

## **POLICE FORCE REFORM AND MILITARY PARTICIPATION AGAINST DELINQUENCY.**

**Lucia Dammert**  
FLACSO Chile

**John Bailey**  
Georgetown University, USA.

### **Abstract**

In recent years, levels of fear and insecurity have risen throughout Latin America, as levels of public confidence in the police have continued to drop. On one hand, these trends have made evident the pressing need for police reform. On the other, they have fueled public pressure to enlist the armed forces to assist the police in combating crime, drugs, and other threats to internal security. This article examines the context for this emergent militarization, particularly as it relates to recent crime trends. It presents some of the reforms that have been carried out in the region, and concludes by discussing some of the future challenges likely to face institutions of public security.

**Key words:** Public Security, Armed Forces, Police Force, Governability and democracy.

### **INTRODUCTION**

The increase of delinquency and insecurity feeling among the population, jointly with generalized unconfidence in the capacity to solve this problem by the police, has caused the military to intervene into the control of delinquency in different countries of the region. Although the civil and human rights' defenders are in favor of a straight separation of both forces – and they emphasise the importance of the civil supervision and law respect- Presently, this gap is narrowing.

The transitions to democracy in the 70's and 80's in Latinamerica seemed to announce a restriction of the role played by the military forces in the application of law at local level as well as it seemed to announce a progress regarding police professionalism. Jointly with the return of democracy, the military force and the police redefined their roles to play in society. The military force was restricted regarding their actions in the domestic scope, they were especially involved in the national defense strategies and, in some cases, and their procedures were modernized. On the other hand, the police became the axe of the public security, in charge of prevention and control against crime. However, there was not a parallel process of change regarding as much as the semi-militar structure, the reduction of

inefficiency problems and generalized corruption or the consolidation of a civil structure regulation and monitoring of their actions.

Therefore, after one decade – with increased delinquency in the region- the alternative to involve the military force in the domestic order reappeared. The article hereto intend both, to describe the context of this new militarization for the domestic peace problems, especially targeted against crime and to describe the changes occurred in the police institutions. The participation of military force in the domestic order has been supported by the current USA foreign policies, which is an important point to consider for this analyse. This has been exposed in its antiterrorism policy in the interest shown to struggle against drug-traffic and youth gangs in the regions, which problems are considered as “emergent threats”. Into this frame the professional military represent a real alternative in the fight against delinquency. Finally, this analyse address the main challenges for the different latinamerican countries, especially with respect to their armed forces and police institutions.

## **I. Context: Crime, Fear and Impunity Feeling**

During the 70's and 80's, the presence of political violence and y military dictatorship represented the main concerns for the citizens – putting out of sight delinquency problems - The 90's will be remembered for the increase of crime and fear in the citizenship.

Jointly with democratic governments in almost all the countries of the region, crime was settled in the population as one of the main public concerns. This process entails two phenomena: first, the rate of denounced crimes –especially those when use of violence- on the other hand, the increase of insecurity feeling by the population. Paradoxically, in many countries, both processes don't present a directly proportional relation. Thus, for instance, in Chile the increase of fear does not have a direct relation with the increase of denounced crimes. This situation has not been explained by the literature; however, this does have especial relation to the role played by the mass media<sup>1</sup>. As well, other worries such as the bad conditions of life<sup>2</sup>.

On the other hand, the increase of youth violence deserves especial attention, which is characterized by the participation of young people in delinquency acts with use of violence. The youthful gangs appear (as well known as Maras in Central America) which are involved in street delinquency at first and in drug traffic afterwards. These gangs represent the main problem for the public security agendas in Central American countries and as well as in the regional security agenda, given that they begin to be considered as “emergent threats” that may be involved in the organized crime.

The region was ranked as the second most violent in the world due to the increase of criminality in the mids 90's, jointly with countries that show crime rates that triplicate the world average (for instance: Colombia and El Salvador). Certainly the situation presents

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<sup>1</sup> Barbero, Martín. 2000. “La ciudad que median los medios”. En: Mabel Moraña (edit.). Espacio urbano, comunicación y violencia en América Latina. Instituto Internacional de Literatura Iberoamericana, Universidad de Pittsburg.

<sup>2</sup> PNUD. 1998. Las paradojas de la modernización. Santiago, Chile.

important variations that must be emphasized. On the one hand, some countries such as Chile, Costa Rica and Uruguay show the same tendencies with inferior rates than the rest of Latin America. In the other pole of the distribution there is the Andean area with high levels of violence related to drug traffic, internal confrontations, organized crime in general. Seemly, countries that are considered as safes until the beginning of the decade have shown a unceasing increase of crime. One particular case is Argentina, from the begining of last decade the criminality has unceasingly increased and it became one of the most important problems of the country.

The evident deterioration of security in most Latin American cities raises the citizenship's dissatisfaction, towards police institution. These also present different characteristics throughout the continent. On the one hand, they can be differentiated by the area of action, thus they can be nationals (Carabineros de Chile or the Policía Nacional de Colombia); regionals (like in federal countries such as México, Brasil and Argentina); even they can be local (some Municipalities or ethnic groups count on their own police force. On the other hand, they are diferentated by their specific targets, thus there are those dedicated to the police investigation (like Policía Judicial de Córdoba) or those dedicated to prevention and control against crime. Beyond these differences, in general, the police bodies are caracterizad as "...the people aurtherized by a group to rule the interpersonal relations inside the group by means of the use of physical force"<sup>3</sup>. This definition comprises three core elements: public force, use of force and professionalization.

With respect to public force, the police institution responds to the need of the citizenship as a whole, which makes it to act in an equitable way before diverse community demands of thehowever this characteristic has been worn away in the last decade in most of Latin American countries, because of two parallel processes. First, the increase of private financing and its lack of regulation have caused an evident negative impact in facilities' distribution and police attention , which deteriorate the public sens of the institution,at the same time. Secondly, the explosive augmentation of private security limits police actions, by using their spaces and refreins their operation area and, in some cases weakening their capacity of response. Nonwithstanding, the proliferation of security business have rised the unprotection feeling for many citizens, either for those that do not have access to these services as well as for those that invest in confinement mechanism and collective alarms.

The police must be the institution that holds the monopoly for the legitimate Statal use of force. Thus, the force can be used to reestablish the public order under the Rule of Law. Unfortunately, in many cases, the force is used illegitimaly causing the increase of people death by the police (like the statistics shown in Brasil and Argentina) or the violation of other human rights (Ecuador or Perú). This use of force is especially displayed in the processes of detention as well as in the treat of the jail population.

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<sup>3</sup> Bailey, John y Lucía Dammert (forthcoming). Public Security and Police Reform in the Americas. University of Pittsburgh Press.

Third, the police should be a professional body capable to develop efficient criminal prevention, control and investigation actions. This professional preparation is a must; additionally, it is necessary to give some autonomy to police with respect to the political control, in order to make decisions for intervention and application of technical knowledge in their task, however, without complete independence. Therefore, the responsibility of the security should be assumed by the government that imparts instructions to police institutions. Such instructions result in initiatives or programs that should constantly be evaluated by government and civil society, at the same time.

Unfortunately, in some cases the public opinion is the actor who forces to provide more police contingent to patrolling, fact that creates a decrease of time for police training. Although there are specific problems to face – such as the scholarship required to enter into the institution- the real need is to redefine the kind of police we need. Accordingly, it would be possible to establish an adequate profile for training and personal skills of police staff.

Undoubtedly, the role of police is even more complicated there, where its legitimacy and authority are confronted. Another element that characterizes Latin American police is the unconfidence regarding their actions, due to inefficiency, corruption and lack of professionalization. Thus, for instance, in El Salvador, José Miguel Cruz points out that the practice to use the security forces to protect the interest of high class groups, has undermined its legitimacy before the poorer classes<sup>4</sup>.

All the reasons previously mentioned, have generated an important and, sometimes increasing, impunity feeling with respect to criminality. Population's unsafe feelings regarding real or potential increase of criminality and "protected" by poorly efficient institutions regarding its control<sup>5</sup>, has generated massive responses by population, suggesting more severe penalties: the increase of punishment years in jail and reduction in age allowing one to be convicted as an adult, among other control mechanisms. Some citizenship protests have been displayed in different cities, such as Mexico DF, Buenos Aires, Lima and Quito. Under this context, the diverse public responses have been implemented in the last years. In next section, we make especial emphasis in three of them: processes of police reform, privatization of security and the use of the armed force in urban vigilance tasks.

## **II. Public response**

Public security policies that have been designed in the last decade are intended to diminish the problems previously described. One fundamental initiative is the improvement of police vigilance in the main cities of the region. Paradoxically, although the impunity feeling, the population demands more control and police monitoring; this is a common characteristic in most of the countries of the region. Under this context, three tendencies are present in the region: diverse processes of police reform, processes of security privatization and participation of armed forces in the urban patrolling.

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<sup>4</sup> Cruz, José Miguel (en prensa). "Violence, Citizen Insecurity and Elite Maneuvering: Dynamics of Police Reform in El Salvador". In: Bailey, John y Dammert, Lucía (edit.). *Public Security and Police Reform in the Americas*. University of Pittsburgh Press.

<sup>5</sup> Bailey, John y Lucía Dammert (forthcoming). Op. Cit.

## **1. Police Reforms**

Often, these reforms were performed in two lines: Operational capacity (efficiency and efficacy of the police) and Democratic responsibility (the response of the police to political control and their respect to civil and human rights). In this way, actions are performed in order to increase the **oversight mechanisms** to police institutions, not only regarding the actions carried out under the law, but also regarding efficiency and efficacy of developed initiatives<sup>6</sup>.

In Latin America, three processes are evidenced: the creation of new police institutions in those countries that suffered civil wars (e.g. El Salvador); partial reforms that occurred in Argentina and Colombia; and communitarian police initiatives (Chile, Guatemala and Brasil).

### **a) New Polices**

Until mid 90's, Central American police was a key element for maintaining domestic peace and supporting the Armed Forces. Therefore, the doctrinal and management subordination was evident. In Honduras, for exemple, the Public Security Force (Fuerza de Seguridad Pública) was ruled by the armed forces; while 1992 in El Salvador (during the peace agreements' signature) the three police institutions depended on the Defense Ministry.

During those years the police troops were trained almost exclusively to confront the armed insurgency and to cooperate with the militars to maintain the domestic peace, which affected the formation and training for police functions, such as crime prevention and control. Additionally, the police participation in confrontation with the population and the extreme use of force, generated the need to define new legitimate institutions rather recognized by the citizenship. Thus, practically new police institutions were created in the region.

In El Salvador, the creation of a new nacional police was one of the core agreements in the Peace Treaty of 1992, which put end to a long and dramatic civil war. In this way, they tried to limit the participation of police forces as an element to be used for political goals given that, during the old regime, they represented the interests of high class social groups (an exemple is the fact that national security forces were used to maintain the order in the coffee cultivation lands during harvest). This new nacional police was formed by guerrillas' veterans and the armed forces, as well as new recruits. Unfortunately, the process succeeded just at the beginning and this was reflected in the rise of social desaprovement.

### **b) Parcial Reforms**

Most of the initiatives implemented by police institutions in Latin America are related to rather parcial changes efforts as much in the doctrine as in the management. In general, the main cause of these reforms was the worry about the rise of crime, jointly with

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<sup>6</sup>Dammert, Lucía. 2005. "Reforma Policial en América Latina", Revista Quórum. Universidad de Alcalá, España. Lucía Dammert y John Bailey.

the generalized perception with respect the police as a corrupt and unefficient institution. The reform focused on gradual efforts to reorganize the police, condemn of corrupt officers, improves in reclusants and training, as well as in monitoring and participation of citizenship.

In most cases, such processes were characterized by political confrontations and they non included the police institution support, thus, they faced a strong institutional resistance and even a constant society rejection<sup>7</sup>. There are different cases where these reforms were implemented. Next, we briefly present some of the cases experienced in Argentina, Colombia and Peru that show similar characteristics.

### **Argentina**

In the mids 90's, Argentina faced what is known as security crisis, which main element was the low efficiency and high corruption of police institutions. In this context, many district faced the police reform initiatives (Santa fe, Buenos Aires, Córdoba, Mendoza are some examples). Undoubtedly, the experience of Buenos Aires -that represents more than one third of the national population, with the worst evaluated police in the country- is a paradigmatic example of the objective, results and problematics of the initiative. Its high levels of routine violence and systematic violation of the Human Rights, caused by some "operative groups" inside their structure, historically know Buenos Aires province<sup>8</sup>. Notwithstanding, by late 1996, the dramatic events of police violence, including the detention and judicial condemnation proceeding of officers involved in terrorists attacks against the Asociación Mutual Israelita Argentina (AMIA), generated changes inside the senior police positions.

The Police Emergency Law (Law number 11.880) modified the institution structure and impose that the behavior of all the police staff will be tested and analysed for one year, and in the case an irregular situation was confirmed, the person would be put away from the institution by dishonoured discharged. Likewise, Criminal Law was modified in order to improve the control of the police activities and modify its relation with the judicial power. This first step of reform faced different problems, especially due to the constant officers' rejections to the changes proposed. This situation occurred again in 1997, when the "Plan de Reorganización General del Sistema Integral de Seguridad e Investigación de los Delitos de la Provincia de Buenos Aires" ( a re organization plan for security), which first measure applied was the intervention in the reorganization of the police and it established a term of 90 days to accomplish the task.

The auditor fired all the supervisor personnel, removed senior police positions and ordered the retirement of more than 300 general and senior commissioners. As well, the Law number 12.090 was issued, creating the Justice and Security Ministry, which functions were focused in the security area, police investigations, justice, penitentiary systems and relations with community.

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<sup>7</sup> Bayley enfatiza que "si la incidencia del crimen y el desorden se percibe como inaceptable o creciente, la reforma policial será inhibida". La reforma en estos casos puede ser vista como una distracción de la aplicación efectiva de la ley. Bayley, David H. 2001. *Democratizing the Police Abroad: What to Do and How to Do It* Washington, D.C.: U.S. Department of Justice, National Institute of Justice, *Issues in International Crime*, <http://www.ojp.usdoj.gov/nij>).

<sup>8</sup> Sain, Marcelo. 2002. *Seguridad, Democracia y Reforma del Sistema Policial en la Argentina*. Buenos Aires: Fondo de Cultura Económica.

This reform process has showed different progress and revers stages mainly characterized by the political interest and use of the matter. In this sense, changes cannot be integrally analysed given that, acusations of corruption and exesive use of force are still cotidian.

### **Colombia**

The reform process of Colombian National Police was generated inside the institution in the mid 90s due to the general perception that the institution was penetrated by corruption and drug traffick.Undoubdtedly, the leadership of police, Jose Serrano - named in 1994- offered a central element to this process that began with a purge of more than 7 thousand police members of all ranks, as well as the modification of the structure and institutional culture. In this way, a management perspective was developed based on strategic planning that allowed free speech and certain autonomy to regional heads, which theoretically could design and implement initiatives focused on control and prevention.

The reforms made by Serrano had a positive impact on the perception of the population that recognized the effort made to increase the effectiveness and the professionalism of the police institution. This process emphasized the capacity of the police to surpass corruption problems and demonstrated its effectiveness to capture important narcotic dealers; however, the results have been much more partial in the improvement of the internal organization and procedures, which have resulted in new corruption scandals which reappeared publicly at the beginning of 2003.

### **Peru**

The Peruvian case also shows the importance of civil leadership in the police reform process, as well as in political instability experienced. In this case, the main concern of the police institution during the 80's and beginnings of the 90's was the fight against terrorism and drug traffic. This situation generated a gradual abandonment of the police strategies associated with internal security, an increase in the violation of human rights and, at the same time, an increase in corruption and inefficiency.

This process showed the needed of police structure and doctrine reforms that included the recovery of their own working tasks, from a preventive police as well as the regulation of local security and private services. In this context, Minister Rospigliosi and later Costa, took the proposals from "Bases para la Reforma Policial" (Bases for Police Reforms) prepared by the Government of Valentin Paniagua in 2002. At the same time, the Parliament had advanced in the same direction and counted on a law project addressing the subject, which allowed achieving a citizen and political consensus. In January, 2003 the National System of Citizen Security Law was approved along with other norms sent by the Executive, where the creation of the citizen security system is found.

This process involved a change in the relation between the police and the population, looking to incorporate them in the prevention and the control of delinquency at local level. Because of this, a main interest was given to police stations' facilities, as well as the attention offered to denouncers. Similarly, it meant a change in the structure of the institution, through

the creation of divisions for citizen security in each region, like the improvement in the organization of police stations and the simplification of administrative proceedings, aspects of great relevance in the effort to make police work more efficiently and reduce the crime and insecurity indices. In spite of their good intentions, both ministers had a period of no more than two years (nonconsecutive) in their positions, which meant important advances and backward movements in the planned strategy.

### **c) Communitarian Police**

The relation with the community has become one of the central elements of any crime prevention and control strategy. Thus, most of the police institutions of the region have adopted a speech that places emphasis on the collaboration with the community. The variety of actions considered communitarian are wide and include initiatives such as local neighborhood watch groups, attendance to public meetings, generation of financing for local police and participation in prevention projects. Unfortunately, many times these initiatives have stayed at political and institutional speech levels and have not been reflected in changes inside the police that allow an effective relation with the population. The communitarian police initiatives developed in Latin America are recent and have been briefly studied. The expert in police matters, Hugo Frühling, has made one of the first systematizations of diverse cases in the region and established some elements that need to be emphasized<sup>9</sup>.

First, these initiatives generate certain decrease of some crimes, as well as the population's feeling of insecurity that can see a higher police presence in the streets. Additionally, it is evidenced a better population image of the institution and officials in charge of local patrolling. Finally, the plans of communitarian police involve a diminution of the possibilities of police abuse or unnecessary use of force due to the knowledge that the population has of the officials in charge of patrolling.

On the other hand, these plans are not effective methods to control crime (Rico and Chinchilla, 2003, p. 102) but rather to face some concrete situations at local level. Similarly, it is evidenced that the proposals are difficult to adapt in police structures due to decentralize decision making and diminish the militarized form of their actions, being these last ones, two of the main characteristics of the Latin American police. Other limit is related to its evaluation, due to the need to define which the efficiency indicators are and above all, in what term these can be evaluated. This way, the limited participation of certain members of the institution in communitarian strategies seems to erode the same bases of an alternative model of police operation in the region.

## **2. Privatizing security**

The population feeling of insecurity, connected with the evident collapse of police institutions in the decrease of crime, has brought the explosive increase of the private security industry. This increase is estimated at 8% annually and has maintained itself this way for the last 15 years, that is to say, it is above the world-wide average of 5%. Nowadays,

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<sup>9</sup> Frühling, Hugo. 2003. *Policía Comunitaria y Reforma Policial en América Latina. What is the impact?* (Series of documents from the Centre of Studies in Community Safety, Public Affairs Institute of Universidad de Chile)

in most countries of the region, the number of private guards exceeds those of police institutions. Unfortunately, the regulation over these companies is still limited and it is estimated that a high percentage of them work illegally<sup>10</sup>. This way, the informality settles in an industry where its workers face important levels of personal risk.

In some countries like Argentina and Peru, these companies hire police personnel in their off duty time, paying them “additionally” or “parallel salary” for the services given. This situation presents a serious problem due to work overload for those who work more than 12 hours daily, this is even more problematic if it is taken in consideration that these personnel carry firearms.

In other countries, private security dedicated to domiciliary control (that is to say the houses with watchmen in closed districts, the installation of alarms, and "patrolling", among others), is made with personnel who do not have authorization to carry firearms. The Chilean case can serve to describe the process of expansion of this sector of the economy, the one that starts off by differentiating between private watchmen and private guards. The first ones count on permission to carry firearms and are dedicated especially to the service of bank security and companies that transport values. On the other hand, the private guards do not have permission to carry firearms and are dedicated to serving third parties. At the present time, it is estimated that more than 35 thousand people work in this area, which surpasses the total number of Chilean Police Officers dedicated to residential patrolling.

### **3. Policing the military or militating the police?**

The increase of problematic crime in Latin America shows the need for effective measures to face it. The lean results obtained in the last years on behalf of police institutions, have allowed a public and political glance towards the Armed Forces and the possible role that they could play in these initiatives. Additionally, it is argued that the Armed Forces count on greater support and citizen confidence. According to data given by Latinobarómetro, in 2004 half of the interviewed people in South America showed confidence in the Armed Forces, whereas only a third trusted the police. In this way, a context has been generated where the participation of the military in the control of delinquency is considered as a possibility (when not a necessity), which can place the police in a secondary role. In other words, it can be generated the feeling that military activity is more efficient controlling delinquency and therefore, this can turn them into the leaders of these initiatives.

The increase of drug traffic and violent crime has intensified the erosion of political and social institutions, has increased fear in the population and exceeded institutions less effective in several areas of the State. If we add to this the constant increase of social problems and, in some cases, the resurgence - and possible propagation of guerrillas, there is strong pressure for the participation of the military in the so called "conflicts of low intensity", among which stand out anti insurgency and anti terrorism initiatives. Many

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<sup>10</sup> Apart from the approximately 1.600.000 security guards registered formally, it is estimated that there are more than two million security guards carrying out security tasks illegally.

governments feel that they do not have other option than calling the military when facing urban crime.

The lack of professionalism in the police, establishes a culture field where the militarization of public security will become a semi-permanent element in emerging Latin American politics.

Unfortunately, it is evidenced that, a long process tends to put emphasis on military participation in internal control initiatives. For example, in April 1999, President Menem appealed to "put in the street" the National Guard and the Argentinean Navy in order to reduce the level of urban insecurity in Buenos Aires. This situation was also repeated in diverse occasions, not only in Buenos Aires but also in other provinces.

In spite of the presence of specific facts where the military force was used in the last decade, this intervention has increased significantly in the last few years. Probably the most extreme case takes place in Central America, where presidential summits have even been held to deal with the subject of internal security, specifically tied with the presence of youth gangs. The presidential summit agreement held in Tegucigalpa in April 2005 recognizes, in its first article, the need to "renew its commitment to defend the population and the State of its rights in an urgent and integral way, against the serious threat of those groups known in some countries as 'gangs', and always with strict attachment to the internal legal order of the States and strict respect of human rights, considering its transnational character". This declaration brings up the debate of youth violence tied to gangs in a regional and even worldwide plan, where undoubtedly, the military will have an important role. In the same meeting, a group of Central American elite members of the army and police was defined as a "regional mechanism to fight drug traffic and organized crime".

This regional concern for delinquency is not a uncommon fact. In the summit of 2004 the necessity was defined to elaborate plans for the conformation of a sub regional force for fast answers. In diverse internal actions the Central American governments have placed emphasis in repressive measures such as "very strong hand" from El Salvador, "Blue Freedom" in Honduras, and "the broom" in Guatemala.

Brazil is a country where this same tendency with a greater intensity is evidenced. In 2004, an anti gang offensive was developed in Rio de Janeiro that counted on the participation of the police, the military and diverse interventions were made in the country's favelas. Also, the National Public Security Force was created; its objective is to respond to serious problems of insecurity and includes personnel from the Armed Forces dedicated to specific tasks, recovering stolen firearms from military arsenals. Additionally, a law, which allows t state governments to summon directly the Armed Forces in those cases where their support is required to fight organized crime, was approved, as well as the unfolding of other localized threats. Finally, at the beginning of 2005, the Brazilian government authorized the massive use of army members to face rural violence in the Brazilian Amazone.

Unfortunately, the situations described previously are not exceptions in the region; on the contrary; reflect a gradual process of the army's incorporation in tasks associated with internal maintenance of order, with extreme situations in Paraguay and Jamaica. In the first

case, in March 2004, the President announced a security program that changes the constitution to allow the military to participate in the internal role. Similarly, in the middle of May of 2005, a debate was introduced about the conformation of a unique organization in charge of security that includes both forces (army and police) in Jamaica, establishing a debate on the fusion of both institutions.

This process has important regional repercussions and counts on a key ally: President George W. Bush's administration. Next, this position will be briefly described, as well as what regional definitions the policy includes.

### **III. "Support" from the United States**

In addition to the existing mechanisms of intraregional cooperation, the United States - from September 11<sup>th</sup>, 2001 - plays an even more important role in the definition of security policies. Nevertheless, the proposals outlined for the region are not exclusively a terrorist act, but were in the republican agenda from previous years. The use of the army in antinarcotics tasks adopted in the mid 80's during the Reagan government demonstrates this point. A more recent example appears at the beginnings of 2001, when the Heritage Foundation proposed that Bush administration should have "promote cooperative agreements between neighbors to face the emergent threats of firearms, drugs, terrorism, among others. And in this way, it would have to support the development of a collaboration protocol and coordination between the military and civil institutions to face these problems internally and regionally"<sup>11</sup>.

In the last years this position has been emphasized by diverse first level political actors from the North American government. For example, at the beginning of 2004, the Commander-in-chief James Hill in his speech on Posture Statement enumerated a list of threats in the region that went further than those generally taken care of by the military. Among these, "radical populism" and "youth gangs" were identified as a greater threat to regional stability and it was even suggested that the military (before the police) have a role in their control.

Similarly, Republican Congressman Dan Burton specified in a recent intervention: "Gangs represent a real threat for terror to grow. They are linked to numerous deaths, violent extortion, robbery, kidnapping and violent assaults as well as contraband of cars and firearms". In this context he affirmed that it is "clearly in the best interest of everyone, that we face this problem now, so that we can end with the violent threat of transnational gangs in the Hemisphere".

Finally, in the Ministers of Defense of the Americas Summit, held in Quito, the Secretary of Defense of the United States, Donald Rumsfeld declared that drug traffickers, terrorists, kidnappers and gang members form a combination that destabilizes civil society. These "enemies" use the borders where governments do not act, therefore taking advantage of individual limits, reason why Rumsfeld emphasized the need for a collective action.

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<sup>11</sup> Jonson, Stephen. 2004. A New U.S. Policy for Latin America: Reopening the Window of Opportunity. Backgrounder #1409. The Heritage Foundation.

The comments from the Secretary certainly touched sensitive ground in many countries of Latin America, including Mexico, with respect to participation of the Army in the police and the administration of justice. For the armed forces, such a comment is understood as a support to the idea to turn them into police personnel, something to which they have resisted for a long time. For human rights groups, the comment may appear to defend its adversaries, including some parts of security forces. Not mattering how it is interpreted, the comment injects life to an old subject.

All previous appointments show that the United States does not play a passive role in this topic throughout the region. On the contrary, it has delineated a clear strategy by which some problems, previously considered as public order issues, now turn into regional threats. In this sense, the expert in security from El Salvador, Jose Miguel Cross, affirms that part of the internationalization of gangs has a direct relation with the repressive policies used in the last few years, that have taken them to conform alliances with narcotic and migrant traffickers to countries where there is less control<sup>12</sup>.

### **Challenges**

The participation of the military, specially the army, in tasks related to internal security shows an increasing tendency in the region. The loss of legitimacy of police institutions to face problematic crimes, together with the American concern on "emerging threats", establishes a context more than fecund to implement this alternative.

This military participation in delinquency control policies can not be accepted without considering the breaches that it generates. In first place, the supposed effectiveness of military in these tasks should not avoid the urgent need in most countries of the region, which are advancing in police institutions' reform processes. Processes that place special emphasis on the quality of the service offered the professionalism of their members, the diminution of abuse in the use of force, the respect of human rights and the eradication of corrupt practices.

In the same way, it is a priority to regulate the private security flourishing business and avoid the conformation of police groups that have important sectors of the city under their vigilance - or even countries – as well as monitoring an industry that can have direct consequences over the rule of law.

In those countries where this tendency seems irreversible, it is a high-priority to establish a clear definition of the role of the military in public security. Placing emphasis on the need to maintain the action scopes separated from police and the military and, emphasizing that a policy of "internal war" also has clear consequences, not only in the consolidation of diverse "sides" but on the consolidation of the "internal enemy image ". In this way, recent history shows that initiatives developed with these frames of action generated deep social ruptures and serious human rights violations.

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<sup>12</sup> Cruz, José Miguel. 2005. The Gangs of Central America. Project Syndicate. <http://www.project-syndicate.org/commentary/cruz1>

The basic problem then, is focused in that the Army is trained and organized to accumulate the maximum possible force in order to destroy the enemy, putting emphasis in hierarchy, discipline, loyalty and keeping the secret. Additionally, in most Latin American countries, armies have tended to resist supervision and civil control. In contrast, police officials are (or should be) trained and organized to solve problems, closely collaborating with society.

They must know the law, respect it professionally and use the minimum force to carry out their tasks. Even more so, the police must be receptive to government controls and civil society.

Unfortunately, the regional and local police force (with the exception of the Chilean Police Force and perhaps the Colombian) lack the training, firearms, information and mobility to face better organized criminal groups. In this way, they are institutions that undergo structural problems of corruption and inefficiency. Finally, the effort directed to reform, advances slowly or does not exist.

The example above, offers us a complex viewpoint where firstly, it is required to focus on the need to debate the pertinence of this military interference in public safety actions, as well as the consequences that these interventions can generate in the same institutions and society in general.

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**Lucía Dammert**

[lucia@flacso.cl](mailto:lucia@flacso.cl)

At the present time, she works as the Coordinator of Security and Citizenship Program of FLACSO Chile. Amongst her last publications are “Seguridad Ciudadana: Experiencias y Desafíos” (URB-AL, Valparaíso, 2004), and “Prevención comunitaria del delito en Chile. Una visión desde la comunidad” (Universidad de Chile, Santiago, 2004), Citizen Security: Experiences and Challenges "(URB-AL, Valparaiso, 2004), and" communitarian Prevention of the crime in Chile. A vision from community"(University of Chile, Santiago, 2004), together with Alejandra Lunecke. In public management, she was advisor of Citizen Security Division, Ministerio del Interior, Chile. She also works as an expert adviser in citizen security for Network Red 14 Program URB-AL of the European Commission.

**John Bailey**

[baileyjo@georgetown.edu](mailto:baileyjo@georgetown.edu)

Professor of Government and Foreign Service and director of Mexico Project at Georgetown University, in Washington, D.C. From the 90's, he has focused his work on bilateral relation in security subjects (Mexico - United States). Among his recent publications stand out: Organized Crime and Democratic Governability: Mexico and the U.S.-Mexican Borderlands (Pittsburgh, 2000), Co-published with Roy Godson; and Transnational Crime and Public Security: Challenges to Mexico and the United States, Co-published with Jorge Chabat (University of California-San Diego).

*Translated by Sin-Yin Antonela Andreani Chia*

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