other favors; some police officers perpetrated homicides against persons who could have revealed their criminal acts or those of their associates; some police officers made the application of torture a systematic practice; some police officers participated in the [enforced] disappearance of people or the appropriation of the children of the disappeared [during the dictatorship]; finally, some police officers helped commit one of the most violent and terrible crimes in our history, the terrorist attack against the Argentine Israeli Mutual Association.

By the time a law was passed in August 1998 to reform the Police of Buenos Aires Province, the institution had come to be known as “la maldita policía” (the damned police).\(^2\) The above description, written by the man who had been charged with reforming the infamous *Bonaerense* (as the institution was informally known) provides some indication as to the aptness of that term. Since Argentina’s transition to democratic rule in 1983, members of the police force of the country’s largest province, which is home to about a third of the national population, had regularly engaged in vast corruption and human rights violations, and routinely tolerated and participated in many of the criminal acts it was formally tasked with preventing and repressing.

As in Colombia, the far-reaching overhaul of the police’s formal structures in Buenos Aires Province was preceded by increasing crime rates and changing patterns of crime and violence, as well as many years of well-known and documented police involvement in crime, corruption, extralegal violence, and its evolution into a large and unwieldy institution that had become increasingly difficult to control. But Argentine police institutions, and the Buenos Aires provincial police in particular, faced a distinct set of challenges flowing from authoritarian legacies that continue to manifest themselves in institutional and routine practices, as well as in the police’s relationship to society, to this day.

In the years following Argentina’s final and most brutal episode of military dictatorship, democratically elected leaders enacted significant legislation to reform the armed forces, establish formal and practical distinctions between national defense and public security, and overhaul the state’s intelligence apparatus. These laws intended to exert meaningful civilian control over the military, remove the police from military jurisdiction and control, and establish clearly delineated spheres of action for police and military institutions. After decades of adherence to National Security Doctrine, in which the armed forces took on a direct role in governing and sought to eliminate perceived *internal* threats to political

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\(^2\) The province’s police force was baptized as such in an eponymous cover story in the magazine *Noticias*, subtitled “Murderers, corrupt [officials], and narcotraffickers wear the uniform of the Bonaerense police,” which exposed in extensive detail the police’s involvement in crime and corruption. See Carlos Dutil y Ricardo Ragendorfer. “Maldita Policía.” *Noticias* August 1996.
stability and economic development, these reforms were an important step towards bringing the state’s coercive institutions in line with the new democratic order. Despite serving as an integral part of the state’s coercive apparatus during military rule, however, such reform efforts largely sidestepped the police and instead focused almost exclusively on the military. Even in the face of extensive police involvement in grave human rights violations during the dictatorship — including torture, killings, and enforced disappearances — nearly a decade and a half would pass before the institution would face the societal and political scrutiny that would bring about comprehensive reform.

This dissertation aims to explain the persistence of the conditions described by Security Minister Arslanián, as well as the decision of elected leaders to undertake police reform and to adopt participatory security. In Chapter 2, I argued that the persistence of institutional weakness can be explained by the fragmentation of societal opinion, which leads to the formation of conflicting preferences and demands. This fragmentation favors patterns of accommodation between political leaders and police institutions, in which politicians utilize the police to pursue their political ends in exchange for greater autonomy. I then proposed a theory that views the timing of reform, and its content, as a function of a scandal — a deviant act by the police that generates a strong negative reaction from society — which is viewed as an exogenous shock that allows different societal sectors to reveal a shared threshold for (un)acceptable police conduct. This process interacts with three structural factors that drive variation in the decision to reform the police and whether to include participatory security as an element of reform: (1) a robust political (partisan) opposition, (2) police-society relations, and (3) police capacity and resources. These three conditions drive variation in executive decision-making on whether to adopt reform and what reform ought to look like.

Under the conditions described above, one might simply argue that reform of the Buenos Aires provincial police constituted an objective policy response to a programmatic need: rising crime and widespread police corruption and violence. Such an explanation, however, does a poor job of accounting for the timing and the content of reform, the “quantities of
interest” of this dissertation. As is often the case, the deterioration of security conditions, as well as the performance and conduct of the provincial police, had defined the status quo for years, dating back to the collapse of the military junta in 1983. Poor performance and malfeasance alone cannot, therefore, explain why reform took place at a given time and in a given form.

Drawing on evidence from more than fifty interviews with former ministers and secretaries of security, current and former government and police officials, NGO representatives, academics, and community leaders, this chapter uses process tracing to situate the onset of police reform in 1998 within the context of shifts in public opinion, the relationship between the executive and the police, and party politics. In spite of ample evidence that the provincial police had for years been engaged in systematic human rights abuses, extensive corrupt practices, and direct involvement in crime, societal opinion failed to produce a consensus for reform, and officials’ responses to a widely recognized problem largely alternated between short-term measures such as periodic expulsions of officers, increasing resources, and outright denial, with Governor Eduardo Duhalde going so far as to call the Bonarense “the best police in the world” just three years before he was forced to undertake reform. Attempts to enact institutional reform, a rare occurrence, were thwarted repeatedly prior to 1998.

I argue that in order to understand why these conditions persisted for so long without successful reform, we must look to the incentives of elected leaders in Buenos Aires Province to engage in patterns of accommodation with the police, as well as the fragmentation of societal opinion on issues of security. Although the significance of police institutions as powerful political instruments was discussed at length in Chapter 2, it bears repeating that police, more so than other bureaucracies, can help advance (or spoil) the political goals of incumbents in a number of ways. Regardless of regime type, police forces can advance the objectives of incumbents through the repression of political opponents and the selective provision of security to preferred groups. Moreover, because they exercise some degree of

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control over security conditions within a territory, police institutions wield political leverage of their own. These two characteristics of police institutions create incentives for politicians to engage in patterns of accommodation with police, granting the agency (and its members) autonomy in some areas in exchange for greater control in other areas.

Of the cases analyzed in this dissertation, the Buenos Aires provincial police is perhaps the most dramatic illustration of the political power wielded by police institutions, and the incentive for politicians to pursue patterns of accommodation. As will be discussed in greater detail below, political officials in both provincial and municipal levels, most from the dominant Partido Justicialista (Peronist Party, PJ), pursued mutually beneficial relationships with the Bonaerense. Accommodation took the form of police autonomy to not only run their own affairs but also to engage extensively in illegal activities (as the quote by former Security Minister Arslanián at the beginning of the chapter suggests), which were in turn used to finance political campaigns and even supplement the formal police budget, as well as for private enrichment.

Moreover, such patterns of accommodation were facilitated by the fragmentation of societal opinion with respect to security and policing. Even when security conditions have been in decline and police institutions have engaged in malfeasance for extended periods, the competing preferences of different societal sectors inhibit the emergence of a coherent demand from society about what should be done. In the context of growing societal preoccupation with rising crime and violence, and increasing inequality and poverty throughout the 1990s, demands from society encompassed both complaints about police performance and misconduct and calls for greater authority, including support for extralegal measures, for police to combat crime. In the context of several conflicting messages emerging from society, politicians from both the PJ and the opposition had little to gain electorally from police reform, even though any observer of the objective security conditions in the province and the state of the provincial police would have deemed it necessary. Much has been written about the cycles of reform and counter-reform in Buenos Aires Province (Eaton, 2008; Ungar, 2002).
in this chapter and in the Conclusion, I propose and test a novel theory that views societal fragmentation and cohesion, as reflected in scandals and in an interaction with the strength of the opposition, as the central driver of these patterns.

Under these conditions of fragmentation of societal preferences and patterns of accommodation, police reform in Buenos Aires Province was therefore far from inevitable in the 1990s, even after years of rising crime and police malfeasance. I demonstrate that the timing of police reform resulted from a mobilized scandal following the killing of photojournalist José Luis Cabezas at the hands of members of the Buenos Aires provincial police. Such mobilized scandals therefore have two components: the emergence of a commotion in societal opinion following an act of police deviance on the one hand, and on the other, a strategic effort by a robust political opposition to keep the scandal on the public agenda.

The Cabezas case is an excellent illustration of the argument that a scandal and a robust political opposition are jointly sufficient for reform to occur. The murder of Cabezas in January 1997 served as a focusing event that led to the emergence of a relatively unified negative reaction from diverse social sectors. Hearing this message, Governor Duhalde responded initially with short-term measures including institutional purges; initial attempts at reform, meanwhile, were thwarted due to police resistance. The Cabezas murder remained in the news and public agenda for months, and the political opposition used the scandal as a platform to attack the governor. Two smaller opposition parties formed a progressive coalition and defeated the Peronists in the legislative elections in 1997, in large part due to their criticism of the provincial police and the governor’s security policy. The threat posed by a (new) highly robust political opposition in the legislature as he eyed national office in the 1999 presidential election, forced the governor to reconsider the tradeoffs between maintaining the support of citizens and maintaining a mutually beneficial relationship with the police. The election, by communicating quite clearly a societal consensus and revealing...
a new electoral threat, shifted the governor’s incentives and left him with little choice but to push for comprehensive police reform.

The process by which the Buenos Aires provincial police came to face its first major reform since democratization, and only its second major reform in a century (Barreneche 2007, 226), is an important test of the theory presented in Chapter 2 regarding the causal role of scandal and a robust political opposition. Over the course of the two terms of Governor Eduardo Duhalde, we observed considerable variation in scandals and the strength of the political opposition, allowing us to carefully tease out the determinants of reform. This will be an important exercise, as it will help us refute alternative explanations, such as diffusion or federal structure. Unlike Colombia, Argentina is a federal system, in which the provinces have constitutional authority over the provision of security and control of police forces. Argentina thus has twenty-three provincial police forces and a federal police charged with preventing and repressing federal crimes, as well as the provision of security in the national capital, the City of Buenos Aires. The broader federal context of reform will therefore be considered as well.

Like the Colombian National Police five years prior, the police of Buenos Aires Province underwent an ambitious reform process that aimed to eradicate corrupt and violent practices, reestablish civilian control over security policy and the police force, and restructure education and training in order to improve the institution’s capacity to combat rising crime. In the Buenos Aires case, reform also included participatory security, a formal mechanism for societal participation in the definition of security problems and priorities. In contrast to the Colombian case, however, the type of participatory security adopted in Buenos Aires Province was Adversarial rather than Thin. Because of the nature of police-society relations — defined by widespread societal distrust of police and perceptions of police incompetence in fighting crime — and relatively high levels of police capacity and resources, the design

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4During the late 1990s, reforms and other changes were implemented in other provinces as well, some of which learned from the experiences of and adopted some of the same measures as Buenos Aires Province, including functional and territorial decentralization, citizen participation, and the creation of Ministries of Security. See Ungar (2011) for an overview of reforms in other provinces.
of the participatory security institution chosen granted some authority to societal actors and imposed some obligations on police and government officials, which I characterize as Adversarial Participatory Security.

In the discussion that follows I present the institutional context in order to establish the imperative, a substantive need, for reform, and explain the structural factors that led to the persistence of institutional weakness of the police of Buenos Aires Province. I then argue that a mobilized scandal — revealing a consensus in societal opinion that was used strategically by a robust political opposition — led to necessary reforms that had thus far been avoided. Finally, I review the content of reform and explain the adoption of participatory security as a function of police-society relations and police capacity and resources. I conclude by previewing the cycle of reform and counter-reform that followed the 1998 process, which will be discussed in Chapter 7.

**Policing Under Military Rule and the Post-Transition Institutional Context**

Throughout his campaign during the first presidential election following the most brutal military dictatorship in Argentine history (Novaro and Palermo, 2003), Raúl Alfonsín repeated the slogan “with democracy you eat, you cure, and you educate.” Alfonsín’s presidency, despite being marked by considerable turmoil, was a transformative period that broke the cycle that saw Argentina oscillate between democracy and military dictatorships over the course of the 20th century. A key driver of the shift in institutional dynamics that put Argentina — which saw democratically-elected governments topple as a result of military coups six times between 1930 and 1976 — on an unprecedented path to decades of uninterrupted democratic rule were undoubtedly the measures taken by President Alfonsín to subordinate the military to the state’s civilian authorities (Acuña and Smulovitz 1991; Diamint 2003). Yet, for all of the extensive changes to military structures, rules, and practices, which were as significant as they were risky, the country’s federal and provincial police institutions were left largely untouched, despite the fact that they were highly
integrated into the military apparatus and no less implicated in the repression that took place under military rule. In this section I contrast the numerous measures taken to reform the military with the dearth of comparable initiatives to democratize the police, and outline the factors that necessitated reform in the years after the transition to democracy.

Refocusing the Military

Within the first months of and throughout his administration, President Alfonsín took important measures to ensure that the military would be placed unambiguously under the control of civilian authorities. As a first step, he overturned the “self-amnesty” law hastily enacted by the military junta during the last months of the dictatorship (Law 23.040) and reformed the Military Code in order to allow for the prosecution of military officials responsible for grave human rights violations under dictatorship (Law 23.049). He also established an independent commission to investigate the disappearance of large numbers of citizens, the National Commission on the Disappearance of Persons (CONADEP) (Decree 187/83). The Alfonsín government also decreed the trial of the commanders of the military juntas that ruled between 1976 and 1982 (Decree 158/83), another watershed moment in the development of transitional justice in Latin America and beyond.

While there were certainly reversals, measures taken during and in the years after the transition to democracy, “broke with the mark of political autonomy of the Armed Forces and instituted a high degree of subordination of the military to the political authorities” (Sain).

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5 The law declared null and void any penal action relating to “acts intended to prevent, address, or put an end to the referred terrorist or subversive activities, regardless of its nature or the legal good affected. The effects of this law reach the authors, participants, instigators, accomplices or those engaged in coverups, and encompasses all related common or military crimes” (Law 22.924/83, Art. 1).

6 While it is true that the establishment of the CONADEP was deliberately intended to preempt the formation of a more powerful bicameral legislative commission to investigate human rights violations under the dictatorship, the Argentine truth commission was without precedent in Latin America and was among the earliest such experiences in the world (Acuña and Smulovitz, 1991, 13).

7 In response to a wave of uprisings by military officers who called themselves carapintadas, the government pushed for the passage of two laws intended to stop prosecutions of military officers for human rights violations committed during the dictatorship (Ley de Punto Final/Full Stop Law 23.492/86) and to exempt from prosecution those who, in the course of committing said rights violations were “following orders” (Ley de Obediencia Debida/Due Obedience Law 23.521/87).
Chief among these measures were the establishment of a formal separation between external defense and internal security through the National Defense Law (Law 23.554/88), including the exclusion of the military from engaging in the latter, and the reduction of the size of the military and military expenditures. The prohibition of military participation in the provision of internal security was an important departure from National Security Doctrine, the guiding logic behind military activity in Latin America throughout the Cold War, which placed the armed forces front and center in the battle against “internal enemies” (Buitrago 2003).

The reduction of military spending, meanwhile, was also significant. According to Hunter (1996), military spending fell from $9.2 billion (in 1993 dollars) to $4.9 billion between 1982 and 1989, and the size of the military personnel was reduced from 175,000 to 95,000 during the same period (12). These initial measures during the Alfonsín administration were intended to reduce the influence of the military in national politics and helped ensure that “in the long term, the military actor would be without capacity to question, and therefore subordinate to, the constitutional authorities” (Acuña and Smulovitz 1991, 2).

Yet, throughout this contested but largely successful military reform process, the country’s police institutions were, for the most part, left intact. One could argue that the absence of police reform was simply a reflection of the need to prioritize reform of the military, due to the role of the armed forces in previous coups and dictatorships. Eduardo Estévez, a defense and security expert who was involved in the debates over how to establish civilian control over the armed forces following the transition to democracy, first from an NGO and then as an advisor to legislators from the Radical party in the Congress (Unión Cívica Radical, UCR), argues that this was the case:

At the time, public security was not as visible a phenomenon from the perspective of citizen preoccupation with the issue, or from the [possibility of] conflict of the

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8This ideology was promoted throughout the region by the United States, and generally targeted those seen as linked to international communism. As Buitrago (2003) notes, however, the enemy quickly became anyone holding views that diverged from that of the military regime.
police institutions with a democratic government. [In contrast,] there was a big, significant fear regarding the possibility of a military coup... which was reinforced by the uprisings by the *carapintada* sectors [in the army]. Although there were security problems, it was not seen as a primordial necessity... for the [national] executive... there were other problems, [such as] the military issue, the economic situation that was quickly deteriorating...[9]

Yet, if we look to other examples of transitions from military dictatorships and civil war, however, we find that police reform was prioritized on the agenda in those other settings. As noted in Chapter 2, peace agreements following civil wars led to the creation of new police institutions in Guatemala, El Salvador (Call 1997), Sierra Leone (Kabia 2012), and Liberia (Bekoe 2012). The peace agreement reached in Northern Ireland in 1998 also led to profound police reform, including the replacement of the Royal Ulster Constabulary, the police force responsible for much violence and rights violations during the conflict, by the Police Service of Northern Ireland in 2000 (Bayley 2008). As will be laid out in the following subsection, Argentina’s federal and provincial police forces were an integral part of the vast and brutal repressive apparatus responsible for the disappearance, kidnapping, torture, and killing of tens of thousands of Argentines during the last military dictatorship. This raises an important question regarding the absence of police reform from the post-transition agenda in Argentina, as posed by Eaton (2008):

*Re-democratization produced far more positive changes in civil-military relations in Argentina than in most countries in the region, including trials of military officers, deep cuts in military budgets, the privatization of military-owned businesses, and the military’s reorientation away from internal security toward external peacekeeping operations. Why were human rights groups and reformist politicians able to force such changes on the military, but not on police institutions? (7)*

*The Case for Post-Transition Police Reform: Militarization and Complicity*

In addition to the contextual factors — extensive post-transition military reform in Argentina and police reform in a diverse set of post-conflict settings — the absence of a focus
on police reform in Argentina following the transition to democracy is puzzling due to a number of factors relating to: 1) the militarized structure of and military influence over Argentine police forces, 2) the role of police forces in the extensive repression carried out under military dictatorship, and 3) the new security challenges that emerged in the years after the transition to democracy. These conditions on their own should have been sufficient justification for police reform.

The fact that the first post-transition governments did not emphasize police reform does not mean that there were no measures that intended to change police institutions and practices. As noted above, the formal separation of the police, which had been under the jurisdiction of the military during the dictatorship, and the distinction between external defense and internal security, were essential changes to the relationship between the police and the military and the role of the military in national policy. Moreover, as Ungar (2011) has noted, “during those first years of democracy, several provinces adopted new penal process codes, streamlined police hierarchies,... [and] purged their police forces” (235).

There were also a number of measures to limit human rights violations by the police. During the first democratic government, the Congress approved legislation ratifying the UN Convention Against Torture and “made torture a serious felony under Argentine law;” and in 1987, the federal criminal procedure code was amended to prohibit the use of police confessions in trial and required that suspects’ statements had to be made before a judge rather than a police officer (Chevigny 1995, 188). Under the administration of Alfonsin’s successor, Carlos Menem, and against the preferences of Menem himself, the Congress passed a law shortening the period that police could detain someone “for purposes of identification” from 24 hours to 10 (Law 23.950). Another law (Law 23.984) also “prohibited the police from questioning a suspect, except to establish his identity, and required the police to inform him of his right to counsel and to remain silent” (Chevigny 1995, 188).

10 This measure was of course intended to reduce the incentive for police to use torture to try to obtain information or confessions from criminal suspects.
But while these legal and policy changes indicate that the president and legislators recognized problems within police institutions, they stopped far short of addressing the structural conditions and authoritarian legacies that were at the root of the continuity of practices such as torture and unlawful detentions. Not only did reform not take place in the early years after the end of military rule; it remained absent long after the model developed under military dictatorship proved itself incompatible with democracy and incapable of addressing the new security challenges that coincided with democratization.

The close ties between the military and the police, and the concomitant militarization of the police, can be traced back to the first of several military coups in the 20th century, the 1930 overthrow of the democratically-elected President Hipólito Yrigoyen. According to Kalmanowiecki (2000), “The transition to a militarized state resulted in a repressive police apparatus unlike anything that had previously existed... the military and the police became intermingled, each perfecting its grasp of domestic political policing” (40). Police forces and the military engaged in broad-based surveillance and repression of political groups, a practice that became “bureaucratized and routinized” during this period (Kalmanowiecki 2000, 42).

This initial approximation to the military incorporated the police into the repressive apparatus at the service of the national government, which, over the next several decades — whether democratic or military regimes — would rely on the country’s police forces as a tool to gain and maintain power through surveillance and repression (Ungar 2011, 258).

With respect to the police force that is the subject of this study, the police of Buenos Aires Province, a formal reorganization of its institutional structure along military lines can be traced back to the late 1940s, during the administration of Peronist governor Domingo Alfredo Mercante. According to the historian Osvaldo Barreneche (2007), during this period the police adopted a centralized structure, hierarchical authority, and rank system in line with military order and doctrine (226). Similar to the shift that took place in Colombia around the same time period, the shift toward militarization had as its objective “cutting
ties between local police authorities and political leaders... seen as the principal cause of the high degree of police corruption at the time” (Barreneche 2007, 226).

Barreneche calls this reform process the most important one since the creation of the provincial police in 1880, and with good reason. The approximation to the military and the incorporation of military structures and doctrine shaped the development of the Buenos Aires Province police in fundamental ways, refocusing it away from traditional police roles of fighting crime. As Kalmanowiecki (2000) has noted, during this period,

The police were placed at the service of the new regime and became a highly politicized force. Police and military forces became political instruments of incumbent governments and were diverted to extralegal action against putative enemies of the regime... After the 1976 military coup they became an integral part of the terrorist state, and its chief, Ramón Camps, granted them complete impunity.

During the dictatorship that began with a military coup in 1976, known as the Process of National Reorganization (Proceso de Reorganización Nacional), Argentine provinces were divided corresponding to the territorial divisions of the various army units, with the Province of Buenos Aires falling under the control of the First Army Corps (I Cuerpo del Ejército), then commanded by Col. Ramón Camps. The formal subordination of the police to the military was the culmination of the processes that had been developing since 1930. Now under military control, the primary radiating institution of the state became a key instrument in the military’s vision of “National Reorganization,” a systematic plan to rid the country of all elements of “subversion” (Novaro and Palermo 2003).

With the consolidation of the state’s repressive apparatus, state violence reached a “climax” during the dictatorship that ruled between 1976 and 1983 (Ungar 2011, 235). The implementation of the National Reorganization Process entailed a methodology based on clandestine and extralegal strategies: police and military officers formed “grupos de tarea” (task forces) that identified and kidnapped those suspected of being involved with guerrilla groups, communism, or simply leftist ideologies, who were then taken to “clandestine
detention centers” where they were tortured and subsequently “disappeared.” Most were killed through one of several methods, with the intention of concealing the role of the state. Initially, many of the disappeared were kidnapped and their bodies would reappear days later on the streets, with the military and police reporting that they had died in a shootout with security forces. Subsequently, the preferred strategies became to dispose of the bodies altogether so that they would not be visible, either in unmarked graves or by dropping them from airplanes in the Río de la Plata (CONADEP 1984).

Although the military, particularly the army, was the architect and main executor of this plan, the police’s territorial reach, infrastructure, and strategies (including, as Chevigny (1995) notes, torture) became integral to its implementation. Chief among these, perhaps, was the police’s intelligence apparatus, which “provided a good part of the information used towards political persecution in the military genocide that began in 1976.” Moreover, in addition to their participation in the “task forces,” the police of Buenos Aires Province, particularly through its General Investigations Division, operated eight clandestine detention centers “in which the systematic torture and murder of thousands of disappeared people were carried out” (Saín 2002 83). Even police units that were not directly involved in the kidnappings and murders were complicit, indicating that the police force’s incorporation into the military’s repressive apparatus was systematic. In its report, Nunca Más (Never Again) the National Commission on the Disappearance of Persons described how local police stations would be alerted of a “task force’s” activity in a given area and, if they received a call from that area of a home invasion or kidnapping, they instructed their officers to not respond, constituting a “free zone” (zona liberada) for the operation of the “task force” (CONADEP 1984).

Beginning in 1930, the Police of Buenos Aires Province took on a role centered on political surveillance and repression, adopted a militarized structure and internal order, and consolidated its repressive repertoire through its integration into the military’s brutal and

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11Interview with Luis Lugones, chief of the civil intervention of the Police of Buenos Aires Province begun in 1997. La Plata, 14 September 2011.
systematic plan of state violence. Then, upon the country’s transition to democracy, the police institution — with the same orientation, operational logic, technologies of violence and personnel as under military rule — was left intact.

The provincial police would now be expected to pursue a traditional police mission of security provision, as though the transition to democracy would automatically cause a rupture with the path it had been on over the course of the previous half-century. It is little wonder, then, that when called upon to lead a comprehensive reform of the institution in 1998, the province’s first Minister of Justice and Security León Arslanián reported finding a police force that was decomposed due to the lack of political leadership. A police force that was completely autonomous, that governed itself and with extraordinary levels of corruption. The institutional harm that the dictatorship inflicted upon the security organizations was astonishing. Provincial police stations were used as clandestine detention centers. The police were in task forces that operated in the darkness, eliminating people or depriving them of their liberty. They instituted the *botín de guerra* (war booty). This permeated the institution deeply and the onset of democracy did not take care of this problem. The major challenge is transforming this militarized, vertical institution, organized along the Prussian model, into an institution for a democratic state.

**New Security Challenges Under Democracy: The Need for a New Model**

In his review of studies of police forces in countries transitioning from authoritarian rule in Eastern Europe, South Africa, and Latin America, Tanner (2000) found remarkable continuity in strategies, such that

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12 The continuity of practices and strategies developed under military rule, and the *Proceso* in particular, well into democratization will be discussed in the next section. As Eaton (2008) points out, the same officials that had previously engaged in torture, kidnappings, and disappearances “continued to find employment and institutional shelter in the police well after 1983” (15). As we might expect, then, the infrastructure, technologies, and practices developed and learned during under dictatorship were hard for the country’s police forces to discard. For example, in 1991 it was revealed that the Federal Police had maintained safe houses used during the dictatorship to run a “multimillion dollar kidnapping ring for more than a decade” (Chevigny, 1995, 197).

13 Arslanián was also one of the judges that served on the tribunal that judged the leaders of the military junta during the Alfonsín administration.

14 The practice of the “war booty” and its continuity from the dictatorship to democracy will be discussed below.

15 “La policía se cambia desde adentro, y toma por lo menos una década.” Página/12 4 March 2007.
Virtually every authoritarian police force analyzed in these studies... proved to be very weak, even dangerously inept, at crime prevention and standard detective work during the reform and post-authoritarian period. In many cases this weakness was a direct legacy of authoritarian indiscipline. To “solve” criminal investigations, these forces relied too heavily upon an informant culture and a strategy of “rounding up the usual suspects” to coerce confessions (110).

Argentina’s police forces, but especially the Police of Buenos Aires Province, were no exception. The police’s general incompetence in fighting crime was reflected in the overall increase in crime rates that accompanied democratization in Argentina. At the national level, crime rates rose dramatically, from 800 crimes per 100,000 inhabitants in 1980 to 1,722 in 1990 and by 1999 there were 2,904 crimes per 100,000 inhabitants (Sain, 2002, 79). Violent crimes increased by 65% between 1994 and 1999 and by 2000, 39% of the population reported being the victim of a crime (Ungar, 2011, 237). In Buenos Aires Province, the rate of reported crimes increased from 76 crimes per 10,000 inhabitants to a rate of 148.1 between 1991 and 1997. In the municipalities of Greater Buenos Aires, meanwhile, the rate of crimes rose from 78.2 per 10,000 inhabitants to 156.5; in the remainder of the province, home to one-third of the population, the rate increased from 72.2 crimes to 133.3 crimes per 10,000 inhabitants (Sain, 2002, 85). Violent crime for the province as a whole increased from 39.7 per 100,000 inhabitants in 1987 to 111.4 in 1995; by 2000, the rate of violent crime had increased to 212 (Ungar, 2011, 259).

During this time, crime also became a more complex phenomenon, with the development of different, and more violent, forms. Though these changes became more pronounced after 2000, the 1990s saw the growth of drug trafficking for an internal market, illegal arms trafficking and sales, car theft and desarme (disassembling cars and selling the parts, which saw the highest increase and became one of the most profitable crimes), organized crime, as well as kidnappings and carjackings (Sain, 2004, 6).

This dramatic increase in crime rates was reflected in citizens’ perceptions. As Table 4.1 demonstrates, citizens were largely dissatisfied with how the government was handling crime
and public security.\textsuperscript{16} These surveys of residents of the region known as the \textit{conurbano}\textsuperscript{17} found that between 1991 and 1996, 55-60\% of respondents evaluated the government’s handling of public security and crime as “Bad” and 28-31\% evaluated it as “Regular.”\textsuperscript{18} Few \textit{bonarenses} rated the government’s management of security as “Good.”


<table>
<thead>
<tr>
<th>Year</th>
<th>Very Good</th>
<th>Good</th>
<th>Regular</th>
<th>Bad</th>
<th>Very Bad</th>
<th>Sample Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>0%</td>
<td>9%</td>
<td>29%</td>
<td>60%</td>
<td>NA</td>
<td>505</td>
</tr>
<tr>
<td>1992</td>
<td>1%</td>
<td>14%</td>
<td>28%</td>
<td>55%</td>
<td>NA</td>
<td>324</td>
</tr>
<tr>
<td>1994</td>
<td>0%</td>
<td>15%</td>
<td>28%</td>
<td>56%</td>
<td>NA</td>
<td>330</td>
</tr>
<tr>
<td>1996</td>
<td>1%</td>
<td>9%</td>
<td>31%</td>
<td>40%</td>
<td>18%</td>
<td>367</td>
</tr>
</tbody>
</table>

Source: Surveys conducted in the municipalities of Greater Buenos Aires by the firm Estudio Graciela Romer y Asociados. Survey data accessed via the Latin American Databank housed at the Roper Center Public Opinion Archives at the University of Connecticut.

By the time the reform of the Buenos Aires provincial police was enacted, citizens’ assessments of their security conditions had become even worse. As Figure\textsuperscript{4.1} demonstrates, by 1996, citizens’ perceptions of their own security had become highly negative.\textsuperscript{19} When asked to evaluate security in the \textit{conurbano}, 76\% of respondents believed that the region was “Barely Safe” or “Not Safe” (nearly 5\% felt that Greater Buenos Aires was “Very Safe”). Insecurity also reached citizens’ neighborhoods, with 52\% of respondents reporting that they felt unsafe in their neighborhoods. It is notable, however, that a much larger percentage of

\textsuperscript{16}Respondents were asked “How do you think the government is handling public security/crime?” and were asked to give a rating of Very Good, Good, Regular, and Bad. The 1996 survey included the additional option of Very Bad.

\textsuperscript{17}The \textit{conurbano} consists of 24 municipalities in Buenos Aires Province that surround the City of Buenos Aires. With about 8 million residents in 1991 and 10 million by 2010, this region contains approximately one-quarter of the total population of Argentina and nearly two-thirds of the population of Buenos Aires Province. The Argentine National Institute of Statistics and Census (\textit{Instituto Nacional de Estadística y Censos}, INDEC) officially refers to this region as the Municipalities of Greater Buenos Aires (“\textit{Partidos del Gran Buenos Aires}”), where Greater Buenos Aires includes both the City of Buenos Aires and the surrounding municipalities colloquially known as the \textit{conurbano}. Both terms will be used interchangeably.

\textsuperscript{18}The survey was conducted in August 1991 by the survey firm Estudio Graciela Romer y Asociados. It included a probabilistic sample of residents from the City of Buenos Aires (300) and the \textit{conurbano} (405). Results reported here are only from the latter sample. The survey was accessed via the Latin American Databank housed at the Roper Center Public Opinion Archives at the University of Connecticut.

\textsuperscript{19}Surveys conducted in May 1996 in the municipalities of Greater Buenos Aires by the firm Estudio Graciela Romer y Asociados. Survey data accessed via the Latin American Databank housed at the Roper Center Public Opinion Archives at the University of Connecticut.
citizens (48%) feel very or somewhat safe where they live, as opposed to their perceptions of security in the broader region. Recalling the discussion in Chapter 1 regarding the ways in which security conditions can shape the daily lives of citizens, 72% of respondents expressed agreement with the sentiment that walking around on the street causes fear. Finally, 96% of respondents agreed that crime had increased considerably in Argentina over the previous year.

Figure 4.1: Results from a survey conducted in May 1996 by the survey firm Graciela Romero y Asociados in the municipalities of Greater Buenos Aires (conurbano). The data were accessed via the Latin American Databank at the Roper Center Public Opinion Archives at the University of Connecticut.

“Agree” includes the responses “Agree” and “Agree Somewhat”

As discussed in Chapter 1, the rise in crime and violence over the previous decade and a half changed the experience of citizenship and citizens’ relationship to the state. Reflecting upon the relationship between demands for security and the impact of insecurity on citizens’ everyday lives, Eduardo Sigal, a provincial senator from the opposition party FREPASO (Frente por un País Solidario, Front for a Country in Solidarity) wrote that
the demand for security coming from the population of the province has grown to the point of emerging as one of the central demands of society toward their political representatives. It is about the simple and modest demand of living in peace. About the right to work, walk around, converse with one’s neighbors, use public transportation or have fun without feeling a permanent threat to their physical integrity, their patrimony, or even their own lives (Sigal, Binder, and Annicchiarico, 1998, 28).

Indeed, citizens in Buenos Aires Province saw their daily lives affected due to fear of crime. A survey conducted in May 1998 by the research institute Centro de Estudios Unión para la Nueva Mayoría, focused specifically on the issue of security (Fraga, 1998), found that nearly three-quarters of respondents in Greater Buenos Aires reported fear of being the victim of a crime, and two-thirds said they believed the government is not concerned about security problems. Moreover, nearly 59% of respondents from the conurbano said they had changed their habits due to fear of crime, and 56% said they would support “taking the law into [their] own hands in extreme cases.” These findings suggest that citizens appeared to engage in the sort of withdrawal and distance from the state hypothesized in Chapter 1.

Chevigny (1995) notes that during the 1980s, “there was a strong sense of anger and vengefulness against criminals. The sale of private weapons, and the use of private security by the well-to-do was increasing” (186). Eaton (2008) argues that the growing reliance on private security was “perhaps the most telling indicator of the crisis of public security... Argentines have responded to police incompetence by opting to pay for the most basic service that the state can provide: safety from threats to one’s bodily integrity” (6). According to one report from 1993, there were 800 private security companies in Argentina, of which 350 were in the Province of Buenos Aires alone, with a total of 40,000 official guards (and as many as 30,000 unofficial guards).

But the retreat toward private solutions was not limited to hiring private security. News reports of citizens “taking the law into their own hands” were common throughout the

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20 This includes both the City of Buenos Aires and the conurbano. Findings for just the conurbano were not reported separately.

In one such report, bereaved residents mourning the killing of three teens in the municipality of González Catán warned “there better not be impunity like the last time. Because we will not be organizing protests here: I assure you that from here on out the men of the neighborhood are arming themselves, because we cannot trust the police.”22 In an editorial in the main Argentine newspaper, Clarín, then Secretary of Security of Buenos Aires Province, Eduardo Pettigiani, denounced what he called “a new danger: that of self-defense, which holds up taking the law into one’s own hands as the supreme value.”23

In his extensive study on “the feeling of insecurity” in Argentina, Kessler (2009) notes that crime and security did not occupy a primary spot on the public agenda during the 1980s. For the most part, only crimes that were reminiscent of the dictatorship, such as cases of kidnappings followed by death, received significant public attention (Kessler 2009, 74). The author argues that a shift occurred after 1989, when Argentina’s economic crisis caused by hyperinflation led to a wave of social unrest, including riots and looting. Crime rates rose during this period, and a clear link was established in the public discourse between insecurity and the economic and social crisis afflicting the country (Kessler 2009, 77-78).

Indeed, the aforementioned survey by the research institute Nueva Mayoría conducted in 1998 showed that 65% of respondents attributed the increase in crime to unemployment and poverty (Fraga 1998).

Gonzalez (2005) argues that the rise in crime and violence during the 1990s led to the emergence of the “police question” as the institution became the target of societal demands for security (60).24 Political leaders, too, became the target of such demands. As noted by León Arslanián and Alberto Binder, the architects of the 1998 reform, “political dynamics in this country have led (especially following the last elections) security to be seen as one of

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22 “Por la inseguridad, dicen los vecinos se arman para hacer justicia por su cuenta.” Clarín 26 March 1993.
24 It should be noted that societal preoccupation with security was significant as early as 1991. Eduardo Pettigiani, who served as the first provincial Secretary of Security noted in a written interview that there was a lot of concern over the issue at that time, which is why Governor Eduardo Duhalde made it a key point of his campaign in 1991.
the issues in which [leaders] must demonstrate a high capacity of administration” (Arslanian and Binder 1997, 16).

As will be discussed in the next section, however, the “police question” was also placed on the agenda by the extensive violence, corruption, and general malfeasance carried out by the Buenos Aires provincial police. As in the Colombian case, however, an abundance of substantive, programmatic justifications for police reform in Buenos Aires Province for many years proved insufficient to bring about reform. A concerted, and politically challenging, effort to reform the military following the dictatorship did not include the police, despite its integral participation in the repression carried out under military rule. Militarization and years of subordination to the military under the Proceso permeated the institution in ways that would shape its structure, operational logics, technologies of violence, and daily practices well into the democratic period (as will be discussed in the following section). New security challenges arising under democracy and growing societal preoccupation with security proved the police’s existing model obsolete and ineffective. Yet, for nearly a decade and a half after the transition to democracy, reform proved elusive (Ungar, 2002), as elected leaders and security officials denied the existence of systematic problems, societal fragmentation led to conflicting demands, and police resistance thwarted the rare attempts at reform.

“There Are No ‘Brown Areas’ in Buenos Aires Province:” The Perverse Capacity of the Bonaerense

For the majority, the police of Buenos Aires Province is an octopus with its tentacles in every neighborhood police station, town, or city in the country’s most important electoral district, which collects a toll for permitting clandestine gambling, drug trafficking, [and] prostitution, liberates zones to robbers, and extorts merchants and neighbors through diverse methods.

I argued above that the Bonaerense had shown itself incompetent in the basic task of preventing and repressing crime following the transition to democracy. This did not, however,

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result from low institutional capacity or resources. The distinction drawn by Taylor (2011) between routine (formal) and exceptional (discretionary, possibly extralegal) tasks (16), may be helpful in understanding the performance of the Buenos Aires provincial police. The provincial police certainly faced (and faces) considerable institutional deficiencies that led to poor performance in its formal, routine role of crime prevention and repression. However, it has also been characterized by a “perverse capacity” of sorts, in that it demonstrates high levels of organization, infrastructure, and efficiency in performing exceptional, generally extralegal, tasks. The former is defined by a militarized, autonomous apparatus that was ineffective at crime prevention (through legal means) and engaged in extensive violence and rights violations. The latter, meanwhile, was manifested in police involvement in the regulation of (and sometimes direct participation in) illicit criminal networks through the collection of fees in exchange for protection (Dewey, 2011; Saín, 2002). Both conditions, I argue, served as additional substantive motivation for reform well into the democratic period, yet both were broadly recognized problems that persisted for years prior to reform.

Militarization, Autonomy, and Deficiencies in Crime Prevention

Following the transition to democracy, the Police of Buenos Aires Province did not shed one of its defining features over the preceding decades: militarization as a mode of organization and operation. A few features of this militarization are relevant for our discussion. First, internally, the police was a highly centralized, hierarchical organization with a strict militarized and operational logic. As in Colombia, the Bonaerense had a dual rank system of officers and sub-officers (suboficiales), with the strict enforcement of subordination of the latter to the former. For example, lower-ranking sub-officers could be sanctioned with a formal reprimand or up to ten days of arrest for infractions such as making a joke in front

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26 The police’s capacity and resources will be discussed in a separate section below.

27 Dewey (2011, 2012) characterizes this condition of the Buenos Aires provincial police as “hybrid state-ness,” in that the institution utilizes both legal and illegal means, particularly through the provision of illegal protection to criminal actors, to control crime. This suggests that the legal and illegal means, or routine and exceptional tasks, are mutually reinforcing; I make the opposite argument here.
of a superior, smoking in front of a superior, disrespectfulness toward a superior, failing to greet a superior, etc. (Decree-Law 9550/80, Art. 52). The police’s personnel law also prohibited a subordinate from denouncing a disciplinary infraction by a superior (Decree 1675/80, Art. 248), or making anonymous reports of misconduct even if it is subsequently proven to be true, which carried a punishment of up to 45 days’ imprisonment or suspension for 60 days (Decree-Law 9550/80, Art. 54). Promotions were based, not on merit, performance, or specialized training, but on seniority and having a clean record, that is, not having been sanctioned for infractions such as those just described. As a means of internal oversight, then, the institution’s disciplinary code was intended to preserve hierarchy rather than prevent misconduct.

Second, this degree of militarization allowed the institution to maintain a high degree of control over its members, but it served as an obstacle to intervention by civilians, whether government officials or citizens. An extraordinary degree of autonomy, or what [Saín (2002)] calls “self-governance” ([autogobierno]) has therefore gone hand in hand with this strict internal militarization. In Buenos Aires Province, the police

enjoyed the power to define its own functions, missions, and institutional goals, as well as to establish its own criteria and means by which to achieve them... [The Police] tries vigorously to reproduce this autonomy, resisting any type of initiative that could be carried out by the civilian administration with the intention of eradicating, reducing, or undermining [this autonomy] (Saín 2002, 41).

The police’s relationship to society, meanwhile, is also hindered by its militarization, excluding it from any collaboration in providing for its own security ([IPCyS] 1999, 12). At least one [comisario] (commissioner) also suggested, however, that the militarized rules and treatment officers receive within the institution shapes their treatment of citizens outside of the institution:

28 A retired [comisario] who once worked as an assistant to the chief of the institution said that in meetings to determine promotions he would observe how the commanding officers evaluated the qualifications of different officers for promotion. Seeing the file of a police officer with many specialized courses for example, one of the commanders said “Che, this guy only studies, looks like he doesn’t do any work.” ([Che, éste solo estudia, parece que no trabaja.]) That officer was not promoted. Interview with Anonymous [comisario] of the Police of Buenos Aires Province I, date and location withheld.

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Once I showed up late to work and I was arrested for eight days. A person who steals and is arrested gets out in one or two days, and I was in jail for eight days for being late! Think about a woman who is in a verbally or physically abusive relationship. It would be difficult for that woman, when someone passes her by on the street, to greet them in a friendly way because of what she has to live each day. For the police, it’s the same way. We are treated poorly in the police, so sometimes we don’t have a good attitude towards the community.29

These varied mechanisms of external oversight have thus also proved to be quite deficient. Civilian officials in the province, even after the creation of the Secretariat of Security in the early 1990s, played little role in defining security policy or policing strategies30. Until the creation of a bicameral commission in the provincial legislature to oversee the reform process, there was no mechanism for legislative oversight of the institution. The courts, meanwhile, rarely acted to punish police misconduct. Human rights organizations frequently denounced inaction after bringing complaints of police abuse and violence to the ministries responsible and the courts (CELS 1998 2), as well as a failure on the part of judges to investigate unlawful detentions, torture, killings, and coverups by police (HRW and CELS 1990 35). One reason that the judicial system does such a poor job of conducting effective oversight of the police is that, like politicians, the overburdened justice system depends heavily on the police for investigative and administrative functions (Brinks 2008 122). It is not surprising, then, that judicial oversight of police in Buenos Aires Province was “almost nonexistent” (HRW and CELS 1990 35).

A militarized police force need not be ineffective at preventing and repressing crime. The Colombian and Chilean police forces today are still formally militarized forces, yet are considered quite effective at the provision of security. But the particular brand of militarization of the Bonaerense resulted in an internal structure that did not encourage professionaliza-

29 Interview with Anonymous comisario of the Police of Buenos Aires Province I, date and location withheld.
30 One of the civilian security experts that participated in the 1998 reforms through the newly created Institute for Criminal and Security Policy expressed with great frustration the impossibility of obtaining even basic information from the police about its composition and resources (Sigal, Binder, and Annicchiarico 1998 68).
tion and capacity building, and a relationship to civilian authorities and societal actors that discouraged information sharing and oversight.

As noted above, crime rates doubled in the province, as a whole and in the conurbano, between 1991 and 1997. While it is true that increase in crime was certainly related to the rise in inequality, poverty, and unemployment that afflicted Argentina as a whole during this time, as well as the deficiencies of the rest of the criminal justice system (the courts and the penitentiary system), the police’s own institutional shortcomings exacerbated these conditions. Its highly centralized structure impeded coordination of local commanders with municipal officials in the development of locally tailored preventive strategies. The police proved itself incapable of managing its human and material resources (Annicchiarico, 1998, 86), as well as regulating and harnessing the growing “parallel armed force” constituted by the proliferation of private security firms. It did not systematically collect or analyze crime data nor use it towards the development of informed security strategies (Sigal, Binder, and Annicchiarico, 1998, 46). As an example, its street patrols were not based on any systematic criteria, since there was no information or mapping of where crimes had occurred (Annicchiarico, 1998, 92). Former Secretary of Security (which was placed under the Ministry of Justice and Security in 1998), Carlos Beraldi, said the provincial police had undergone a process of deterioration that practically began with the transition to democracy... [This deterioration] was characterized by deficient execution of even the most basic tasks, such as patrolling, relations with the community... an inability to clear high-impact crimes... [deficiencies] in training, there were police officers who had not received training in shooting in twenty years... It was really a situation of an institution that had collapsed... There was a total divergence between the average citizen and the police, which saw a police officer not as a public servant but as a risk factor.31

Meanwhile, this poor relationship with society (discussed below) resulted in extensive underreporting of crime. The 1998 survey cited above showed that in the municipalities of Greater Buenos Aires, only 37% of those who had been crime victims reported the crime to

31Interview with Carlos Beraldi, Buenos Aires, 7 October 2011.
the police (Fraga, 1998). In light of these shortcomings in crime prevention and repression, one of the architects of the police reform, Alberto Binder, quipped that

> the police’s inefficiency... has reached such high levels that, for example, only one to five out of every hundred property crimes committed in the metropolitan zone has the possibility of resulting in punishment. What does it mean, then, to have a *mano dura* policy? Punishing one [suspect] on behalf of the other ninety-nine that [the police] cannot even identify? (Binder, 1998, 40)

*Police Violence and Authoritarian Legacies*

Another prominent manifestation of the police’s authoritarian past, and one of its most alarming problems in the democratic period, has been the high levels of violence against civilians. Practices such as torture, executions made to appear as shootouts, and even disappearances remained common during the 1980s and 1990s (less so for disappearances). In a joint report on the subject, the U.S. NGO Human Rights Watch and the Argentine human rights group CELS (Center for Legal and Social Studies) reported that between 1985 and 1989, the Buenos Aires provincial police killed 705 civilians in the municipalities of Greater Buenos Aires (AmericasWatch and CELS, 1991, 12). Between 1990 and 2000, meanwhile, approximately 1200 civilians were killed at the hands of the provincial police in the *conurbano* (Brinks, 2008, 45).

Table 4.2 reports data on police killings during the 1980s and 1990s obtained from a database of such killings maintained by CELS, culled from daily news reports. Aside from the elevated numbers of civilians killed by police officers, the conditions surrounding these killings reveal grave institutional deficiencies. First, police ended up being responsible for a significant proportion of total homicides in the province. AmericasWatch and CELS (1991) report that in 1984, there were a total of 678 homicides in the province, of which 160 were civilians killed by police. During its first year under democratic rule, then, the Buenos Aires provincial police was responsible for nearly a quarter of all homicides in the province.

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32Publicly available official data in Buenos Aires Province about the number of civilians killed by the police are very difficult to come by, which is why CELS and another NGO, CORREPI, construct their own databases from news reports and reports by family members of victims.
Table 4.2: Police Killings and Fatalities in Buenos Aires Province (Conurbano)

<table>
<thead>
<tr>
<th>Year</th>
<th>Civilians Killed</th>
<th>Police Officers Killed</th>
<th>Killed Off-Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985*</td>
<td>97</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1986</td>
<td>227</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1987</td>
<td>135</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1988</td>
<td>133</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1989</td>
<td>113</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>84</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>123</td>
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<td>94</td>
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<td>1995</td>
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<td>1996</td>
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<tr>
<td>1997</td>
<td>123</td>
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<td>25</td>
</tr>
<tr>
<td>1998</td>
<td>114</td>
<td>43</td>
<td></td>
</tr>
</tbody>
</table>


An additional feature of the violence that many human rights groups point to in questioning the extent to which the police’s use of deadly violence is justified, is the discrepancy between the number of civilians killed and the number of officers killed, the majority of them while off duty (see Table 4.2, Chevigny, 1995, AmericasWatch and CELS, 1991, CELS, 1997). For these experts, the difference between civilians and police officers killed in what the police claim as shootouts “indicates a modus operandi on the part of state agencies that privileges the elimination of the suspect, rather than other peaceful means of deterrence” (CELS, 1997, 17).

Finally, there is ample evidence that the violence used by police is likely justified in only a minority of cases of police killings. María del Carmen Verdú, a lawyer with the NGO CORREPI, dedicated to supporting families of victims of police violence, described how she and a small group of activists began working on cases of police killings in the late 1980s:

33The police’s organic law at the time required police officers, including off-duty and retired officers, to carry their firearms at all times and to intervene if they observe a crime being committed (Decree-Law 9550/80, Art. 14). However, the proportion of police killings committed by off-duty officers in Buenos Aires Province is much higher than in the City of Buenos Aires, where the same obligation applies. In Buenos Aires Province, 39% of civilians killed were shot by off-duty officers in 1997; in the city, meanwhile, only 10% of civilians were killed by officers who were off duty (CELS, 1997, 8).
We found ourselves problematizing these events that kept appearing in the newspapers with headlines like “Young Delinquent with Extensive Criminal Record Taken Down by the Forces of Order.” As soon as you approached the family, or read the court case file, or spoke with neighbors, you realized that the only thing that was true about that headline was that it was a young man and that the police had killed him. But the [alleged] confrontation fell apart when we would find the bullet hole in the neck or in the back; when the gun that had been attributed to the victim turned out to be what in the police’s own slang is called a perro, a gun that is generally out of use, that doesn’t work... has been planted to produce the scene of the confrontation... bodies that, before the forensic tests were carried out, which were absolutely superficial anyway, had been washed so that there would be no possibility of a conclusive result... We found ourselves [facing] a systematic practice.

While we do not have systematic information about all police killings (since these figures come from newspaper reports), police behavior after the fact often indicated that the police did not have justification for the use of force. In his study of 260 criminal trials involving police killings in Greater Buenos Aires (Buenos Aires City and the surrounding municipalities of Greater Buenos Aires) between 1990 and 2000, Brinks (2008) finds widespread tampering with evidence by police. The provincial police in particular, “threaten witnesses and lawyers, plant guns, rearrange the scene of the crime to simulate a shootout, and similarly corrupt the record in 73% of the cases in which one of their colleagues is a defendant” (Brinks 2008, 123). In what is, incredibly, a typical strategy of the provincial police, in 1988 police officers killed four unarmed youths in the municipality of José C. Paz. The officers involved claimed a shootout had occurred, and planted a weapon and shot into their own car in order to simulate a shootout. According to Chevigny (1995), the case was derailed by the police officers’ threats; the judge in the case fled the country and witnesses changed their statements (196). Unsurprisingly, the 1991 study by AmericasWatch and CELS (1991) found that “in the overwhelming majority of cases, the police claim that the victim was armed and tried to shoot it out with the police” (11). The fact that 13% of the killings studied by Brinks were deaths resulting from torture, “the distinctive horror of life under the military dictatorship” (AmericasWatch and CELS 1991, 19), also suggests extralegal use of force.

34Interview with MaríadeCarmenVerdú,BuenosAires,11October2011.
The high frequency of police killings, and the preponderance of evidence that lethal violence is employed by police without justification has led to the use of the widespread use of the term *gatillo fácil* (“trigger happy”) to describe such killings. The term came into popular usage in 1987 in what is known as the “massacre of Ingeniero Budge.” In that case, three police officers shot twenty-nine rounds at three young men who were drinking beers at a bar on a street corner; the officers were searching for them because they had broken a window pane at a different bar. Despite the presence of many witnesses, the officers involved claimed they had engaged in a shootout with the deceased.

After Ingeniero Budge many other such cases of *gatillo fácil* followed and such shootings came to be seen as a systematic problem. In 1993, then-Secretary of Security Eduardo Pettigiani was forced to respond to societal concern in an op-ed in Argentina’s main newspaper after five recent killings that the newspaper called “inexplicable.” He wrote that although it has become commonplace to speak of the “trigger-happy police,” the police response has been proportional to the aggression. There are many isolated arbitrary acts among its members, considering that the Police of Buenos Aires Province has 45,000 officers in active duty. Elevating these exceptional cases to the level of a norm would be incurring upon a fallacy, confusing public opinion.

Police violence was thus a widely recognized problem, with a catchy term, but the official response was that the police killings were simply isolated cases. Reforming a police whose militarized structure was incompatible with a democracy and incapable of responding to new security challenges, and that had a demonstrated record of extralegal killings, was not on the agenda.

*“Collection” and the Illicit Regulation of Crime*

35The case of Ingeniero Budge was also the first case in which the friends, family members, and neighbors of a victim of a police killing mobilized to demand justice for the victim. As Brinks (2008) demonstrates, such mobilizations on behalf of the victim may increase considerably the probability of conviction of the officer responsible (69).

During an interview with a retired *comisario* (commissioner) of the Police of Buenos Aires Province in a noisy café, he leaned over and whispered to me what his superior whispered to him at the start of the dramatic reform of the institution in 1998: “we have to stop collecting” (*tenemos que dejar de recaudar*). Recaudación, which can be understood as collection or fundraising, is the open secret of the *Bonaerense*. It is the practice, which has been shown to be systematic and administered from the top ranks of the institution, by which its members “raised funds” through the collection of “fees” from those in their jurisdiction. While nearly all police forces must deal with some degree of corruption, with periodic revelations that officers collected bribes or collaborated with criminals, the system in place in Buenos Aires Province was far more extensive, and far more sophisticated, than a traffic cop demanding bribes from motorists or even the infiltration of the Colombian police by drug-trafficking organizations. The police of Buenos Aires Province maintain what a policing expert with the NGO CELS called “an iron-clad territorial control, with important linkages to the networks of illegality in the province, [entailing] the control of legal and illegal businesses.”

While the Buenos Aires provincial police may not have been the most adept at the provision of security through the traditional tasks of crime prevention, analysis, and repression, in this respect, the police’s perverse capacity becomes clear and the words of an Argentine colleague are shown to be accurate: “there are no brown areas in Buenos Aires Province.” Luis Lugones, the Peronist provincial legislator who was put in charge of the civil intervention of the *Bonaerense* in December 1997, explained how the system works:

> What I mean is this: ... some police commanders managed structures linked to a certain crime, for example, car theft or drug trafficking. There were police units dedicated to each issue and the commanders made them autonomous [...]

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37 Interview with Anonymous *comisario* of the Police of Buenos Aires Province II, date and location withheld.
38 This is also what Arslanía referred to above as the *botín de guerra*, or “war booty.”
40 Interview with Luis Lugones, La Plata, 14 September 2011.
to the rest of the institution] and they turned [these units] into their own game reserve, their own fiefdom. The same thing happened with territorial jurisdictions corresponding to the structural divisions of the police, the Regional Units... This obviously gave way to [the development of] autonomous sectors, truly in many cases quite autonomous from the police command... The first thing you have to understand is that there were a series of internal complicities within the institutional structure that didn’t respond to a single command but instead to the interests of distinct factions or sectors within the police. From the outside it looked like a single entity and [it seemed like] they were self-controlling,... self-limiting, or self-disciplining, internally by the management of information. The management of information is a key instrument for the functioning of crime prevention in the good sense, but also in the sense that these structures had their own intelligence apparatus that obtained information about their own peers. They disciplined and extorted one another [with this information]: this was a sort of unstable balance and control in the management of resources and in the management of certain geographic zones or certain types of crimes.

The system worked for both licit and illicit enterprises, as alluded to by Perelman above. In the case of the former, the police demand periodic payments from legal businesses in exchange for protection, but also in order to avoid being subjected to future police operations, inspections, and other inconveniences. One example of this dynamic came to light in 2000 after the owner of a nightclub in the municipality of La Matanza, who said he had been subjected to extortion by various police officers for a long time, called a television show and set up the police officer that extorted him using a hidden camera:

One of the journalists in the program also met with, recording with a hidden camera, an officer from the *Bonaerense*, to whom he paid 50 pesos for protection. In the recording, the fake nightclub owner asked the officer about other police units he would have to bribe in exchange for peace... the man in uniform listed nearly all of the units in the area, along with a contact, so that he could repeat with each one of them the operation he had just completed with him. “In Drug-Trafficking [Division] this one, in the local police station B this one, in the DDI [Departmental Delegation of Investigations] this other one.”

Police involvement in illicit businesses, meanwhile, is more complex and varied. It ranges from collecting a monthly fee from establishments engaged in prostitution, illegal gambling, etc., (the sort of practices on which *recaudación* had traditionally been based) in order

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41 “Bailanta con cámara oculta.” *Página/12* 2 August 2000.
to be allowed to operate without the intervention of state officials; to the protection and collaboration with car-theft rings,\(^{42}\) drug-trafficking groups,\(^{43}\) and other types of organized crime; and murder-for-hire, as in the killing of photojournalist José Luis Cabezas (described below). Although there is certainly a scale in the seriousness of the illicit activity in which police have involved themselves, becoming more complex and more violent in recent decades, the infrastructures, practices, and expectations have remained the same. As the former reformist Minister of Government Luis Brunati put it, speaking euphemistically about the regulation of drug trafficking by the police relative to past illicit activities,

> What is the regulation of the “illegal practice of medicine” in the province of Buenos Aires? I know there’s a “healer,” we all know they’re there, but he has to pay a fee. That’s how it works. The same way it works for the neighborhood bookie, the way it works for other things. The technology, used for the administration of one illicit activity of lesser value, is useful for the development of others... Technology is a method of organization, a method for determining who has to go and collect and how it will be done and how much the fees will be. It is not arbitrary. It’s not even the case that one district is more expensive than another. When I speak of a method, a technology, an administration, I’m talking about the development, the existence, and the permanence of this type of accepted method.\(^{44}\)

But the opportunities for “collection” were not restricted to criminal activity. Within the state, and within the institution itself, there were “fees.” Arslanian (2008) writes that “an assignment to an “interesting” post, the placement in a comisaríá (police station), or even a promotion, were all priced” (64). Annicchiarico (1998) notes that, during the civil intervention of the provincial police in early 1998, he discovered that the large number of

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\(^{42}\)This particular mode of police-crime linkage was so well-known it was even reported on in The New York Times: “Thieves would steal a car and sell it with fake registration papers to an unsuspecting buyer, [a prosecutor] said. The police would then seize the car, threaten the new owner with jail unless he paid hefty bribes, and give the car back to the thieves. The cycle would be repeated sometimes three or four times before the car would be turned over to a chop shop and dismantled. The sums raised through such schemes are huge: as much as $30,000 a month in profits and bribes from the richest of the province’s 300 police stations, according to prosecutors and former police officials.” See Larry Rohter. “Police Corruption Plagues Argentines and President.” The New York Times 4 August 2004.

\(^{43}\)Once again the provincial police was done in by a hidden camera. In 1996, a television program showed secretly recorded footage of a group of officers from the Anti-Drug Trafficking Division collecting fees in exchange for protection from drug dealers in the municipality of Quilmes (Ragendorfer 2002).

\(^{44}\)“La historia de un precursor.” Página/12 11 April 2004.
people in long-term detention in police stations as they were awaiting trial — 1700 people at the time, of which a large proportion were minors — was in part due to the fact that penitentiary officers demanded a bribe for each inmate (89).

The *Bonaerense* engages in this intricate web of “collection” as a means of self-financing. The large sums collected by the police are used for three purposes: personal enrichment, institutional funds, and (allegedly) financing the electoral campaigns of political patrons (discussed in the next section). The reasoning is that police, both individual officers and the institution, must find additional ways to complement a budget (and salary) that is consistently insufficient. Former Vice-Minister of Security of Buenos Aires Province, Marcelo Saín, explained that, for the *Bonaerense*,

> There is a huge budgetary deficit. The police force of Buenos Aires has 55,000 men, and when people want more security they ask for more policemen... If one day the police force stopped illicitly collecting money, [that is to say] they didn't get anything from anywhere or anyone, then [the force] may be able to operate for only the first ten days of a month ([Dewey](2011) 15).

At the individual level, officers in Buenos Aires Province (as well as in the other cases studied here) discussed the need to supplement their income. In an interview, one retired *comisario* described the challenge as follows:

> We work 24, 36 hours sometimes, for very low pay. And after that workday is over, we have to work *adicionales* just to be able to make ends meet. People don’t understand this. A person that passes a police officer on the street and asks “why is he walking around with a broken shirt and smelling like feet?” “Well, because the guy has been working for 48 hours straight wearing the same uniform.”[45]

While this officer was referencing the licit means used by police officers to supplement their income, such as working as a private security guard, officers cited by [Dewey](2011) used similar reasoning to justify the vast network of illegal “collection.” [Saín](2002) traces the practice back to the “task forces” that operated during the last military dictatorship

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[45] Interview with Anonymous *comisario* I.
in the kidnapping of those targeted by the regime. The groups “had to finance themselves independently of the public coffers” (Saín 2002: 64); they did so, at least in part, through the plunder of the homes of their victims, a practice that was well documented in the report of the truth commission, Nunca Más (CONADEP 1984). According to a 2010 investigative report by the magazine Noticias, these activities in total gross up to $300 million pesos (about US$75 million) between the more than 300 police stations in the province.

How did this vast system interact with the police’s formal role of preventing and repressing crime? In interviews, both Lugones and Arslanián spoke of a practice by which the police would generate crimes “with the sole purpose of demonstrating efficacy in the face of a serious crime.” According to Lugones,

There was an old saying, that the police committed two criminal acts for themselves and one for the state. What did they mean by this? It meant that many times police officers would generate some criminal acts for their own economic gain and many times they would put the state [i.e., themselves] to repress that same crime... In some cases... they made it seem like it was some grand police action of pursuing criminals, and in fact it was something they had constructed for public opinion.

Arslanián noted that sometimes these fabricated crimes served as “mousetraps... they would fabricate some serious crime, take action by killing [the perpetrators] but that crime had been fabricated by them, sending in unsuspecting people, perejiles as they say, to carry it out.”

46More likely than not, however, that, like gatillo fácil and torture, such practices predate the last military dictatorship. The well-known journalist Rodolfo Walsh (one of the tens of thousands of victims of that dictatorship) wrote a series of articles in 1968 about police abuse and corruption, in which he famously declared, “police violence is always accompanied by corruption. The trigger-happy sect is also the society of [those with] their hands in the tin.” See Rodolfo Walsh. “La secta del gatillo alegre.” Revista de la Confederación General del Trabajo, Año 1, No. 2, 9 de mayo de 1968, p. 4. See also “La historia de un precursor.” Página/12 11 April 2004, where former Minister of Government Luis Brunati suggests the model of recaudación originated well before the dictatorship.


48In Argentine slang, perejil (parsley) refers to something so abundant as to have very little value.

49It is rumored that these alleged perpetrators, and the victims of various police killings that are passed off as confrontations, had worked as police informants or were recruited by police to commit crimes on their behalf (in exchange for staying out of jail, for example). As an example see Dewey (2011, 24).
The police of Buenos Aires Province, then, clearly redefine what it means to control crime. While the illicit relationship between police and criminal actors may play some role in keeping crime rates down (and certainly keeps many crimes from coming to light), the sharp increase in crime during the 1980s and 1990s illustrate the limitations of this model as a means of crime prevention. Opposition senator Eduardo Sigal said the years preceding the reform were “a period in which the name ‘policía bonaerense’ came to be considered synonymous with crime and a threat to collective security” (Sigal, Binder, and Annicchiarico 1998:15).

Indeed, police corruption and complicity with illegality were practices that politicians and citizens were well aware of. Luís Brunati was the provincial Minister of Government for one year in the late 1980s, during which he attempted to reduce police corruption and violence (see below). When asked in a newspaper interview whether he was aware of police involvement in illicit activity, he responded, “I live in Argentina, in Buenos Aires. You might not have proof of a lot of things, but of [the police’s] participation in clandestine gambling, of the bribes back then on the roadways, these are things with which we all have experience.”  

Accordingly, when a 1998 survey asked respondents about the profiles of criminals, that is, what types of people commit crimes, 26% named people with low resources; the same proportion listed active duty and retired police officers (Fraga 1998).

The existence of these practices have been written about as early as 1991 (AmericasWatch and CELS 1991:7), and reached such extraordinary levels that even former President Néstor Kirchner denounced in 2003 that “the majority of extortive kidnappings involve agents of the bonaerense police,” months before the provincial police would once again be implicated in a high-profile crime, the kidnapping and murder of Axel Blumberg (see Chapter 7). Detailed exposés of the extent of the police’s criminal dealings, including the involvement of high-ranking officials and the large sums of money involved, have been published every few years (Dutil and Ragendorfer 1997; Ragendorfer 2002; Klipphan 2004).

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50 “La historia de un precursor.” Página/12 11 April 2004.
51 “Kirchner acusa a la policía bonaerense.” La Nación 1 November 2003.
52 In addition, two major investigative stories were published by the popular magazine Noticias in 1996 (cited above) and again in 2010 (“Pruebas y confesiones de la corrupción policial”).
Government officials and societal actors were well aware of the deficiencies of the police institution and performance, as well as the problems of widespread violence and corruption. The response from government officials, when there was one at all, was, more often than not, to conduct institutional purges or to fire the Secretary of Security or the chief of the police. The high turnover of Secretaries of Security is telling. In the six years between the creation of the Secretariat and the civil intervention of the Bonaerense, there were four Secretaries of Security. The number of officers expelled during this period is also jaw-dropping, as occurred in Colombia during the years prior to reform. Between 1991 and 1997, 3,805 police officers were purged from the Buenos Aires provincial police for abuses and criminal activity, amounting to 8% of the entire force (Saín, 2002, 86). As Gonzalez (2005) notes, an additional response by Governor Duhalde was to provide more resources to the police, improving its equipment (63).

(Failed) Attempts to Reform the Bonaerense

Prior to the comprehensive legislation and restructuring achieved in 1998, there were two known, but ultimately aborted, attempts at reform. The first attempt was by Luis Brunati, who served as Minister of Government for one year, between 1987 and 1988. According to Brunati, he was seen as a reformer: “during my time in the Ministry, the press emphasized that the administrative model we were carrying out was an effort to replace and was in opposition to what Camps [the army colonel who directed the police under the dictatorship] had developed in Buenos Aires Province.” Even before officially taking on the role of Minister, Brunati recalls receiving an offer from the top commanders of the police: a gun and a trained German shepherd, “for protection,” and an envelope filled with money, which was to

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53 The turnover rate actually accelerated after this period. Between January 1992 and mid-2014, there have been eighteen different Secretaries or Ministers of Security (the Secretariat became a Ministry in 1998), and twenty-one different changes in Secretaries/Ministers (a few served more than one non-consecutive terms).  
54 Saín (2002) also notes that about 90% of these officers were also under criminal investigation or had been charged with a crime.  
55 This account is based on an interview given by Brunati to the newspaper Página/12. “La historia de un precursor.” Página/12 11 April 2004.
be his “monthly contribution.” Brunati refused, he said, which initiated a confrontational relationship with the police.

Brunati began by instituting purges. While this would subsequently become a common practice, in contrast to those later purges, Brunati targeted the highest ranks of the institution, removing dozens of commanders and high-ranking officials. He did so because, when looking through the records of those in the top ranks to select a chief of police, he would receive reports of serious malfeasance by all of them. He recalls having to

go down a great deal in that pyramid in order to find someone that didn’t have terrible reports with respect to the existence of businesses or participation in illicit activities. I’m not saying I had to go down a lot in the pyramid to find Mother Theresa; I had to go way down in the pyramid simply to find someone that didn’t have any negative reports.

In addition to the purges, Brunati also asked judges to investigate the police using wiretaps in police stations, and discovered a broad range of corrupt activity that even involved a former ambassador. The Minister tried to enact other changes, such as removing from within the police the agency charged with processing the payment of monthly salaries to police officers. Police resistance to his measures, however, was strong. Officers put forth formal complaints, protested in front of the police headquarters (yelling “the police, united, will never be defeated!”), and protested through the practice of autoacuartelamiento (self-imposed confinement to barracks). Although Brunati was able to address some of these separate instances of resistance, eventually he faced pressure from the governor and “nearly all peronist legislators” to back down, and he ultimately resigned.

After Brunati stepped down in late 1988, the Ministry of Government, and the Sub-Secretariat of Security within it, did not again attempt to impose any changes on the police. Eduardo Pettigiani, a federal judge who would become the first Secretary of Security under Governor Eduardo Duhalde in January 1992, recalled that by the time he began his
post, the Sub-Secretariat of Security within the Ministry of Government “had been virtually deactivated, it had been directed de facto by officers from the police force.”

Pettigiani stated emphatically throughout his interview that security was a major priority for Duhalde during his campaign and administration — as evidenced by the creation of the Secretariat, the increase in financial, human, and material resources (see below)— with a particular focus on combatting drug-trafficking. When reflecting upon his time as Secretary of Security, his evaluation of the police was overwhelmingly positive, describing it as “strong and respected,” “integrated with the community,” and “self-purged.” Yet, we know from Brunati’s experience that the provincial police already exhibited just about all of the characteristics that led to the nickname “maldita policía” and the subsequent reform. Nonetheless, Pettigiani was focused during his term on building the capacity of the institution, primarily in the form of resources, and did not attempt any structural changes during his tenure as Secretary. Instead, he seemed to prioritize building a good relationship with the institution. The lack of reformist action on his part may have been due to what he perceived as the secondary role of the Secretariat relative to the police, which he noted at two separate points during his interview. Pettigiani describes a situation consistent with the discussion presented above regarding police autonomy:

The figure of the political official responsible for Security as author and executor of the design of security policy should have been emphasized with greater clarity. At the same time, [there should have been an effort to] strip of “personalisms” a function such as the Chief of Police, which ought to be more anonymous. [...] In my opinion one thing that remained pending [at the end of my tenure] was the political work necessary to ensure that the Secretariat of Security achieved relevance above the police organization. In practice, the management [of the in-

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56 This account is based on an interview conducted in writing with Eduardo Pettigiani, who at the time was serving as the Chief Justice of the provincial Supreme Court. His responses were received on 5 December 2011.

57 Pettigiani confirms that police chief Pedro Klodczyk, who would subsequently become the face of the “maldita policía,” was hand-picked by Duhalde due to his track record fighting drug-trafficking, as well as, interestingly enough, his “correct social image, at the time.”

58 He also described it as a “creative police, permanently generating new techniques in the fight against crime.” Since the interview was conducted in writing it is difficult to determine whether the irony of this statement was intentional.
stitution], as well as the achievements obtained, were the product of the execution of a plan designed and implemented by the institution itself.

Pettigiani’s successor, Alberto Piotti, who served as Secretary of Security between February 1994 and October 1996, also felt unable to enact meaningful changes, or any change at all. He spoke repeatedly during an interview of the impossibility of resolving problems or even thinking about long-term change when one is consumed by day-to-day issues:

From that euphoria when you come in thinking “I’m going to solve something, I’m going to improve something”... you go on to frustration, desazón... and then you realize that what you’re doing, every single day, is patching holes on a tire that every day becomes more deformed, and you become conscious of the fact that you cannot resolve these things... [You come in] thinking that you’re going to be Messi in Barcelona, and you end up being some no-name in the Deportivo Flandria.

For Piotti, the priority was “plugging holes, not searching for fundamental solutions,” which was his mandate from Governor Duhalde. According to Piotti, when he took office, Duhalde’s instruction was to “take charge (hacete cargo), don’t bring me any problems, take responsibility (poné la cara).” Reform was not on the agenda during Piotti’s tenure, despite the fact that he oversaw the apex of the maldita policía. It was during this time that Duhalde famously called the Bonaerense “the best police in the world” and Klodczyk “the best police chief in the world.” Yet, towards the end of Piotti’s tenure as Secretary, news reports revealed that provincial police officers were involved in the worst terrorist attack in Argentine history, the 1994 bombing of the Argentine-Israeli Mutual Association (AMIA).

59 Interview with Alberto Piotti, Buenos Aires, 2 November 2011.
60 Lionel Messi is considered the best football player in the world, and plays for the Futbol Club Barcelona. Deportivo Flandria is a football club in the interior of Buenos Aires Province that plays in the low-level C Division of the Argentine football league.
61 “Once policías detenidos por la causa de la AMIA.” La Nación 14 July 1996. It should be noted, however, that the role of the Bonaerense in the attacks remains unclear and has, at least formally, been discarded as a possibility by the courts. It was discovered that the judge in the case facilitated a bribe, that allegedly originated from the national government, to the person suspected of providing the pick-up truck used in the bombings in order implicate provincial police officials, and the story of the cover-up is so elaborate as to involve even the former President Carlos Menem. The provincial police officials were acquitted, and the investigation into the attacks continues two decades later. The AMIA attacks will be mentioned here as a highly salient event at the time, with the knowledge available at the time. See, e.g., “Qué causas judiciales están abiertas por el atentado a la AMIA.” La Nación 18 July 2014.
Shortly after judicial investigations revealed the connection of the *Bonaerense* to the AMIA attacks, the magazine *Noticias* published a famous exposé of the police’s long list of criminal acts, with the cover photo of the Chief of Police, Pedro Klodczyk, above the title, *Maldita Policía*, Damned Police (the photo was taken by José Luis Cabezas). Klodczyk had been appointed by Duhalde from the first day of his term as governor in late 1991. Nearly five years into his term as Chief of Police — the longest tenure of any police chief, according to Piotti — Klodczyk, who had long been the brain and was now quite literally the face of the *maldita policía*, resigned. A few months later, Piotti did as well.

The *Noticias* story, published in August 1996, detailed an astonishing account of the misdeeds in which the province’s police force was regularly engaged. The article caused a major scandal, which led Duhalde to fire both Klodczyk and Piotti (Gonzalez, 2005, 63). The governor appointed as the new Secretary Eduardo de L’azzari, who had been serving as the solicitor general of the provincial Supreme Court. De Lázzari said the governor asked him to take on the post of Secretary of Security in order to “design a legal framework that would allow a cleansing of the force.” The resulting legal framework was a law that declared that the Police of Buenos Aires Province was in a state of emergency (Law 11.880), which allowed the expulsion or induced retirement of large numbers of officers. There was an analysis of the personnel files of every single police officer, and, according to de Lázzari, more than a thousand officers were purged from the institution. De Lázzari took measures to “disarticulate the networks of complicity [with crime] among police officers,” and to audit the issuance of contracts and expenses of the institution. He also ordered searches of police stations where there was information of illegal activity, and began a criminal procedure against fifty police commanders “of the highest ranks” for “illicit enrichment.”

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62 Both Pettigiani and Piotti affirm that Klodczyk had been chosen by Duhalde even before the Secretariat of Security had been created.

63 Interview with Eduardo de Lázzari, La Plata, 19 October 2011.
Much like Brunati, de Lázzari faced threats from the police, political interference by mayors, legislators, and even the national government (see below). De Lázzari affirms that he received a great deal of support from the governor — he says Duhalde never interfered with his decisions, and even bolstered his Secretary of Security when mayors and legislators came to him with complaints. Nevertheless, a few months after the killing of Cabezas (discussed below), de Lázzari left the Secretariat and, in sharp contrast to his, and his predecessors’, backgrounds in the judiciary, Duhalde appointed a Peronist politician with no experience in security or criminal justice as his replacement. The prominent journalist Horacio Verbitsky wrote an account of de Lázzari’s exit:

On the eve of the 1997 elections, then Secretary of Security, Eduardo de Lázzari, reprimanded the last chief of the Bonaerense Police, Adolfo Vitelli, because the chain of recaudación (collection) had not been cut off with the removal of both of their predecessors, Alberto Piotti and Pedro Klodczyk, and said he was willing to appoint a civilian to lead the police. When he went to communicate this decision to the governor, Duhalde received him with Vitelli at his side. The one who left his post was de Lázzari..

Strictly speaking, neither the effort by Brunaldi nor that of de Lázzari constitute reform as I have defined it in this dissertation: a written policy intended to change the structure, training, or operations (including the functions) of the agency as a whole. Nevertheless, these are treated as moments with high potential for reform. The consensus among other scholars who have studied the Bonaerense is that, prior to the civil intervention of the police, these two officials were the only ones to attempt to institute changes in the police beyond

64De Lázarri described an experience that illustrated the contempt in which he was held by police officers: “During a celebration for [a police official], they had a doll sitting at one end of the table, and it had my face on it. One by one the officers would pass by the doll and urinate on it.”

65Mayors would call de Lázzari to complain about the removal or expulsion of their local police commander. One example was Luis Patti, a former police commander who will be discussed in the next section. “I had a problem with Patti, the famous Patti, who was the mayor of Escobar at the time, because I removed a police commander that he had in his zone. At first he started off well, ‘this commander is really good,’ etc., until finally when I emphatically said no, I remember it clearly, he said, ‘from this moment on, you have an enemy.’ And he hung up.”

the usual purges (Gonzalez, 2005; Saín, 2002; Kobilanski, 2013; González Sendín, 2012). It is therefore essential to understand why their intent did not translate into reform.

Post-transition Buenos Aires Province was defined by highly salient increase in crime and growing societal fear of crime and distrust of the police, a police force plagued by marked authoritarian legacies, rampant institutional deficiencies, and a perverse capacity defined by the juxtaposition of inefficiency in performing its formal and fundamental function, and high efficiency in extralegal activities. As will be seen in Chapter 7, many of these conditions continue to this day. As Eaton (2008) has said, “Two decades after the end of a military regime that murdered upward of thirty thousand citizens, police criminality has emerged as one of the most pressing and intractable political problems in Argentinas post-authoritarian period” (6). Nevertheless, explaining the continuity of such high levels of violence, incompetence, and malfeasance for a decade and a half after democratization and the shift that led to reform in 1998 while prior reforms failed to even materialize, can provide invaluable insights toward understanding the sources of the persistence of institutional weakness and conditions that make reform possible.

From the “Best Police in the World” to the “Maldita Policía:” Accommodation, Fragmentation, and the Persistence of Malfeasance

Former Secretary of Security Eduardo de Lázzari, the second to attempt to implement structural changes in the police described his impressions of taking on the role of overseeing the police in mid-1996: “[It was] a sensation of trying to disarm a bomb that is about to explode and then you discover that there is another bomb.” This seems an accurate depiction of the Bonaerense between the return to democracy and the reform process begun in late 1997. Despite an abundance of widely recognized problems with the institution, including its insertion in, and regulation of, a vast network of illegality, the official response of those charged with overseeing the police was always partial, short-term measures — purges, resignations,

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67 Interviews with three of the four Secretaries of Security that preceded the civil intervention of the police led by Luis Lugones (Eduardo Pettigiani, Alberto Piotti, and Eduardo de Lázzari) confirm this impression.
and the occasional investigation — that did not in any way interfere with deeply-rooted practices and systems. Even the two moments highlighted above as potential moments of reform did not necessarily have structural reform as a goal.

Why did these conditions persist for so long? And why were the reformist impulses of Brunati and de L´ azzari thwarted? I argued in Chapter 2 that police institutions pursue autonomy as a standard bureaucratic prerogative, and that political leaders have incentives to grant the police autonomy in exchange for the institution’s collaboration in pursuing his or her political objectives, an exchange I describe as accommodation. Politicians see police institutions as functional to their electoral goals and will therefore seek to maintain this mutually beneficial relationship with police, even in instances of malfeasance such as that described above. León Arslanián, who designed and implemented the plan to restructure the provincial police, described the exchange between police and politicians in an interview:

The police responded fundamentally to the political power... there was a pact between the police and the political authorities. The pact consisted of self-governance by the police, it was a completely “corporativized” institution. It was like a closed nutshell that had a stem of sorts that was the police chief. The political authorities would refer or link to the police through that chief, who they might occasionally replace if there were things that were not satisfactory or didn’t function well. But what they could not do — because they were not in a position to and did not have the political will to do — was break open that nutshell and see what was inside; what had to be disposed of and what had to be reorganized inside of that nutshell.

The Bonaerense, as demonstrated above, enjoyed a high degree of autonomy; the political benefits it provided to politicians in exchange for this autonomy were of comparable magnitude. These benefits took several forms.

First, politicians were able to delegate to the police a highly volatile policy area. Security is essential to the daily lives of citizens, and politicians want to ensure that it is kept under control. Marcelo Saín, one of Argentina’s foremost security experts, himself a veteran of the effort to reform the Buenos Aires provincial police, explained in an interview what he calls
the “two-way pact” between politicians and police. According to Saín, political leaders in Buenos Aires Province traditionally saw their role in security as consisting primarily of choosing a good police chief, because it would be up to the police chief to determine what will be done with respect to security. In exchange,

what [the governor] asks of the police leadership, tacitly — in other places more explicitly — is that his management of security does not become politically problematic. That citizen demands or whatever conflicts could arise from the management of those problems, do not reach a level of political crisis, or create a situation of excessive citizen demands. In short, that it does not become a political problem. What he grants the police in exchange is a high degree of autonomy, political, institutional, and financial, particularly with respect to how the budget is administered.

Former Secretary of Security Alberto Piotti explained the dilemma that security presents for a politician. It is an issue area that rarely produces political benefits when things go well. As Piotti put it, “inaugurating a jail is not the same as inaugurating a hospital.” At the same time, it can become an important liability when conditions deteriorate: “Any governor or president knows that these [high-profile crimes] can corrode an administration. You can build a lot of roads, a lot of public works, but these events can undermine your administration.” This “problem-avoidance oriented” approach to security policy appears to be common, at least in Argentina. In an interview, the former Minister of the Interior under the administration of Carlos Menem, Carlos Corach, said he considered his greatest achievement as the top security official at the national level, “having an administration of security without any problem... We didn’t have any extraordinary achievements, but at least we didn’t have any problems.”

Duhalde, it would seem, delegated the management of security to the police — and delegated the management of any problems that would arise from the police’s management...
of security, to the Secretary of Security[^70] — in exchange for avoiding political crisis. Piotti affirms that Duhalde had a distaste for security matters: “[the governor] didn’t like it when you talked to him about security or justice-related issues... they gave him an evident urticaria [hives].” Only when there was a crisis, such as the AMIA bombing, the Noticias story, and the killing of Cabezas, did Duhalde crack open the “nutshell” of police affairs.

Second, the Bonaerense has also been beneficial to politicians by using their primary tools — coercion and surveillance — against political opponents. In Argentina generally, police agencies have long been used in this way, dating back to the deployment of police to repress leftist activists and union activists at the start of the twentieth century (Ungar, 2011, 235), and, during the period of Perón, against opponents of Peronism (Barreneche, 2007, 226). In 1998, reports surfaced that the Bonaerense had spied on political opponents of Governor Duhalde during the mid-1990s (as well as for their own benefit)[^71] Among the subjects of the spying in 1996 was Ramón “Palito” Ortega, former governor of the Province of Tucumán, who, like Duhalde, was vying to be the Peronist candidate in the upcoming presidential elections.

The selective use of police coercion can also be used for political benefit. In February 1996, Governor Duhalde ordered police to repress a protest by hundreds of students at the public university in the provincial capital, Lat Plata. The police not only arrested nearly three hundred people under the pretense of investigating their record (averiguación de antecedentes) to prevent them from interfering with an assembly of university authorities, they engaged in widespread repression, injuring many protestors and a journalist [AmericasWatch and CELS 1991, 94]. Police violence, or inaction, during protests can also be used to embarrass political adversaries. Saín (2008) argues that the passivity of the Buenos Aires provincial police during the social, political, and economic crisis in December 2001 that led to riots and violence around the country was orchestrated by the Peronist provincial government in

[^70]: Of the three pre-reform Secretaries interviewed, only Pettigiani made any claim of trying to shape the provision of security in the Province, yet also expressed frustration in trying to assert the role of the Secretariat in defining and implementing policy.

order to embarrass then President Fernando de la Rúa (175). In an illustration of what may happen if a politician fails to enter into patterns of accommodation with the police, and that police may engage in patterns of accommodation with political patrons that are not formally charged with overseeing the institution, Saín also argues that the killings of two activists from piquetero groups in June 2002 were intended to discredit then-governor Felipe Solá, who was from a different faction of Peronism from then-President Eduardo Duhalde, who had of course governed the province between 1991 and 1999 and still held the loyalty of many in the police (173).

But without a doubt the most significant benefit that the Buenos Aires provincial police has provided for politicians around the province has been the incorporation of politicians into the vast illicit network of recaudación described above. As one former chief of the Bonaerense put it, “for every corrupt police officer there is a corrupt politician.” But if the police’s complicity with crime throughout the province, and in the conurbano in particular, has been widely subjected to news reports and judicial investigations (and only recently, academic study), the role of politicians and political parties in the complex system has not been definitively proven. The claim, made most publicly by Marcelo Saín, is that part of the money that police collect from illicit activities is funneled to political parties and electoral campaigns of specific mayors. As is often the case with campaign contributions, the “donors” in this case expect something in return. Eaton (2008) describes the exchange (for which he, too, lacks hard evidence): “politicians offer protection to police officers in exchange for a cut of the funds that the police raise through a variety of protection rackets” (19).

The exchange of money for protection is part of a complex set of linkages between police officials and municipal executives. Saín describes the relationship as follows: “the bonaerense

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72 The provincial Minister of Security at the time, Juan José Álvarez, says he was heavily criticized by the opposition Radical party, to which the president at the time belonged, for the police’s inaction, and that it had been a deliberate “political maneuver” against the president. Álvarez insists the police’s inaction was due to a lack of equipment such as rubber bullets and tear gas, as well as to a general lack of preparation to handle “massive repression.” Interview with Juan José Álvarez, Buenos Aires, 4 November 2011.

73 “Plata sucia: La masacre de Ramallo y el financiamiento de la política.” Página/12 26 September 1999.

74 Dewey (2011) describes it in similar terms.
police is apart of [mayors’] governance structure at the local level: the comisarios, the financing of politics, the intelligence tasks, the pressure on political opponents. It’s a great political tool. The police plays [the game] with the Peronist party and the local mayors... almost all of the local mayors participated in this consortium.\textsuperscript{75} Former Minister of Government Brunati, who served during the 1980s spoke of linkages between police and mayors from both the Peronist and Radical party.\textsuperscript{76} And Human Rights Watch denounced in their 1991 report that “A former official of a reform administration explained to us that corruption is also indirectly linked to violence in that police corruption is part of a network which embraces other officials, who benefit directly from money taken by the police” \textsuperscript{(AmericasWatch and CELS 1991, 8)}. Accounts of these relationships have thus existed for at least three decades, but it is difficult to ascertain how widespread the involvement of mayors in this “consortium” was at the time.

For many observers, the clearest evidence of such complicity between mayors and the police is the massive intervention of mayors to prevent the removal of their local commanders during the purges carried out by de L´azzari, Lugones, and Arslanián. Recall that de L´azzari faced considerable opposition from mayors and legislators as he tried to carry out a purge of the institution. According to de L´azzari,

\begin{quote}
The mayors create alliances with certain chiefs of their respective police district. So if I tried to touch a police officer that was shielded by some mayor, that mayor would come to me in a fury, with the demand that I not remove this chief to put in that other chief... It is extremely clear that there was a political motive in relation to the police [the mayors had] in their zone. It’s not casual, it’s not free; it’s not because they like [the commander’s] face. It’s because ultimately they form a series of relations between the local mayor and the local police for mutual benefit.
\end{quote}

Other officials involved in the reform similarly told of such interference. A former official who was involved in implementing the purges during the civil intervention of the police that began in late 1997 recalled that in just one day he received seventy-four calls from mayors

\textsuperscript{75}Interview with Marcelo Saín, Buenos Aires, 17 October 2011.
\textsuperscript{76}“La historia de un precursor.” \textit{Página/12} 11 April 2004.
Why are mayors able to exercise such pressure, often successfully? Eaton (2008) attributes the power of mayors to federalism. More likely than not, a more precise explanation of their power is the particular dynamics of the Peronist machine and the control it gives mayors over voters in their districts. Many of these mayors, particularly in the conurbano (home to a quarter of the national population and electorate), have been in power for long periods of time, have intimate knowledge of their districts, and use their influence over voters in their districts as leverage with provincial- and national-level politicians. As Saín put it, the mayors of some of the municipalities of the conurbano “manage” hundreds of thousands, or even up to a million votes, more than many of the provinces. When Patti threatened de Lázziari that he had made an enemy, he did so knowing he wielded a particular influence over the latter’s boss.

In the early days of fieldwork, I spent a day with four comisarios, three in active duty and one retired, in a municipality of Buenos Aires Province. During the afternoon, I accompanied them to a meeting with a provincial legislator who was a candidate for mayor in that municipality. Still relatively unfamiliar in the ways of the Bonaerense, I was curious about what purpose a group of comisarios could possibly serve for a fairly prominent legislator running for local office. As one might expect, nothing explicitly illicit was discussed over the course of the meeting. But both parties spoke about a mutually beneficial relationship: how the police officials could help the politician get votes, and the type of support they could count on in exchange from the politician (both in the present as a legislator and hypothetically as mayor).

77 “Plata sucia: La masacre de Ramallo y el financiamiento de la política.” Página/12 26 September 1999.
78 See, for instance, “Barones del conurbano: quiénes son y hace cuánto que están en el poder.” La Nación 28 May 2014.
79 I interviewed a former mayor of one of the municipalities of the conurbano who held office at the time of the reform. He was emphatic that he never accepted any money and that the claim of alleged connivance between police and mayors is an “erroneous supposition.” Moreover, he attributed his own opposition to the widespread purges to the “confusion” it generates within the institution, since “it was never clear to me why the ones who are kicked out are kicked out and why the ones that stay, stay... I’m not saying that they were good or that they have to stay. But if these [officers] go for this reason, why is that other one staying despite having done the same thing?” Interview with anonymous mayor, location and date withheld.
The linkage between politicians and police in Buenos Aires Province (and in Argentina generally) is thus considerably more complex than in other settings, and clearly more so than what my theory predicts. But even with the distinctly *bonaerense* complexities, the same patterns of accommodation emerge. Even if a politician, at the provincial or local level, is not directly engaged in the illicit network described above, the Buenos Aires provincial police have served as a valuable political tool. It allows politicians to deploy its coercive and surveillance apparatus in politically beneficial ways, helps keep a volatile policy area under control, and, for those taking part in the intricate enterprise of “recaudación,” it serves as a considerable source of funds. In exchange for the police’s cooperation along these dimensions, Governor Duhalde was willing to grant the police an incredible degree of autonomy, even in the face of rampant police violence and corruption, growing societal distrust of the institution and preoccupation with crime, and a conspicuous inability of the police to address the notable increase in crime and violence. Mayors and legislators, meanwhile, also engaged in patterns of accommodation with police, and in exchange offered political protection that reinforced their autonomy. These relationships and exchanges explain the overall absence of reform since the transition to democracy, and the reversal of reformist initiatives such as the processes undertaken by Brunati and de Lázzari.

But even if the incentives of the politicians and the police clearly favored the persistence of grave institutional deficiencies, the question that remains is whether such patently deviant behavior came at an electoral cost. Politicians after all, not only have clear incentives to cultivate mutually beneficial relationships with the police; they must also maintain the support of voters. I argue that in Buenos Aires Province, high levels of societal fragmentation on the issue of security and policing, impeded the formation of coherent demands for reform.

Inherent in the provision of security is the enforcement of the law on behalf of some citizens against others. The distribution of protection (and its counterpart, repression), I argue, is shaped by existing societal divisions, and can lead to the formation of differentiated

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80 One of my earliest experiences during fieldwork in Buenos Aires Province was a
relationships to the state, or “micro-citizenships” (Centner 2012). Based on characteristics such as race, class, and geography, citizens will receive different treatment from and have different experiences with police, which will shape their perceptions, attitudes, and preferences with regard to the police and security.

In Argentina as a whole, and in Buenos Aires Province in particular, the post-authoritarian period was not only marked by a rise in crime rates, it was also defined by economic crisis and increases in unemployment, poverty, and inequality. By sharpening social divisions, these conditions also led to greater contestation over the distribution of protection and repression. For security expert, and architect of the reforms, Alberto Binder, “the demand for security is linked to the levels of social unrest in society, with the diversity of interests that cannot be reconciled and whose contradiction becomes more intense when dealing with interests related to basic needs” (Binder 1998 42). Brinks (2008), in his study of police killings in Argentina, Brazil, and Uruguay, defines the problem in an even more explicit manner:

social inequalities open up the political space for the continuation of repressive police practices and impunity. Increasing unemployment, urban migration, and the presence of large, socially marginalized urban populations feed the demand for more violent action on the part of the police... At the same time, this perceived threatening population permits society at large to define the victims as someone other than “la gente,” people like us. The discourse surrounding civil rights thus becomes a contest between “our” right to security and “their” right to due process.

There are many manifestations of micro-citizenships with respect to security. As noted above, one of the ways in which citizens coped with the increase in crime and fear of crime in Argentina during the 1980s and 1990s was to rely on private security. But as Gonzalez (2005) notes, “the division of the urban social territory is delimited by the economic possibilities of citizens to access security as a consumer good on the market” (61). Deficient levels of protection by the state, coupled with differential access to private security, means that citizens’ experiences with at least one component of citizenship — protection — may
be shaped by their socioeconomic class. The findings of the survey cited previously, by the research center Nueva Mayoría, suggests this might be the case (Fraga, 1998). Respondents in Greater Buenos Aires were asked whether they had been the victim of a crime during the previous year; 27% of all respondents reported having been a crime victim. But the study also reported the results disaggregated by socioeconomic status, and there were considerable variation across classes. Respondents in the category “high- and middle-class, and independent professionals” were victimized at a rate of 12%. Meanwhile, 28% of those in the middle and lower-middle class said they had been the victim of a crime in the previous year. But the highest rates of victimization were among those in the lower class and those with unsatisfied basic needs, of whom 40% reported having been a crime victim.

Nevertheless, the effect of social divisions on the distribution of protection and repression is most palpable in Argentina, as elsewhere, in the differentiated targeting of certain groups for police violence, and the societal reaction to it. As the anti-police-violence activist cited above, María del Carmen Verdú, noted in an interview, two-thirds of the victims of gatillo fácil (trigger-happy) killings in the database maintained by her NGO, CORREPI, are male, young, and poor. Indeed, in his analysis of court cases involving police killings in Greater Buenos Aires, Brinks (2008) calculates the likelihood of being the victim of deadly police violence. He finds that in Greater Buenos Aires, someone living in a villa (shantytown) is six times more likely than someone who does not, to experience police violence (Brinks, 2008, 53). For the conurbano, he found that 72% of victims were lower class or working class and 15% of victims lived in a shantytown, compared to 3% for the general population of the conurbano. Meanwhile, 60% of victims of police killings had only completed primary education, and 33% were unemployed (Brinks, 2008, 114).

There is nothing inevitable about these figures. For instance, Brinks (2008) finds that a resident of shantytown in Buenos Aires is “32 times more likely to be killed by police than

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81 As many researchers do, Brinks’ study combines the City of Buenos Aires and the municipalities of Greater Buenos Aires, collectively known as Greater Buenos Aires, despite the fact that they are in separate administrative jurisdictions, and thus have separate police forces and judicial systems. The data presented here are for Greater Buenos Aires as a whole, unless otherwise specified.
a shantytown resident in Montevideo” (53). In Argentina, societal differences are reified in formal structures and shape citizens’ relationship to the state to a greater degree than in a place like Uruguay, where inequalities are far less pronounced. Such differences are reinforced by state institutions not only through the use of state coercion, but also in the state’s response to its own use of coercion. Brinks (2008) finds important differences in the rates of conviction of police officers depending on the class background of the victim: for lower and working-class victims, the police officer was convicted 25% of the time; for those who were not from these social groups (a much smaller number overall, to be sure), the conviction rate was 44% (Brinks, 2008, 69).

It should be noted that the cases analyzed by Brinks, and the cases in the CORREPI database, were cases in which they were able to corroborate that the victims were not armed and not engaged in a confrontation with police. Truly, then, in Buenos Aires Province, some citizens are subject to radically different treatment by state institutions for reasons that have little to do with involvement in crime.

This egregious manifestation of differentiated citizenship is not only reflected in, but likely driven by, the messages state institutions receive from society. In an interview, Verdú, the lawyer who has worked for decades on cases of police killings, considered the differences in societal reaction to police killings depending on the characteristics of the victim, even in cases with similar circumstances:

I once asked a great journalist... specializing in policing issues... “Walter Bulacio, everyone knows who Walter Bulacio is. But Sergio Durán, [whose death at the hands of police] happened eight months later and was even more brutal because

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82The case of Walter Bulacio is an emblematic case of the fight of human rights groups in Argentina against police violence, and the negligence of the state in prosecuting police killings. Bulacio was detained by police after a rock concert in a massive raid and held under the figure of “averiguación de antecedentes,” which allowed police to detain someone, anyone, in order to determine if that person has a criminal record. Bulacio was severely beaten by police and died in the hospital a few days later. In the case Bulacio vs. Argentina, The Inter-American Court of Human Rights ruled against the Argentine state and ordered it to investigate and prosecute the police officials responsible for Walter’s death. In 2013, twenty-two years after Walter’s death, the police officer responsible was convicted. See “Caso Bulacio: una condena tras 22 años” La Nación 9 November 2013.
[in his case] we could prove the use of the *picana* on his testicles, four police officers were convicted for torture followed by death. It was the first time where we could prove the use of the *picana eléctrica* after 1983. Why is it that only activists know who Sergio Durán is...? And he responded, “because when the report [of Walter’s beating by police] came to the newsrooms... the title on the cable was ‘Student Agonizes Following Beating At Rock Concert.’ That title could apply to anyone. It could apply to my son, it could apply to the grandson of the old lady who gets her hair done at the salon. It’s a title that allows the middle class to identify with [the victim]. Sergio Durán on the other hand, who was the same age as Walter... had left school long before, was a recycler (*cartonero*)... at 17, he already had a two-year-old son... he was not someone my mother could identify with her grandson...” Look at the *desaparecidos* (disappeared) of La Plata. Why do we all remember Miguel Bru and not Andrés Núñez? The case of Andrés was even more clear [than Bru’s]. But Andrés Núñez was a construction worker, he wasn’t a journalism student [like Miguel Bru].

Because citizens belonging to different social classes are likely to have vastly different interactions and experiences with police institutions, I argue, they develop different attitudes, perceptions, and preferences about the police and security. This fragmentation of societal opinion makes it difficult to build consensus among society about the need for police reform. I argue that in Buenos Aires Province, the high degree of institutional weakness and extraordinary levels of corruption of the police persisted because politicians received conflicting messages from society. The absence of a mandate for reform meant that politicians faced no counterweight to the strong incentives to pursue patterns of accommodation with the police.

In the case of Buenos Aires Province, Governor Duhalde received a number of conflicting demands from the citizens he governed. On the one hand there was widespread dissatisfaction with security conditions (Table 4.1) and nearly unanimous distrust of the police (Table 4.4 below), including, as noted above, a quarter of respondents in Greater Buenos Aires who associated retired and active duty police officers with crime. On the other hand, polls and

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83 The *picana* is a tool used to deliver electric shocks; it was a common form of torture during the last military dictatorship and is still associated with the repression that occurred during that period.

84 Both Andrés Núñez and Miguel Bru were detained and subsequently disappeared by the members of the police of Buenos Aires Province; Núñez in 1990 and Bru in 1993.
societal reactions to certain events showed broad support for harsher legal and extralegal treatment of criminal suspects.

In their 1991 report on police violence in Argentina, Human Rights Watch and CELS argued that one of the sources of police violence under democracy is “the general public’s approval of police violence, expressed especially forcefully when economic hardship produces more crime, and/or perceived greater danger of crime, [which] works to sanction gross violations of human rights by police” (AmericasWatch and CELS [1991], 7). Saín (2002) argued that, for some sectors of society, this attitude toward police violence led them to believe “that all forms of control and regulation of police activity would severely limit its performance and efficacy” (62).

The existence of support for police violence among some sectors of society is perhaps best illustrated by the question of torture, which, unlike police killings, cannot be found to be legally justified under any circumstance under the Argentine legal framework. According to a 1991 poll in Greater Buenos Aires, just over half of respondents opposed the use of torture, while 30% believed its use depended on the case, and 8% of respondents approved of its use (Chevigny, 1995, 195). A clear illustration of the support for torture among certain sectors of society in the province is the case of Luis Patti. Patti (“the famous Patti” that threatened de Lázzari when he was attempting to reduce corruption in the Bonarense) was a member of the Bonaerense who is accused of participating in torture, disappearances, and killings during the military dictatorship. While serving as police chief of the municipality of Pilar he was indicted by a judge in 1990 on charges of using torture against two robbery suspects. After he was charged, thousands of residents from Pilar held a demonstration on his behalf in September 1990 arguing that crime had dropped since he became the local police chief (AmericasWatch and CELS [1991], 22). Moreover, Patti received support from elected leaders. No less than the president, Carlos Menem, the governor of Buenos Aires Province Antonio Cafiero and then-candidate for governor Eduardo Duhalde[85]

and prominent Argentine journalists came to Patti’s defense and heavily criticized the judge who had ordered his arrest⁸⁶

This outpouring of mainstream support for the use of torture, which was prohibited in Argentina, led Abregú (1993), a former executive director of the most prominent human rights NGO in Argentina, the Center for Legal and Social Studies (CELS), to identify in 1993 the existence of a “rowdy majority” (mayoría bulliciosa) in Argentina that tolerated, and even favored, the use of “institutional violence” to fight crime. Abregú argues that society appears to be divided, when not in direct confrontation, between those that are directly harmed [by institutional violence] and some social sectors that join them in their claims, and an immense majority of uninformed and unconcerned neighbors, who defend institutional violence as a form of obtaining that ever valued individual security (71).

In this context, it is clear that Duhalde was likely perceiving conflicting demands arising from society, and that it was unclear whether police reform would yield electoral benefits (Duhalde, recall, very much hoped to be Argentina’s next president). The Nueva Mayoría survey, cited throughout the chapter, showed that in 1998, in Buenos Aires Province, home to the maldita policía that 92% of citizens distrusted (see Table 4.4 below), 45% of respondents said they supported increasing the police’s authority in order to fight crime (Fraga, 1998). Meanwhile, the same survey also showed that 84% of respondents were in favor of increasing criminal penalties and sentences, and 71% favored lowering the age of criminal responsibility (to allow minors to be tried for crimes).

Arslanián, the province’s first Minister of Security and leader of the reform that would begin in 1998, recalled the fragmentation of societal demands on the issue of security leading up to the reform:

It was a very erratic demand, frankly, erratic because of what I’m about to tell you. In the collective imaginary there has always been the idea of the criminal

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⁸⁶The judge was eventually forced to resign, Patti went back to being chief of the Pilar station and Menem even appointed Patti to serve in a federal commission to investigate a prominent killing of a young woman in Catamarca. Patti was subsequently elected mayor of the municipality of Escobar, as well as a deputy (though he was eventually stripped of legal immunity and tried and sent to prison) (Abregú 1993 73).
law as a talisman, and fundamentally the idea that the efficacy of the fight against crime depended on the degree of authority and freedom [of action] that the government granted the police so that it could [perform this task]... But on the other side, there was this social demand that was evident, you cannot have such a corrupt, punitive, and terrible police, in which there were daily occurrences of youths, adolescents, disappearing or being killed by [police] repression; they were shot in the back, executions of various types, under democracy. [It was] a legacy of police excesses under dictatorship. So from this other perspective there was a strong social demand for change.\footnote{Interview with León Arslaníán.}

As argued above, Duhalde faced clear incentives and strong political benefits to pursuing patterns of accommodation with the police. The degree of fragmentation of societal opinion means there was little electoral risk in continuing such accommodation, even in light of the egregious acts routinely committed by police since the transition to democracy. He also perceived that there would be little electoral advantage in pursuing police reform, since societal demands on this issue were highly contradictory. Meanwhile, a much stronger consensus existed on the standard “mano dura” (iron fist) policies, which is the course he preferred to take in response to growing societal preoccupation with crime.

“No Se Olviden de Cabezas”\footnote{“Don’t Forget About Cabezas”} \footnote{Clarín front page, 26 January 1997}: A Mobilized Scandal and A Long-Delayed Reform

José Luis Cabezas was a photojournalist who worked for the prominent news magazine \textit{Noticias}, which in August 1996 ran a famous story on the extent of corruption in the \textit{Bonaerense} with a cover photo of then-Chief of Police Pedro Klodczyk taken by Cabezas. In January 1997, Cabezas was murdered, in a scene described as follows on the front page of the country’s main newspaper \textit{Clarín}: “[He was found] handcuffed, with his hands behind his back, burned in his car. A crime like this has no precedent since the restoration of democracy.”\footnote{Clarín front page, 26 January 1997} Cabezas was found with two bullet wounds, brutally beaten, and his body had been burned to a crisp inside of his car on the side of a road, just an hour and a half after leaving a party in the early hours of the morning on January 25, 1997. He had been working in Pinamar,
a coastal town in Buenos Aires Province where the Argentine economic and political elite spend the summer months.

The implications of Cabezas’s murder were immediately clear; every element of the killing raised alarms. As a report prepared by opposition members of the Bicameral Commission for Oversight and Followup of the Investigations of the Murder of José Luis Cabezas put it: “The crime, the place where it was carried out, the implications of the work done by José Luis and the magazine Noticias regarding the Bonaerense and the businessman Yabrán, placed, from the first moment, the political elite (el poder) under suspicion.” From the very first news reports, two possible linkages were made: to Alfredo Yabrán, and the Bonaerense, both of which turned out to be correct.

Alfredo Yabrán was the executive of a shipping and mail company, and had been denounced in 1996 by then-Minister of the Economy, Domingo Cavallo, as part of the “mafias of power” that sought to pressure the government to favor the businesses of the postal executive and open the doors to drug trafficking.” Yabrán had famously declared around that time that, “Taking a photo of me is like shooting me in the forehead with a bullet.” In March 1996, Cabezas became the first journalist to photograph Yabrán, who ended up on the cover of Noticias as a result. Yabrán had close ties to President Carlos Menem, and many other politicians. Meanwhile, Cabezas had also been investigating the involvement of the Bonaerense in a series of robberies being committed in Pinamar at the time, and was working on a book about the institution’s notorious corruption.

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90 The report “Evaluation of the Bicameral Commission for Oversight and Followup of the Investigations of the Murder of José Luis Cabezas,” was given to me by one of its authors, former provincial senator Eduardo Sigal.

91 Yabrán was formally accused in the case as the intellectual author of the crime in May 1998, but he committed suicide shortly thereafter. The head of his security team, three officers of the Buenos Aires provincial police, and four additional accomplices were ultimately convicted in the case. See ARGRA and CELS (2003).


94 Just three days after the murder of Cabezas, the mayor of Pinamar declared that “Yabrán had nothing to do with it,” adding “Yabrán and I are united by friendship, by a neighborhood.” See “Quién mató a Cabezas?” Página/12 28 January 1997.
In light of these factors, the murder of Cabezas immediately became a scandal. In the first days, sectors as diverse as the human rights organizations that emerged in response to repression under the dictatorship (CELS, Madres de Plaza de Mayo, etc.), former President Raúl Alfonsín, and the Federation of Chambers of Commerce, all expressed their strong repudiation of the crime. But the primary source of societal mobilization and outrage were journalists themselves. After Cabezas was buried, dozens of other photojournalists gathered at the Obelisk in downtown Buenos Aires and snapped photos in the air in remembrance of their slain colleague.\footnote{“Con todo el calor de un mediodía porteño,” Página/12 29 January 1997.} Just days after Cabezas was killed, seven thousand people participated in a march organized by journalists, unions, and human rights organizations, demanding “Justice for José Luis.”\footnote{“La marcha por la justicia se desencontró con Menem,” Página/12 30 January 1997.}

The mobilization of journalists around the case was extensive. Two associations of journalists, the Unión de Trabajadores de Prensa de Buenos Aires (Union of Press Workers in Buenos Aires, UTPBA), but primarily the Asociación de Reporteros Gráficos de la República Argentina (Association of Argentine Photojournalists, ARGRA), led the demands for justice and an end to impunity. UTPBA and ARGRA called on their members to pressure political authorities to duly investigate and prosecute the case:

> Each time authorities from any of the three branches of the national or provincial governments call us to cover an activity, we will request a minute of silence in remembrance of our murdered colleague and demand the investigation of the crime. In every professional contact with these authorities we will include questions about the advances and setbacks of the investigation and we will publicize their responses. We encourage every medium to include in their editions a permanent section that informs [readers] of the state of the investigation until the crime is resolved. Our efforts will be oriented not only toward the investigation of the crime, but also on the cases that José Luis Cabezas was working on, because if they were to be abandoned, the crime will have been successful.\footnote{“Plan de trabajo para reclamar justicia.” Página/12 29 January 1997.}

ARGRA printed small fliers with a photo of Cabezas and the phrase “No se olviden de Cabezas” (Don’t forget about Cabezas), which became ubiquitous. Within a week of the...
murder, just about every sector of Argentine society — from soccer teams to prominent politicians from the political opposition to the Minister of the Interior Carlos Corach — had been photographed with it.\textsuperscript{98} Even President Carlos Menem was photographed with one of the fliers, saying “Don’t worry, I won’t forget.”\textsuperscript{99}

As Carlos Rodríguez, a journalist with the newspaper \textit{Página/12} put it, the Cabezas case “had a lot more repercussion than any other case [of police killings], because it had a national impact that other cases did not have... I think it was due to a number of things, primarily because he was a photojournalist and the press took that on as a cause.”\textsuperscript{100}

Returning to the previous discussion about the importance of the characteristics of the victim in cases of police killings that attract public attention, the fact that Cabezas was a journalist, beyond the political repercussions of the case, was also highly significant. According to Marcela Perelman, Security Policy and Institutional Violence Coordinator at the human rights NGO CELS, “we’re talking about a journalist... in Argentina the tradition of journalism is very strong, and the legitimacy of journalism was very high back then.”\textsuperscript{101}

Due to the mobilization of journalists and human rights organizations, the Cabezas case remained in the news for years. Indeed, for years after the murder of Cabezas, the news anchor Santo Biasatti ended his broadcast each night with the phrase “No se olviden de Cabezas.”

\textit{Mobilizing the Scandal: The Role of the Political Opposition}

I argued in Chapter 2 that a scandal mobilized by a robust political opposition would be sufficient for police reform to occur, and suggested that mobilization by civil society groups was not likely to result in such reform. The latter, I argued, would likely lead to important advances in the individual case, but a robust political opposition was needed in order to make incumbent feel that his or her electoral prospects are threatened. In the Colombian

\textsuperscript{98}“No se olviden de Cabezas,” \textit{Clarin} 2 February 1997.
\textsuperscript{99}“No me voy a olvidar.” \textit{Página/12} 31 January 1997.
\textsuperscript{100}Interview with Carlos Rodríguez, Buenos Aires, 16 September 2011.
\textsuperscript{101}Interview with Marcela Perelman.
case we saw that the existence of a scandal in the absence of a robust political opposition did not lead to reform, and that reform languished in a Congressional committee when there was a (relatively) robust opposition but no scandal.

Both the claim about civil society and the observation about Colombia rest on a particular understanding about what scandals, and subsequent mobilization by a robust political opposition, do. Scandals communicate to politicians, both the incumbent and the opposition, that diverse societal sectors share a common opinion on an issue area generally characterized by fragmentation. It is this message of a coherent, rather than conflicting, societal preference that convinces politicians of the need to take action. As we saw above, previous scandals in Buenos Aires Province, such as the publication of the exposé in 1996, yielded little more than purges and perhaps the resignation of the secretary and/or police chief. The work done by the opposition is the extension of the life of the scandal, by depicting it as a broader institutional problem, one for which the incumbent is to blame. The threat posed by a robust opposition to the incumbent’s electoral prospects is what leads the incumbent to reconsider the benefits of continuing patterns of accommodation with the police in light of the potential loss of electoral support. The mobilization of a scandal by civil society, though it may be quite extensive as in the case of Cabezas, is unlikely to pose such an electoral threat to the incumbent.

The mobilized scandal that emerged from the murder of Cabezas bears this out. Widespread societal mobilization kept up the pressure on the ongoing investigation, which was, of course, plagued with malfeasance. But Governor Duhalde himself, while very active and very vocal about the Cabezas case showed little interest in, or even acknowl-

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102Brinks (2008) finds in his studies of police killings in Argentina, Brazil, and Uruguay, that societal mobilizations, even those much more limited than what occurred in the case of Cabezas, can move investigations forward and increase the rate of conviction.

103Police attempted to cover up or tamper with evidence and there were several irregularities by the initial forensic investigation (e.g., they drove the car in which Cabezas was found to a nearby police station, before conducting forensic analysis of the car, its tracks, etc.; the scene of the crime was not duly cordoned off; the first autopsy failed to indicate that Cabezas had been beaten and did not note a second bullet wound, etc.).

The investigation was plagued by truly odd moments, such as the discovery that a key police informant in the case was then arrested and accused of taking part in Cabezas’ killing. See Oliver, Sigal, and Mosquera (1997) and “Caso Cabezas: dudas y un nuevo procesado.” Clarín 26 April 1997.
edgement of, broader institutional problems within the provincial police. The Secretary of Security at the time, Eduardo de L’azzari, despite recognizing that the Cabezas murder “unleashed a storm” said that his office continued with the same agenda, purges to rid the institution of corrupt members at all ranks and investigation into corrupt activity. Moreover, as noted above, the replacement of de L’azzari by Carlos Brown, a veteran Peronist politician, was an important setback to the impetus for combatting corruption in the police, which had been de L’azzari’s mandate. The opposition party members of a bicameral commission to oversee the formal investigation of Cabeza’s murder wrote in September 1997 that “More than three months after the appointment of the new Secretary of Security... [we observe] no major changes in the police institution nor relevant advances relating to the case that concerns us...” (Oliver, Sigal, and Mosquera 1997).

Indeed, many of the actions by Duhalde and the Peronist Party in response to Cabezas’s murder lost momentum after the first few months. During that initial stage, Duhalde spoke publicly about the case frequently, and called for a thorough investigation; he even requested the help of the FBI and offered a reward to anyone who came forward with information about the case. The Peronist party created a bicameral commission in the provincial legislature to provide oversight of the investigations in the case; a similar “multi-partisan” commission was created at the national level by Minister of the Interior.

But the Peronists also showed themselves hostile to the expression of any broader claims. The President and Minister of the Interior warned against “politicization” of the case. The PJ, for instance, declined to participate officially in the march held in the days after Cabezas’ murder, so as to not give fodder to the opposition. The party, at the national and provincial levels, rejected any platforms that would use the Cabezas case to make broader claims or criticisms of the respective administration. Carlos Corach, then Minister of the Interior, expressed the sentiment that the murder of Cabezas “was not a security problem... it

104 Interview with Eduardo de L’azzari.
was an isolated case. It cannot be used to make conclusions about the system of security.”

Months after the murder, Duhalde had removed de Lázzari and the bicameral commission in the legislature had, according to its opposition members, become lethargic as members of the PJ tried to impede its work (Oliver, Sigal, and Mosquera [1997]).

The opposition did, of course, use the murder of Cabezas as a platform to make broader criticisms of the Duhalde administration. Members of the Radical Party (UCR) and FREPASO (Front for a Country in Solidarity), at both the national and provincial levels, were quick to join groups and actions calling for the resolution of the case. They were also the impetus for the bicameral and multi-party commissions formed at the provincial and national levels formed to oversee the investigation of the case. Leading up to the October 1997 legislative elections, the opposition parties ramped up their criticism of Duhalde and the provincial police in connection with the Cabezas murder. In early October, the leader of the UCR issued a statement calling on Duhalde to give answers to voters about the Cabezas case, and saying that “if it weren’t for the administration [of Duhalde], the Cabezas murder would already be resolved.”

Legislators from FREPASO, meanwhile, issued the aforementioned report evaluating the bicameral commission in September 1997. The report was filled with tacit and explicit criticisms of the government, including that he may have been behind “planting” a fake witness to confuse the investigation, and against the PJ members of the commission, accusing them of not being aggressive enough in the investigation. The report emphasized at various points that “we are not looking at isolated cases” and pointed to systemic issues in the police going back to the tenure of Pedro Klodczyk and, by implication, the person who put him there.

With a scandal of such magnitude and an active opposition, why was reform not on the agenda for Duhalde and the Peronists prior to the October elections? Table 4.3 may

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109 “Duhalde tendrá que dar muchas explicaciones a la sociedad.” Union Cívica Radical, Dirección de Prensa, 2 October 1997.  

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provide an answer. By the time of Cabezás's death, the Peronist Party had come to occupy a solid majority in the Province of Buenos Aires, consolidated, in large part, through the efforts of Eduardo Duhalde. The UCR went from governing the province and dominating the legislature in the 1980s to about a quarter of the vote and seat share by the mid-1990s. The elections held in 1995 saw a new party emerge out of smaller left and progressive parties, FREPASO. The two parties, both strong critics of Duhalde following the Cabezás case, decided to form an alliance at the national level that year, and competed in various national and provincial contests as the Alianza por el Trabajo, Justicia, y la Educación (Alliance for Work, Justice, and Education, henceforth Alianza). The creation of the Alianza was thus not an outgrowth of the Cabezás scandal itself.

Duhalde recognized fully the electoral risk that the Cabezás murder presented, but with an eye towards the 1999 presidential elections more than anything else. Just over a week before the legislative elections, Hilda “Chiche” Duhalde, the governor’s wife and head of the PJ list in the coming legislative elections, spoke to reporters about the Cabezás murder and her husband’s presidential prospects: “if the case is not resolved, he can’t be president.” Duhalde did not perceive the Cabezás case, nor the provincial opposition, as presenting the same threat, particularly as his approval ratings had increased. The front page of the newspaper Página/12 declared two days before the election that, “Everyone takes as given the victory of the Alianza at the national level but Buenos Aires remains unknown: the principal and most prestigious survey firm grants a 1.5-point lead to Chiche. Alianza’s survey foresees a 4-point [lead] for Graciela [head of the Alianza list].”

Despite the uncertainty of the outcome going into the elections, the results dealt an important blow to the governor. The Alianza won 47.53% of the vote in the chamber of deputies — giving it a total of 46 out of 92 seats (with 44 for the PJ)— nearly 50% of the vote for the senate (22 of 46 seats for the Alianza, 24 for the PJ). In light of the

112 Página/12 24 October.
<table>
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<tr>
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<td>Al. FJB (PJ)</td>
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<tr>
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<td>Other</td>
<td>20.28%</td>
<td>16.99%</td>
<td>10.3%</td>
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Data were collected from the Department of Statistics, National Election Office, Ministry of the Interior.

The PJ officially received 37.44% of the vote in the gubernatorial race, but the Peronist candidate, Carlos Ruckauf, won the election because two smaller opposition parties also had him on their ticket, winning an additional 11% of the vote.

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Alianza’s victories at the national level as well, Duhalde realized he was now faced with a robust political opposition. The Alianza’s campaign in the province was heavily based on the government’s handling of the Cabezas case and the provincial police, a message that resonated with voters. His presidential chances in the balance, Duhalde quickly changed his approach and started moving towards reforming the *Bonaerense*.\footnote{Duhalde declared after the electoral loss: “I am the father of this defeat.” See *Hoy* 27 October 1997.}

Before moving on to discussing the content of the sweeping reform adopted in Buenos Aires Province in an attempt to transform the notorious police force, it is worth conducting a brief comparison of the Cabezas case with earlier police killings in order to assess the role of scandal and of a robust political opposition.

Ten years before Cabezas was killed, one of the first cases of *gatillo fácil* (trigger happy) killings came to light. The case known as the “massacre of Ingeniero Budge,” discussed above, occurred in May 1987. Three young men drinking beers on a street corner were killed by police officers, who then tried to claim they had engaged in a shootout. Although the case of Ingeniero Budge was an emblematic case of police violence and mobilized a committed group of family, neighbors, and friends of the victims who pressured for justice over the course of seven years, the case did not become a scandal. Broader societal sectors did not express outrage or mobilize beyond what occurred in the community of Ingeniero Budge. At the time, the political opposition facing the Radical governor was becoming increasingly robust. The PJ presented two separate lists during the previous legislative elections (see Table 4.3), but had reorganized heading into the 1987 legislative and gubernatorial elections. The Radical party meanwhile, was weakened at the national level due to then-President Alfonsís handling of the economy and (among some sectors) for the laws intended to stop prosecutions of military and police officials involved in human rights violations during the dictatorship. However, without a clear message of outrage from a diverse range of societal sectors, the opposition Peronist Party had little incentive to mobilize this event.
Months after Ingeniero Budge, Luis Brunati was appointed Minister of Government, the entity that was charged with overseeing the police at the time. Brunati’s efforts to enact changes in order to diminish police corruption and violence were discussed above. I simply want to highlight that, in addition to the strong opposition he faced from the police, Brunati noted that another obstacle to his efforts was the absence of societal mobilization: “I didn’t have the benefit of having people out on the streets, of having society mobilized. I did have the understanding of society and the press. But I did not have a mobilized society [behind me].” Once again, while we can observe from Table 4.3 that there had been a robust political opposition during this time, Brunati could not count on the support of politicians because they did not receive a coherent societal demand from various social sectors. Continuing to pursue (illicit) patterns of accommodation with the police provided a much clearer benefit.

Finally, four years before the murder of Cabezas came the disappearance of Miguel Bru. Like the Cabezas murder, Bru was disappeared by police shortly before a legislative election, in August 1993. From the start it was known that Bru had disappeared while in police custody, and it soon became apparent that police had engaged in a coverup to conceal this fact. Bru had been a journalism student in the provincial capital of La Plata and his disappearance sparked memories of the tens of thousands of disappeared during the dictatorship. The case was highly resonant and became a scandal, prompting broad mobilization, particularly by other university students and human rights groups. But at the time, there was no longer a robust political opposition. The Radical party had been in decline since losing the 1987 elections, and no alternative presented an electoral threat to Peronist dominance.

While this analysis is no doubt crude, it is simply intended to illustrate once again the work that scandals and a robust political opposition do separately. Scandals of police killings were abundant during the 1990s. I chose the case of Bru because of the characteristics of

114 “La historia de un precursor.” Página/12 11 April 2004.
the victim and the proximity to legislative elections; but I could have chosen many others. But the absence of a robust political opposition during much of this time was one key factor, I argue, that allowed Duhalde to put off needed reforms. In the case of Cabezas, these two conditions coincided, as a new coalition of two parties finally presented an electoral threat to the governor, making reform possible.

An Audacious Reform and Adversarial Participatory Security

As occurred in Colombia, those seeking to reform the *Bonaerense* crafted a far-reaching reform intended to address the complex and multi-faceted problems plaguing the institution. The Buenos Aires provincial police, which for a decade and a half had succeeded in crafting an extraordinary degree of autonomy — even in light of systematic and well-known corruption and violence — was now facing extensive scrutiny and dramatic changes. The reform in Buenos Aires Province resembled in many ways the measures enacted in Colombia, because many of the challenges were similar: a large, unwieldy force that was difficult to control, ineffectiveness in fighting crime, a lack of civilian oversight and governance of security, poor relations with the citizenry, high levels of corruption and participation in crime, a militarized (hierarchical and centralized) internal structure, and low levels of specialization.

In Buenos Aires, as in Colombia, then, the reform included many of the same targeted elements: broad purges, increased recruitment standard, improved training, territorial decentralization, demilitarization, functional specialization, and societral participation. In Buenos Aires Province, however, the form of participatory security adopted differed in important ways from the Colombian approach, as will be discussed below.

Reform in Buenos Aires Province began with a much more dramatic action than what we observed in Colombia. After deciding to undertake reform, Governor Duhalde sought out proposals. As Alberto Binder, who, along with Arslanián designed the reform, glibly put

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115 Cristian Campos, for example, was a teenager detained, tortured, and killed by the provincial police in the city of Mar del Plata in March of 1996. The scandal that erupted after his murder led to the resignation of high-ranking police officials. However, there was not a strong political opposition at that time. See “Perpetua para los policías que asesinaron a Cristian Campos,” Clarín 24 October 1997.
Duhalde was sort of desperately looking for a reform plan, and we had one.\footnote{116}{Interview with Alberto Binder, Buenos Aires, 27 September 2011.} The reform proposal drafted by Binder and Arslanián\footnote{117}{Arslanián had previously served as a judge, including on the tribunal that judged the trial against the leaders of the military juntas, and as Minister of Justice at the national level under President Menem. Binder is a lawyer who had been working on criminal justice system reforms for many years.} cognizant of the usual approach taken by Governor Duhalde and his predecessors to police malfeasance, emphasized on the very first page that

**There are no short-term solutions**... The various “emergency” solutions, such as changes in leadership, purges, etc., have not demonstrated effectiveness in this or other similar areas (such as the judiciary, for example). On the contrary, the institution has an enormous capacity to reproduce personnel that perpetuate the state of corruption and inefficiency” (Arslanian and Binder 1997). (boldface in original)

The document called for a bold strategy, one that Duhalde was now willing to accept. Less than two months after losing the legislative elections to the Alianza, Duhalde signed off on an audacious reform plan. In December 1997, Duhalde signed a decree (4.506/97) declaring the intervention of the provincial police and appointed a civilian to lead the intervention and the institution — in effect, the *Bonaerense* now had a civilian as its chief. The legislature then passed a law validating the intervention and creating a bicameral commission to oversee the reform process (Law 12.068). Additionally, there was a particularly radical measure, described by the civilian designated to lead the intervention, Luis Lugones:

there was an idea that you had to make a definitive break... an intervention that would take governance of the police from the root of the police structure, generate new structures and new conditions... We decreed the intervention and put all of the police in a state of emergency in order to suspend institutional rules that limited certain decision making regarding the operation of the police... Concretely, we decided to retire all police officials above a certain rank... The top part of the [police] hierarchy was retired, that is, the commissioner generals, the commissioner majors, and the commissioner inspectors. Not because there was a direct [suspicion] that they had been linked to corruption, but instead as a general measure to try to generate conditions for a new opening and a new methodology of working within the police.\footnote{118}{Interview with Luis Lugones.}
This extraordinary attempt to create a rupture with past structures was followed by an equally dramatic initiative, the Bonaerense Police was dissolved and replaced with eighteen police departments, corresponding to the territorial jurisdictions of the judiciary, and overseen by the Ministry of Justice and Security (Law 12.155). More than simply territorial decentralization as occurred with the National Police of Colombia, this was an attempt to break definitively with the police of Pedro Klodczyk and the institutional deterioration generated by that model.

In addition to territorial decentralization, the reform sought to achieve greater functional specialization by creating distinct institutional entities charged with security (patrolling and other preventive activities), investigation of crimes in assistance to the judiciary, and transit security (seguridad vial). This functional specialization was intended to improve effectiveness and efficiency in each respective area. This objective was also bolstered by the creation of the Institute for Criminal Policy and Security, run by civilian experts, intended to collect, systematize, and analyze criminal data, with the objective of using these analyses to inform security policy. The institute was intended to build expertise with the goal of improving the police’s, and the state’s, administration of security.

The reform also created a number of structures to reinforce civilian governance of security and oversight of the police. First, the Secretariat of Security was elevated to the level of Ministry (of Justice and Security at the time), and declared that the twenty or so police forces created by Law 12.155 responded directly to the Minister of Security, such that the highest authority of the police would in fact be a civilian. Second, the law created a structure for the province’s civilian authorities, both from the executive and the legislative branches, to set broad security policy, through the Provincial Security Council (Law 12.154). This represented a stark contrast to the era of delegation of decision making over security policy to the police.

\[119\text{Naturally, this process generated a great deal of resistance within the police, and their political patrons, which will be discussed briefly in Chapter 7.}\]
Finally, the reform entailed the construction of an ambitious structure to incorporate societal actors. Law 12.154 declared, “It is a right of the inhabitants of the Province of Buenos Aires and a duty of its Government to promote effective community participation in the design, implementation, and oversight of public security policies” (Art. 11). The model adopted in Buenos Aires Province, however, differed markedly from that adopted in Colombia just five years earlier. Reformers in Buenos Aires Province created *Foros Vecinales de Seguridad* (Neighborhood Security Forums), as well as municipal-level and departmental-level forums as the arenas of citizen participation.

In contrast to the Colombian model, whether the Commissions of Citizen Participation or the *Frentes*, the *Foros* adopted in Buenos Aires Province corresponded to the territorial jurisdiction of each *comisaría* (police station), the corresponding territorial unit of the police. The system of *foros* granted a broad set of authorities and responsibilities to the neighborhood forums including: evaluating the performance and activities of the police, making proposals to and requesting reports from the local police stations, serving as a channel for community concerns and communicating them to the corresponding municipal security forum, and collaboration in the implementation of local security plans (Law 12.154, Art. 16). These powers and responsibilities granted to societal actors in turn generated obligations upon the local police commanders, particularly the obligation to “receive suggestions and proposals, and provide information to the Departmental, Municipal, and Neighborhood Security Forums, as well as the Municipal Security Ombudsmen” (Law 12.155, Art. 14(j)).

These two components, both the extensive authorities granted to societal actors and the obligations imposed upon police officials, were a notable departure from the previous structure, characterized by “the absence of any mode or instance for community participation or intervention in public security issues, especially in the design, implementation, and oversight of security policies and in the performance of the police” (Saín, 2002, 66).

The methodology of participation, meanwhile, was to be done through “non-governmental community organizations and entities of recognized social participation, interested in pub-
lic security, and active in the respective territory” (Law 12.154, Art. 14). Each of these community organizations was to select a representative to serve on the neighborhood forum. Participation, in other words, was limited to those who already belonged to community organizations.

These characteristics of the participatory system devised in Buenos Aires Province leads me to categorize it as Adversarial Participatory Security. The adversarial type of participatory security is characterized by: (1) medium-high degree of authority and responsibility granted to societal actors, (2) medium-high degree of obligations and requirements imposed on police officials, and (3) restrictions on participation. I characterize this institutional type as “Adversarial” because the combination of societal authority and official obligations sets up a system in which societal actors exercise oversight of the police and are endowed with some authority to ensure compliance.

These institutional features, moreover, are shaped by two structural conditions that increase the likelihood that reformers will include community participation as a component of reform: police-society relations and police capacity and resources. The former condition shapes the extent to which police officials seek to limit participation and ensure that societal actors are not granted meaningful authority to control police behavior. The latter shapes reformers’ expectations about the ability of the police to respond to societal demands.

**Police-Society Relations**

Police-society relations in Buenos Aires Province, the complexities introduced by differentiated citizenship notwithstanding, were (and are) generally marked by high levels of distrust. Table 4.4 below shows the results of surveys conducted by the firm Graciela Romer y Asociados at various points between 1994 and 1997\(^{120}\). The low point in societal trust reached by the Colombian National Police, around 20-23% in the early 1990s, would likely

\(^{120}\)Respondents were asked “Do you think the police is (1) Very trustworthy, (2) Trustworthy, (3) Barely trustworthy, or (4) Not at all trustworthy?”

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be envied by the Bonaerense, which was trusted by just 6% of respondents, and distrusted by 92% in the months prior to the onset of reform.

Table 4.4: Societal Trust of the Police in Buenos Aires Province (Conurbano) (1994-1997)

<table>
<thead>
<tr>
<th>Year</th>
<th>Trust</th>
<th>Distrust</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994 (April)</td>
<td>22%</td>
<td>75%</td>
</tr>
<tr>
<td>1996 (March)</td>
<td>16%</td>
<td>79%</td>
</tr>
<tr>
<td>1996 (May)</td>
<td>10%</td>
<td>89%</td>
</tr>
<tr>
<td>1997 (March)</td>
<td>6%</td>
<td>92%</td>
</tr>
</tbody>
</table>

Note that the killing of Cristian Campos occurred between the March and May 1996 surveys, while the killing of José Luis Cabezas takes place in January 1997. Source: Surveys conducted in the municipalities of Greater Buenos Aires by the firm Estudio Graciela Romer y Asociados. Survey data accessed via the Latin American Databank housed at the Roper Center Public Opinion Archives at the University of Connecticut.

The poor opinion held by many, if not most, societal sectors towards the police was felt along many dimensions. Alberto Piotti, former Secretary of Security under Duhalde, recalled hearing from police officers that “my children hide my condition as a police officer. Not for security reasons, but because of shame.” Martha Arriola, the Ministry of Justice and Security official charged with running the foros and other community participation initiatives, heard similar stories from police officers: “I take my children to school and they are stigmatized because they are the children of a police officer, because of the discredit (desprestigio) that we have... I hope that someday it will be the other way around, where my children [will hear] ‘cool, you’re the son of a police officer, that’s great’.”

Arriola noted in an interview that, due to the high levels of distrust between society and the police, it was difficult to even implement a program of participatory security:

When we began working with the community we first had to raise awareness about participation. Not even invite, simply raise awareness... because we couldn’t even invite people because no one dared to participate. Even putting together a team [to work here] was difficult, because no one wanted to come work at the Ministry of Security, which was in the old police headquarters; no

\[121\] Interview with Martha Arriola, Buenos Aires, 6 September 2011.
one wanted to set foot in the same building where the old police headquarters used to be.

This distrust was also characterized by the perception that police officers were involved in crime. Recall the survey finding reported above, conducted by the research institute Nueva Mayoría in 1998, that nearly a quarter of respondents associate retired and active duty police officers with crime. That same survey found that 27% of respondents in the municipalities of Greater Buenos Aires were more afraid of the police than of criminals; in the City of Buenos Aires, only 8% of respondents said they were more afraid of the police (Fraga, 1998).

Police-society relations were also marked by perceptions of incompetence. The same survey found that only 37% of crime victims reported the crime to the police. Of those who did not report the crime, 30% said they did not report it because they do not believe the police will find the perpetrators, and 26% said the police does not pay attention to people’s reports. An additional 17% said the police were not trustworthy.

Police Capacity and Resources

I have already argued that the Buenos Aires provincial police possessed a type of “perverse capacity” in that it was inefficient in performing its routine task of security provision, yet demonstrated a great deal of capacity in performing “exceptional tasks,” namely an extensive system of involvement with and regulation of illicit activity (as well as the illicit regulation of legal activity). It is difficult, however, to disentangle institutional capacity used toward formal and illicit functions. On the one hand, the Bonaerense showed a fair degree of functional specialization, with distinct units focused on the most common or resonant crimes, such as car theft, kidnapping, drug trafficking, etc. On the other, the members of the institution used this specialization not to prevent crimes in these high-impact areas, but to permit and sometimes commit them. Similarly, the distribution of local police stations across the territory allowed for the development of tremendous local knowledge and and territorial control in their respective jurisdictions, leaving few “brown areas.” But once again, this
territorial distribution and control was used for the liberation, rather than the prevention and repression of criminal activity.

Other aspects of the provincial police’s institutional capacity and resources are, thankfully, less complicated to process. There were certainly resource shortages. Former Secretaries of Security Piotti and de Lázzeri, for instance, complained that a lack of resources limited severely what they were able to accomplish. Indeed, one of the justifications of the police’s illegal “collection” system is that the police’s budget is insufficient to perform its tasks. Moreover, as I note above, many police officers end up having to work a second job to supplement their low salaries (legally).

While there were not many high capacity, high resource police institutions in Latin America, particularly during this time, I characterize the Bonaerense as being relatively high on these dimensions. This is due to a number of reasons. First, in addition to a very real shortage of resources, there is also evidence of a poor distribution or use of resources. One of the civilian analysts working in the newly created Institute for Criminal Policy made the following diagnosis

nearly 7,000 men were absorbed in activities such as the custody and transfer of detainees [which corresponds to the penitentiary system], custody of judicial and public buildings, as well as public officials... As far as material [resources], a review showed that a large number of vehicles were virtually “stopped” due to minor, easily fixed mechanical difficulties, reflecting the existence of unused or poorly used resources.

The primary reasons for characterizing the provincial police as relatively high capacity/resources are its sheer size and the role that this gave the institution relative to other state entities. With more than 47,000 members in 1995, the provincial police was one of the largest, if not the largest, state agency. To put this in comparative perspective, during this time, the Colombian National Police had 26 police officers per 10,000 inhabitants, or about one police officer for every 500 inhabitants. The Bonaerense, meanwhile, had 36 police officers per 10,000 inhabitants, or approximately one police officer for every 275 inhabitants.
Recall that Colombia was in the middle of a protracted battle with drug traffickers at the time.

These resources are important because they also increase institutional capacity. For instance, in the Colombian case, the police developed an initiative to build capacity in the form of territorial presence (the CAIs); however, it lacked the human resources necessary to make that territorial coverage possible. The Buenos Aires provincial police, meanwhile, had sufficient human resources to conduct effective territorial coverage. Its imposing size also gave the provincial police a certain level of capacity relative to other criminal justice institutions. During the reform, many of the reformers noted that the police had been performing a number of tasks that belonged to the judiciary, including the investigation of crimes and the custody and transport of detainees, both of which belonged to the judicial branch. Judges and the penitentiary system had delegated these responsibilities “as a consequence of the lack of material and human resources that the Buenos Aires justice system faced” (Saín, 2002, 95). In the context of the broader provincial state, then, the police was seen as a means of compensating for limits in resources and capacity of other institutions.

The Choice of Adversarial Participatory Security

I argue that these two characteristics, abysmally bad police-society relations and relatively high police capacity and resources, should lead to the adoption of Adversarial Participatory Security. From the perspective of politicians, where police-society relations are characterized by high levels of distrust, participation may be seen as a means of improving the police’s image. Participation may increase confidence among citizens, since they are unlikely to trust the police to carry out the reform on its own. However, because police officials know they are not trusted by society, and also view societal actors with distrust, they will seek to limit participation and ensure that societal are not granted meaningful authority.

Moreover, where the police is seen has having high capacity and resources, reformers will see the police as being capable of addressing societal demands. They will therefore grant some degree of authority to societal actors, and impose some requirements on the
Under this framework, societal actors are thus used as an instrument of oversight and accountability.

In the Colombian case, we saw that the overarching concern of those involved with the reform was to improve the police’s image among citizens. In Buenos Aires Province, meanwhile, we saw a discourse that sought to employ citizens as a form of oversight. Luis Lugones, the chief of the civil intervention of the provincial police, said that those involved with the reform sought to “find forms in which the civil society could oversee the operations of the police institution.”

The province’s system of foros had other objectives of course, including improving the police’s image. Martha Arriola, former Undersecretary of Community Participation in the Ministry, said the foros allowed police officers, “by taking the hand of their communities, could recover the prestige that they had lost.” Former Minister of Security León Arslanián, also spoke of the citizenry greater “protagonism” on matters related to security, of which one component was to give citizens the authority to take part in the design and execution of security policies. But the other component “refers to something that’s more bold, which is the authority of oversight that we gave to the community regarding the performance and functioning of their police force.” Alberto Binder, the other architect of the reform process, explained the purpose of this participation in an interview:

If one of the fundamental aspects of the reform is to reduce the police’s autonomy and start a [civilian] governance of the police, we had to do so on two fronts. It wasn’t enough to establish, with a group of thirty, forty, or fifty civilians, an adequate control over security policy from the Ministry. At the same time, we had to confront the police with community control. They were both the basic tools of the civilian governance of security.

Thus, while community participation in security can be used to achieve many objectives, from the cosmetic to the transformative, in the case of Buenos Aires Province, citizens were incorporated into the broader security system as a means of providing oversight of the police.

The opposite occurred in Colombia, where the police was seen as having low levels of resources and capacity.
Conclusion

The process by which the police of Buenos Aires Province came to be reformed illustrates the extent to which the fragmentation of societal opinion and the incentives of politicians can perpetuate institutional deficiencies and impede needed reforms intended to improve capacity. It is a case in which the imperative for reform could not have been greater: crime was rising, and the institution responsible for reducing it demonstrated itself to be quite inefficient at its primary task; police killings and violence were rampant; police officers were engaged, in a systematic way, in the just about every type of criminal activity they were supposed to prevent.

These conditions were allowed to continue, and grew worse over the course of nearly a decade and a half, because politicians saw police institutions as functional to staying in office. This usually takes the form of keeping a volatile policy area under control, distributing protection in electorally beneficial ways, and deploying police coercion or surveillance against political opponents. In Buenos Aires Province, however, many politicians and political parties were one of the endpoints of funds flowing from a vast criminal enterprise run by the police. Under these conditions, politicians had an outsized incentive to engage in patterns of accommodation with the police force in exchange for its cooperation. The vast autonomy granted to the institution and its leaders permitted these alarming practices to continue with little intervention from policy makers.

But the case of Buenos Aires Province also demonstrates that societal fragmentation may in fact facilitate these patterns of accommodation between politicians and the police. In the absence of coherent societal demands or, more accurately, conflicting societal demands, politicians feel little need to, and perceive few benefits from, police reform. When a diverse range of societal actors communicated a shared preference, in the form of a scandal, the governor was responsive, though in a limited way, through purges and resignations. When the governor was faced with a robust political opposition using the scandal for its own electoral benefit, reform quickly followed.
Governor Duhalde and other leaders in Buenos Aires Province took extraordinary actions to build the state’s capacity to provide security. But as I have argued here, they did not do so as a response to an objective need. Instead, the governor was responding to a perceived electoral threat, of which one of the main drivers were shifts in societal opinion. In Chapter 7, I will consider whether the fragmentation of societal preferences, driven by contestation over how protection and repression ought to be distributed, played a role in the process of “counter-reform” that, as in Colombia, followed shortly after a transformative reform.
Chapter 5

Principled Reformers, Micro-Transformations, and the Endurance of the “Police that Kills” in São Paulo State

In November 1982, then-Governor of São Paulo José Maria Marin made strong declarations about rampant violence by the state’s Military Police: “I want to let the population know that I will not have the slightest doubt in going to the final consequences to ensure those cases to not repeat themselves. May it hurt whomever it may hurt... I will go until the final consequences to contain police violence.” The governor’s statement came days before the State’s first democratic elections after nearly twenty years of military rule. The Military Police of the State of São Paulo (PM) had already killed hundreds of people that year, the newspaper O Estado de São Paulo reported, and two recent high-profile cases of police

violence, including against a high-ranking officer of the Civil Police had prompted the angry response from the governor.

This may, by now, seem a familiar narrative, but this was not the start of yet another process of police reform such as those analyzed thus far. Police reform in São Paulo State has followed a remarkably distinct trajectory from the ambitious efforts of comprehensive reform that we observed in Colombia and Buenos Aires Province. After two decades of democracy, little has changed. In 1992, the year in which killings by the Military Police reached a peak of 1,421, a book by a prominent journalist dubbed the PM, and particularly its “elite” unit, ROTA, as “the police that kills” (Barcellos, N.d.). Today, the Military Police continues to kill hundreds of people, with the number of police killings reaching 438 in 2011 and climbing to 546 in 2012 (FBSP, 2013). To put these numbers into perspective, a common headline in recent years has been a variant of the observation that the PM of São Paulo kills more civilians than all of the police forces of the United States combined. Moreover, just as there has been continuity of the problem, there has also been considerable continuity of the proposed solutions. The same day the governor made those remarks in 1982, another high-ranking Civil Police official was emphatic about the need to demilitarize and integrated the police; the same reforms are still seen today as the key to getting police violence under control. In 2012, even the United Nations’ Human Rights Council recommended that the PM be abolished, and that the dual system of police forces be unified.

The State of São Paulo shares a number of structural characteristics with Buenos Aires Province. They are both the largest, most populous, and most economically powerful units

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2Brazil’s constitution separates traditional policing functions into two separate entities. The Military Police is charged with the prevention of crime and the “preservation of public order,” while the Civil Police serves as the state’s judicial police, investigating crimes (Art. 144).

3The State of São Paulo has a population of about 41 million people. Yet the total number of police killings between 2006 and 2010 in the state was 2,262 (at a rate of 5.5 killings per 100,000 inhabitants), compared to 1,963 in all of the United States (0.63 killings per 100,000 inhabitants). See “PM de SP mata mais que a polícia de São Paulo.” Folha de São Paulo 22 June 2012.


in a federal structure in which the state/province is charged with security provision and overseeing the police. They experienced contemporaneous transitions to democracy that left intact police institutions that had been integral to the repressive apparatus under military rule. And they both struggle to contain radically violent and highly corrupt police forces in the context of historically high rates of crime and violence. Yet the Bonaerense has by now been subject to two waves of highly transformative legal changes (see Chapters 4 and 7), while reform of the Military Police of São Paulo State has proven all but impossible.

In this chapter I explore what is, for the most part, a negative case of police reform. I begin by demonstrating the persistence of extensive institutional deficiencies in the state’s police forces, focusing primarily on the Military Police. Like the other police institutions analyzed thus far, São Paulo’s Military Police is characterized by a number of widely recognized institutional deficiencies, of which the most salient has been its extraordinary reliance on violence as an instrument of social control, as the governor’s quote above indicates. I then argue that the continuity of these problems can be traced back to accommodation between politicians and the PM, facilitated by the fragmentation of societal opinion over policing and security. When scandals have occurred, I argue that reform failed to materialize due to the absence of a robust political opposition. I support this argument by analyzing three periods of reform and non-reform between 1983 and 2000, including two instances of what I call “micro-transformations” by reformist governors, and the enduring absence of reform, even in the context of a scandal following what is arguably the most egregious case of police violence in the Americas, the massacre of 111 inmates in Carandiru prison by the Military Police.

The case of São Paulo State demonstrates some important alternative paths to reform and change. Progressive leaders committed to human rights and the rule of law often come along and enact positive changes on principled reasons, rather than as a result of political incentives. This was the case of Governors Franco Montoro and Mário Covas, who implemented limited but important initiatives to try to curb rampant police violence. As will be
discussed briefly at the end of the chapter, police institutions sometimes undertake reform on their own. Toward the end of the 1990s and early 2000s, the Military Police of São Paulo began an internal process of modernization, and adopted a community policing approach that has contributed to the creation of a more professional police with a greater capacity to respond to crime and to societal demands. Yet, these cases also demonstrate the limits of these alternative paths. Since 2005, police killings have made up more than 5% of all homicides, climbing to 12% in 2012. While these changes have been significant, they have thus far failed to address the structural factors that have led to widespread violence and corruption.

The Continuity of Public and Private Violence in Democratic São Paulo

As in Argentina and, indeed, most of Latin America, democratization in Brazil coincided with sharp increases in rates of crime and violence. Although Brazil as a whole is on the low end of countries whose citizens cite crime, violence, and insecurity as the most important problem (see Figure 1.1), the steady increase in crime and violence in the decades following its first democratic elections after military rule became a top concern on the public agenda in the State of São Paulo, and particularly the metropolitan region of Greater São Paulo, the capital and surrounding cities (de Souza, 2002).

As Figure 5.1 demonstrates, homicide rates in the State of São Paulo tripled between 1981 and 2000, from approximately 13 homicides per 100,000 inhabitants to nearly 43. As we might expect, patterns of violence in the state show a great deal of internal variation. In the metropolitan region of Greater São Paulo, for instance, homicide rates were considerably higher, but increased at a similar rate. Homicides rose from 18 per 100,000 inhabitants in 1981 to a peak of 64 in 2000. In the capital itself, meanwhile, homicides reached 67 homicides per 100.000 inhabitants by 1999 (Cárdia and Schiffer, 2002).

Data are from the Fundação SEADE (Sistema Estadual de Análise de Dados), an agency of the state government that centralizes all statistical data produced by just about all state entities.

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6Data are from the Fundação SEADE (Sistema Estadual de Análise de Dados), an agency of the state government that centralizes all statistical data produced by just about all state entities.
Figure 5.1: This figure shows the dramatic variation over time in homicide rates in the State of São Paulo (solid line) and the São Paulo Metropolitan Region (dashed line). Data are from the Ministry of Health’s count of “deaths by aggression,” rather than homicides reported to the Secretariat for Public Security, in order to allow for a longer time-series. There is commonly a discrepancy between police and health authorities with regard to homicides. Source: Fundação SEADE.

Other types of violent crimes also increased considerably during this period (Caldeira, 2000; Adorno, 2013), initially increasing by 18% in the early 1990s. Armed robbery, for instance, increased from 567 per 100,000 inhabitants in 1988 to a rate of 750 by 1993 (Adorno, 2002, 95). Between 1983 and 2000, meanwhile, robberies and attempted robberies rose by 119% and car theft increased by 177% (de Souza, 2002, 4). Kidnappings increased from a total of 12 cases in 1996, to 63 cases in 2000, and an incredible 307 cases just one year later (Caldeira, 2002, 237).

Throughout the 1990s, meanwhile, the growth of gangs and organized crime also posed a considerable security challenge. Foremost among these was the Primeiro Comando da Capital (PCC), a highly disciplined criminal organization that formed in the prison system in the early 1990s, and which has since come to exert a tight control on many neighborhoods in
São Paulo’s periphery. Some Brazilian scholars believe that the dramatic decline in homicides after 2002 can be attributed to the PCC’s “monopoly on violence” (Dias 2011; Feltran 2008).

As in Buenos Aires Province and Colombia, the increase in crime throughout the 1980s and 1990s led to an increase in fear among citizens, generating patterns of constrained citizenship and preferences for private solutions to high crime. Sérgio Adorno, one of Brazil’s foremost scholars on the issue of violence, has even written that “everyone, regardless of his/her origins, ethnic characteristics, gender, generation, wealth, and/or race feels threatened and insecure, be it in terms of property and wealth or in terms of the most precious possession - life” (Adorno 2013, 412). According to a survey conducted in 1999 by the Núcleo de Estudos da Violência (NEV), a research institute at the University of São Paulo run by Adorno, 95% of respondents in the city of São Paulo believes that violence has increased (Cárdia 2002 154) and 57% believed violence had a very large impact on their city (NEV-USP 1999).

Citizens’ growing fear of crime during this period led to various practices of constrained citizenship. The first of these was restricting one’s sphere of activity. The same survey by NEV found that a significant proportion of citizens in the city of São Paulo changed their behavior due to fear of violence. More than half of respondents said they avoid going out at night (52%), while 39% reported that they avoid certain neighborhoods and streets, and 25% changed the route they take to work, school, or home (NEV-USP 1999). Citizens also felt that state institutions did not offer adequate levels of protection: 61% of paulistanos agreed with the statement “it is difficult to feel protected by the laws” (NEV-USP 1999 55).

As a result of citizens’ perceptions of an ineffective state, at least in the provision of security, citizens opted for private solutions. The 1990s saw a dramatic growth in private security in São Paulo (and throughout Brazil), increasing from 80,000 private security agents in 1993 to 135,000 just three years later. As Mesquita Neto (2011) notes, these figures only account for the registered agents, citing estimates of an additional 100,000 private security
guards working in clandestine companies that are not officially registered with the state (73). During this same period, the number of Military Police officers (the officers who conduct street patrols) was 73,000, and the number of Civil Police officers (the ones who investigate crimes) was 32,000 (Mesquita Neto 2011 71). Caldeira (2000)'s comprehensive study on the rise of “fortified enclaves” in the city, under the protection of these tens of thousands of private security, further testifies to many citizens', at least partial, withdrawal from public life.

But in São Paulo, as elsewhere in Brazil, citizens’ preference for private solutions went beyond hiring private security and closed luxury condominiums. Much more so than in Buenos Aires Province, citizens in São Paulo expressed support for private forms of violence as well. The 1999 survey by NEV also found that 52% of respondents said they would agree with or understand if “someone threatens your neighborhood and someone kills him.” Agreement or understanding reached 73% among those between 35 and 49 years of age (Cárdia, 2002 178).

There is a long tradition of vigilante or private violence in Brazil dating back to the colonial period (Adorno, 2013 418). Indeed, as I noted in Chapter 1, the practice continues to this day, with a wave of violence by *justiceiros* (justice makers) in Rio de Janeiro this year. Lynchings, for instance, endured the transition to democracy, with a documented 272 cases between 1979 and 1988 (Huggins, 1991 25). As Chevigny (1995) has noted, such lynchings enjoyed considerable support among the population, and some of their elected leaders, with one 1990 poll showing that 30% of respondents expressed support for *justiceiros* (157). In her study of lynchings in the state of São Paulo, Sinhoretto (2009) describes one such instance in the city of Ribeirão Pires in 1982:

[The] principal worry of the residents of the new neighborhood was crime. Residences were invaded by thieves, who also robbed people who were going to or returning from work, school, or the store... Due to so much insecurity there was an informal curfew after dark and the residents locked themselves up in their homes... A group was formed to patrol the streets, with residents taking turns [patrolling]... The Civil Police, days before, had realized a patrol around the
neighborhood, seizing firearms and arresting some robbers, but its presence was not constant... One of the [neighborhood] patrol groups had detained two men suspected of a robbery and alerted the other groups. With a great commotion in the street, the other residents came out of their houses armed to help in the execution of the bandidos (81).

But justiceiros are not always (or even mostly) citizens reacting in the “heat of the moment,” nor is such violence always private. Business owners often hired gunmen to kill those suspected of being thieves or petty criminals (Chevigny 1995 157). The 1980s and 1990s saw the growth death squads, proliferation of “chacinas” (massacres) by anonymous armed groups who act with either tacit permission, complicity, or actual participation of state authorities (Adorno and Cárdenas 1998). Human Rights Watch reported in 1987 that “police themselves have undertaken contracts to execute suspects... [including] a military policeman who claimed to have killed more than fifty people while moonlighting as a justiceiro paid by the slum-dwellers in the southern periphery of the City of São Paulo” (HRW 1987 12).

Even in recent years, there have been reports of participation by Military Police officers in grupos de exterminio (death squads) who set out to kill suspected criminals, whether for revenge, payment, or some other motive (Alves 2013).

While we don’t know the extent of police involvement in such clandestine death squads, official figures do provide a fairly consistent picture of the degree to which police officers engage in the use of deadly force against civilians. Table 5.1 provides a tally of the number of civilians killed each year by the Military Police. While the raw numbers are shocking in and of themselves — and signal that nearly 10,000 people were killed by police during this 20 year period — I also calculated the rate of police killings per 100,000 inhabitants and

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7During my fieldwork, while on a casual visit with a community leader to a Military Police captain in one of the neighborhoods where I worked, the latter mentioned that he was set to retire soon. When I asked what he was going to do after he retired, he listed a few benign activities and ended by saying, with a smile, that he might “collaborate with the cleansing” (colaborar com a limpeza). For recent cases, see “PM afasta 25 policiais suspeitos de atuar em grupo de exterminio.” O Estado de São Paulo 25 September 2007. Also “Grupo de exterminio com PMs ja matou 35 na regiao de Guarulhos.” O Estado de São Paulo 24 April 2013. For cases denounced by Military Police officers, see “Exclusivo: Em entrevista, policiais revelam como agem os grupos de exterminio em SP.” Revista Fórum 22 July 2013. And “Sargento diz que existem grupos de exterminio na Policia Militar de SP.” R7 Notícias 5 August 2012, available at http://noticias.r7.com/sao-paulo/noticias/sargento-diz-que-existem-grupos-de-exterminio-na-policia-militar-de-sp-20120805.html
as a percentage of all homicides in the State of São Paulo. While the rates may seem low, certainly compared to the overall homicide rate, even the lowest figures on the table correspond to the homicide rates of countries such as the United Kingdom, France, and Portugal. Furthermore, these figures also demonstrate that police officers contribute significantly to the overall homicide rate. In 1983, the first year under democracy in the state, the Military Police, the institution charged with preventing crime, was responsible for 10% of all homicides. In 1992, the year of the prison massacre mentioned above, 15% of homicides in the state were attributed to the Military Police.

Table 5.1: Homicides Committed by the Military Police of São Paulo (1981-2000)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Police Killings</th>
<th>Rate of Killings (per 100,000 inhan.)</th>
<th>Police Killings as % of Total Homicides</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>300</td>
<td>1.2</td>
<td>9.4%</td>
</tr>
<tr>
<td>1982</td>
<td>286</td>
<td>1.1</td>
<td>7.4%</td>
</tr>
<tr>
<td>1983</td>
<td>328</td>
<td>1.4</td>
<td>10%</td>
</tr>
<tr>
<td>1984</td>
<td>481</td>
<td>1.8</td>
<td>8.25%</td>
</tr>
<tr>
<td>1985</td>
<td>585</td>
<td>2.1</td>
<td>8.7%</td>
</tr>
<tr>
<td>1986</td>
<td>399</td>
<td>1.4</td>
<td>5.8%</td>
</tr>
<tr>
<td>1987</td>
<td>305</td>
<td>1.1</td>
<td>4.4%</td>
</tr>
<tr>
<td>1988</td>
<td>294</td>
<td>1.0</td>
<td>3.8%</td>
</tr>
<tr>
<td>1989</td>
<td>532</td>
<td>1.8</td>
<td>7.4%</td>
</tr>
<tr>
<td>1990</td>
<td>585</td>
<td>1.9</td>
<td>6.8%</td>
</tr>
<tr>
<td>1991</td>
<td>1056</td>
<td>3.4</td>
<td>11.8%</td>
</tr>
<tr>
<td>1992</td>
<td>1421</td>
<td>4.4</td>
<td>15.7%</td>
</tr>
<tr>
<td>1993</td>
<td>377</td>
<td>1.2</td>
<td>4.5%</td>
</tr>
<tr>
<td>1994</td>
<td>491</td>
<td>1.5</td>
<td>5.6%</td>
</tr>
<tr>
<td>1995</td>
<td>592</td>
<td>1.8</td>
<td>6%</td>
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<tr>
<td>1996</td>
<td>368</td>
<td>1.1</td>
<td>3.2%</td>
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<td>1997</td>
<td>405</td>
<td>1.2</td>
<td>3.3%</td>
</tr>
<tr>
<td>1998</td>
<td>466</td>
<td>1.3</td>
<td>3.7%</td>
</tr>
<tr>
<td>1999</td>
<td>577</td>
<td>1.6</td>
<td>4.14%</td>
</tr>
<tr>
<td>2000</td>
<td>749</td>
<td>2</td>
<td>4.8%</td>
</tr>
</tbody>
</table>

Data for 1981-1989 from (Caldeira, 2002, 245); for 1990-2000 from Ouvidoria (2000). Rate of police killings per 100,000 inhabitants and police killings as a percentage of all homicides calculated based on population and homicide data from Fundação SEADE.

As Brinks (2008) has noted, although São Paulo’s absolute numbers are alarming because of their magnitude, other Brazilian cities have even more alarming rates of police violence in per capita terms. In Salvador, for example, there were approximately 7 police killings per 100,000 inhabitants (44).
As in Buenos Aires Province, such killings are often presented as shootouts with suspects. Chevigny (1995) documents cases of police killings in which police officers “planted” guns and tampered with evidence in order to create the appearance of a shootout. But in the case of São Paulo State, police have a legal tool that the Bonaerense counterparts do not. Until a resolution of the Secretariat for Public Security issued in January 2013 that put a stop to the practice (Resolução SSP-05, 7-1-2013), such killings were officially categorized as resistência seguida de morte (resistance followed by death), indicating that the victim had been killed in the process of being subdued after resisting arrest, usually with a pretext of armed confrontation. According to a 2000 report by the Ombudsman for the Police of the State of São Paulo (Ouvidoria da Polícia), “the discourse of police authorities that the deaths were inevitable and it was confirmed in the occurrence of ‘resistance’ or ‘shootout’, for example, were not substantiated in many cases investigated by the Ombudsman’s Office” (Ouvidoria, 2000, 17).

In a 1987 report on human rights in Brazil, the NGO Human Rights Watch declared that in addition to police killings, “torture of ordinary suspects, not only by beatings but by relatively sophisticated methods, is endemic in the precincts of São Paulo and Rio de Janeiro” (HRW, 1987, 9). As late as 2000, the office of the Ombudsman for the Police received 148 complaints of torture, most allegedly committed by the Civil Police (Ouvidoria, 2000, 61).

Although the violent practices of the Military Police, and the Civil Police as well, date back to before the dictatorship, many present-day structures and practices can be traced back to the nearly two decades spent under the control of the military regime. Although the military dictatorship established in Brazil was far less violent than that of Argentina — with under 400 deaths and disappearances versus the tens of thousands of desaparecidos

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This resolution also put an end to another practice that no doubt raised the number of police killings, prohibiting the police from transporting persons wounded by police to receive medical care. In a letter to the Governor in July 2103, Human Rights Watch noted that 95% of people transported by the police following a “resistance” shooting, purportedly to receive medical care, died before reaching the hospital. The letter is available at http://www.hrw.org/news/2013/07/29/letter-governor-alkmin-and-attorney-general-marcio-rosa-about-police-violence

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in Argentina — it established a apparatus of repression based on what Péreira (2005) calls “authoritarian legality,” of which both police forces were an integral part. Both the Military Police and its “elite” force, the ROTA — which would be baptized as “the police that kills” (a polícia que mata) in a 1992 book — were both restructured into their current forms during the dictatorship. Following the same philosophy of National Security Doctrine, which also shaped internal security strategies in the other two cases studied here, the police were a key part of the system of repression that took 25,000 political prisoners (Pereira, 2005, 21). Because the “internal enemies” in Brazil were defined not only as “subversives” but also criminals (Chevigny, 1995, 152), the transition to democracy allowed for a remarkable continuity of the repertoire of violence, as traced by HRW (1987).

The militarization, or more accurately, the military character of police forces established under the military dictatorship was preserved in the 1988 Constitution. In contrast to the Colombian and Bonaerense police forces, which are militarized, the Military Police of São Paulo are designated in the constitution as “auxiliary and reserve forces of the army” (Art. 144). A military character is thus deeply ingrained in the police’s formal structure and daily practices.

The police Ombudsman’s Office, whose creation will be described below, denounced in its 2000 annual report that “torture and corruption are part of the everyday of police activity” (Ouvidoria, 2000, 4). Although there is not, to my knowledge, systematic participation in an elaborate network of illegality as has occurred with the Buenos Aires provincial police, corruption has been a constant since the first years of democratization (and certainly before). Human Rights Watch found in its 1987 report that “police are corrupt and are themselves involved in criminal rackets... [For] example, a military police lieutenant was charged with running a gang of thieves” (HRW, 1987, 12).

10In one of my first meetings with community police officers in a district in the north zone of São Paulo, he promptly corrected me when I asked a question about militarization and community policing. “We are not militarized, we are a military institution.”
Many of the problems described above have persisted with remarkable continuity, but were particularly acute through the late 1990s. But despite being characterized by many of the same problems as the Colombian and Buenos Aires police forces, the Military Police of São Paulo did not undergo comprehensive structural reform during this period. In many ways, as I argue below, the PM has not undergone comprehensive structural reform at all. In the next sections I outline the barriers to police reform in the State of São Paulo, and argue that these obstacles placed important limits on even the modest reforms introduced in the 1980s and 1990s.

Accommodation, Fragmentation, and the Endurance of Institutional Deficiencies

Various scholars have argued that the widespread violence by police in São Paulo has been perpetuated by a solid base of support among certain social and political sectors. Caldeira (2002), for instance, writes that “popular support for a police that kills is certainly one of the main elements associated with the continuation of police violence” (236). According to this reasoning, police violence against civilians emerges as a demand from society itself. Chevigny (1995) claims that it is “clear that a majority of the population was in favor, in an undefined way, of a tougher policy” (168). Adorno (2013), too, attributes the use of excessive force by police to “the pressure of the ‘public opinion’” (417).

Such viewpoints were echoed by public officials at the time, including the Secretary for Public Security in the early 1990s, who said that “The police does not go into the street to kill. We go to protect the population and we are received by the criminal elements with a bullet. In these cases, the police has to respond with force, and is not expected to give a rose-bud to the riff-raff (marginal)” (HRW, 1993, 7). Throughout the 1980s and 1990s, Military Police, as the numbers in Table 5.1 suggest, systematically relied on killings, whether

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As I explain below, following this period, the Military Police embarked upon an internal reform process in the aftermath of a scandal, resulting in considerable modernization and improved performance in fighting crime. It also coincided, over the last decade, with a dramatic decline in homicide rates throughout the State of São Paulo. As Ferreira, de Lima, and Bessa (2009) note, however, the improvements in the PM’s institutional capacity is only one of several possible factors that could account for the reduction in homicides.
formally or through death squads, as a method of controlling crime. The demand for such actions seemingly came from the public, and the public officials overseeing them.

Caldeira (2002) identifies what she views as a paradox: whereby “support for a violent police... coexists with a negative evaluation of the police and a high victimization of working-class people by the police” (236). Adorno (2013) also describes a “confrontation between conservative and progressive forces,” in which the former “mobilized collective feelings of insecurity... [and] attracted support for authoritarian forms of control of the public order,” while the latter focused on human rights protections for the working classes and reducing violence (413).

Like these scholars, I also view societal dynamics as the explanation of the persistence of the PM’s structural deficiencies, of which the high rates of violence are but one manifestation (though certainly the most alarming). But rather than viewing the palpable divisions in societal preferences as a “paradox” or a “confrontation,” I argue that the fragmentation of societal opinion is inherent to the policing and security provision. As I note in Chapter 1, the protection that police institutions are expected to provide is not against an abstract danger; they are to protect us from our fellow citizens. Police officers are tasked with enforcing the law on behalf of some citizens against others. This sets forth the potential for inequality and contestation in how protection (and repression) is distributed.

As one of the most unequal countries in the world, the distribution of protection and repression in Brazil is perhaps determined by such inequalities even more than in the other cases analyzed here. Exposure to crime victimization in São Paulo is driven by characteristics such as race, class, and geography (Adorno 2002; de Souza 2002). Throughout the 1980s, preventive policing, for example, was nearly absent in São Paulo’s periferia, the mostly poor, mostly black districts in the far ends of the city, distant from the city center and the bairros nobres (“noble neighborhoods”). Human Rights Watch observed this dynamic in its 1987 report: “It is notorious that the police are reluctant to respond to calls for help from poor neighborhoods, even in homicide cases” (11). Instead, as Pinheiro, Izumino, and Fernandes
observe, police action in these areas was often limited to heavily armed, repressive actions by “elite” forces such as the ROTA (Ronda Ostensivas Tobias de Aguiar) (102).

But the most explicit manifestation of the disparities that emerge in the distribution of protection is the discrepancies that emerge in terms of race. In 1999, the mortality rate by homicide for white citizens was 44 per 100,000, while for black citizens, the rate was nearly double, 87. These disparities are sharpest when we disaggregate by age and look only at men (Table 5.2). Among young men of all racial groups, homicide is the the primary cause of death. However, the disparities among the youngest group are staggering. Young white men’s homicide rate is 75.8; for young black men, however, the rate is nearly three times greater, 237.7. Table 5.2 also reveals important differences within the group categorized as Negro, which includes both those who identify as black and those who identify as mixed race. The homicide rate for young men who are mixed race is much lower than for those who identify as black, 130.6. These discrepancies decrease considerably with age, leading to a much smaller gap by the time men reach the age of 40. It should be noted that these figures are for the years 2002-2004, a time when the homicide rate was declining dramatically. It is likely, therefore, that the racial disparities may have been even higher during the peak in homicides in the 1990s.

Table 5.2: Rates of Death by Homicide among Men in São Paulo (2002-2004)

<table>
<thead>
<tr>
<th>Age</th>
<th>White</th>
<th>Black</th>
<th>Mixed Race</th>
<th>Negro</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-24</td>
<td>75.8</td>
<td>237.7</td>
<td>130.6</td>
<td>146.7</td>
</tr>
<tr>
<td>25-39</td>
<td>83.3</td>
<td>194.3</td>
<td>128.6</td>
<td>140.1</td>
</tr>
<tr>
<td>40-59</td>
<td>39</td>
<td>61.6</td>
<td>47.6</td>
<td>50.4</td>
</tr>
</tbody>
</table>

Rates are per 100,000 inhabitants. “Negro” is a category used in Brazil to indicate anyone of African descent, including both those who identify as black (preto) and mixed race (par do). Data from Fundação SEADE.

Young black men not only disproportionately suffer higher rates of homicide; they also suffer higher rates of homicides committed by police. According to the 2000 Annual report of the police Ombudsman’s Office, 57% of victims of police killings were identified as black.
negro), despite the fact that only about a quarter of the state’s population identified as black at the time. The report also finds that 57% of victims were under the age of 25 (Ouvidoria 2000, 20).

In their careful analysis of homicides committed by the Military Police in 1980s, a total of 3,900, Pinheiro, Izumino, and Fernandes (1991) find considerable disparities by geography as well. Whereas the metropolitan region of São Paulo had 52% of the population during this period, it concentrated 86% of police killings (100). Within this region, they find that police killings are concentrated in the periferia, the poor neighborhoods at the edges of the city and in low income municipalities of the metropolitan region of São Paulo. In Brinks (2008)’s sample of police killings during the 1990s, he finds that 64% of victims lived in favelas, whereas only about 10% of the population of São Paulo lived in favelas at the time.

The police, the authors observe, kill more in regions where they patrol less.

I note in Chapter 1 that decisions over which individuals to subject to enforcement of the law or coercion often have very little to do with involvement in illegal activity. Pinheiro and his co-authors find evidence for this argument. They test the supposition that perhaps police killings are simply the result of police interventions in areas where there is higher crime. They carry out a comparison of neighborhoods that have the highest rates of police killings with those that have the highest rates of homicides and property crimes, and find very little overlap (Pinheiro, Izumino, and Fernandes 1991, 105). They find this to be the case despite the fact that property crimes are listed as the motive of police intervention in more than half of police killings (106).

Citizens’ relationship to the state, understood here as interactions with the police, are thus shaped in important ways by characteristics such as race, age, gender, class, and geography. These differentiated relationships to the state, “micro-citizenships,” result in different perceptions, attitudes, and preferences about police and how protection and repression ought to be distributed. Because some sectors of the population disproportionately bear the burden of the consequences of the police’s institutional deficiencies — while other societal groups
can afford private security or to live in closed condominiums — it can be difficult to build consensus for reform across different societal sectors.

One of the most straightforward indicators of the fragmentation of societal opinion in São Paulo is the distribution of attitudes toward the police. Figure 5.2 presents attitudes toward the police, from a 1990 survey. 26% of respondents evaluated the police as good or very good. An additional 30% of respondents view the institution as “Regular,” while 41% think the institution is bad or very bad. While these figures are not in and of themselves stellar, in comparison with the other police forces studied here, they are quite remarkable. Recall that by 1997, 92% of residents of Buenos Aires Province said they did not trust the police. Meanwhile, Colombia’s National Police was distrusted by 77% of citizens in 1993 (only 20% expressed trust in the police). In contrast, though still a considerable proportion, 41% gave a negative evaluation of the police.

**Evaluation of the Police in São Paulo City (1990)**

![Bar chart showing evaluation of the police in São Paulo City (1990)]

Figure 5.2: Findings from a 1990 survey by the firm Datafolha. Respondents were asked “In general do you think [the police] is Very Good, Good, Regular, Bad, or Very Bad?”

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12 The survey was conducted in 1990 by the firm Datafolha. Respondents were asked “In general do you think [the police] is Very Good, Good, Regular, Bad, or Very Bad?”
The relatively good relations between police and society in São Paulo will be addressed below. While these figures are fairly positive in comparative terms and considering the record of the police thus far, they also reveal considerable fragmentation. Considerable proportions of the population have vastly different viewpoints about the police, likely because they have had vastly different interactions with the institution. A majority of respondents has either a positive or neutral opinion about the police; this is not only relatively uncommon along Latin American police forces, it also means that politicians are unlikely to see reform as an electorally advantageous option. The case of Governor Franco Montoro, described below, is a case in point.

Thus we see as outcomes that, with respect to police killings, “the absolute majority of these deaths occurs with minimum impact on society or the government” (Pinheiro, Izumino, and Fernandes 1991, 96). Many scholars interpret this as a sign of societal tolerance for police violence. Undoubtedly, among some sectors of society, this is certainly the case. The 1999 survey by the research institute NEV asked respondents about “the form of violence that you think troubles people most” and found that only 15% listed violence by the police, whereas 41% listed violence by criminals. Concern over police violence also decreases with age (NEV-USP 1999, 15). This is perhaps because many social groups see themselves as much more likely to be the victim of one type of violence rather than another.

The support the police enjoy among society for violent acts is “used to legitimize the death of suspects and yields, in addition to radio programs, many votes for ‘professional’ politicians identified with the police” (Pinheiro, Izumino, and Fernandes 1991, 103). Many political leaders, seeing little electoral benefit in reform, will instead cultivate close relationships with the police, granting them autonomy in exchange for their cooperation in achieving their political objectives. Societal fragmentation, which in turn facilitates politician-police accommodation, sustains the institutional deficiencies of the police and pose important obstacles to reform, as the next section illustrates.
Fragmentation and Accommodation as Obstacles to Principled Reform

In 1983, André Franco Montoro began his term as the first democratically-elected governor of São Paulo after nearly two decades of military rule. Montoro was, by all accounts, a committed democrat, the rare thoroughly-principled politician. In addition to being the first governor elected under democratic elections after a long period of military rule, Montoro was also one of the leaders of the Diretas Já campaign, a national movement calling for direct national elections for president in the 1980s, which culminated in a demonstration by one-and-a-half million people in downtown São Paulo in 1984. Prominent economist and scholar, Luiz Carlos Bresser Pereira, who would go on to lead his own “institutional shakeup” of the Brazilian state apparatus in the 1990s as national Finance Minister under President Fernando Henrique Cardoso, served as Franco Montoro’s Secretary of Government. Bresser Pereira recalled Montoro’s approach during an interview: “He was a very democratic governor. He had a very strong belief in democracy and the participation of the people in democracy; it was something deeply ingrained in him.”

As I noted in the introduction, the strong condemnation of police violence uttered by Montoro’s predecessor, José Maria Marin, was not the beginning of a process of police reform. But when Montoro came to office, his objective was to ensure that the state’s police forces operated in line with a democratic government. Montoro’s actions were driven by his commitment to democracy and human rights. Contrary to what my theory predicts, he did not engage in patterns of accommodation with police. However, the problems he encountered reinforce the notion that societal fragmentation and accommodation pose important barriers to institutional change. In the absence of a scandal, and the process through which it reveals

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13 Democratization following Brazil’s military dictatorship occurred over an extended period of time, beginning with the opening of multiparty elections for governor in 1982, an indirect election for president in 1984. The Diretas Já was also the precursor to the 1988 constitutional convention, which then led to direct elections for president in 1989.

14 Interview with Luiz Carlos Bresser Pereira, São Paulo, 19 June 2012.
shared societal norms, and the threat it poses to politicians who would otherwise engage in accommodation, nearly all of Montoro’s reforms became impossible to enact.

Montoro sought to end corruption and torture in the Civil Police and reduce violent repression in the Military Police (Galdeano Cruz 2009 31). He removed the old leadership of the Civil Police and replaced them with delegados with anti-corruption credentials who would improve internal oversight mechanisms as well as efficiency. He also tried to reform the ROTA (the “elite” squad responsible for most killings under the military regime) and he dismissed more than 1,800 Military Police officers between 1983 and 1986 (Chevigny 1995 153). Montoro also named as Secretary of Security two officials, initially Manoel Pedro Pimentel and subsequently Roberto Genofre, with a known commitment to human rights and to ending police corruption. Both resigned within a matter of months due to the strong opposition generated within both police forces. One form of resistance was through inaction. Galdeano Cruz (2009) describes “paralysis” among the Civil Police, as well as an instance in which the Military Police failed to follow the orders of the Secretary of Public Security to intervene in a protest in a São Paulo neighborhood that turned to rioting and looting (32). The third Secretary of Security of Montoro’s first nine months in office, who was also seen as committed to human rights and would also resign in a matter of months, removed the reformist police chiefs and put a stop to the plan to reform internal police structures and practices.

The instability introduced by the resistance of the police forces to reform efforts was highly significant. One of the main reasons politicians engage in accommodation with police is because the police force manages a highly volatile area, security. As the first year of Montoro’s administration made clear, police have a high destabilizing potential for a government. Recall the words of former Security Secretary Piotti under Governor Duhalde in Buenos Aires Province: “Any governor or president knows that these [high-profile crimes] can corrode an administration. You can build a lot of roads, a lot of public works, but these events can undermine your administration.” We can understand then, why Gover-
nor Duhalde’s instruction to Piotti was “don’t cause me any problems.” At a minimum, politicians usually engage in accommodation with the police in order to ensure good security conditions, and to ensure that the police “do not cause problems.”

What occurred when Montoro tried to reform the police was precisely that. The stakes of resistance by police were high and apparent to all involved due to an event that occurred early on in Montoro’s term. To understand the destabilizing potential of police action, or inaction, it is worth comparing the police’s opposition to Montoro’s reform agenda to their adherence to instructions in a crisis that emerged at the start of his administration.

During a demonstration against unemployment and social strife brought about by the economic crisis at the time, a large crowd marched to the Palácio dos Bandeirantes, the governor’s mansion, and threatened to break down the gates of the palace. Montoro and his cabinet were aware of the risks involved in using repression to quell the unrest. Montoro’s communications secretary at the time recalled the high stakes situation facing Montoro: “One fatal victim in the confrontation could put an end to the democracy that had barely begun” (dos Deputados 2009, 21). Montoro would later write in his memoirs that there had indeed been a mobilization of the army ordered by the military regime: “The president was very concerned with the events in São Paulo and was closely following the situation, fearing it would contaminate the rest of the country” (Montoro 2000, 174).

Montoro, instead of ordering repression, told the Military Police to stand down and he went to talk to the protesters directly to listen to their demands. One of the Military Police officers who commanded one of the governor’s security teams at the time recalled in an interview that “people invaded the [governor’s] palace, broke down the gates and invaded... We perceived the governor’s apprehension, and he perceived that the police defended him the same way we defended the previous government.” The police’s adherence to the governor’s order demonstrates that the police were initially on his side, but would subsequently resist as a result of the plans for reform.

Both police forces deliberately took actions to undermine Montoro’s government. And they did so with the support of politicians who depended on the police for electoral advantages and a fragmented society, of whom a sizable proportion demanded a “tougher” approach to crime. As Caldeira (2000) put it, “it was clear that the task of reforming the police was much more difficult than initially thought, and that the defense of humanitarian and democratic principles was not enough to make reform happen” (164).

Why was this the case? I argue that the conditions that can help perpetuate institutional deficiencies, societal fragmentation and accommodation, doomed Montoro’s attempts at structural reform. Police resistance is common in many reforms. In the case of Buenos Aires Province, both the chief of the civil intervention of the police, Luis Lugones, and Minister of Justice and Security, León Arslanián, described considerable resistance by police at the time of reform, including protests and threats. But the difference between Montoro’s and Duhalde’s reforms is that the latter faced a coherent demand from diverse societal sectors, expressed in the form of a scandal, and politicians from across the political spectrum who saw the electoral risk of continued accommodation with the police (including the governor himself).

Montoro, however, faced politicians who sided with the police as a means of building close relationships with the police and improving their own electoral chances. Jânio Quadros, then-candidate for mayor of São Paulo, defended the police, who even urged voters to vote for him in an open letter (Storino dos Santos, 2008, 86). The open letter, approved by the general assembly of the police, told citizens of São Paulo that “believing in promises, we chose the wrong governor, the wrong party, the PMDB... They, the criminals (bandidos) are protected by the so-called human rights, something that the [Montoro] government believes that you, honest and working citizen, do not deserve” (Mingardi, 1992, 195). Even police stations became “pro-Jânio fronts” (Galdeano Cruz, 2009, 33).

Police resistance was made effective by support from politicians who sought to cultivate mutually beneficial relationships with the police. But both were made possible by a frag-
mented public in which lay considerable support for (or perhaps reliance on) a repressive police. As Bresser Pereira put it, at the time

we were coming from twenty years of a military period and the idea of security [as a civil right] was not an idea to which we were sympathetic... I recall with great clarity that for example, here in the city of São Paulo, people from the periferia wanted more security, they wanted police... police on the street. The history of [the police], that they were repressive, that they killed, all of that could be true, and it was true. But the concrete fact is that for them, the police was the meaning of security.

Social conditions, meanwhile, appeared to deepen the extent of societal fragmentation. As Chevigny (1995) has observed:

In São Paulo in the 1980s, where the social crisis was deepening, the traditional police were thus able to claim that the reforms were making them less effective in solving crimes. And Paulistanos were ready to give that claim a sympathetic hearing. The metropolitan region continued to grow rapidly, swollen by poor people, many of whom were black. The standard of living was dropping while economic inequality and the crime rate were increasing. The combination touched a nerve of racism and fear in Paulistanos (156).

It is under this context and these conditions that crime increased, as did fear of crime among the citizenry, and well-to-do citizens shut themselves off in closed condominiums with private guards and state-of-the-art security technology as described by Caldeira (2000).

The ambitious reforms of the first year of Montoro’s administration were thus largely unsuccessful. What followed was accommodation — greater recognition of police autonomy in exchange for their cooperation in security provision — and more modest reforms that did not touch the internal structures and practices of the police. Michel Temer, currently the Vice President of Brazil, became Montoro’s fourth Secretary of Security in less than a year, but with a noticeably different approach than his predecessors. As Bresser Pereira described it, “given the failures of the secretaries of security that had been previously named, Montoro appealed to Temer and it was really a success. He administered security well, gave it another
[approach]. Because the democrats, they were a little soft, and you need to have a certain firmness with security.”

Temer described in an interview what he was called on to do:

[The Governor] said, “listen, you are going to be the Secretary of Security.” And I said, “But, Governor, I don’t have the slightest idea about that.” [And the Governor said] “No, I need someone who can unify the military and civil police” — Because a big problem back then was that there was a huge division between the two police forces... And that was it, I was able to really unify the two police forces. I achieved a good rapper with them... I preached a lot about democracy, but democracy without radicalism, without any of that which would touch the police...

Temer implemented a number of important changes, including participatory security, as described below. But his approach were small and gradual changes intended to make the police have a better image within society without the deeper reforms that had previously threatened to cause instability. For instance, Temer proposed very different approaches to crime and social protest:

“I would say [to the police], ‘you don’t treat criminals with roses in your hands, but social movements have to be treated with dialogue.’ That was something I implanted in them and they eventually understood, they eventually absorbed it. They eventually supported me because if they didn’t support me, I would not have been successful.

Temer also implemented other important changes that improved the service citizens received from the police. For instance, he created the first Women’s Police Station in Brazil, intended to provide specialized services to the victims of domestic violence. The initiative became very popular and eventually spread throughout Brazil. Temer also brought participatory security to São Paulo, in the form of the Conselhos Comunitários de Segurança (CONSEG, Community Security Councils), as described in the next section.

16Interview with Michel Temer, Brasília, 24 September 2012.
Participatory Security in São Paulo Through “Exogenous” Reform

The adoption of participatory security in São Paulo was also not born out of a crisis. Instead, it was part of a participatory agenda of the Montoro government. During his inauguration, Montoro declared, “I did not promise big works (obras), [I promised] change.” One of the main instruments of change for Montoro was citizen participation and decentralization, which he implemented through the creation of the Secretariat for Decentralization and Participation (Decree 23.789/85). Montoro created regional offices so that the hundreds of municipalities of the interior of São Paulo, facing grave budget problems due to the economic crisis, could make requests from the central government.

Montoro also created participatory councils in a number of areas, one of which was security. If, as I argue, the onset of a reform due solely to the personal convictions of a reformist leader is “exogenous,” the story of how the CONSEGs came to be is even more so. Temer explained that the CONSEGs were born on an official trip to Los Angeles, during which he was being shown around by a captain of the LA police department. The captain took him to a café for a cup of coffee and

We went inside and drank a coffee, but as we were drinking the coffee he says, “listen, I’m going to have to introduce you to that citizen who is sitting on that table there and then I’ll explain why. We went, he introduced me as the Secretary of Security of the State of São Paulo in Brazil, said he was accompanying me, etc. When we went outside... [the captain] says to me “I had to introduce you to him because he is part of the local security council in the neighborhood where I work, where I should currently be performing my duties, and so he is not going to understand why I’m at a café during happy hour at this time when I should be working in the neighborhood.” And I thought, how interesting! [I asked] but how can he hold you accountable (cobra) for that? He says, “we have monthly meetings... and in the meeting he is going to ask [why I am not at work].” ...I returned to São Paulo enthused with the idea.

Truly, then, agency, and chance, matter. But even with this genesis by happenstance, I argue that we can explain the institutional design of the participatory model chosen in São Paulo by the same two structural factors that accounted for the adoption of participatory
security in Buenos Aires Province and Colombia. São Paulo’s CONSEG align with what I call Auxiliary Participatory Security, defined by (1) highly inclusive participation, (2) little authority granted to societal actors, and (3) few requirements placed upon police officials. The specific design of the CONSEGs will be discussed at length in the comparative analysis I conduct in the following chapter, but a few characteristics are worth highlighting. Unlike Colombia’s Frentes and the Foros of Buenos Aires Province, the CONSEGs are open to any member of the community, whether one resides or is employed in the community. The CONSEGs have an executive board composed of neighborhood residents (or those who work in the area), but the executive board is not endowed with any formal authority to ensure compliance by the police with their demands. The police authorities meanwhile, face little formal requirements regarding their involvement with the CONSEGs. One important obligation, however, is the requirement that the local commanders of the two police forces attend the monthly meetings. They cannot delegate this function. I will discuss the significance of this requirement in the next chapter.

The design of the CONSEG, I argue, is intended to ensure that communities serve as a resource for the police, but are not meant to serve as a form of oversight or hold police accountable. During a regional meeting of CONSEGs in one region of São Paulo, the Coordinator of the CONSEGs (an office within the Secretariat of Public Security) reminded the conseguianos that “your role is help the police, not try to tell it what to do.” This notion of communities as resources is routinely reinforced in CONSEG meetings, where police commanders tell residents that “you are our eyes and ears.”

I argue that this type of participatory security is most likely in settings where police capacity and resources are low, and where police-society relations are relatively positive. At the time of the transition to democracy, both police forces in São Paulo were characterized by low resources and low capacity. In addition to an almost exclusive reliance on killings and

\[17\] Indeed, the CONSEGs meetings are public, open to anyone who would like to attend, even if they do not live or work in the community.
torture as a means of preventing and solving even the most basic crimes\footnote{As Chevigny (1995) tells of his interviews in São Paulo, many police officers, judges, and officials believed that torture was the only effective way to solve crimes. Generally, instead of investigating a specific crime, collecting evidence and then investigating to find a suspect, police officers would arrest someone they thought to be suspicious, and then tortured them until they confessed to some crime.} the police forces were also in the middle of a process of adjusting from dictatorship to democracy, which have (or should have) very different roles and expectations in terms of preventing and solving crimes. Neither police force was prepared for the tasks of prevention and investigation of crimes, which is certainly one factor that contributed to the increase in crimes during this period.

When Franco Montoro took office, he did so in the context of a deep economic crisis. In his first budget proposal, Montoro was emphatic about the extent of the crisis:

I want to highlight that the Budget Proposal that I now send to your excellency, was developed in the context of the biggest economic crisis experienced by Brazil in the last half-century, a crisis that has projected in a particularly adverse from in our state. I remind you that more than half of Brazil’s industrial activity and nearly three-fourths of national production of goods and capital, and durable consumer goods, are located in São Paulo. As you know, these are the sectors most victimized by the economic depression that has extended since the end of 1980\footnote{Democratic Government of the State of São Paulo. Budget Proposal 1984. Accessed in the library of the Secretariat of Planning in 2012.}

The dire economic conditions described by Montoro were reflected in the state’s police forces as well. From 1980 to 1984, the Military and Civil Police composed less than 1% of the state’s budget. In 1986 and 1986, they came to make up 5% of the budget, but in the context of the economic crisis described above, and the crisis of the national currency, the Cruzeiro, this figure is probably not meaningful in terms of institutional resources. Moreover, in terms of human and material resources, São Paulo’s police forces looked similar to that of Colombia in many respects. During the Montoro administration, the Military Police had 21-22 officers per 10,000 inhabitants, and about 7 Civil Police officers per 10,000. The Bonaerense, meanwhile, had about 36 officers per 10,000 inhabitants. The police forces also
had limited material resources. For instance, between 1983 and 1987, they had approximately 1 police car per 10,000 inhabitants.

Police forces in São Paulo, despite their low resources and capacity and reliance on violence, also enjoyed relatively good relations with society. While relations were not without their tensions and, as I note above, considerable fragmentation, during the period under analysis society granted police forces in São Paulo much greater benefit of the doubt and discretion than the other police forces studied here, and also have more positive evaluations (see Figure 2). I draw upon data from a series of surveys from the 1990s to illustrate the degree of discretion and latitude granted by different societal sectors. Ideally, this data would come from the 1980s prior to the adoption of the CONSEGs, but such data are not available. While I do not have reason to expect attitudes toward the police to have improved between the 1980s and 1990s — indeed, there is plenty of reason for attitudes to have become more negative — the results are intended to be suggestive rather than definitive.

In addition to the relatively high proportion of paulistanos that have a positive or neutral opinion of the police (see Figure 2), we can understand police-society relations, defined by trust, perceptions of competence, and the level of discretion and benefit of the doubt granted to police. I draw on a 1995 survey from Datafolha specifically about the image of the police.\(^{20}\)

On the one hand, the survey revealed that societal actors believe that the police are engaged in fairly extensive malfeasance. When asked about the extent to which the police use torture when interrogating suspects, 65% of respondents said they believe the police always or sometimes uses torture. Regarding the existence of death squads within the police, 75% of respondents said they believe such death squads continued to exist. Finally, 88% of respondents believed that the police are involved with organized crime.

On the other, the survey revealed that a large proportion of citizens still believed that the police were very or somewhat effective, 70%. Moreover, citizens were also willing to grant the police considerable discretion in the use of force. When asked their opinion about the

\(^{20}\)The survey was conducted in São Paulo and Rio de Janeiro. Results provided here are for both, with the limitations implied.
level of violence used by the police, 44% said the Military Police was more violent than it should be, 34% believed that the police were “just violent enough,” and 19% believed that the police was less violent than it should be.

While such findings themselves require additional scrutiny and reflection, and signal considerable differences of opinion, they also indicate that police enjoy considerable benefit of the doubt within society, as well as fairly positive evaluations.

Due to these relatively good police-society relations and the police’s low resources and capacity, I argue, a participatory model in which citizens served as a resource for police was an attractive option. Moreover, because police knew that they were trusted by many societal sectors, they did not attempt to limit participation, as occurred in Buenos Aires Province and Colombia.

**Conclusion: The Absence of Structural Police Reform in São Paulo**

After Montoro’s administration, his successors would go on to adopt “tough on crime” approaches to security, giving the police wide latitude to use killings and torture as means of crime control ([Chevigny, 1995; HRW, 1993](#)). From the start of Montoro’s administration until about 2000, São Paulo’s elected leaders, whether the governor or the legislature, attempted the type of profound reforms that failed at the start of the first democratically elected government. After the adoption of the CONSEGs, the only other reform of the police forces took place through another reformist governor, Mário Covas. In 1995, Covas created the country’s first Ombudsman’s Office (Ouvidori) for the military and civil police. The office was placed within the Secretariat for Public Security, rather than within either of the police forces, ensuring independence. Unlike the internal oversight bodies within the military and civil police, the Ouvidoria is led by civilians. Moreover, Covas chose as the first

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21 Indeed, to this day, neither the Military nor the Civil Police has been subject to the type of comprehensive structural reform seen in the other cases studied here. But in the late 1990s and early 2000s, the Military Police initiated a series of internal changes (described below) that improved its performance and capacity considerably. Because a case could be made that the imperative for structural reform was less strong after this period, I do not include it in this analysis. However, this “reform-from-within” has its limitations, as I argue below.

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Ombudsman a noted human rights leader, signaling his commitment to civilian oversight and human rights protections.

The CONSEGs and the Ouvidoria are without a doubt important institutions. They provide institutional spaces for society to channel their demands and grievances, which is no small feat in the context of such a violent institution that is military in nature. I view these institutions as “micro-transformations” because, despite being highly significant, they are external to the institution and their impact on internal structures and ingrained practices is likely to be limited.

Comprehensive structural reform has proved elusive in São Paulo, even in the face of two high-profile scandals in the 1990s. In 1992, the Military Police intervened after a riot broke out in Carandiru prison, then the largest prison in Latin America. From the accounts of the inmates, the PM brutally slaughtered 111 prisoners after the vast majority of prisoners had already gone into their cells (Varella, 1999). The event became a scandal not only in São Paulo but throughout Brazil and around the world. The local, national, and international scrutiny and pressure led to a change in the use of violence as a crime-fighting strategy, leading to a dramatic reduction in the number of police killings from 1421 in 1992 to 377 in 1993 (see Table 1).

But the event, the most egregious act of police violence in democratic Latin America, did not lead to reform. I argue that this is the case because the governor, Luiz Antonio Fleury, did not face a robust political opposition that could turn the societal outrage into a mobilized scandal (see Table 5.3). Indeed, since the return to democracy, governors — the first three from the PMDB and the fourth from the PSDB — did not face much partisan opposition in the legislature.

The absence of a robust political opposition also played a role in the lack of structural reform following the scandal that emerged from an incident in a low-income community known as Favela Naval in the municipality of Diadema in the metropolitan region of São Paulo. Cameras filmed as Military Police officers entered the favela and engaged in extensive
Table 5.3: Legislative Elections in the State of São Paulo (1982-1994)

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Electoral results from legislative elections in the State of São Paulo. Data from Fundação SEADE.

violence against residents, including the execution of a citizen. The video footage was aired on the Globo television station and caused a commotion across all societal sectors. The news anchor spoke of the need to “end with the Rambos in the PM” and society’s desire to have a “dignified police that respects citizens.”\(^{22}\) In an interview, a Colonel of the Military Police recalled the profound impact the event had on society. He recalled that just after the Globo report aired, he received a call from his mother, who said “you tell me right now if you and your brother [also a PM officer] engage in what I am seeing on television” (*me fale se você e o seu irmão fazem o que eu estou vendo na televisão agora*).\(^{23}\) Much more so than the case...


\(^{23}\)Interview with Coronel Ayrton Alves, Operational Coordinator of the Military Police of São Paulo, São Paulo, 17 May 2012.
of the Carandiru massacre, the Favela Naval affected the police’s image in society, as well as its institutional psyche.24

Just as in the case of the Carandiru massacre, the scandal that resulted from the Favela Naval violence did not lead to reform. I attribute the absence of reform to the lack of a robust political opposition. The incident, and the subsequent societal reaction, did, however, lead the police to undertake a long process of self-examination and change, to which many of the police’s commanders and rank-and-file officers attribute the improvements in training, capacity, resources, and quality of services of the police today. In a similar process to what occurred in Colombia after the 1993 reform (see Chapter 7), the police undertook a “reform from within,” adopting community policing strategies to improve relations with society, and adopted a management approach that both helped to de-militarize and professionalize the institutions. The relative success of the PM’s internal reform process, and consistent failure of political leaders to confront the structural problems at the root of the police force’s institutional and performance deficiencies for nearly two decades, should lead us to investigate further the conditions under which institutional change becomes possible.

24Ferragi (2011) argues that this difference is due to the fact that the Carandiru massacre was carried out by an “elite” unit, whereas the violence in Favela Naval was perpetrated by regular street officers: “At that moment, the aggressors, wearing police uniforms, represented the core units of PMESP; they were front line officers, the ones who patrol the streets and interact with citizens. Differently from the Carandiru Massacre, in which elite squads intervened under a legalist order, the Favela Naval incident counted with ordinary officers practicing a totally illegal action. It represented a situation of complete illegality committed by officers. In this sense, the image of the whole corporation, especially privates, corporals and sergeants, was immediately associated with the aggressors of Favela Naval” (88).
Chapter 6

“All State Formation is Local:”
Participatory Security and the Implications of Institutional Design

The Praxis of Participatory Security

On an early winter day in São Paulo, I attended one of my first participatory security meetings, that of the community security council (Conselho Comunitário de Segurança, CONSEG) of a largely lower-middle-class and low-income region in the south-east zone of São Paulo, which includes the largest favela in the city. The meeting took place in the evening, always on the last Thursday of the month, in the auditorium of a local hospital. Before the meeting began, as people arrived, they gathered outside of the auditorium engaging in small talk and enjoying cookies and soda provided by the CONSEG president (paid for out of pocket, as any CONSEG president will be quick to point out). The meeting began about thirty minutes late, with the singing of the national anthem; the “authorities” (autoridades) present — the president of the CONSEG, the local commanders of the military and civil
police as well as the representatives of municipal agencies (the municipal guard, local district administrative office or *subprefeitura*, public transit agency, and traffic control agency)—were seated on the stage and the community members in the audience.

Unlike two meetings I had attended earlier that week in middle-class neighborhoods, the audience at this CONSEG meeting was composed largely of Afro-descendent and mixed-race people (*pretos* and *pardos* under Brazilian racial categories). There were about thirty people present, of which only five were women, all of whom sat together in a group. As with most CONSEG meetings, the vast majority of participants were middle-aged or older. After initial remarks by those on the stage, a microphone made its way around the audience so that community residents could bring up complaints and concerns.

Many of the complaints that evening dealt with one of the issues that would, in subsequent years, come to dominate CONSEG meetings in this and several other neighborhoods in São Paulo’s periphery: the noise and disruptions generated by the *pancadões*, late night street parties for young people often organized by drug traffickers using cars with highly sophisticated sound equipment (Cardoso, 2013). Many residents complained of noise, sleepless nights, and witnessing illicit and “lewd” activity often involving minors, and demanded police intervention. The local chief of the Civil Police, the *delegado*, said that community members should speak to him after the meeting or visit his office to discuss the problem. He then gave a presentation of local crime information, providing quantitative data on instances of theft/robbery, as well as the time of day, days of the week, and streets where they are more likely to occur. He also provided safety tips (*dicas de segurança*) for inside the home, going on vacation, preventing car theft and carjacking, as well as robberies inside banks. The

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2 The representative from the municipal agency charged with public illumination, ILUME, was not present at the meeting, despite being required to participate by a municipal law. When a woman wanted to raise a complaint about street lighting, the representative from the *subprefeitura* noted that it was not his responsibility but would register and forward her complaint. Such strict delineation of functions among agencies are quite common in CONSEG meetings.

3 The other two meetings were more balanced, with women making up slightly less than half of participants.

4 The *delegado* regularly received information from residents about *pancadões*, usually in the form of license plate numbers of the cars. The police authorities generally discouraged residents from providing such information publicly during the meeting, however.
delegado noted that the purpose of the presentation was to provide information for taking
greater precaution and emphasized that greater integration between the community and the
police (both military and civil) is important for reducing crime.

Before pancadão and the delegado’s presentation dominated the agenda, however, the five
women who came to the meeting together and said they were attending the CONSEG meeting
for the first time, spoke up to express their concern about an area in their neighborhood
that had “serious insecurity problems.” The women, whom the president nicknamed “as
Marias” due to their common first name, identified Praça São João5 as the site of constant
robberies, drug use, and car theft. They said that in their neighborhood, no one ever sees a
police officer, until perhaps after a robbery has occurred. They came specifically to request
that a mobile police unit (base móvel) be placed in their neighborhood. The president of the
CONSEG noted for the first-time participants that resolving a problem takes time — not
just a single meeting — and requires ongoing participation. He emphasized that this was an
important part of citizenship (cidadania).

Another man in the audience argued that having a fixed unit (base fixa) was far prefer-
able6 and that when he went to Cambuci, a middle-class neighborhood located in the city
center, he saw fixed police units. He complained that neighborhoods with more well-to-do
residents get bases fixas while neighborhoods that are “worse” do not. (Interestingly, dur-
ing the CONSEG meeting in a middle- and upper-middle-class neighborhood, earlier in the
week, a resident complained about having a fixed unit rather than one that moves across
different areas.) A few of the women noted that police needed to be more present in the
area because it was a challenge to get people to report crimes to the police out of fear of the
criminals and becoming a crime victim. One woman said, “if you want to buy something
nice for your house, you cannot, because you will get robbed.”

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5The name of the park has been changed.
6A fixed police unit resembles a trailer that, as the name implies, remains in the same location, while a
mobile unit is usually a special police van that typically moves among many different locations over time.
The Military Police commander initially said that he lacked the resources to provide adequate coverage of all areas. Meanwhile, the representative of the GCM, the municipal guard\(^7\) encouraged the women to write a letter to her agency requesting that two municipal agents be stationed at the plaza. Towards the end of the meeting, the Military Police Captain, who had been making calls throughout the meeting, announced that he would place a police car (\textit{viatura}) on the corner\(^8\). The women were, predictably, quite pleased, and said they would return to the CONSEG meetings in subsequent months to ensure that the police car wouldn’t simply be placed on the corner for a week and then taken away. One of the women was so pleased that she told the Captain that the officers stationed there should feel free to stop by her house if they were in need of \textit{cafezinho} (coffee), water, bathroom, or simply conversation during their shift. The Military Police commander joked that he was only placing the officers there for public safety reasons, not for romance. Laughter ensued.

This last exchange between the women and the police captain was remarkable for three reasons. First, it served as an instance of shared governance. A small decision about the allocation of police resources and the very presence of the state in a given territory, which would normally be up to the discretion of the police, had now been opened up for community input. Second, citizens took upon themselves the responsibility of serving as a form of oversight. Community members asked an agent of the state for a service, and they were provided with a mechanism to hold police accountable for the provision of that service, albeit informally. Finally, even in the context of the “city of walls” \cite{Caldeira2000} and one of the most violent police forces in the region \cite{Chevigny1995}, citizens sought out the CONSEG, unequivocally an entity of the state and inherently tied to the police, to resolve a security problem in their neighborhood.

\(^7\)The Guarda Civil Municipal is a municipal security body that is charged with protecting public buildings and parks.
\(^8\)As a local commander, the Military Police Captain could not make a determination about placing a fixed or mobile unit at the plaza requested by the women. Such a decision would have to be made at a higher administrative level. However, he is authorized to make decisions about where to place patrol cars.
The interaction recounted above is undoubtedly atypical. Citizen demands are rarely addressed by state actors in a matter of minutes (if they are addressed at all), even in the context of participatory security, which brings community members into direct contact with agents of the state. This exchange, however, is illustrative of what participatory security is intended to accomplish at the micro level. At the macro level, this exchange may raise many questions, including the concern that placing the patrol car on the corner identified by the women may diminish available resources for residents who may potentially have a greater need for police presence but who could not attend the CONSEG meeting, as well as the question of whether placing a police car on that particular corner will be effective for preventing crime. The former is an important critique of participatory institutions and the extent to which they are sufficiently representative of communities and their needs. The latter point is an empirical question. Yet both are preceded by a larger conceptual question; specifically, whether and how participatory security institutions have any discernible impact on what the police (and other state) agencies do and how they do it. While the dissertation thus far has focused on the conditions under which politicians incorporate society in efforts to increase the capacity of the state to provide security, this chapter will explore whether participatory security, in its varied institutional forms, has been consequential.

Indeed, important differences emerge across the three cases studied in this dissertation, both in practice and in formal design. In São Paulo, as suggested above, citizens are invited to discuss security problems with high-ranking police authorities in a top-down town hall format where people ask questions and express grievances to police and local authorities sitting at a head table. In Buenos Aires Province (and City), participants in foros vecinales de seguridad (or mesas barriales de seguridad) gather in smaller groups in a workshop format, where

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9The Foros Vecinales de Seguridad were implemented in Buenos Aires Province in 1998, as discussed in Chapter 4. In 2011, following the creation of the national Ministry of Security, ministry officials called on Martha Arriola, who had designed and implemented the system adopted in Buenos Aires Province, to implement a system of community participation in the City of Buenos Aires, which is under the jurisdiction of the Argentine Federal Police. The resulting program, the Mesas Barriales de Participación Comunitaria en Seguridad (Neighborhood Committees for Community Participation in Security), had largely the same institutional features of the provincial Foros. Although they were adopted at different times and in different
they get down to the nitty gritty, identifying problem areas within the relevant territory and coming up with a security plan to be implemented jointly by police and community. In Colombia’s frentes de seguridad local, meanwhile, we also see a top-down approach with little protagonism or agency by community members and with low- or mid-ranking police officers as the only representatives of the state. The types of participatory security institutions — whether Adversarial as in Buenos Aires Province and City, Auxiliary as in São Paulo State, or Thin as in Colombia — differ with respect to the degree of authority granted to societal actors, the requirements and obligations placed on police/state actors (if any), and the inclusiveness of participation. The formal and practical distinctions will be discussed in greater detail below.

Throughout my fieldwork in São Paulo, I was asked dozens of times, “o que é que o CONSEG consegue?” or “what does the CONSEG achieve?” This chapter attempts to address precisely this question, though in a necessarily limited way. Mechanisms such as participatory security and community policing are purportedly based on the premise that community members hold information that can help law enforcement agencies fight crime and that communities’ local knowledge is a valuable resource for police officers, making the sort of citizen-police interactions that these strategies promote desirable. Yet we know very little about the extent to which participatory security, and in some ways even the more extensively studied policy of community policing, affect what state actors do and how police institutions go about the provision of security. This is a different question from whether such strategies are “effective” means of crime prevention, but as I argue below, in addition

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contexts, the participatory security institutions of Buenos Aires Province and Buenos Aires City will be discussed together in this chapter due to their nearly identical structure and implementation team.

The acronym of São Paulo’s Conselhos Comunitários de Segurança, CONSEG, is a play on the verb conseguir, which means to obtain or to achieve.

As noted in Chapter 2, I draw a conceptual distinction between participatory security and community policing. The latter is a strategy of policing that is based on a proactive philosophy and practice intended to prevent crime, rather than simply responding reactively after the crime has occurred, focused on serving and building closer ties with the community. Participatory security, meanwhile, creates formal spaces and structures for community input, identification of problems, and generation of solutions regarding local security conditions and police performance. Community policing gives agency to the police; participatory security gives agency (even if only on paper) to the community.
to allowing us to determine the practical meaning and effects of institutional rules, obtaining answers about the processes through which participatory security may shape state capacity can still tell us a great deal about what such institutions can achieve.

In evaluating the impact of community participation in security, it is important to clarify what is meant by community, “the very woolliness of which nourishes and sustains its appeal” (Crawford, 1997, 7). Throughout this dissertation, community is used to refer to the territory, and its inhabitants, corresponding to the unit in which participatory security is exercised, usually corresponding, in turn, to the jurisdiction of individual police stations. Although scholars, practitioners, and even regular citizens may ask themselves about the broader impact of such participatory institutions on public policy, the “community” as constituted by the territory and populations defined by the participatory security unit and police jurisdiction, is the appropriate unit of analysis for our purposes. It is at this administrative level that the Frentes, Foros, Mesas, and CONSEGs are intended to operate; it is, in most cases, at this level that police and local security operations are carried out. It is therefore at this level that we ought to assess the former and measure its impact on the latter. Where appropriate I will comment on the possibility for aggregation of preferences, demands, and strategies through either formal or informal mechanisms, but a systematic analysis of the extent to which local preferences and demands “scale up” to shape policy at the central level, of the sort carried out by Pogrebinschi (2013), is beyond the scope of this dissertation.

The chapter is structured as follows. The next section will resume the discussion begun in the first chapter regarding security provision as state building, focusing specifically on how participatory security may intervene in this relationship. The third section will discuss how the various forms of participatory security operate in practice, and the ways in which they structure relations between citizens and the state. I then proceed to a comparative analysis of the impact of the three types of participatory security studied in this dissertation on state capacity, as operationalized in the next section. I conclude by identifying questions raised by this analysis, and proposing hypotheses for future research.
Participatory Security as an Approach to State Building

In Chapter 1 I presented a framework for conceptualizing the role of the police within the state and the significance of a definition of state capacity centered on the provision of security. As we have seen, police institutions are central components of the state and how they carry out their primary function, the provision of security, can help determine the practical content of citizenship and have important implications for democracy. Throughout Latin America, rising levels of crime, violence, and insecurity have posed considerable challenges for state capacity and democracy in many countries, both revealing and exacerbating the limits of the state’s ability to provide basic security. The often feeble response of many Latin American states—which has tended to include frequent police involvement in corruption, criminality, and abuse—has had negative repercussions for democracy, primarily but not exclusively through the deterioration of the experience and practice of citizenship. This dissertation has thus far focused on explaining the decision of political leaders to strengthen state capacity under these conditions through the incorporation of societal actors. I will now consider the extent to which participatory institutions in the realm of security, by bringing citizens and state actors together and providing mechanisms for citizens to articulate preferences and demands, can themselves shape how the state performs its most basic function.

The preceding chapters have demonstrated that police reform and the type of participatory security adopted have been the result of strategic decisions by politicians in the face of an electoral threat posed by an exogenous scandalous event and certain structural conditions, rather than conscious attempts at state building. I have argued in the theory chapter and in each of the case studies that, even in the face of “objective” conditions, such as rising crime and rampant police misconduct, police reform is unlikely to occur in the absence of a mobilized scandal, in which an act of police deviance generates a strong negative societal

\[\text{I define police reform as a written policy intended to change the structure, training, or operations (including the functions) of the agency as a whole.}\]
reaction that is then strategically maintained in the public agenda by a robust political opposition.

I argue that police reform is usually quite difficult to come by, largely due to the police’s role as the manager of the state’s coercive power. We can draw two implications from this. Because such coercive power is exercised on behalf of some societal sector(s) against others, societal opinion and preferences about policing and security will be highly fragmented, such that politicians typically do not receive a coherent message from society about what should be done. Even when there is broad agreement that the police is a problematic, violent, corrupt, and ineffective institution, the solution that is likely to be electorally advantageous is less straightforward.

The second implication of the police’s exercise of coercive power is that politicians, irrespective of regime type, will have an incentive to use the police to achieve their political objectives, whether it is through selective enforcement of the law\footnote{Recall the famous phrase attributed to the classic Brazilian populist Getúlio Vargas: “for my friends, everything; for my enemies, the law.”} or selective protection from harm (whether from crime or from the police itself). As with any other bureaucracy, police and politicians exchange control in some areas for autonomy in others, which I call patterns of accommodation. By generating uncertainty about the electoral gain to be had from police reform and creating the possibility of the loss of control over a valued political tool, fragmentation of societal opinion and accommodation between politicians and police, respectively, serve as barriers to reform and promote the persistence of institutional weakness.

Following a scandal, politicians receive a coherent message from a range of societal sectors on an issue area generally characterized by fragmentation. Upon assessing the electoral threat posed by the opposition parties (or factions), politicians decide whether to respond with short-term measures such as firing a high-ranking official and conducting institutional purges or with more enduring reform. The latter outcome becomes more likely in the face...
of a robust political opposition that has an incentive and the ability to mobilize the scandal as an opportunity to attack the incumbent.

I then explain the type of reform, that is, whether it includes participatory security and what type of participatory institution is adopted, based on two structural conditions: police-society relations and police capacity/resources. As laid out in Chapter 2, I view participatory security as a safety valve for politicians who are facing pressure to reform the police — and politicians are most likely to be in need of such a safety valve in cases where police-society relations are bad (that is, defined by high levels of distrust and perceptions of incompetence) and where police capacity and resources are low. The interaction between these two variables will shape the institutional design of the participatory security institution chosen. This part of the theory will be summarized in the next section.

Police institutions are the primary entity to which the state delegates the exercise of coercive authority within its borders. Police officials are also the main representatives of the state which most citizens encounter in their everyday lives. As [Wender, 2008], a former police officer and scholar of criminology, has put it:

“In the course of ordinary routine, police officers bear witness to life’s transformative moments, as well as the mundane woes that perennially irritate the human spirit, at times with such intensity that its passions spontaneously surge forth. The police spend their days conversing with people about everything from whether or not they still love their spouses, to why they have attempted suicide. So it is that the defining qualities of the human condition at its best and worst — love, hate, redemption, betrayal, jealousy, revenge, forgiveness, greed, sacrifice, hope — all unfold in the remarkable sequence of events that constitutes a patrol shift.” (2)

A focus on police reform therefore encompasses not only the ability of the state to exercise coercion and establish order, but also enables us to contemplate what it means for the state, through the police, to penetrate a given territory and be present in the daily lives of its citizens, in the ways the Wender quote above suggests. Thinking about police reform entails

14Indeed, even in countries where the military are given authority to provide internal security, they are still acting as police and performing traditional police functions.
assessing the provision of security, a fundamental service of the state with implications for the everyday exercise of citizenship and rights, as well as basic political and economic activities. This exercise becomes even more urgent in the Latin American context, where the deterioration of security conditions in many countries following the transition to democracy underscores the centrality of crime, violence, and security to understanding state capacity in Latin America, and highlight the imperative of investigating the factors that lead politicians to build state capacity through police reform and the incorporation of societal actors in security provision.

Based on the preceding discussion of the centrality of policing and security to the state, I define state capacity as the degree to which state institutions (rather than other actors within society) can provide citizens throughout the state’s territory with protection from crime and violence. Working from this definition, I operationalize state capacity using the following indicators: 1) quality of bureaucratic (security) apparatus; 2) institutions, policies, operations, and resources deployed in local provision of security; and 3) the ability of the state to establish itself as the arena of power, taking primacy over other social organizations outside of the state. These indicators will allow us to assess in a systematic way the extent to which participatory security institutions overall lead to what I observed during the São Paulo CONSEG meeting with which I began this chapter — shared governance, community oversight, and citizen reliance on the state, rather than private actors, to solve security problems.

Participatory security is a quintessential example of local state formation. It is a policy that is adopted at the central level but implemented in territories corresponding to the jurisdiction of individual police stations. In this context, participatory security emerges as a policy response worthy of further scrutiny because of its potential to have an impact on how citizens and state actors interact, and the extent to which the actions of the latter may be shaped by the former. I identify three primary channels through which participatory security can contribute to state building by bolstering state capacity: 1) by providing a
space for information sharing about local needs and demands; 2) by serving as a mechanism for (largely informal) accountability; and 3) by creating a space for society to address security problems through the state, rather than outside of it.

Information, Demand Making, and Resources

One of the main forms in which the incorporation of citizen input in security and policing can build state capacity is by serving as a conduit for information. Community members far outnumber police officers in any given area and, through their everyday activities and interactions, are privy to all sorts of local knowledge to which police officers may lack access. In this sense, communities can serve as a source of information for police forces facing limitations in the human, material, and financial resources needed to conduct comprehensive patrolling, surveillance, intelligence, and other law enforcement activities. By providing a space for communities and police to gather and engage in such exchanges of information on a regular basis, participatory security can help compensate for limited state capacity.

The notion that information provided by the community can help overcome limited resources was reflected in the declarations made by police officials in nearly all of the communities I studied that residents were their “eyes and ears.” Although there are almost certainly deviations in practice, at least on paper, in all the cases of participatory security analyzed in this dissertation, there is the expectation of exchange of information between citizens and police.\textsuperscript{15}

Such information, of course, is not an end in and of itself. Underlying participatory security is the premise that communities’ local knowledge, usually expressed in the form of demands, should influence local security provision by informing patrol routes, enforcement decisions, and other police interventions. Although this does not always occur in practice, participatory institutions can help shape the manner in which state capacity is exercised,

\textsuperscript{15}For the sake of simplicity, I will speak only of police here, but part of the reality of community participation in security is that many citizen complaints are not technically the responsibility of the police. This requires involvement and triggers action by other state agencies responsible for street lights, trees, and traffic, as well as vulnerable populations such as the homeless or minors.
namely *how* and *where* it is deployed. As Sharp (1986) noted in her study of citizen contacts to local officials,

when a street department schedules repairs based on complaints about potholes, when tree trimming is provided on request by citizens, when a substantial portion of the inspections conducted by building code enforcement personnel are in response to requests, and when police departments dispatch a squad car each time a citizen calls for help with a problem, however minor, we can say that the distribution of the city’s public service resources hinges upon citizen-initiated contacts (4).

Local bureaucracies are thus structured such that they operate in large part based on citizen demand. Why might this be the case? Wildavsky (1979) has observed that

The bureaucrat must make some sense of his organizational environment, which exists to absorb, process, and reduce data to manageable form. Yet this official often must act without theory specifying relationships between inputs and outputs or criteria for informing him of what is relevant. Our bureaucrat deals with this uncertainty by vastly oversimplifying his view of the environment, and by devising operational procedures that greatly decrease the need for information. This bureaucrat accordingly will limit the agency’s actions to clients who present actual demands — a small portion of its potential clients (360).

It may seem counterintuitive to think of a police force operating based on the concept of “fire alarms,” under the well-known McCubbins and Schwartz (1984) framework, in which agency intervention is driven by decentralized mechanisms for receiving individual complaints. Indeed, the opposite approach identified by these scholars, “police patrols,” is named after a key police activity. However, if I may stretch a well-regarded metaphor among bureaucracy scholars, in the case of police institutions, fire alarms (e.g., a citizen calling 911 to report a crime) and police patrols (routine police work) are mutually reinforcing.

In CONSEG meetings in São Paulo, for instance, when a resident stated that he or she or a neighbor had been the victim of a crime, police officials repeatedly urged community members to file formal crime reports with the police. Many residents in a number of communities would respond that they tried but it took too long, or that they felt discouraged
for other reasons. Similarly, the leaders of Buenos Aires City’s *Mesas Barriales de Seguridad* encouraged community members to attend the bimonthly meetings during the first half hour to report crimes if they did not feel comfortable going to the police. Thus, under these conditions, participatory security may provide the police with information *they may not have had access to otherwise*. The primary motive in both cases was not that anyone was under the pretense that the police would succeed in investigating, finding or arresting the perpetrator.\(^{16}\) Instead, such information would help ensure that the police were relying on accurate crime statistics, which would then be used to inform police patrols in the literal sense, in terms of more efficiently directing resources and activities toward the areas where they were most needed, that is, where there were more fire alarms.

Participatory security helps provide a channel for citizens to communicate information and articulate demands, which may then shape the local provision of security, particularly in low-resource settings. These participatory institutions may further bolster state capacity when they are structured as a mechanism for aggregating, horizontally, individual demands. The degree to which the three types of participatory security analyzed here function as such will be a key source of variation discussed below. To understand how such aggregation might work and how it might inform, and strengthen, local security provision, I draw on an example of a beat meeting held under the auspices of Chicago’s Alternative Policing Strategy (CAPS), itself a form of participatory security, that illustrates this process, as described by Fung (2004):

> residents of a Chicago neighborhood called Lakeville were plagued by intimidation, narcotics trafficking, prostitution, and suspected gang activity. They met with police for several months to understand these problems and develop strategies to mitigate them. In these meetings, they determined that most of the undesirable activity originated in a large park nearby... In the short term, residents and police worked together to mitigate disturbances. Police patrolled the area more frequently at peak times identified by residents, conducted foot patrols, and enforced loitering and curfew laws. Neighbors living next to the park

\(^{16}\)A partial exception are cases where the perpetrator could be identified by the victim; but apprehension and clearance of the crime is unlikely in most Latin American countries even under those circumstances.
organized themselves to watch for illicit activity and summon police response via a phone tree (2).

Although this is a particularly successful experience of participatory security, it demonstrates how such institutions may bolster the work of local police stations through the participation of the residents of those territories. Police and residents worked together to identify problems street by street, based on individual reports, and developed strategies that were then implemented by police with the corresponding resources and in the appropriate locations. To the extent that participatory security institutions provide a channel to not only convey but also aggregate and analyze information and demands, residents’ local knowledge and lived experiences can serve as crucial tools for improving state capacity in the provision of security, literally at the street level.

The discussion thus far has been largely optimistic. Yet it might not be the case that participatory security always, or even mostly, works as intended, bolstering state capacity in security provision through information and articulation of demands. As argued in Chapter 2, participatory security is often adopted as a means of improving the police’s image, and may be designed to accomplish little else. Institutional design can help determine the extent to which participatory security will allow for dialogue between police and community members, rather than serve a primarily cosmetic role.

According to research on England’s Police Consultative Committees, for instance, participatory security mechanisms may do little to bolster state capacity through the exchange of information. Scholars have found that

PCCs are highly dependent upon the police for information and support. Furthermore, police knowledge and expertise is largely unchallenged in the face of committee members who are relatively ignorant of policing. As a consequence, meetings frequently take the form of the police “educating” the community representatives about policing and the limitations of the police service (Crawford 1997, 49).

While police support is a crucial component in all cases of participatory security, and educating the community about the institution they seek to influence seems similarly appro-
appropriate, the author’s critique seems to be that the PCCs provide little space for community members to shape the local provision of security. While not directly comparable to the Latin American context, in which police forces possess lower levels of capacity and resources than their English counterparts, Crawford’s and others’ observation about the PCCs raises concern about the extent to which participatory security institutions provide communities with sufficient tools to influence what their police do and how they do it.

Nonetheless, we are not likely to see a reversal of appeals to community for information and support, whether through participatory security or another strategy. As Crawford (1997) himself notes, situating responsibility for security solely within the state has increasingly come to be seen as an “impossible mandate:” “Where once the state was expected to hand down an authoritative answer for the problems and needs of society, now we are increasingly witnessing a situation in which those same problems and needs are rebounding back on society, so that society has become implicated in the task of resolving them” (25). One key way in which society has become “implicated” in the resolution of crime and security problems, I argue, is through the provision of local information that can help shape how and where police provide security. We must assess, however, the extent to which institutional design facilitates such exchanges of information.

**Participatory Security as Citizen Oversight**

In addition to providing spaces where police can receive local information from citizens that they may not otherwise have access to and possibly shaping how police and state officials distribute scarce resources across a given territory and a given population, participatory security institutions can also help build state capacity by serving as a mechanism for oversight. Just as communities can serve as “fire alarms” to alert authorities about local criminal activity and specific areas in the neighborhood deemed unsafe, they can similarly help alert police commanders about misconduct or abuse by individual police officers under their supervision.
As discussed in Chapter 2, much of the debate among practitioners and analysts regarding citizen oversight mechanisms (particularly in the United States) underscores the extent to which building trust and confidence functions as the underlying objective of such initiatives. In a report on the subject, the Vera Institute of Justice, a U.S.-based NGO focused on security and criminal justice, observes that “civilian oversight appears to arise in response to a specific crisis of confidence in the police.”\textsuperscript{17} The United States’ National Institute of Justice similarly issued a report quoting a police officer who declared that “The concept of [citizen] oversight is excellent; it builds citizen trust in the department: We can’t be accused of covering anything up.”\textsuperscript{18}

To be sure, the sort of citizen oversight analyzed by these specialized institutions differs in important ways from participatory security, which is not strictly considered a form of oversight in the first place. Such citizen oversight is generally focused on the investigation of cases of police misconduct by a designated group of citizens, rather than serving as a public forum for discussion of local security problems and strategies. Like these more formalized means of citizen oversight, however, participatory security may also build trust in the police due to a shared characteristic: the practice of opening what would otherwise be internal police processes to the citizenry and involving them, at least on paper, in those processes. The potential for participatory security to increase trust between citizens and state actors has already been discussed in Chapter 2. What I aim to propose here is that participatory security can build state capacity specifically through the potential to serve as an oversight mechanism by building “state quality.”

State quality, as defined by Taylor \textsuperscript{2011}, refers to “whether the state and its officials serve the interests of the population in a fair manner that promotes the general welfare” \textsuperscript{17}. In thinking about the relationship between state quality and state capacity, it may be useful to recall the conditions of the Colombian National Police and the Police of Buenos Aires.\textsuperscript{343}

Aires Province prior to their respective reform processes. The Colombian police had for years come to be characterized by rampant corruption, infiltration by drug cartels, and other forms of abuse, which in turn affected the police’s ability to perform its fundamental tasks of crime prevention, repression, and investigation. The Buenos Aires police was similarly engaged in extensive networks of corruption and violence, even going so far as to be implicated in the hired killing of a high-profile photojournalist. As noted in the respective case studies, experts in both countries attributed the high incidence of police misconduct to a deficiency in state capacity; both police forces had become large and unwieldy entities without the requisite bureaucratic structures and procedures in place to ensure compliance with institutional rules. In short, both police forces had become impossible to control, a condition at least partially caused by limited state capacity and which in turn severely compromised the state’s ability to provide security.

Although participatory security institutions rarely entail formal citizen oversight as applied in the U.S. context, they may still serve as an important form of external monitoring, insofar as they allow citizens to convey information about the conduct and performance of the police in their communities. Just as the police cannot possibly be expected to identify and respond to the totality of criminality or illegality in its jurisdiction, police commanders similarly cannot feasibly expect to know about, and consequently punish, every instance of deviance among his or her subordinates. Discretion is an inherent component of policing and, in practice, police officers work alone or in pairs with little supervision. As a result, as Bittner (1990) notes, “it is difficult to imagine a profession in which there is more opportunity and greater temptation for corruption than policing” (27).

In this context, deviant acts by police are almost impossible to prevent or even identify in a comprehensive way. Because community members come into contact with and observe acts of police misconduct, however, they can alert police commanders of transgressions by police. To provide a banal example, community members in Buenos Aires City and São Paulo often denounced during meetings that they observed a police officer talking on his
cell phone or failing to intervene while a crime was being committed. Accusations of more serious deviations would be made in private. To the extent that these sorts of deviations interfere with the police’s capacity to perform its functions, providing commanders with an additional source of information about misconduct by subordinate officers at the street level can help bolster state capacity in the provision of security.

With respect to possible impact, we might posit that citizen evaluations of individual officers could result in the application of some sanction against the transgressor, or be included among the criteria for evaluating a police officer’s performance. As we might expect, however, there is a great deal of variation in the extent to which citizen complaints of police deviance have any impact beyond the initial communication. For instance, when a Military Police captain in the southern zone of São Paulo shared with me a presentation with performance data for his precinct (companhia), including the assessments of individual officers, he cited metrics such as arrests, searches, and street stops. Community evaluations did not play a role.

In Buenos Aires City, on the other hand, officials from the Ministry of Security reported in interviews that the evaluation of individual officers by members of the communities they served would be included among the criteria for promotion. In some ways this variation can be explained by institutional design, i.e., auxiliary vs. adversarial forms of participatory security. But as we shall see below, participatory security may still function as an informal oversight mechanism, even when it is not explicitly adopted for this purpose.

*Building State Capacity by “Bringing Society Back In”*

A final mechanism through which participatory security institutions may help build state capacity with respect to the provision of security is by reestablishing the state as the arena for demand making and problem solving. As discussed in Chapter 1, this dimension of state capacity is based on Migdal’s conceptualization of the state as an entity that seeks to achieve “predominance” over other societal organizations (Migdal, 1987), as well as Mann’s
the notion of “infrastructural power,” which describes the state’s ability to penetrate civil society and implement its decisions (Mann 1984). I adopt what Soifer (2008) calls the “weight of the state” approach, which “focuses on the specific local manifestations of the state — its radiating institutions — and their impact on society” (239). An important measure of the “weight” of the state in society is the extent to which societal actors avail themselves of those “radiating institutions.” Any such institution that does not meet societal needs and is not utilized by its intended constituency represents a failure of the state to implement its policy and thus signals an important limitation of its infrastructural power.

I therefore posit that participatory security institutions may build state capacity not only by serving as mechanisms for information exchange and oversight, but also by opening a space for societal actors to utilize specifically state-provided channels for addressing local security problems. This is of particular significance in the context of present-day Latin America. As was discussed in Chapter 1, the notable rise in crime and violence that accompanied democratization in many Latin American countries, and the inability of most states to control crime effectively, led to the emergence of a negative feedback loop between state capacity on the one hand, and citizens’ attitudes, perceptions, and practices on the other. As states demonstrate themselves increasingly incapable of enforcing the law, citizens face the proliferation of ”brown areas” (as conceptualized by O’Donnell 1993), territories in which they cannot count on the security necessary to engage in everyday political, economic, and social activities that are constitutive of citizenship. Citizens throughout the region report an increasing preference for non-state solutions to security problems as a result of the perceived deficiencies of the state apparatus (see Chapter 1).

The notion that negative experiences with the state would lead citizens to eschew state channels for solving their problems can be found beyond Latin America. In their study of the political consequences of the criminal justice system in the United States, what they term the “carceral state,” Weaver and Lerman (2010) find that “participation rates may significantly decline as citizens who have adversarial interactions with law enforcement become less likely
to seek out government of any kind” (3). While Weaver and Lerman were focused on political participation, we could easily conceptualize their finding as evidence of a deficiency in the capacity of certain “radiating institutions” in the U.S. to reach certain segments of society.

I argue that a similar dynamic occurs in Latin America as citizens come to believe, whether through direct experience, “crime talk,” (Caldeira, 2000) or through the media[19] that state institutions are not doing enough to protect them from crime and violence. Recall the example cited in Chapter 1 of the community meeting in a middle class neighborhood of Montevideo, Uruguay. Citizens’ perceptions that the state could not provide them with adequate protection led many to declare that they had little choice but to resort to “the law of the jungle.” A negative feedback loop thus emerges in which the “low-intensity citizenship” (ODonnell 1993) generated by this weak state capacity ends up further undermining the state’s ability to provide security, since citizens may increasingly choose to “exit” the state for the provision of this service, whether by resorting to hiring private security firms, or more worrisome responses such as vigilantism and social cleansing.

This negative feedback loop, by definition, suggests that, at least in the area of security, the relationship between state capacity and citizens’ attitudes, perceptions, and practices is bidirectional. An important extension of Migdal’s and Mann’s conceptualizations of state capacity vis-à-vis society entails recognizing that deficient state penetration of society through its institutions or implementation of policy is not only evidence of weak state capacity; it also creates conditions for the reproduction of that weak state capacity through the mechanism of societal abandonment of the state.

Such views are not confined to a specialized meeting of community members with a particular interest in security. Indeed, support for, or at least tolerance of, the notion that citizens must seek protection outside of the state is widespread in the region. The 2012 wave of the AmericasBarometer survey[20] found that 51% of Latin American respondents

agreed that “the best way to fight crime is to hire private security.”
Meanwhile, about one-fifth of all respondents said they would support the killing, by community members, of someone who had been “frightening” their community, while about 36% of respondents said they would not support it but would understand it. Perhaps most alarmingly, about 45% of respondents said they would either support (14%) or understand (31%) if a group of people in their neighborhood were to engage in social cleansing.

In all but five countries, majorities of respondents said they would approve or be understanding of this practice. The recent cases of citizens taking the law into their own hands in the face of security threats cited in Chapter 1 — from Brazil’s *justiceiros* to Mexico’s *autodefensas* to Argentina’s recent wave of lynchings — demonstrate that this phenomenon exists beyond the realm of attitudes. In addition to armed groups such as drug cartels and criminal gangs, citizens’ pursuit of private means of security and justice represents a significant challenge to state authority and state capacity. When citizens seek out private solutions, whether it is through an individual act of vigilantism or seeking protection from non-state armed actors, the core mission of the state is undermined. If the state does not exercise predominance over other societal groups in the provision of security, it cannot be said to have a monopoly on the legitimate use of force.

The claim advanced here is not that participatory security is the only or even the most important means through which the state may seek to re-establish its predominance over other societal groupings in the provision of security. By incentivizing and facilitating citizens’ use of state institutions related to the provision of security, however, participatory security institutions have the potential to reinforce state capacity. Through its very practice, par-

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21 As we might expect, there is considerable variation across countries. Respondents in Argentina and Uruguay expressed the lowest levels of agreement — still a bit high at about 30% — and while more than 60% of Honduran, Nicaraguan, Ecuadorian, and Peruvian respondents were in agreement.

22 Social cleansing is defined in the survey question as the “killing of people that some people consider undesirable,” a category that may include homeless individuals, individuals working in prostitution, persons addicted to drugs, among others.

23 For instance, the chapters on reform in Colombia and Buenos Aires discussed efforts in both cases to strengthen the state’s control over private security firms as part of broader reform efforts.
participatory security provides society with direct access to the state’s “radiating institutions,” and vice versa.

In order for this to occur, and in order for participatory institutions to bolster the infrastructural power of the state, citizens must be aware of the existence of such institutions and make use of them to express their demands. Scholars have found evidence that when the state creates such institutions, citizens respond accordingly. In her study of Kansas City’s “Action Center,” a centralized agency for channeling citizen complaints, Sharp (1986) finds that citizens’ awareness of the Action Center “is much more evenly distributed than is awareness of public officials more generally” (112). Moreover, she also finds that “unlike other forms of political information, awareness of the Action Center is more evenly distributed across neighborhoods, so variations in Action Center contacting are primarily a function of neighborhood need” (112).

By providing direct, regularized access to state officials responsible for security and related matters, participatory security may similarly allow states to reach a broader swath of the population than do other agencies. Although we may expect variation in usage across individuals and neighborhoods — because, for instance, more well-to-do residents may have less need — we may evaluate the extent to which participatory security bolsters state capacity by focusing on citizens’ knowledge of the existence of such institutions and whether demands, when they arise, are channeled through participatory security institutions.

That citizens would learn about and utilize participatory security institutions is far from a trivial question. Much of the literature on participatory democracy is largely optimistic that when participatory spaces are open, citizens will be willing to take part. Cameron, Hershberg, and Sharpe (2012), for instance, write that

The kind of popular participation that we are analyzing is unlike earlier waves of participatory politics in that it does not eschew links with the state. Indeed, it is sometimes spurred by the growing awareness of the state’s incapacity to deliver

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24 Many scholars also problematize this question. For example, McCarthy (2012) discusses the suspicions of residents in a Caracas community, long excluded by the state, regarding participation in a water project.
public goods on its own, which leads to the recognition of the need to work with
the state to provide these goods (5).

As we have seen in the Latin American cases with regard to security, the very opposite
reaction has often occurred. Citizens’ perceptions of state incapacity to provide security has
quite often led to attitudes and sometimes practices that favor not only non-state solutions
but also solutions that directly challenge state authority and undermine state capacity.

Methodology and Limitations

While the bulk of this dissertation has focused on explaining the causes of police reform
and different types of participatory security, this chapter is concerned with understanding
the extent to which participatory security is of any consequence for state capacity. The
following section will focus on unpacking the independent variable, summarizing the typology
of participatory security developed in Chapter 2. This section has focused on conceptualizing
the relationship between state capacity and participatory security. I have defined state
capacity as the degree to which state institutions can provide citizens throughout its territory
with protection from crime and violence. As noted above, I operationalize state capacity
along three dimensions derived from this definition: 1) the institutions, policies, operations,
and resources employed for the provision of security; 2) bureaucratic quality (defined above);
and 3) the primacy of the state over other societal organizations in the provision of security.

I hypothesize that state capacity may be shaped by participatory security through three
complementary mechanisms:

1. Participatory security may serve as a conduit of information from communities to the
   state that may be used to determine how best to deploy state resources.

2. Alternatively, participatory security institutions may provide mechanisms for citizen
   oversight of police performance and conduct, thereby improving bureaucratic quality.
3. Finally, by providing citizens with a state channel for addressing their security concerns, participatory security may help to re-establish the state, rather than other societal organizations, as the appropriate arena for solving problems relating to security.

Table 6.1 below summarizes the discussion thus far regarding the relationship between state capacity and participatory security, including the indicators that will be used to test the extent to which the three types of participatory security studied here can affect state capacity through the hypothesized mechanisms. It is worth highlighting that the dependent variable, state capacity, is measured in procedural terms. In other words, rather than looking at outcomes or outputs, the focus is on the process by which the state provides security. This is the appropriate approach because it best allows us to tease out the impact, if any, of incorporating societal actors in a central activity of the state. Rather than taking the number of police officers or operating budget of a local station as the dependent variable, I instead look at whether or not the deployment of officers or resources was shaped by community input. By tracing the process of security provision, we can identify the steps where societal actors may intervene and how they might do so.

Table 6.1: Conceptualizing Participatory Security as State Building

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<tr>
<th>Dimension of State Capacity</th>
<th>Mechanism</th>
<th>Indicators</th>
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<tbody>
<tr>
<td>Institutions, policies, operations, and resources</td>
<td>Information and demand making</td>
<td>Channel for community information</td>
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<td></td>
<td></td>
<td>Mechanism for aggregation</td>
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<td></td>
<td></td>
<td>Direct access to target</td>
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<tr>
<td>Bureaucratic quality</td>
<td>External oversight</td>
<td>(In)formal channel for complaints</td>
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<tr>
<td></td>
<td></td>
<td>Consequence of information</td>
</tr>
<tr>
<td>Primacy over other societal organizations</td>
<td>State as arena for problem solving</td>
<td>Citizen awareness and usage</td>
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</tbody>
</table>
A procedural focus also allows us to adjudicate between two seemingly opposing views of participatory mechanisms: whether society is bolstering the state or whether the state is shirking its responsibilities and imposing them upon society. Under one conception, state and societal actors are engaging in true co-production and partnership, in which community members' local knowledge can help optimize the distribution of scarce resources, for example. Under the other, citizens are expected to take on the cost of their own security beyond the taxes and general cooperation with law enforcement agencies. As Cameron, Hershberg, and Sharpe (2012) have observed, “Blessing ‘civil society with local participatory institutions can be consistent with a neoliberal politics where state institutions shirk core responsibilities and offload the slack to the third sector” (6). Paley (2001) similarly argues that civil society participation is functional to the neoliberal state, such that civil society can be used to substitute functions that should otherwise be performed by the state. As I will demonstrate below, participatory security in practice includes elements of both coproduction and the neoliberal state that passes on its responsibilities onto society. But at a conceptual level, using procedural measures can help us distinguish between the two views of state-society relations in participatory settings in a way that focusing on outputs and outcomes cannot.

Focusing on procedures instead of outputs is not without cost. If we are to take seriously Kurtz (2013)'s definition of state capacity as the quality of the state’s administrative apparatus and its ability to deliver services, an analysis of how participatory security may affect state capacity ought to consider whether it can have an impact on service delivery. The literature on participatory institutions seems to suggest precisely that: “Enabling citizens to engage directly in local problem-solving activities and to make their demands directly to state bodies is believed to improve understanding, and contribute to improving the quality of definition and implementation of public programs and policies” (Cornwall and Coelho 2007, 5). Similarly, the arguments made by scholars of “coproduction” or “state-society synergy” (Evans 1996; Ostrom 1996) posit that participation by citizens along with state actors in the provision of a service (or production of a good) will lead to more a efficacious outcome.
and may improve relations and attitudes between both sets of actors. Putnam (1993)’s classic study of government performance following decentralization in Italy similarly found that social trust and dense social networks led to better outcomes in service delivery. Whether participatory security can shape state capacity not only in the process of security provision but also in terms of its output is a substantively important question that this analysis does not address.

The analysis presented here draws upon twenty-two months of fieldwork in Buenos Aires Province and Buenos Aires City in Argentina; São Paulo, Brazil; and Bogotá, Colombia, during which I conducted participant observation in community security forums in each city, dozens of interviews with police and government officials and community participants, visits to police stations and community events, and archival research during which I collected a range of documents including meeting minutes, educational and promotional materials, and official correspondence. The analysis presented here is not intended to be exhaustive. Instead, it is an effort to ground one of the main questions driving this dissertation — why do politicians enact police reform that creates formal spaces for community participation in the provision of security? — with an empirical analysis to determine whether the incorporation of societal actors in the provision of security — normatively appealing from the perspective of democracy and transparency — is consequential beyond abstract terms.

Participatory Security in Practice

The adoption of participatory security institutions in Colombia, Buenos Aires Province, and São Paulo State provide strong evidence for this framework. The crisis of legitimacy faced by Colombia’s National Police in 1993, characterized by abysmally low levels of societal trust and perceptions of incompetence on the one hand, and low capacity and specialization as well as scarce resources on the other, culminated in a comprehensive reform process that included a thin form of participatory security. In the case of the police of Buenos Aires Province, the adversarial type of participatory security was seen as a means of achieving external oversight
over a police force that was highly distrusted and yet fairly, if perversely, capable. Finally, in the context of Brazil’s slow transition to democracy, São Paulo’s governor sought to address historically high levels of crime and violence, as well as budget shortfalls, with auxiliary participatory security. The key features of each institutional type, discussed in each of the case studies, are summarized in Table 2.

The final row notes the hypothesized impact based on the formal structure and the discourse around its objectives at the time of implementation. Two important caveats are that these hypotheses are based on formal structures and refer to the primary channel through which we may conceive of these formal structures as shaping state capacity. On the one hand, we should not discount the importance of informal institutions and mechanisms in shaping how participatory security operates and the extent to which societal actors are able to influence what the state does. Montambeault (2012), for instance, finds in his study of participatory budgeting in Brazil that informal practices matter a great deal. Citizens’ participation in associations facilitated coordination among them outside of the formal spaces of participatory budgeting, which helped to better articulate the interests of neighborhoods in the formal meetings. We will see below that participatory security creates many informal dynamics that strengthen the ability of societal actors to shape what state actors do. On the other hand, the three channels by which I argue that participatory security may shape state capacity are not necessarily mutually exclusive. However, the focus on the formal features, as well as the emphasis on the primary effect, are intended to differentiate among the various institutional types and the processes through which societal actors may shape how the state provides security.

Given these divergent contexts and the differences in institutional design that grew out of them, I hypothesize that the various forms of participatory security are suited to achieve different objectives and are likely to shape the provision of security, if they do so at all, through different channels. I will address this question in the next section.

Colombia’s “Thin” Participation: Frentes de Seguridad Local
Table 6.2: Institutional Design and Hypothesized Impact of Participatory Security

<table>
<thead>
<tr>
<th>Participatory Security</th>
<th>Colombia</th>
<th>São Paulo</th>
<th>Buenos Aires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frentes de Seguridad Local</td>
<td>Conselhos Comunitários de Segurança (CONSEG)</td>
<td>Foros Vecinales de Seguridad</td>
<td></td>
</tr>
<tr>
<td>Type of PS</td>
<td>Thin</td>
<td>Auxiliary</td>
<td>Adversarial</td>
</tr>
<tr>
<td>Inclusiveness</td>
<td>Low</td>
<td>High</td>
<td>Moderate</td>
</tr>
<tr>
<td>Societal Authority</td>
<td>Low</td>
<td>Low-Moderate</td>
<td>High</td>
</tr>
<tr>
<td>Police Obligations</td>
<td>Low</td>
<td>Low-Moderate</td>
<td>Moderate</td>
</tr>
<tr>
<td>Hypothesized Impact</td>
<td>Improve Trust/Police Image</td>
<td>Society as Local/Information</td>
<td>Society as External Monitor</td>
</tr>
</tbody>
</table>

Brochures publicizing the *Frentes de Seguridad Local* (Local Security Fronts, FSL) from the mid-1990s describe a *Frente* as “a community organization led by the National Police.”

The contradiction inherent in that statement was palpable when I attended meetings of two Frentes, one in a working class neighborhood and another in a middle class neighborhood in Bogotá. Both meetings, as the above description suggests, were led by a police officer. The officer stood at the front of the room, while about twenty community members in one neighborhood (and seven in the other) sat facing him. One meeting was held in a local neighborhood association and the other in the meeting room of a residential building.

Despite the fact that the meetings were held in community spaces, community members had little agency or voice. In one meeting, where the local community police officer was trying to form a new *Frente*, residents who raised their hands to speak about local security problems were asked to wait until the end, and in fact did not get to speak at all. While this experience is not necessarily representative, it is illustrative of a broader observation about the Frentes: the “community organization” part often appears to take a backseat to the “led by the police” part, as I describe below.

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25In interviews, police officials defined the Frentes using this same language.
The FSL are groups made up of residents along a small territorial area: a couple of blocks, a residential complex, etc. The early brochures from the 1990s describe the objectives of the Frentes as identifying insecurity problems on our block or sector, uniting people who live on our block, building... combatting fear, apathy, indifference, and lack of solidarity in relation to the acts of criminals, design strategies to solve security problems in sectors or neighborhoods... achieving the integration of residents and authorities and achieve peaceful coexistence among citizens.

Despite this discourse that clearly aims to carve out a space for community action in identifying and addressing security problems and constructing linkages with the police, by the time I conducted my fieldwork in Colombia, however, the Frentes appeared to have a single purpose. The Frentes, at least in Bogotá, are organized around an alarm system located in a centralized place in the block or building, which could then be activated by the neighbors if they observe a crime occurring (or the ever ubiquitous “suspicious person”\[26\]), in order to inform the police and call them to the location of the crime (or potential crime). For many police commanders, the Frentes have become synonymous with the alarm itself. The description of the process by which a Frente is formed by a Major with the Colombian National Police who was charged with coordinating the FSLs in all of Bogotá is illustrative:

Many times [the initiative] comes from the citizenry. The citizen may say to the patrol officer “listen, we would like to create a Frente, have more contact among ourselves, have more contact with you...” The patrol officer then says “Ok, please, on this date and this time invite the neighbors.” They prepare an invitation document and we tell them what is a frente de seguridad, its benefits, and how it can best be used, When they all agree [to form a Frente], we write up a constitutive document (acta) where the FSL is officially registered... [They they fill out] a phone tree, with the person who is the leader and all others who will form [the Frente]... Everyone gets the number of the CAI, the local patrol car and station, and then we make maps of the block, where the frente (that

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\[26\]According to a 2006 report by the Bogotá Chamber of Commerce about the Frentes, 50% of them had used the alarm to indicate the presence of “suspicious persons” \([\text{CCB} \ 2006]\). Given the preceding discussion about how social inequalities shape the distribution of protection and repression, it is worth asking what criteria the members of the FSL use to identify someone as “suspicious.”
is, the alarm) will be located... and then we make a document where we let people know in what circumstances they ought to make use of that frente (i.e., the alarm), so as to not abuse it...\textsuperscript{27}

Outside of operating the alarms, the Frentes are expected to meet on a regular basis, but there are no formal rules dictating the frequency or format of those meetings. According to a 2006 report by the Chamber of Commerce of Bogotá on the Frentes, only 34\% of them held meetings, and only one third of those met on a monthly basis (CCB\textsuperscript{2006}). For those Frentes that do hold such meetings and generate strategies for addressing local problems, there are no systematic channels to communicate demands to state actors, nor formal mechanisms to ensure that state actors will be responsive to those demands.

Nevertheless, there are a number of avenues through which Frentes may interact with the police and the local administration; that is, these channels are available, but they are not systematic. First, each of the nineteen local police stations in Bogotá (which are coterminous with the administrative divisions of the city, the localities) have one or two officers specifically assigned to community relations. One of the tasks of these officers, but not the exclusive task, is to coordinate with the Frentes. But, depending on the police station, this community relations officer may have hundreds of Frentes within his or her jurisdiction. For instance, one small locality in the southern part of the city had 328 Frentes.

Second, with the adoption of a new community policing approach in Colombia (Plan Nacional de Vigilancia Comunitaria por Cuadrantes, PNVCC), the area of each police station has been carved into small territories, for which a single patrol unit is responsible. In many of the localities, the integration of the PNVCC with the Frentes is promising, since the police liaison may only have up to a handful of Frentes to “lead.” In one middle-class locality, for example, there were one hundred Frentes spread out over thirty-nine Cuadrantes (Quadrants, the unit of the PNVCC). However, the linkage between the FSL and the Quadrant can also lead to disparities in patrolling. The community liaison officer in a police station near

\textsuperscript{27}This last part could be quite important, as a loud alarm can become a nuisance. An official with one of the local municipalities, for instance, noted that sometimes, when the Colombian team was playing and there was a goal, some people would activate the alarm of their Frente.
downtown Bogotá said that one reason people have become more likely to form Frentes is because he tells them “if you form a frente, you’ll have the opportunity to have more attention from the quadrant. Because if you have a frente here and they don’t, the police officers are going to go here where there is a frente.”

An additional channel to the state that the Frentes could take advantage of are the security forums run by each of the localities, who also have a designated official for security matters. However, interviews in five localities, with variation in location, crime levels, and socioeconomic composition, the linkages between the local administrations and the Frentes are not systematic. Some of the local security coordinators reach out to and work with the Frentes, while others were not even be aware that there are Frentes operating in their locality.28

Colombia’s Frentes de Seguridad Local (FSL), characterized as “thin,” are a minimal form of participatory security, in that they are simply intended to provide periodic, territorially-defined spaces for community members and police to come together to coordinate forms of prevention at the local level. We might therefore expect that the Frentes are most likely to intervene in the provision of security simply by serving as a mechanism for citizens to address security concerns through the state, rather than external channels. Because they feature few requirements on the National Police and provide very little authority to societal actors, this modality of participation seems less likely to result in the effective channeling of community information toward decisions about police operations and the distribution of resources or the employment of this societal mechanism as a form of external oversight of the police. I will analyze this question in the next comparative section.

The remarkable thing about the Frentes is that they emerged at a time when the Colombian National Police was characterized by low levels of capacity and resources, and poor relations with society. Today, the National Police has one of the highest approval

28This occurred in two localities, where the local security coordinator told me there were no Frentes in their districts, but the local police confirmed that there were.
ratings among Latin American police forces and also has high levels of institutional capacity and resources. As I note above, I would expect this type of police force to not adopt participatory security at all. Although I did not conduct historical research into the functioning of the Frentes, it would be worthwhile to investigate whether the activities of the FSL have been scaled back over the years, as the brochures form the 1990s cited above suggest, as the police developed its capacity and improved its relationship with society.

**Adversarial Participatory Security in Buenos Aires Province**

The narrow role of the Frentes offers a stark contrast with the extensively involved activities of the Foros in Buenos Aires Province, and their reincarnation in the Mesas of Buenos Aires City. Each Foro exists in a territory corresponding to the jurisdiction of a police station, the *comisaría*. Membership in the Foros, as noted in Chapter 4, is restricted to representatives of “recognized” community organizations. This means that although the number of people participating may be relatively low — for instance, Foros and Mesas end up being about the same size as the Frentes, despite covering a much larger territory — but it is also a participation that is relatively consistent over time. This is important for giving the work of the Foros continuity.

Unlike the Frentes, which only elect a coordinator, whose only role is to serve as a liaison with the police, the Foros elect an executive board, including a President, a Secretary, and two substitutes (Decree 96-99). The role of the president is particularly important, as it is he or she that communicates directly with the Ministry of Security and builds linkages with other Foros.

Whereas the meetings of Frentes described above put the police up front and relegated the citizenry to the audience, the meetings of the Foros and Mesas are more akin to workshops. Whiteboards and markers, maps, and group work are common features of their meetings.

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29 According to a Gallup Colombia poll, at the time I was conducting my fieldwork in the second semester of 2012, the percentage of Colombians expressing a favorable opinion of the police was between 63 and 67%.

30 This is not the case with the Mesas, which are not always coterminous with the police stations in the capital city.
as citizens work to identify local problems, locate problem areas on maps, and brainstorm ideas to address them.

The central activity of the Foros is the creation of “crime maps” (see below), a process that begins by collectively making a list of the conditions in the region that contribute to insecurity, and identifying the location and the time of the day in which they occur. This information, with the support of geographers and specialists at the Ministry of Security, is then georeferenced to create the actual crime map. Using the crime map, the members of the foros identify priorities, and develop strategies — which may involve community organizations, the police, the Ministry of Security, and other state agencies — to address those specific priorities.

Often, those strategies focus on broader structural problems that generate insecurity. For instance, one Mesa in Buenos Aires City was concerned about the deterioration of public spaces in their neighborhood, developed a strategy to restore a small amphitheater located outside of a metro station that was considered abandoned, dark, and dangerous by residents. In a coastal town in Buenos Aires Province, concern over teens without recreational opportunities led the members of the Foro to propose a project where its members would work on building a boat with local teens.

An important component of the meetings of the Foros and the Mesas is that no police officers are present during this process. In contrast to the Frentes in Colombia and the CONSEGS in São Paulo, the meetings in Buenos Aires Province and City are held only with community members. All five current and former presidents of Foros I interviewed emphasized, however, that they and other members of the Foros would meet “almost permanently” (casi permanente) with the local commanders and had close working relationships. But it was important for community members to meet and identify priorities before meeting together with the police. Because the Mesas in Buenos Aires City were at the beginning stage of implementation when I conducted fieldwork in 2011, representatives from the Ministry of Security would attend their meetings, in order to train them in the process.
Another key feature of the Foros and Mesas is that they are linked to the Ministry of Security through a special division focused on community participation. This area, which was an Undersecretariat in the Province and an Office (dirección) in the City, has a group of liaisons, who are charged with coordinating the Foros/Mesas in different territories. These territorial teams not only provide support for the Foros, in terms of capacity building and sometimes material supplies, they also help to integrate the Foros into the rest of the Ministry’s structure. The Ministry staff in both settings have often played an intermediary role in the relationship between the Foros and the local police, as I explain below. For instance, in 2011, the national Minister of Security Nilda Garré declared that the local police stations had to base their street patrols on the crime maps created by the Mesas. It is unlikely that the police commanders would have used the crime maps in this way without the intervention of the Ministry.

The final stage of the work of the Foros, before going back to the process of creating the maps, consisted of a series of evaluations of the maps and strategies developed, but also of the service provided by the local police and specific police officials. These surveys were then transmitted to the Ministry, which utilized the evaluations as one criteria for determining the promotion of police officers.

Due to the cycles of reform and “counter-reform” in Buenos Aires Province (discussed in the next chapter), the implementation of the Foros has varied considerably over time. While León Arslanián was the Minister of Security between 1998 and 1999, the system of participation worked. But following his resignation in 1999, the work of the Foros was de-emphasized within the Ministry. As one former Foro president put it, the Foros were “put in the freezer” during this time. Between 2004 and 2007, when Arslanián was brought back to implement a second reform process, the Foros once again became a key component of the process.

After 2007, however, another “counter-reform” began and the Foros were once again disconnected from the Ministry. In an interview, a career bureaucrat who worked in the
Undersecretariat of Community Participation said that in 2007 the Undersecretariat was replaced by the Office of Foros, which was largely a façade. He said that he went from creating crime maps based on the data he received from the foros to not doing very much at all after 2007. The Director of the office would tell the staff to simply “kill time” (cumplir horario) and did not allow them to continue their work with the Foros. Today, there is no specific entity in the provincial Ministry of Security and Justice dedicated to the Foros. Instead, there is a Provincial Office of Community Relations with a small staff. The president of another Foro characterized it as “some random office, they don’t even give it a budget or anything... it has no significance... it’s a political message: this is not a priority for [the current Minister]... community participation has basically disappeared.”

The form of participatory security implemented in Buenos Aires Province may perhaps be the strongest form of participatory security considered here. The Foros Vecinales de Seguridad, while less inclusive, are the only type of participatory security that provide formal tools for societal actors to hold police and state officials accountable. Unlike the Colombian and, to a lesser extent, São Paulo models, Buenos Aires’ system of foros endows the societal participants with certain formal responsibilities and power to participate in the development of security policy at the local level and to make demands on the police. This model also imposes certain obligations on the police regarding cooperation with the foros and compliance with societal demands. These institutional components ought to ensure that information received from community members is channeled to police officials and that community members are given formal tools to hold those police officials accountable for whether and how that information is used. The dual instruments of societal authority and police obligations, the basis for the “adversarial” label, also have the potential for improving state quality by serving as a means of external oversight of police behavior and performance. The danger of the adversarial model, as I’ll discuss below, is of course that societal participation will have to confront police resistance and the patterns of accommodation between police officials and political leaders that I argue serve as a barrier to police reform even in
the face of ample justification and need.

*São Paulo’s CONSEGs as Auxiliary Participatory Security*

The Community Security Councils (CONSEGs) of São Paulo State represent a middle ground between the limited sphere of action (in terms of content and territory) of the Frentes and the broad authority and responsibilities granted to the Foros. São Paulo’s CONSEGs correspond to the territories of police districts (DP), usually coterminous with one delegacia (civil police station) and one companhia (military police station). They are coordinated by an executive board that consists of a president, a vice president, a secretary, and a “social director,” all of whom are elected by community members whose attendance in the CONSEG is above a certain threshold. As with the Foros, the role of the president is very important, as they are the primary liaison to the police and to the Secretariat of Security.

But unlike Buenos Aires’s Foros, however, the police are an essential part of the CONSEG. Not only is their presence in the meetings mandated by law, but the two commanders, who may not delegate their participation, are considered “innate members” (membros natos) of the CONSEG. In the thirty-six CONSEG meetings I attended over a six-month period, the absence of the police representatives was a fairly rare occurrence.

If the meetings of the Frentes seemed like lectures and the meetings of the Foros were akin to workshops, the meetings of the CONSEGs are town hall meetings of sorts. Since I have already described a CONSEG meeting at length I will not do so again here. It is worth, however, raising a distinction between the CONSEGs and the Foros. While the Foros are a dialogue among its members, the role of the citizens who attend CONSEG meetings is simply to state their problem or ask a question, and then it is someone else’s turn to speak. In this sense, the CONSEG is meant to address specific problems. Whereas the members of the Foros might come up with a strategy to reduce drug use, a CONSEG meeting might

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31 In rare cases, a CONSEG will overlap with two civil police and two military police stations.
instead focus on drug use in a particular corner of the neighborhood, with the likely solution being to simply displace such problems to another neighborhood.

This is not to say that the CONSEGs never deal with broader structural issues. Many CONSEGs develop special campaigns to address local challenges. One CONSEG in a low-income area where many children and youth lacked recreational opportunities and spent a lot of time on the street (considered a risk factor for crime) used a free room adjacent to the local police station to open a computing center where children and teenagers, as well as other community members, could come to use the computers and the internet and even take some basic classes. While the CONSEG’s coordinating office has a special award (Prêmio Franco Montoro) to recognize such initiatives, they are not part of the formal structure of the CONSEGs and depend solely on the initiative of the CONSEG president. The structure of the Foros, meanwhile, are conducive to thinking about broader problems and solutions, even if they do not always occur in practice.

An important feature of CONSEGs, at least in the City of São Paulo, is that a municipal law requires the participation of local institutions, as indicated above. The local municipal administration (subprefeitura) and other entities charged with public lighting, traffic, noise, etc., must all attend the meetings.

Like the Foros and the Mesas, the CONSEGs have institutional linkages beyond the police. Within the structure of the Secretariat of Security is a CONSEG Coordinating Office (Coordenadoria dos CONSEGs) with regionally-specific advisors to the CONSEGs. Because of the large number of CONSEGs, however, each advisor may coordinate up to 100 CONSEGs. Often their role ends up being to simply ensure that CONSEGs are submitting their meeting minutes, though they also conduct visits around the state and attend meetings to check on the functioning of the CONSEGs. A key feature of the Coordinating Office, is that it includes an area for the Military Police and one for the Civil Police, each with a small staff of 3-4 police officers. These officers also travel around the state, often giving workshops to members of the CONSEGs.
São Paulo’s Conselhos Comunitários de Segurança (CONSEGs), seen as the “auxiliary,” type of participatory security, similarly bring societal actors into formal state spheres, but it has additional institutional features that also make possible the use of community information in the provision of security in a systematic way. Unlike the thin form of participatory security in Colombia, São Paulo’s model is broadly participatory, thereby increasing the quantity, quality, and sources of information available to the police. One additional institutional feature of the CONSEGs, which represents a small variation from the typology discussed above, increases the likelihood that community information will actually be incorporated into decision making about local security policy. The only real obligation imposed upon police officials by the regulation of the CONSEGs, that the local commanders of the Civil and Military Police institutions must participate in the monthly meetings of the community councils, means that citizens have direct access to officials that have decision-making authority. This institutional feature, in addition to the highly inclusive nature of participation characteristic of this institutional model, I argue, make the information channel a likely means through which the CONSEGs may shape state capacity. This type of institution, however, should be less effective as a form of external oversight because it does not provide much formal authority to society to hold police officials accountable.

Participatory Security in Comparative Perspective: Can Societal Actors Bolster State Capacity?

These three forms of participatory security represent vastly different models of state-society engagement and present different formal and informal opportunities for the two to influence one another. Institutional design, in other words, is consequential, leading to important distinctions in how these participatory mechanisms operate. At the start of this chapter I laid out three channels through which state actors could help bolster the capacity of the state to provide security at the local level. First, participatory security could bolster state strength by reestablishing it as the space through which security problems ought to be solved. Given the discussion in Chapter 1, and in each of the case studies, of the various forms in
which citizens may opt for private solutions to address fear of crime, this is no small matter. [Migdal (1987), after all, argues that what distinguishes the state from other organizations in society is that “state officials seek predominance over those myriad other organizations.”]

Second, participatory security may help bolster state capacity by providing state officials — primarily, but not exclusively, the police — with information that may help inform strategies and guide actions. In other words, state agencies may be able to more perform their functions more efficiently if they have more precise information about where they are most needed. Finally, participatory security may serve as a means of societal oversight, by which citizens may improve state quality by alerting superiors of poor performance or malfeasance by lower-ranking officials that interact with citizens on a day-to-day basis. In this section I consider the three types of participatory security to determine the extent to which they can help build state capacity through these channels.

**Participatory Security as a “Radiating Institution” of the State**

Participatory security may serve as a radiating institution by bringing citizens “back in,” that is, making a state-centered space available through which citizens may channel their security concerns. This may occur through the territorial reach of the participatory security mechanisms, by providing a public rather than a private solution, and by improving the image of the institution, possibly encouraging other forms of interaction with the state. Such institutions may also serve as a radiating institution by serving as a type of infrastructure that the state may use for other purposes, such as the implementation of or publicizing a new policy.[32]

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[32] To understand what I mean by infrastructure that facilitates the implementation of other state initiatives, an anecdote from the administration of former São Paulo Governor Franco Montoro may be illustrative. Montoro wrote in his memoirs: “Our Health Secretary João Nunez detected an alarming rise in the number of intestinal infections among children. According to experts, the cause lay in household water tanks contaminated by feces or dead rats and roaches... [Our Secretary of Planning] announced there were no funds available... The idea then emerged of using the public school system... In just one day, in every school in the state, professors explained to students the dangers of [contaminated] water tanks... and what they should do to clean it with the help of parents and neighbors... Once the campaign was over, we carefully evaluated the results: more than 500,000 water tanks [the vast majority of those affected] had been cleaned” (Montoro 2000, 178-179).
In terms of territorial reach, of the three types of participatory security considered here, Colombia’s Frentes may be the most effective as a “radiating institution” of the state. Because each individual Frente covers such a small territorial area, there is room for a great number of Frentes in any given jurisdiction. According to the Major in charge of coordinating the Frentes at the central command of the Bogotá Metropolitan Police, in 2012 there were 5,484 Frentes distributed among 1,035 Quadrants and nineteen police stations. That is a tremendous amount of distinct linkages to society, even if each Frente consists of ten to twenty people in a small territorial area. According to the aforementioned 2006 report on the Frentes, there were approximately 8,400 Frentes in Bogotá distributed across 1,304 neighborhoods that year (CCB, 2006).

The territorial reach is, as one might expect, uneven. According to the same report as above, there was a larger concentration of Frentes in the central localities (such as La Candelaria with 41 Frentes per 10,000 inhabitants or Teusaquillo with 36) than in those localities located in the periphery (such as 10 per 10,000 inhabitants in Ciudad Bolívar or 8 in Usaquén). Moreover, I found in my interviews with officials in the local mayor’s offices in the localities in the center and in the periphery, that the latter were more likely to say that the majority of the Frentes in their localities were not functioning.

Still, territorial reach is an important component of the Frentes and was a reason for their initial expansion. Former Bogotá Mayor Antanas Mockus noted in an interview that one reason he was interested in the Frentes was because it allowed me to give geography to something that operated in a very de-territorialized way. I used to ask [then Commander of the Bogotá Metropolitan Police] General Gilibert over and over again: “Can a motorcycle with two police

\footnote{The reduction in the number of Frentes is in large part due to a decision of the National Police to reduce the number of Frentes, as I will discuss briefly below.}

\footnote{Though there are fewer Frentes in operation today, these disparities continue today. Through my interviews with officials from the local mayor’s offices in a locality I was able to obtain information about the number of Frentes in each. The locality that lies at the far southern end of the city has just over 1 Frente per 10,000 inhabitants, while another locality that is closer to the center has approximately 6 Frentes per 10,000 inhabitants.}
officers go to any place in the city at any hour of the day or night? Or are there places where we cannot go?" 

The Frentes allowed the police to establish a spatial presence, through its linkages with the local residents that made up the Frentes, in most of the city’s territory.

The territorial reach of the CONSEGs and the Foros, meanwhile, must necessarily be measured on a different scale because any given CONSEG or Foro will realistically only reach a small proportion of the population residing in its territory, in terms of who participates in meetings or is even aware of their existence.

Nevertheless, we can measure the territorial reach of the CONSEGs in terms of the proportion of total CONSEGs that are active, as well as the proportion of municipalities within the state of São Paulo that have at least one CONSEG. In the State of São Paulo as a whole, 73% of all CONSEGs were active between 2010 and 2012. As with the Frentes, the territorial coverage is also uneven based on a center/periphery dimension. While 98% of CONSEGs in the City of São Paulo were active during this period, 69% of all CONSEGs in the interior of the state were active. In terms of municipalities, 68% of municipalities had at least one CONSEG. Considering that CONSEGs were created in 1985, it is significant that such relatively high percentages of CONSEGs remain active so many years later.

Moreover, in some cases, the territorially-defined nature of participatory security can help bolster state penetration of a given territory through its very practice. The low-income district in the north zone of São Paulo mentioned above has its population spread out over a very large territory, which police commanders of the local police station identify as one of the major challenges to providing security for the region. The CONSEG meetings are held in rotating locations within the district each month, allowing (or forcing, depending on

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35 Interview with Antanas Mockus, Bogotá, 2 October 2012.
36 I collected meeting minutes for all CONSEGs in the State of São Paulo between January 2010 and June 2012. I categorize a CONSEG as inactive if it has no meeting minutes at all during this period. This is a looser definition than that employed by the CONSEG Coordinating Office, which declares a CONSEG inactive after it fails to send its meeting minutes for six consecutive months. I use the less restrictive definition because CONSEGs that I knew to be active were technically declared inactive by the Coordinating Office’s criteria.
37 Many CONSEGs were, of course, founded after this date, in some cases several years later.
your perspective) the police’s top commanders in that territory to be physically present and 
engage with residents of an area that they might have otherwise never encountered.

The territorial coverage of the Foros, meanwhile, was mixed. On the one hand, out of 
the Province’s 135 municipalities (called partidos), 88% had at least one neighborhood- 
or municipal-level forum in 2006, in many ways the peak of activity for the Foros. However, 
only 45% of comisarías, the intended territorial units of the Foros, had a corresponding 
neighborhood- or municipal-level forum. While the Ministry of Security managed to reach 
most municipalities in the province, even remote ones in its expansive territory, its penetra-
tion was only partial.

Because of their territorial reach, the Frentes can help increase the likelihood that citizens 
will go through the state to solve a problem relating to security, rather than outside of it. 
A community police officer in a small locality in a southern part of the city said part of the 
reason for the creation of the Frentes was that “after the violence that peopled lived through 
in Colombia, the community was on one side and the police on the other, and the [local] 
institutions were on another. Everyone worked on their own.” The Frentes were a means 
of bringing together citizens and the state. Hugo Acero, Bogotá’s Secretary of Security 
under Antanas Mockus, said his team was particularly concerned with private violence: 
“Our concern, from the administrative point of view was that [the Frentes] did not become 
paramilitary groups or those groups that end up beating up on the criminals, that’s not what 
it was supposed to be about.” Because the scope of activity of the Frentes is so limited, 
however, it is not clear to what extent citizens went through the Frentes, rather than the 
participatory mechanisms available through the administrative offices of the localities, for 
example, or simply private means, to address security concerns.

The CONSEGs, meanwhile, did appear to serve as a channel for citizens to address 
local security problems through the state. In just about all of the seven communities in

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38 Based on a database of all foros in Buenos Aires Province in 2006 that I received from a former employee 
of the Undersecretariat for Community Participation at the provincial Ministry of Security.
39 Interview with Hugo Acero, Bogotá, 30 August 2012.
which I worked, in most meetings there would be a person or group of people (such as the “Marias” described in the first part of this chapter) who were not regular attendees but came because they had a specific problem. In one downtown, economically-diverse community, a group of young people who had held a demonstration during the previous weekend and had been harassed by the police, came to the CONSEG meeting to question the local police commander about their treatment. In another well-to-do neighborhood, a woman who had, through the use of social media, organized a large demonstration of citizens to demand security, subsequently went to the CONSEG meeting to see whether their grievances could be addressed and whether the CONSEG could serve as a vehicle for further societal mobilization. But in just about all of the communities, many citizens were aware of the CONSEG and and made use of it when they had a problem.

In the Foros and Mesas, meanwhile, the barriers to access this institutional space were higher. The former president of a foro from the conurbano described an extensive process to form a Foro. A particularly violent killing in his community mobilized hundreds of residents who gathered in an assembly “which served as a catharsis after everything that happened.” He said that he proposed that the residents form a Foro in order to help reduce crime and violence. But in order to do so, they first had to create a community organization, and then request that the mayor open a call to community organizations to form a Foro (as required by Law 12.154). This sort of process not only requires considerable resources and capacity from societal actors — as opposed to the São Paulo model, for instance, which requires only that you attend a meeting that happens on a monthly basis — it also requires the citizens to rely on the mayor as “gate keepers” of sorts. In the case of this particular Foro, the community members persisted and formed their community organization and followed the rest of the procedure, but we might imagine that many others became discouraged along the way. By the time Arriola and her team arrived at the national Ministry of Security to create the Mesas Barriales, I think, they learned from the prior experience of the Foros. For the

40 As it turns out, for several reasons, this particular CONSEG was not able to address her needs.
mesas, citizens no longer had to be part of “recognized” community organizations in order to participate.

In terms of serving as a form of infrastructure that states can use to implement or simply promote new policies or programs, all three types of participatory security yield mixed results. For the most part, the Frentes have not served as a means for the state to communicate information or introduce new programs or policies into the population. One exception has been the way the introduction of the new community policing program that began in 2010, the PNVCC. The Frentes served as a way for the local Quadrants to form connections with the community. One community police officer said that when the Quadrants were created, they would invite the members of the Frentes to a meeting in order to introduce them to the police officers in their Quadrant. But for the most part, the local mayor’s offices nor the central mayor’s office do not use the Frentes as a means of connecting with citizens about new programs or policies.

The CONSEGs, meanwhile, at times served as a structure through which different state agencies could communicate information about other policies to citizens. In one meeting in a high-income neighborhood of São Paulo, for example, the local administration (subprefeitura) provided information about a new municipal law on valet parking, which was of great interest to the largely well-to-do community members. In a different CONSEG in a lower-middle class and low-income neighborhood, an official announced new traffic rules in the area. The use of the CONSEG by the state to communicate new policies is in large part built into the structure of the CONSEGs. Those other state officials are able to communicate this information because the entities they represent were already at the table. But beyond these specific examples, I am not aware of the CONSEGs serving as a form of infrastructure for the state in the implementation of other programs.

It should be noted, however, that CONSEGs were used as electoral infrastructure. In several of the communities that I accompanied over the course of six months in 2012 (an election year), local politicians would often attend meetings in order to show their concern
for local security issues. It also served as infrastructure for CONSEG presidents themselves, many of whom ran for local office. Of the seven CONSEGs I accompanied, two of the presidents were running for the city council that year.

I have argued that one of the factors that makes participatory security an attractive option for politicians during moments of reform, are poor relations between police and society. It therefore makes sense that this would be an objective of the participatory mechanisms studied here. The reasoning is simple: if citizens trust the police, they are more likely to call the police when there is a problem.

Improving the image of the police was also a goal of the Foros in Buenos Aires Province. According to former Minister of Security León Arslaníán,

We hoped that the image of a feared, corrupt, and discredited police force would be transformed through this bridge that we were laying out between the police and the community. We succeeded in getting two needs to converge: the police’s desperate need to recover its image, and the need of the community to be able to trust its police.

It is not clear, however, the extent to which such a “transformation” in the police’s image actually occurred. The challenge with the Foros, as with many other policies in Argentina (Murillo and Levitsky, 2013), is that between 1998 and 2008 they suffered from fairly inconsistent application. Depending on patterns of reform and counter-reform (see Chapter 7), they were either implemented with zeal or ignored. Changing relationships marked by decades of distrust takes years to achieve; it is therefore difficult to evaluate the effectiveness of the Foros on this dimension.

There is evidence that the Frentes helped to improve the police’s image, at least among those who participated in them. One local official who works on security issues, and does not believe in the effectiveness of the Frentes, conceded that the residents of his locality love them: “when I go to meetings with the community, [they say] that they do work and they always ask for more Frentes.” One community police officer said he thinks the popularity of the Frentes are simply that “people like to know that the police are listening, even if it

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doesn’t solve anything.” According to the 2006 report cited above, 83% of those who were part of Frentes believed that the Frentes helped improve relations with the police as well as the perception of security. 54% also evaluated the performance of the community policing officers as good, and an additional 24% as regular. These are fairly impressive numbers compared to the National Police’s relationship to society prior to the reform.

One reason why the Frentes may be more effective for improving the image of the police than the other forms (although this conclusion is tentative since I do not have comparable data for the Foros/Mesas or CONSEGs), is that the Frentes offer a very narrow service and a highly restricted scope of possible demands. Indeed, much of the focus of the Frentes is to organize citizens so that they can solve problems themselves. While this is in some respects empowering for the community, it also seems to approach an accusation that many scholars make of participatory institutions: that they unload the state’s responsibilities onto society.

The structure of the Frentes restrict the arena of participation spatially, in terms of the types of demands they can make, and in terms of formal access to police officials. On the fairly narrow dimension in which they offer an opportunity for citizens to collaborate with the police — the provision of an alarm for citizens to activate if they observe something suspicious — they seem to be doing well at satisfying citizens and thus help to improve the institution’s image.

CONSEGs and Foros/Mesas, meanwhile, offer citizens either direct access to a range of municipal officials with direct authority to address a range of problems (in the case of the former), or the possibility of identify and help craft often ambitious solutions to a broad range of problems (in the case of the latter). These two institutions raise the stakes of participation and bring much more complex demands to the state, which are in turn more difficult to satisfy. While I do not have systematic data or analysis on the effect of these two types of participatory institutions on attitudes toward the police, I would hypothesize that they will be less likely than the Frentes to improve the police’s image beyond the initial intro-

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41 Each of the community police officers I interviewed, as well as the Major who coordinates the Frentes at the Metropolitan Police command, said this was an objective of the Frentes.
duction of participation unless they are able to produce tangible results to citizens’ demands.

Participatory Security as a Source of Information

Despite its extensive territorial reach, Colombia’s system of Frentes represents a channel for citizens to communicate information to the state in a very limited sense. Indeed, the very function of a Frente is to alert the police when a crime occurs or when they think one might occur. Initially, the Frentes were also used to identify other problems in the neighborhood. Hugo Acero, former Secretary of Security in Bogotá, said that during his administration “[the Frentes] were attentive to whether lighting was working, whether the public phone was well maintained, whether the streets were in good condition, that the local park did not deteriorate.” But, although Acero maintained that members of the Frentes could simply contact “the institutions to request that the park or lighting be fixed, or some other service,” there is no formal mechanism for the Frentes to communicate this information to the state beyond what any ordinary citizen who is not part of a Frente can do. Since the implementation of the PNVCC, the Frentes no longer have this role, however poorly defined it had previously been. Today, it is up to the officers in each Quadrant to identify such problems, and report them to the corresponding authorities via specialized forms and procedures.

The Frentes also do not provide a formal channel to police authorities. The Major who coordinated the Frentes for the Bogotá Metropolitan Police said in an interview that the Frentes have contact with the local Quadrant patrol officers, and perhaps the local CAI (Centro de Atención Inmediata), which is the next level up. But there is no formal channel to the commander of the station, nor to the commander of the Metropolitan Police. The Major noted that sometimes the commander of a station may call a meeting with the Frentes,

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42 Nevertheless, the aforementioned study of the Frentes found that 86% of members of the Frentes said that the Frentes helped to identify problems in the community, and 85% felt the Frentes helped to prevent crime (CCB 2006).
but with such a large number of Frentes corresponding to each police station, it is unlikely that this serves as an effective vehicle to convey information from society to the state.

The CONSEGs, meanwhile, were much more effective as a means for police officials to receive information from citizens. In just about every CONSEG meeting I attended, the local police commander would tell citizens that they were the “eyes and ears of the police.” In one CONSEG meeting in a low-income district in the north zone of São Paulo, after police commanders present asked for information about areas where drugs were being sold, a resident stood up and asked incredulously how it was possible that the police don’t have this information if everyone in the neighborhood knows it. The police commander responded “how are we supposed to know if you do not tell us?”

In the dozens of CONSEG meetings in which I participated, a common theme that emerged was the underreporting of crime. Many citizens who reported burglaries, robberies, and other crimes in CONSEG meetings also said they did not file an official report with the police. In some cases, this led to an interesting disconnect, in which a local commander did not believe a resident’s claim that there had been seventeen home break-ins in a particular area because there were no official crime reports from that area. But for the most part, police officials recognized that, through the CONSEG, they received information about crimes they may not otherwise have learned about.

A nearly universal feature of participatory security spaces is that citizens’ security concerns can rarely be addressed exclusively by the police. Inevitably, concerns about lighting, unmaintained parks or abandoned buildings, etc. will arise, and there is little that police institutions can do about such problems on their own. In the case of the Frentes, the procedure has now become to alert the police about these problems, who would then tell the corresponding agency. Previously, they would communicate to the Secretariat of Security, who would then pass on the information.

An important innovation of the CONSEGs in terms of information flow from citizens to the state is the inclusion of municipal officials from agencies charged with public lighting,
traffic, and the sub-municipal administration (subprefeitura) generally, in all of the monthly meetings. Citizens may therefore not only serve as the “eyes and ears” of the police, but also of other state agencies. Indeed, the primary activity of the CONSEG are monthly meetings in which citizens communicate information, in the form of demands, to state officials, about such diverse matters as points of drug deals, dark streets, trees in danger of falling, abandoned cars and buildings, excessive noise, and streets with slow traffic that facilitate robberies.

It is unclear, however, the extent to which the information police and local officials receive at these meetings actually shape what they do. On the one hand this is a question about responsiveness – are citizens’ demands and requests being addressed – but on the other it is a question of how useful the information received through this particular channel is in the daily work of police and municipal officials. A municipal official whose jurisdiction included various downtown districts said that the information received from CONSEGs were helpful in identifying noisy bars, potholes, broken street lamps, etc., which the subprefeitura was quick to address. Of all the CONSEGs I accompanied, this particular official received the most positive remarks from citizens for addressing an issue they had brought up at a previous meeting. In one low-income community in the southern part of the city, the commander of the civil police said information from the CONSEG was essential in its operations against the illegal street parties mentioned previously. In this respect, CONSEGs often appear to serve as effective “fire alarms.”

Moreover, because the CONSEG does not restrict participation in their meetings, officials can receive information from a larger group of citizens than in either the Frentes or the Foros. The composition of the meetings may also change considerably from one meeting to the next. On the one hand, this increases the number, location, and types of problems officials learn about. On the other, it means there is a good chance that the person making a demand this month will not be present at the next meeting to ask about followup.

One factor that may make the information communicated at the CONSEG meetings particularly effective is that there is no “middle man.” The officials present are usually
the ones charged with making decisions about enforcement and services. In the case of
the two police forces, the presence of the commanders at the CONSEG meetings is a legal
requirement. But citizens have few formal mechanisms to ensure that officials respond to
their requests and demands. They can rely on a number of informal mechanisms, which I
will describe below.

In terms of serving as sources of information and ensuring that this information then
shapes police activity (and that of other agencies), the Foros Vecinales and Mesas Barriales
are the most systematic and comprehensive. The effectiveness of this particular institutional
form in this respect lies, in my view, in the formal mechanisms for holding officials account-
able. These oversight mechanisms will be discussed below. But the Foros (and Mesas) have
a number of tools to collect information from citizens and ensure that such information is
analyzed and utilized in systematic ways.

One tool, as described above, is the practice of Mesas Barriales in Buenos Aires City
and Foros Vecinales in the province, of reserving a time at the start of their meetings for
citizens to come and report crimes and concerns. Because participation in Foros, and the
Mesas to a lesser extent, was/is restricted to representatives of community organizations,
this is an important opportunity to collect information from a broader array of citizens.
Moreover, since many of these citizens come to the CONSEG to report crimes because they
do not trust the police, it is information that may not have come to the attention of officials
through other channels.

But the main instrument of the Foros and the Mesas are the “crime maps’ used to
georeference local security problems. Members of the Foros/Mesas begin by making a list of
the local conditions they believe contribute to insecurity in the region: a particular corner
that is the site of drug deals or robberies, an area where local youths hang out “doing
nothing,” areas with poor lighting, etc. But they did not simply list problems, they had to
list where they occurred and what times of day they were most likely to arise.
When I participated in meetings of two Mesas in Buenos Aires City in late 2011, I saw that citizens pushed one another to be as specific as possible about the problems they were identifying: “Along which street? Between what cross streets?” “What do you mean ‘suspicious people’?” The reason they were demanding as much precision as possible, was that this information would be used to create maps, which would then be taken to a meeting with local police and the Ministry of Security to develop a security strategy, plans for street patrols, and other actions. The maps and strategies would then be evaluated and updated after a period of six months.

Although there is likely less information flowing from Foros/Mesas than occurs with CONSEGs, it may be of a higher quality because of the level of specificity required, and also because it is considered alongside other information. The Foros and Mesas were also able to effect state actions and strategies in more profound ways than the CONSEGs (and certainly the Frentes). A former commander of a small coastal city in Buenos Aires Province told me that problems of intra-family violence were brought to his attention by the Foro, and together designed and implemented a strategy, involving other agencies, intended to reduce the incidence of this type of violence.

More broadly, the Ministry of Security had an initiative called the Multiple Response Program, which was intended to have the foristas identify more entrenched social problems, such as youth who do not go to school or drug use, and develop broad strategies with the police and other state entities to try to address them. The CONSEGs do not lend themselves to the development of such strategies, even if certain problems, such as homelessness or drug use, frequently come up in meetings. The structure of the CONSEG meetings is most conducive to conveying information about and addressing specific, rather than systemic, problems.

*Participatory Security as External Oversight*
The missing link between the information communicated by citizens and whether or not it generates any response from the police is often whether citizens have mechanisms to hold officials accountable. The strongest instruments, in this respect, also lie with the Foros.

The provincial Ministry of Security ran a program called CERCA (Control y Evaluación de Respuesta, Calidad, y Actitud del Servicio de Policía Local, Oversight and Evaluation of the Response, Quality, and Attitude of the Local Police Service), of which the crime maps were one component, to evaluate the service of the local police. The key component of CERCA, for our purposes, is the application of a survey to evaluate the performance and service of local police officials and the local station as a whole. This information was then sent to the area of the Ministry of Security responsible for determining the promotions of police officers. The use of citizens’ evaluations as one criteria in determining promotions gave police officers an incentive to be more responsive to citizens’ demands.

Not only did the law that created the Foros (12.154) list oversight as one of the formal functions of the Foros, members of the Foros also saw that as one of their roles. A former president of a Foro in the conurbano said he participated in the creation of the Foro because “We wanted to fight crime, but first we had to have a police that was not corrupt. The tool that existed for the citizenry to have participation in controlling that police was [Law 12.154]...”

An additional, and likely the most important, instrument that allowed the Foros to actually serve as a form of oversight was their proximity to the Ministry of Security, which in many ways served as an enforcement mechanism between Foros and local police. This is an area in which we observed a great deal of variation over time. When the Minister of Security prioritized the Foros — that is, sought to develop their capacity, provided institutional support, established communication mechanisms — its members felt they were able to exercise some control over what their local police did. The weight of the Foros within the Ministry was such that, in some instances, Foros were able to lobby the Ministry have their local commander removed. As the president cited above put it, “the police were much more
cautious [in their treatment of citizens], I think, because they knew that we participated in frequent conversations with their bosses... they knew they were being observed.” In contrast, he noted that when a new Minister of Security was appointed, one who he said “put the Foros in a drawer,” the conduct of police became more violent. The priority given to the Foros by the Ministry was thus an important determinant of the extent to which Foros were able to act as a form of oversight.

The CONSEGs, meanwhile, had no such instruments to hold police officials accountable, but did employ some informal tools that were successful in some cases. An informal practice that took place in some CONSEGs, the reading of the minutes from the previous meetings helps to remind officials of demands and requests made during that meeting. In one CONSEG in the southern zone of São Paulo, after reading the minutes, the president of the CONSEG would ask officials to respond with what they had done to address these issues since the last meeting. An additional informal practice is that of cobrança (roughly, collection), by which citizens are given space to ask officials specifically about what had been done regarding a previous request or demand. But both of these practices are weakened by the fact that attendance in most CONSEG meetings I attended varied, in some cases considerably, from one month to the next. Nevertheless, the iterative nature of these meetings, with officials knowing that they will have to attend next month, means that they would be unlikely to avoid blame entirely. In contrast, during a three- or four-month period in one CONSEG in downtown São Paulo, the Civil Municipal Guard (GCM) sent a different representative to each meeting. When citizens would ask the representative of the GCM about a problem raised during the previous meeting, each would claim to have no knowledge of it since they were not present at that meeting.

The required participation of police commanders in CONSEG meetings gives an additional tool to CONSEG presidents for holding police accountable, at least those at the lower ranks. Because they have regular access to their commander, CONSEG presidents are able to report poor performance or misconduct by street-level police officers. In one meeting
between a CONSEG president and a local commander at which I was present, the CONSEG president complained to the commander about the use of excessive force by a police officer at a school. On another occasion this same president told the commander that particular officers were only patrolling one area and were neglecting the rest of the neighborhood.\footnote{In this particular case, the commander suggested that he had received political pressure to focus patrols on that area because residents from a wealthier district had to pass through a given road, deemed highly conducive to crime, to get to the adjacent district.}

Another informal tool used by CONSEG presidents to hold their local commanders accountable was to cultivate relationships with their superiors. One president in the central/eastern region of São Paulo made concerted efforts to reach out to the commanders of battalions (batalhões), which oversee the local stations, and even the top commander of the Military Police in the capital. For instance, she invited the municipal police commander to an Easter lunch at a retirement home, where I was also present, a great public relations opportunity for the police. A couple of months later, she was able to leverage these relationships to have the local military police commander transferred to another district, after prolonged hostility towards the CONSEG.

Finally, the Frentes have little formal or informal possibilities of holding local police accountable. The only police officers to which they have regular access are the street patrol or community officers, who are also the ones that provide the service. They have no formal spaces to interact with officials that supervise these lower-ranking officers, nor even within the local municipal administration that could act as an interlocutor.

**Conclusion: Does Participation Make a Difference?**

It is difficult to provide anything resembling a definitive answer to this question with the data provided here. We can, however, begin to sketch out an answer to the question posed at the beginning of this chapter, whether participatory security can actually affect what states do. In part because I have proposed a procedural definition of state capacity, this discussion has shown that societal actors can shape what institutional actors do. By participating in
spaces provided by the state, by providing information that can shape subsequent actions by state agencies, and to a much lesser degree, by providing oversight, societal actors can, in many cases, have an impact in how the state provides security.

The participatory security institutions discussed here have different sets of strengths and are not without their contradictions. The form of participatory security that perhaps involves the largest number of people engages them to do almost nothing. Colombia’s Frentes appear to be a good way to build ties with and improve citizens’ opinions of the police, according to a 2006 survey of Frentes. Simply having this link to the community appears to be an end in itself for the Colombian police, as it provides a base of support for the institution.

Meanwhile, the form of participatory security that provides the strongest authority and is most empowering for citizens has also been the least stable. As we might expect, the resistance that such a high level of societal insertion in what police usually consider their own domain has likely been its downfall. Three of the comisarios I interviewed described the Foros as “those people who think they’re the police chief.” Even former provincial Ministry of Security and Justice Ricardo Casal was highly critical of the Foros, which is likely why he dismantled the Undersecretariat of Community Participation and had no specific division within the Ministry dedicated to the Foros. According to Casal, “Some [Foros] thought themselves civilian chiefs of police, and they put in and took out comisarios, which is a mistake. Others [limited themselves] to making proposals and reporting crimes, which I think is the most viable, and others were practically there as decoration.”

Ultimately, Casal may be right that a model in which participation is limited to “making proposals and reporting crimes” may be the most viable. While the model of the Foros has been highly uneven in its application overtime, and generates important pockets of opposition, the CONSEGs have functioned since 1985 and continue to have quite extensive

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44 Of course, it may simply be the case that those that chose to form Frentes simply had positive opinions. But I suspect we would not find such highly positive opinions or levels of satisfaction with police if we were to survey participants of Foros and CONSEGs.

45 Two of the comisarios, however, said they maintained good relationships with the Foros.

46 Interview with Ricardo Casal, 29 September 2011.
activity in the State of São Paulo to this day. While we do not yet know the answer to “O que o CONSEG consegue?” (What does the CONSEG achieve?), and the answer is likely to be, in the aggregate, very little, the CONSEG does get several things “right.”

First, it provides a stake for the police forces, integrating them into the participatory institution (even at the level of the Coordinating Office), while posing relatively little threat, as the Foros do. According to one Military Police captain that used to work in the Coordinating Office, “some local commanders come to see the benefit of the CONSEGs, that the CONSEGs can become advocates for them.” Second, the CONSEGs, at least at the level of the community, provide citizens with direct access to officials that can have direct incidence in the problems they seek to address. Finally, the CONSEGs brings different institutions to the table and work together. Due to demands coming from CONSEGs, the subprefeitura and the civil police have conducted joint operations to shut down bars operating illegally, the traffic agency and the military police intervened in a traffic situation that was conducive to robberies, and the military and civil police worked together to shut down illegal street parties such as those described at the beginning of this chapter.

Since the focus of this discussion has thus far been state-centric — that is, what participatory security does for the state — it seems appropriate to close by calling for a research agenda to determine what participatory security might do for citizens. I began the dissertation by describing the development of “constrained citizenship” in many parts of Latin America, wherein citizens withdraw from the state and even one another, due to fear of crime. Can repeated engagement with state actors, and perhaps even collaborating to produce positive outcomes, have an impact on an individual’s sense of efficacy vis-à-vis the state? Can participatory security serve as a reconstituted community space in which residents of the same neighborhood whose security needs may be at odds with one another can meet and engage in a dialogue?
Chapter 7

Conclusion: Fragmentation, Accommodation, and the Challenges of Sustaining Reform

Societal Fragmentation as a Driver of Institutional Continuity and Change: The Case of “Counter-Reform”

Throughout Latin America, and in the cases studied here, prolonged institutional deficiencies, the increase of crime and violence, and the growing preference among citizens for private solutions to the security problem have had highly detrimental effects on the lives of citizens and for the very health of the state and democracy. The dire crisis facing Colombia during the 1980s and early 1990s is perhaps the strongest illustration of this point. How can we understand the persistence of institutional weaknesses and deteriorating security conditions in spite of their corrosive effects?

Numerous scholars have already shown that elected officials do not always take action to build state capacity when it is needed and that, when they do, it is rarely done in response to an objective need. As [Geddes 1994] aptly put it, “the kind of response state actors select will, whatever else it does, reflect their own political interests” (9). Indeed, even when faced
with the deterioration of security and institutional conditions such as those seen in Colombia and Buenos Aires Province, reform was only adopted in the aftermath of high-profile scandals that forced the hand of their respective executives. In this dissertation I proposed and tested a theory that views societal fragmentation as a key determinant of continuity and change in these processes, through its impact on the incentives of elected officials.

I have advanced the argument that the provision of security is an arena of contestation. This is because at its core, security entails the enforcement of the law on behalf of some citizens, who receive protection, against others, who receive repression. In most societies, however, the distribution of protection and repression is often determined, not only by violations of the law, but by characteristics such as race, class, and geography. As we have seen in the case studies presented here, citizens who are poor, black, or reside in low-income areas, are often more likely to be targeted for repression, in many cases in the form of torture or extrajudicial killings. These differences in treatment by the police shape the formation of perceptions, attitudes, and preferences toward the police and security policy. The result is the fragmentation of societal opinion, rooted in pre-existing societal cleavages.

As I have argued in each of the case studies, this fragmentation of societal opinion has been an important determinant of the persistence of institutional weakness in the provision of security in Latin America. Even as rising rates of crime and violence in the region have laid bare and exacerbated the state’s inability to perform its most fundamental function, deficiencies in the structure and performance of police institutions have persisted over long periods of time, despite widespread recognition of the problem. In other words, even as citizens across different societal sectors agree that the level of protection provided is insufficient, institutional deficiencies may persist because of conflicting preferences and demands over its distribution. The solutions to security challenges and institutional deficiencies are often highly contested.

The case studies presented here have suggested that institutional weakness has persisted in large part due to how societal fragmentation interacts with the incentives of political
leaders. Politicians face strong incentives to employ the police institutions they oversee, the manager of the state’s coercive authority, to advance their own political objectives. In order to obtain the cooperation of the police, they grant the institution considerable autonomy, which I call patterns of accommodation. Politicians will engage in such accommodation, even where the autonomy granted to police leads to extensive malfeasance. Political leaders will be unlikely to enact reforms to correct structural deficiencies because, in light of conflicting societal demands, such reforms will present uncertain electoral benefits, but nearly certain loss of control over a valued political tool.

Under such circumstances, politicians, whether the incumbent or the opposition, face little incentive to enact reform. Prior to the scandals over the killing of José Luis Cabezas or the rape and murder of Sandra Catalina Vásquez, for instance, members of the opposition said little about police malfeasance and the need for reform. Shifts in the fragmentation of societal opinion, expressed in the form of scandals, lead politicians to respond. Even in cases of deeply-rooted patterns of accommodation between politicians and police, such as that of Buenos Aires Province, scandals forced the governor to restrict police autonomy, albeit through short-term measures such as purges and firing high-ranking officials. Where there has been a robust political opposition, it used the scandal as a platform to criticize the incumbent, thereby posing an electoral threat. It was under these conditions — a scandal communicating a coherent message across diverse societal sectors, and a robust political opposition — that we finally observed reform.

But even as reform has proven difficult to achieve, it has often been equally challenging to sustain. The Colombian National Police and the Police of Buenos Aires Province both underwent comprehensive structural reforms that sought to address a range of deficiencies, from education and training to command structures and functional and territorial organization. In both cases, such deficiencies had persisted for years, long after there was widespread recognition of a problem. Once the decision to reform had been made, leaders went to great lengths to build consensus across diverse political and social sectors in the final design of the
Yet, almost as soon as reform legislation was passed and implementation entered the initial phases, “counter-reform” processes began chipping away at the components of reform. In this chapter I will provide a brief overview of the processes by which reforms were rolled back in Colombia and Buenos Aires Province and consider the extent to which the factors that serve as barriers to reform may also contribute to the challenge of sustaining it.

**Counter-Reform and Cultural Transformation in Colombia**

The law intended to reform the Colombian National Police passed in 1993 was the result of a brief but concerted effort to overcome the fragmentation of societal opinion over security policy and policing.President Gaviria and his Minister of Defense hastily convened two commissions with the hopes of achieving consensus: an internal commission composed of police officers of all ranks and from all regions of the country, and an external commission composed of representatives from various political parties, subnational levels of government, and a diverse range of social groups. The final bill that was approved in the Congress reflected most of the recommendations made by the external commission.

Yet, despite representing a document that was forged jointly by representatives of the governing party and the opposition, governors and mayors, business groups and unions, academics, journalists, and others, the reform was gradually abandoned.

As I noted in Chapter 3, the National System of Citizen Participation, and other components of civilian oversight of the police and intervention in security policy, were the first elements to be rolled back. The system of participatory commissions at the municipal, departmental, and national levels was an initiative that seemed geared to replicate the consensus-building experiences of the Consultative Commission. However, this part of the reform floundered shortly after the enactment of the law. Armando Borrero, a security and defense expert who served as an advisor to Gaviria’s successor Ernesto Samper, noted with regard to the participatory commissions, “initially there were efforts [to convene them] but there was never a quorum, it was a waste of time.” [Llorente (1997)](#) also cited “practical
reasons, such as the difficulty of convening the National Commission due to its numerous and diverse composition" as a reason for the failure of this initiative (37).

Borrero also cited the National Council on Police and Citizen Security as another failed instance of civilian oversight. The Council, which was to bring together national-level civilian authorities to define security policy, met three times between 1993 and 2003. Finally, one of the most novel parts of the reform, the office of the Commissioner for the National Police, was gradually marginalized, underfunded, and ultimately stripped of its broad oversight authority. The National Police began undermining the figure of the Commissioner at the end of 1993 by reinstating its own Inspector General’s office, which the Commissioner’s Office was intended to replace. By 1997, the office of the Commissioner had been eliminated (Decree 1670).

Other key elements of the reform were reversed in subsequent years. In 1995, the Rural Police Division, which was considered essential for the development of specialized policing in rural areas at the time of the reform, was eliminated (Law 180/95). That same year, a measure intended to create municipal-level commands as internal counterparts to mayors was eliminated (Decree 2252/95). This was followed by the elimination of a distinct Urban Police Division and the Community Participation Division in 1997 (Decree 1686). According to Camilo Granada, President Gaviria’s advisor for security and defense, the system of social security and welfare put in place for police officers was also dismantled during this time. Meanwhile, one of the key components of the plan to “de-militarize” the institution, the creation of the Executive Level (Nivel Ejecutivo) intended to combine the previously separate rank structures, was weakened somewhat. Rather than replacing the previous rank structure, the previous structures coexist with the Executive Level, generating a confusing mix of hierarchies. However, the addition of the Executive Level created a path for police

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1 For instance, the police did not inform the Commissioner of important cases of corruption and instead chose to investigate them internally. See “Me ocultaron investigaciones.” El Tiempo 22 August 1994.

2 The following year, however, the Constitutional Court voided the decree and ruled that the figure of the Commissioner had to be reinstated, although with significantly reduced functions (Casas Dupuy and Gonzalez Cepero, 2005, 39).
officials to ascend from one rank structure to the other. Many officers begin today as street agents in the Executive Level and are promoted into the rank structure for officers, improving the career prospects of those who enter at the very bottom of the hierarchy.\(^3\)

Contrary to what occurred in Buenos Aires Province, however, the “counter-reform” in Colombia was accompanied by a reform designed and implemented fully within the National Police. The Cultural Transformation Plan (CTP), begun in 1994 with the tenure of Director General Rosso José Serrano. As with seemingly every police reform process, the CTP entailed massive purges of officers suspected of corruption: between 1995 and 1998, the Director used special powers granted to it by executive decree to expel some 7,000 officers (Casas Dupuy and Gonzalez Cepero, 2005; Llorente, 1997; Serrano, 2010).

The Cultural Transformation Plan was in many ways an extension and in others a reaction to the broad reform program enacted in 1993. For instance, it deepened community participation programs by expanding the *Frentes Locales de Seguridad* (Local Security Fronts) discussed in the previous chapter, from Bogotá to the national level. The *Frentes* maintained the “Thin” institutional design of the National System of Citizen Participation, granting little authority to societal actors and imposing few requirements on the police. However, the CTP also went much further in advancing the goals of the 1993 reform, namely “de-militarization” and decentralization, as well as professionalization and improved education and training. The first set of objectives were achieved in the context of the adoption of a management approach to the institution. Citizens came to be viewed as “clients” and the police as providers of a service; strategic planning was undertaken at all levels to improve performance and efficiency; commanders were trained in universities on “management and communication techniques, negotiation, evaluation, and efficiency in time management” (Serrano, 2010, 250-252). These changes were intended to make the institution more responsive to the needs of citizens, as illustrated by a slogan from a National Police brochure

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\(^3\)Interview with Armando Borrero.
from the mid-1990s: “We changed in order to serve the people” (Cambiamos para servir a la gente).

Combined with some of the elements of the 1993 reform that were not undone, including the raising of entry requirements and Executive Level, the CTP achieved many of the objectives of that reform effort. Some, including former Defense Minister Pardo and former Defense Ministry advisor María Victoria Llorente, see the CTP as simply an extension or additional phase of the 1993 reform. Former Director General Serrano, too, has written that the cultural transformation truly began in 1993 (Serrano 2010, 243). However, I characterize it as a reaction to the reform rather than simply an extension. Considered jointly with the decrees and legislation discussed above that reversed many important elements of reform, the CTP demonstrated that the National Police had learned an important lesson — that it would lose its autonomy if it did not correct institutional deficiencies and improve its performance. At the same time, it would seek to achieve the objective of the reform without any of its infrastructure, that is, without intervention by civilians. As one police scholar put it

Today the police controls itself. Why? Because it knows if there is a big scandal, the government will come in, the civilians will come in. They prefer to have their house closed... so they exercise a lot of self-regulation out of fear that someone will come into their house.

Counter-Reform and the Resurgence of the “Maldita Policía”

In Buenos Aires Province, the sweeping reforms that began with the civil intervention of the provincial police were also the product of concerted consensus-building efforts. Luis Lugones, the chief of the civilian intervention, recalled in an interview that

Before the intervention, we invited all the political parties with representation in the legislature... When the law was sent to the legislature, [it] was approved unanimously in both chambers because there was this prior consensus that had

4Interview with Juan Carlos Ruiz Vásquez.
brought together the leaders of each of the parties at the national level. That is, we spoke with the top political leaders of each of the parties, such that this was an institutionalized agreement.

Eduardo Sigal, an opposition senator from the opposition also recalled in an interview that the various political parties succeeded in working together: “We were able to establish this as a state policy (política de estado). [We said] in light of the seriousness of the situation, let’s try to establish common denominators. This was one of the few issues where we were able to work in a coordinated manner.”

In spite of this active effort to construct a reform that would have the support of the major political parties (PJ, UCR, and FREPASO), the reversal of reforms began during the same administration that put the historic reforms of the notorious Bonaerense into place. Arslanián, the Minister of Security, resigned in August of 1999 (see below) and the governor chose a veteran Peronist as his replacement, just as he had done with de Lázzari three years before. Despite saying he would continue to implement the reforms passed by unanimous vote in the legislature just one year before, there was a sense that reversal was imminent with the replacement of Arslanián. A political cartoon published in the newspaper La Nación at the time speculated about the change: “The León [Lion] Arslanián is leaving the jungle... Is the Tigre [Tiger] Acosta coming?” in reference to a police officer notorious for his participation in grave human rights violations during the dictatorship.

The shift in policy and practices was almost immediate. Duhalde brought back the old police command structure, and a highly resonant violent episode signaled the return of the maldita policía. One month after Arslanián’s resignation, an attempted bank robbery turned into a hostage situation and an incompetent police rescue operation in the municipality of Villa Ramallo. Police officers killed two of the hostages, two bank employees, and one of the robbers; another of the alleged bank robbers was killed in his cell after being arrested. For some observers, this signaled a return to the Bonaerense’s old strategies of illegal “collection”

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5 Interview with Eduardo Sigal, Buenos Aires, 21 October 2011.
7 “Crisis e indignación por la masacre de Ramallo.” La Nación 18 September 1999.
and financing of political campaigns (the next gubernatorial elections were to take place the following month) (Saín, 2002, 126).

The counter-reform in Buenos Aires Province, in contrast to that of Colombia, did not occur formally. That is, rather than using legal instruments to roll back the reform, the new administration of Governor Carlos Ruckauf simply refrained from applying it. As an example, with regard to the ambitious participatory security system, the new administration deprived it of resources. While in 1999, about one hundred neighborhood security forums had been formed (out of a total of 330 police stations) (Saín, 2002, 116), the new Ministry de-emphasized the program. In an interview with the president of a foro in one of the municipalities of the conurbano, he noted that in 2002, when he attempted to go to the Ministry of Security to formally create a local forum, he quickly learned that the program of community participation “had been put in the freezer.” He said he had to wait three hours to speak to someone in La Plata, the provincial capital. The undersecretariat for participation, he recalls “had no content, it was empty. Literally, it didn’t have furniture.” He considers his foro one of the “survivors of the counter-reform.”

There was also a return to the old practice of gatillo fácil, and of presenting such shootings as confrontations with delinquents. Marcela Perelman, of CELS, recalls that police killings increased after Ruckauf took office, as did the number of bystanders killed in shootouts, which increased from three in 1999 to thirteen in 2000 (CELS, 2001). But perhaps the clearest sign of counter-reform was the appointment of Aldo Rico, a former military officer who had led the military uprisings against the trials of officers for human rights violations during the 1980s, as Minister of Security. Although the “counter-reform” did not involve much in the way of legislation or formal changes, it succeeded in stopping the previous reform process in its tracks and reversing most of its ambitious measures.
Reform and Counter-Reform (and More Reform): Accommodation and Fragmentation as Possible Explanations

The police forces of Colombia and Buenos Aires Province underwent historic reforms forged through genuine exercises intended to build consensus. Presumably, the point of such exercises was precisely to ensure the continuity of the reform, even after the term of the officials who initially enacted it had ended. Yet, in both settings, the “counter-reform” processes began within a year or two of the initial reform’s passage. How can we account for such rapid reversals of novel processes that had been years in the making?

In this section I offer some reflections about the extent to which the factors that I argue can lead to the persistence of violence, corruption, and other forms of malfeasance — thereby serving as impediments to reform — also make reform difficult to sustain. In examining the role of societal fragmentation and patterns of accommodation between politicians and police in processes of counter-reform, I am posing a question rather than proposing an answer. Numerous scholars have meditated much more extensively regarding the conditions underlying the failure of police reforms, including in Colombia and Buenos Aires Province (Hinton, 2006; Ungar, 2002; Eaton, 2008; Ruiz Vasquez, Illera Correal, and Manrique, 2006; Kobilanski, 2013; Rodrigo, 2011). My aim is only to consider whether politicians’ incentives to engage in patterns of accommodation with the police, and the societal divisions and conflicting demands that facilitate such accommodation, return to pre-reform levels, thereby posing a threat to the sustainability of reforms.

Undoubtedly many factors are at play. In both cases, reform occurs a year or two prior to an election, such that much of the implementation falls on the successor of the executive that originated the reform. Even though in Buenos Aires Province and Colombia, the successors were from the same political party, it is likely that the new executives simply did not want to “raise someone else’s child,” as one of my interviewees put it. In the Colombian case, we may simply have to acknowledge the role of agency, and recognize the role of General
Serrano as the driving force of both the counter-reform and the Cultural Transformation Plan.

Even in light of other possible causes of the reversals observed in Buenos Aires Province and Colombia, both cases indicate that there was a return to politician-police accommodation and societal fragmentation following the reforms.

Goldsmith and Lewis (2000), who served briefly as an external advisor on the implementation of the Commissioner’s office in Colombia, cited the “ambiguity” of the role (e.g., it had features of both internal and external oversight) and the improved image of the police and its leadership as factors that doomed the office. But explaining the fate of the Commissioner’s office, and many of the other elements of reform that incorporated civilians into what police may view as their own affairs, may be much simpler than that. I suggest instead that the president, now Ernesto Samper, had incentives to use the police for political benefit, and granted the police increased autonomy in exchange. The police’s pursuit of autonomy was implicit in the dismantling every aspect of the reform that entailed civilian oversight or participation, but it was also explicit in the discourse of the police. Brig. General Guillermo León Díettes, who served as the first Undersecretary of Community Participation (the entity within the institution that was to serve as a liaison to both the Commissioner’s Office and to the National System of Citizen Participation), was unequivocal in his rejection of the figure of the Commissioner:

The Commissioner’s Office was a copy of something they brought from England but it didn’t have much of an impact here. They named a Commissioner who wanted to seem like he was in charge of the police... He wanted to be like a judge, like he was the one who gave orders in the police and he wanted to get into certain things. Then they put in someone else and they took the [Commissioner’s] Office and put it outside of the police [organogram] to make it clear, “you are not in charge here. You receive complaints, analyze, investigate, and pass it on [to the police]. But you don’t have authorities [over the police],” because otherwise there would be overlap. In that case, why would we have the Inspector General of the Police?
President Samper, meanwhile, granted the police tremendous autonomy, pushing for laws and decrees that eliminated civilian components of the reform. He was also quite transparent in his disdain for the Office of the Commissioner and urged the Congress to dismantle it. In 1996, he told an audience full of police officers that “the institution does not need that monster of control that was the High Commissioner for the Police. Let’s let the police regulate itself.”

Samper likely needed to maintain a mutually beneficial relationship with the police in light of his decline in public opinion and the police’s considerable gains. In 1995 it was revealed that Samper’s presidential campaign was financed with money from drug cartels. He was tried, and subsequently absolved, by the Congress, and the relationship with the United States deteriorated to the point where the latter revoked his visa.

General Serrano meanwhile, enjoyed tremendous popularity among Colombian society, with an approval rating that reached 80%, due to his dismantling of the Cali cartel and the positive perception towards the CTP. Most importantly perhaps, Serrano became, for the same reasons, “the darling son of anti-drug authorities” in the United States, serving as an “interlocutor” between President Samper and the Clinton administration at a time when the latter shunned Colombian diplomats as a result of the scandal over drug money in the Samper campaign. As Samper’s former security advisor Armando Borrero noted in an interview, it was during this time that the “national police basically began to be subsidized by the United States.”

Whereas politicians often seek to cultivate good relationships with the police for reasons ranging from its control over a sensitive issue area to the use of coercion against opponents, Samper depended on Serrano as a lifeline before his own people and a powerful external ally. The pro-reform consensus formed in the aftermath of the rape and murder of Sandra

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10 “Con los soles a la espalda” Semana 17 July 2000.
Catalina had vanished, and the police’s approval ratings climbed to 63% by the end of Samper’s term.\[^{11}\]

President Samper’s declaration that Colombians ought to “let the police regulate itself” would become another example of famously regrettable phrases by politicians about the police.\[^{12}\] In light of its extensive autonomy, as well as due to the intensification of the armed conflict in Colombia, the police once again came to face many of the same problems that plagued the institution including a dramatic increase in its size to meet security needs, rampant corruption tied to drug trafficking, and human rights violations. Although the police’s overall approval rating varied little heading into the early 2000s, a series of high-profile corruption cases in which police officers were found to be complicit with drug traffickers became a scandal, and broad-based calls for reform would once again emerge. Then-President Álvaro Uribe, after initially responding by dismissing five of the institution’s top ten commanders, was forced to initiate a process of reform. Like Gaviria, Uribe also formed a special commission, to recommend reforms for strengthening internal oversight of the police.\[^{13}\]

Counter-reform (and re-reform) in Buenos Aires Province followed a similar trajectory to that of Colombia, though the degree of societal fragmentation and the manifestations of police-politician accommodation were more dramatic, as was the case during the first reform. In Buenos Aires, counter-reform also began with a famous phrase, by then-gubernatorial candidate Carlos Ruckauf, who declared during the 1999 campaign that the solution to insecurity was to “hit the thieves with bullets” (hay que meter bala a los ladrones).\[^{14}\] His running mate, Felipe Solá, who would ironically go on to implement the second wave of Arslanián’s reforms in 2004, doubled down: “the only way to defend society is with bullets.”\[^{15}\]

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\[^{11}\]Gallup Colombia Poll 87, time series of favorability rating of the National Police, February 2012.
\[^{12}\]Recall Duhalde’s claim to have the “best police in the world,” and Gaviria’s claim that the National Police was “a source of pride for the country.”
\[^{13}\]Interviews with three members of the Misión Especial para la Policía Nacional: Armando Borrero, Camilo Granada, and General Miguel Antonio Gómez Padilla.
\[^{14}\]“La seguridad desató un debate en el duhaldismo.” Clarín 5 August 1999.
\[^{15}\]“Una reforma al borde del abismo.” Página/12 5 August 1999. Felipe Solá responded in an interview that he was simply going along with a campaign strategy that had been “a personal determination of the candidate [Ruckauf].” Interview with Felipe Solá, Buenos Aires, 1 November 2011.
Eaton (2008) attributes the failure of police reforms in Argentina to a number of factors, including federalism (which permits the interference of mayors), and the participation of politicians in illicit party financing networks with police. But the interference of mayors in defense of their favored local police officials had been a constant during moments of purges, as denounced by Secretaries of Security going back to Luis Brunati in 1988 (see Chapter 4). Yet de Lázzari and Arslanián were able to push through widespread purges of the provincial police, with little pressure from Duhalde.

The participation of politicians in the police’s illegal financing scheme also has a longer history in the province, and cannot explain why the counter-reform happened when it did. In any case, I would posit that the illegal police-politician exchange of funds, if we take the Ramallo massacre as an indication of its reactivation (if in fact it was ever deactivated), was a component of the counter-reform rather than a cause.

The main precipitant of the counter-reform in Buenos Aires Province, I argue, was the societal fragmentation on security policy and policing. In 1997, societal criticism of police and calls for reform reached a climax, with the legislative elections that year serving as a referendum on reform. The opposition party (coalition), Alianza, ran on a clear pro-reform platform; their victory in the elections caused Duhalde to reform.

By 1999, societal divisions were once again palpable in reaction to an increase in crime rates. The fragmentation of opinions in the province is perhaps best illustrated by two of the main contenders in the gubernatorial election. One was Luis Patti, “the famous Patti,” who, after a successful term as mayor, was now running for governor on a standard tough-on-crime (mano dura) platform. Upon seeing that Patti’s support among voters was growing, Ruckauf responded with his now infamous phrase about bullets for delinquents in order to try to cut into Patti’s share of voter support. But the other candidate in the race, who had overtaken Ruckauf in the polls, was Graciela Fernández Meijide, of the Alianza, who

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16He also cites the rise of conservative civil society groups as an impediment to reform in the mid-2000s, but in the case of Buenos Aires Province, the scandal following the death of a student, Axel Blumberg, with police involvement, actually resulted in the return of Arlanián and his team to the Ministry of Security for a second, more comprehensive wave of reforms.
responded to the discourse of Ruckauf and Patti with a commitment to legality in fighting crime, saying “abiding by the law does not make one soft.”

Societal opinion at the time was clearly divided, with different conceptions about the distribution of protection and repression. A public opinion poll taken shortly after Ruckauf’s infamous statement found that 55% of respondents agreed, strongly agreed, or somewhat agreed that criminals should be shot (Brinks, 2008, 119). The October elections also became a referendum on reform and two visions of how protection and repression ought to be distributed, and the results showed a divided public. Ruckauf, who in his famous remarks also called for massive police operations in “all the villas” to shoot “criminals,” won 48% of the vote; Meijide, who called for limits on the police, won 41%.

One interpretation is that Ruckauf felt he had a mandate from voters and pushed through his “mano dura” policies. But Ruckauf’s governance over security included little in the way of laws and policies. This is likely because he knew that he did not have such a mandate. The Alianza, after all, had won majorities in the legislative elections that year; legal reversals of the reform were therefore unlikely to pass. Neither he nor his Minister of Security had a policy of their own, not even one that could be considered “tough on crime.” Instead, they returned to the old patterns of accommodation, granting the police broad autonomy in exchange for a return to the old system of “collection.” The fragmentation of societal opinion on the matter facilitated a return to such practices.

But, just as in Colombia, Buenos Aires Province saw a second phase of reform in 2004. In a familiar sequence of events, the provincial police were implicated in the high-profile kidnapping and murder of Axel Blumberg, during a time of heightened concern over kidnappings in the province. The case immediately became a scandal. Juan Carlos Blumberg, the father of the victim, mobilized tremendous societal condemnation, including a march of 150,000 people in front of the Congress. The governor was now Felipe Solá, referenced above for his subtle approach to fighting crime. This time, however, Solá faced little competition in

17 “Graciela mano de seda.” Página/12 9 August 1999.
18 “Masiva marcha frente al Congreso para pedir seguridad” Clarín 1 April 2004.
the provincial legislature, but did face considerable opposition from then-President Néstor Kirchner, as Eaton (2008) suggests. In an interview, Solá even suggested that Kirchner fomented the Blumberg protests. Faced with a mobilized scandal that targeted the provincial police, Solá called on Arslanián to return and oversee another reform process.

**Reflections on Fragmentation, Accommodation, and State Capacity**

I have argued throughout this dissertation for the consideration of societal fragmentation, based on existing societal cleavages and emerging from differentiated relationships with the state, as an impediment to building state capacity in the provision of security. Such fragmentation, I argue, facilitates accommodation between politicians and the police, who will grant police autonomy in exchange for support in advancing political objectives. These conditions, as I have shown in the case studies, generate or exacerbate institutional weaknesses. Moreover, even when there is broad agreement about the existence of such problems, societal fragmentation impedes the formation of a consensus regarding the appropriate solutions.

This chapter has demonstrated that even when societal fragmentation and politicians’ incentives to engage in accommodation can be overcome to bring about reform, such reform has often proven difficult to sustain, at least in part due to these reasons. The apparent fragility of efforts to build state capacity in an issue area that is not only the fundamental function of the state but also highly consequential to the practice of citizenship, is alarming. It also raises questions about how such reforms can be sustained in order to ensure that state capacity is not eroded further, returning us to the negative feedback loop I proposed in Chapter 1.

This entails, I propose, a closer look at the drivers of societal fragmentation. Implicit in the discussion of societal fragmentation is the role of social inequalities, which I argue are reified by state security institutions in the definition of crimes and the distribution of protection and repression. These institutional actions create differential relationships to the state, which I have called “micro-citizenships” or differentiated citizenships, that in turn
shape the formation of divergent perceptions, attitudes, and preferences. Do more unequal societies exhibit more fragmentation of opinion on issues such as security policy? Are such societies more tolerant of police violence? Is institutional reform more difficult in these settings? Additional research is needed to test these relationships.

Moreover, I have argued in this dissertation that a particular feature of policing and security provision — that it entails the use of coercion on behalf of some citizens against others — differentiates it from other functions of the state, which are likely defined by contestation over finite resources. But it is worth exploring further the extent to which societal fragmentation, a condition that surely exists outside of this context, can account for the persistence of institutional weakness in other contexts. In light of these questions, it is worth constructing a new research agenda focused on how societal processes and structures shape state capacity more broadly.
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