

De-Militarizing Civilian Security in Mexico and the Northern Triangle

BY TOM MALINOWSKI AND CHARLES O. BLAHA

"None of us got into the armed forces to do this. We are not comfortable, we didn't ask for this, we didn't study for this, but apart from obeying the president's order, society is asking us to do this."

– Mexican Secretary of National Security Gen. Salvador Cienfuegos, on the military's role in fighting drug cartels and other criminals.

Responding to some of the highest murder rates in the world, and ever-more audacious abuses by transnational criminal organizations (TCOs) and gangs, Mexico and the countries of the Northern Triangle (Guatemala, El Salvador, and Honduras) have turned to their militaries to bolster weak and easily corruptible civilian police forces. Why? Because police forces, especially local forces, currently do not have the numbers, resources, skills, or institutional cultures to face these threats. However, militaries are, at best, blunt instruments for police work. They face legal and constitutional quandaries and, in the long run, will not provide a solution leading to stable, law abiding democracies. Further, their protracted involvement creates opportunities for abuse and are latent, long term threats to democracy and human rights.

At the U.S. Department of State, we see this turn to the military as a stopgap measure at best. We aim to assist countries in moving away from this practice by helping them promote police reform: professionalizing police; helping police win back the communities they serve; and ensuring accountability for police who engage in human rights abuses and corruption.

In response to the underlying causes for growing criminality, our new strategy for engagement with Central America focuses not only on security, but also on good governance and economic prosperity, both necessary to engage populations, provide alternatives to youth, and allow for stability as the countries strengthen their law enforcement and judicial institutions. Mexico has

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long worked closely with us on security issues through the Merida Initiative, and now the governments of the Northern Triangle have recently formally re-committed themselves through their Alliance for Prosperity (often called A4P).

The region is at a crucial juncture. There is no short-term fix to this problem, but we believe that with the deep commitment of our partners and the continued support of the American people, we can assist our neighbors, helping them to develop their legal institutions, putting their military back in their barracks and moving towards security, better governance, and greater prosperity throughout the region.

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It is not hard to understand how things got to this point. In the face of rising crime led by powerful gangs and TCOs flush with narcocash, underpaid, under-trained, and out-gunned police were easily compromised and corrupted. Overwhelmed judicial systems suffered much the same fate. Non-transparent government practices provided little support, the public quickly lost faith, and impunity for human rights violations and criminal acts followed. Slowly developing economies and the lack of opportunity proved fertile ground for those susceptible to turning toward crime.

Faced with rising crime rates, shortfalls in their civilian police, and limited budgets, these governments deployed their militaries into the field to provide the manpower and enforcement the police could not. Mexico's military

has been in the field for years, moving from one hot spot to another. Guatemala and El Salvador's militaries frequently accompany their police on operations, and in 2013 when its homicide rate spiked, Honduras began to rely heavily on its Military Police for Public Order (PMOP). Well-armed and generally respected by the public, the military are usually not local to their deployments, and therefore, for a time, less vulnerable to corruption and threats. On the streets, they provide a quick solution, giving the public a visible sign of order, often leading to short-term falls in crime.

However crucial they have been to temporarily increasing citizen security in at-risk communities, ultimately, militaries are ill-suited for police work. First, they are generally not trained in basic police investigative techniques and do not know how to preserve crime scenes, interrogate witnesses, or gather evidence. Nor do they have constitutional powers to arrest or detain civilians. The regional public is demanding an end to impunity for criminal acts, and proper police practices are an imperative to constitutionally backed arrests and convictions that are the backbone of highly evolved, open, and fair justice systems. Second, once exposed to communities, militaries quickly fall prey to the same vulnerabilities as the police forces. Third, if rotated in and out of communities to protect them from this vulnerability, they do not develop the relationships necessary for community cooperation and crime prevention that good police work depends upon for success. And lack of relations with the people they serve increases the likelihood of human rights violations.

To their credit, these governments have pledged to end the use of military forces for domestic law enforcement. Much of this credit

goes to senior military officials in these militaries. As General Cienfuegos states in the opening quote of this piece, they recognize their limited capacities to address these problems and the dangers of this involvement to their institutions the longer they participate in them. Despite these good intentions, phasing out military involvement in civilian security matters has proved difficult, and none of these governments have been successful so far.

Police Reform is the Key to Change

The reason none have been successful is simple: they must have qualified civilian police to replace the soldiers. As governments have dedicated scarce resources to military efforts, they have left fewer resources for civilian police. Putting qualified police on the streets requires resources for reform in order to develop a cadre of vetted, trained, and effective police working for a community that supports their efforts and bolsters them against the effects of the gangs and TCOs. Police reform requires professionalization, improving links between the police and the communities they serve, and holding police accountable.

For starters, police reform means treating police like real professionals: increasing pay and benefits, creating a career track with job security and merit-based promotions, vetting entry-level officers, and improving equipment and training. Human rights training, while not a panacea, provides a baseline education to officers, many of whom are poorly-educated to begin with.

Equally important is technical training in crime-scene preservation, evidence collection, and witness interviews. These are the essential building blocks of a larger justice system that moves away from a heavy reliance on confessions – a reliance that, all too often,

encourages abuses by the police to produce those confessions. Of course, this must be coupled with the forensic capabilities to turn what officers preserve and collect into admissible evidence.

Winning Back the Community

Police cannot do their job without community support. Members of the community know the bad actors and the persistent problems. They are witnesses to and victims of crimes; without them cases cannot be pursued. They are privy to information about the inside operation of local gangs and TCOs operating in their neighborhoods. Yet, in much of the region, community members shun police and do not report crimes, because experience shows them police are incapable of arresting perpetrators and reporting a crime will endanger them and may well result in their being targeted by the criminals.

Winning back the community requires police to get to know the people they serve: where they live, where they work, who their families are. Community police get out and about in the streets, they do not remain in the station, or staff checkpoints, or sit in squad cars. And the community gets a voice in and power to influence police operations via regular meetings and viable, consequential complaint procedures. These are the same elements many U.S. cities employ under the rubric of “community policing.” What we are recommending for regional governments are many of the same things we are trying to develop at home.

Ensuring Police Accountability

With increased professionalization and resources must come accountability. It is crucial to both maintaining a non-corrupt police

force and to regaining community confidence. Vetting, including background checks, psychological evaluations, drug testing, and conducting polygraph examinations, as Mexico has done, is one tool. However, Mexico's experience with vetting shows that to be successful, vetting must be well-resourced and staffed by well-trained, independent personnel.

Internal affairs units, like those in U.S. police departments, are key safeguards. Unlike periodic vetting, internal affairs units provide continuous, information-driven oversight, and a safe harbor for whistleblowers. However, the regional record with police internal affairs units is mixed and underlines the need for such units to be independent, adequately resourced, and strongly supported at the highest levels of government. Ultimately, the goal is a police culture that rejects misconduct, values internal discipline, and safeguards witnesses.

Civilian courts are the ultimate bastion of police accountability. Impunity for criminals is bad enough, but impunity for police criminal misconduct, including human rights violations and corruption, is one of the biggest factors undermining community confidence in police. This can only be reversed if citizens see that police are as subject to the law as anyone else. However, there has been little accountability for security forces in the region. Too often, judges and prosecutors lack training and resources. Cases take years to resolve, decisions are opaque, and corruption reaches into the courtroom.

Fragile Successes, In Need of Support

Amid what seems to be a challenging security and political landscape, there are some advances; however, they are few, fragile, and not easily replicated. In Ciudad Juarez, Mexico,

violence began to climb in 2008 after one criminal organization attacked the police who were enforcers for a rival group. The government brought in the military, then the federal police. Neither worked. Finally, under national leadership, concerned local government and citizen leaders formed a "Security Roundtable" (Mesa de Seguridad) that brought together police, prosecutors, business leaders, local government officials, and NGOs. Together, they helped reform the local police into a more professional, better-paid, more rights-respecting force. Replicating Ciudad Juarez in the rest of Mexico will not be easy. The city enjoys relative prosperity not found in many other parts of the country. As well, the city received sustained and intensive attention from the U.S. and Mexican governments under the Merida Initiative and there is some evidence the decreased violence resulted partially from a peace between feuding gangs.

In Guatemala City, there are a number of model police precincts that operate on community policing principles and the government has a timetable for drawing down the military's involvement in citizen security starting in 2016. However, Guatemala is in the middle of a political transition and it remains to be seen whether the incoming President will hew to the timetable.

The Honduran government is committed to reforming the Honduran National Police and has a police reform plan emphasizing, among other things, a career path and increased police capacity. However, resources and expertise for police reform are uncertain. There is currently no concrete exit strategy for the military police (PMOP), on which the government continues to rely heavily.

In El Salvador, with the 2015 homicide rate on a path to top 90 per 100,000, the

military routinely accompanies police to provide, according to the government, perimeter security, and only with a civilian prosecutor present. In January, the government published an ambitious, exhaustive 124-point “Safe El Salvador Plan” (Plan El Salvador Seguro) that emphasizes community policing and police respect for human rights. But here again, resources are uncertain.

These modest examples suggest what might be done with the right combination of political will and adequate resources. But all require support.

Combining Security with Governance and Prosperity

Starting in 2013, the State Department began to lead an interagency effort to re-think the U.S. approach to Central America, especially Guatemala, El Salvador, and Honduras. The new approach recognized that better security was inextricably linked to good governance and economic prosperity, and aimed to integrate all three lines of effort. It gained momentum in summer 2014 when a surge of unaccompanied minors appeared at the U.S.-Mexico border, almost all of them fleeing violence and lack of economic opportunity at home. This was a wake-up call, convincing many policymakers, members of Congress, NGOs, and the public of the connection between security at home and economic conditions in the region. In 2015, President Obama issued the U.S. Strategy for Engagement in Central America, which lays out the U.S. plan for partnering with host country governments and civil societies to tie together efforts for strengthening security, good governance, and prosperity throughout the region.

The governments of El Salvador, Guatemala, and Honduras also announced their own plan for their region, the “Alliance for Prosperity in the Northern Triangle”. While most of A4P’s goals address what its authors call the region’s “low and not-very-inclusive economic growth,” they also recognize that they must strengthen the institutions responsible for public safety and modernize their judicial systems. The United States, working through the Strategy, is committed to working with our partners, helping them help themselves in these areas.

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Both the Central American Strategy and the Merida Initiative in Mexico envision and incorporate into policy the new mechanisms mentioned above: de-militarized community policing, police professionalization and accountability, and justice system reform. In addition, both envision a significant role for civil society in interacting with and overseeing police.

The State Department’s Bureau of International Narcotics and Law Enforcement (INL) plays a major role in assisting regional governments’ police reform efforts. In all these countries, INL is already operating programs that train individual officers in human rights, proper use of force, crime scene preservation, and evidence collection, to name just a few areas. These are the techniques that will make officers more rights-respecting, reduce impunity for those who are not, and reduce incentives for police to abuse their powers.

INL is also working to professionalize local law enforcement by assisting law enforcement entities, including enforceable career standards, conducting pre-employment and periodic vetting and background investigations, providing basic training and continuing education for law enforcement officials, offering leadership and supervision training and development, ensuring accountability and oversight through internal affairs departments, and offering specialized training such as teaching experts how to process forensic evidence. These initiatives are designed to help transform police into professionals, reduce police corruption, and find those ill-suited for the job and vulnerable to corruption.

INL is also working to improve regional court systems. This is a major effort under the Merida Initiative in Mexico, where the federal government and all 31 states and the Federal District are working to transition from the old, paper-based, inquisitorial system to an oral/accusatorial system that promises to increase transparency through open trials. INL is educating tens of thousands of Mexican police about the chain of custody required for admissible evidence and how to testify in a live trial. The Government of Mexico hopes that an oral/accusatorial system will reduce pre-trial detention, the source of most abuse allegations, as well as make case resolution faster and more transparent. An improved court system that the



Mexican Government

At the Baja California State Justice Center in Mexicali, B.C., Mexico, Public Defenders are working alongside judges to implement the various innovative reforms of the New Criminal Justice System, such as international best practices and informative communication with the accused which were supported by training and technical assistance from the USAID under the program “Mexico Rule of Law III: Justice and Security Program (JASP).” In this photo, an accused defendant in an auto theft case is counseled by his court-appointed defense attorney during a preliminary hearing in the court of Judge Gustavo Medina.

public trusts will improve police performance by making victims more likely to come forward, nudging police to employ better practices in the field, and holding police accountable when they are accused of human rights violations.

The Department's Bureau of Democracy, Human Rights, and Labor (DRL), is also already playing a key role in working with regional NGOs and other civil society actors, providing training and other types of capacity building. That includes programs that teach civil society how to interact constructively and effectively with police, and programs to educate the public about the justice system. DRL also manages a central policy that fosters police accountability: vetting police officers and units who receive U.S. assistance. Under the so-called Leahy Law, U.S. training and assistance may not go to security forces whose members have committed gross human rights violations until the perpetrators have been brought to justice. This is designed to support those in regional governments and civil society who demand accountability for gross human rights violations. Embassies and DRL expend thousands of hours a year checking to make sure that U.S. assistance flows only to human rights-respecting, accountable units and individuals.

The U.S. as a Partner: Now is the Time

The region is at a crucial juncture. Recent events in Mexico, such as the case of 43 students allegedly kidnapped and presumably murdered at the hands of corrupt local police, have produced Mexican government commitments to action and energized civil society around, among other issues, police reform. The 2014 surge in unaccompanied children, the resultant publicity, and the consensus

around the new Central American Strategy and A4P have led the governments of El Salvador, Guatemala, and Honduras to produce their own blueprints for police reform, all of which need resources beyond what those governments can provide.

We know police reform will be the work of at least a generation. We know there will be setbacks – some police will continue to commit human rights abuses and corruption will continue to be a problem. We know that getting the military out of internal security will not solve all the region's problems. And we know that police reform alone will not transform these countries. The interconnectedness of reform throughout the Merida Initiative in Mexico and the Central America Strategy is their essential strategic insight, and police reform cannot be complete in the absence of simultaneous progress in other areas, notably the court systems, good governance, and economic opportunity. We know there will still be a need for military-type capabilities for some operations, including takedowns of heavily-armed suspects in fortified locations. And we know that the U.S. cannot impose solutions – much depends on the political will of regional governments and on the determination of regional civil society. But, if police reform and de-militarization succeed, the region will be safer, more stable, and more prosperous. This is not the time to turn away from the region, but to press forward, embracing the good will and the efforts of our close partners in both government and civil society. We have the plans and we have our partners' commitment. The only other question to ask is, "If not now, when?" **PRISM**

Sandra Sebastián



Former military dictator José Efraín Ríos Montt stands before a packed room at Guatemala's High Risk Court. He was tried for genocide and crimes against humanity against the indigenous Mayan Ixil population during Guatemala's Civil War.